

The Murder of the Mahatma

By : G. D. Khosla

(Formerly Chief Justice of Punjab, who heard the appeal of Nathuram Godse & others and gave his most historic verdict in the case of assassination)

First Published: 1965

Originally Published by:

Jaico Publishing House,

125 Mahatma Gandhi Road,

Mumbai 400 001

This is a book of memoirs by a very distinguished Indian judge who in 1959 was promoted to the office of Chief Justice of the Punjab. It is largely taken up with criminal cases-of arson, dacoity, poisoning, vendetta, and so on-in which the author was personally concerned as a judge. Fascinating in themselves, these accounts are made the more interesting by the author's hamorous and penetrating comments upon various features of Indian crime-the brilliant gift for perjury which some of his countrymen display, the long-term village, feuds that every now and then explode into violence, the subtlety with which alibis are faked and false identities assumed. The book ends with an authoritative and moving account of the murder of Gandhi, at whose assassin's long drawn appeal against conviction and sentence of death the author sat or the Bench.

Gopal Khosla's book will prove of great interest, both to expert in criminology and the law and to every layman who loves reading about the vagaries of human nature and the customs of other lands.

FOREWORD

By The Rt. Hon. The Lord Evershed, P.C.

I am proud indeed to have been invited to contribute a foreword to this volume written from the record of his judicial experience by a distinguished Indian judge, until recently Chief Justice of the Punjab. I can feel no doubt that the book will very greatly appeal to English readers who will agree with me in admiring not only the style and language in which it is written but also the skill with which the author has selected the subjects of his ten chapters. These subjects are delightfully varied in their nature and circumstance but are equally of arresting interest, so that (if I may judge From my own experience) the reader will in each case await the final **denouement** with no less excitement than that experienced in reading the best type of detective story.

My pleasure in contributing this foreword is enhanced by the fact that I share with the author membership of Lincoln's Inn. which I shall be excused for regarding not only as the senior but as the most respectable of those great English institutions the inns of Court.

Having taken a degree at Cambridge University in mathematics and after his call to the English Bar the author returned to India and for many years served as Magistrate, Civil judge and District and Session judge in various places. In 1944 he was appointed a justice of the High court of Punjab, being promoted to the office of Chief Justice in 1959.

It is from the last of ten chapters of the book that its title is taken; and to the English readers that chapter must be of particular interest because of its close connection with the assassination of Mahatma Gandhi. In the course, of the chapter the author tells of his experience when he called upon the Mahatma and sought his advice in regard to certain of the grave problems which afflicted India as the result of the severance of Pakistan therefrom. On that occasion the author states his conclusion that Mr. Gandhi had one passion, one source of strength within him, and that was a deep an pervading feeling of love. He

Loved Hindus and Muslims, Sikhs and Christians alike' There is here indeed and obvious nearness to the second great Christian commandment, " Thou shalt love thy neighbour as thyself": and I cannot doubt that the good relations which have happily subsisted between this country and India since Indian independence owe much to this aspect of Mahatma Gandhi's teaching and influence.

I do not doubt that the reader will be no less fascinated by the author's treatment in the first of his chapters of the question that many people must often wish to ask of a responsible judge:" What are your feelings when you are called upon in the exercise of your duty to pronounce sentence of death? " Of the remaining chapters I daresay that many readers will share with me the fascination of the astonishing story told in Chapter Six and called the Imperfect Alibi".

The book brings out also some of the special problems which have been presented to those responsible for the administration of justice in India and which deserve careful thought by Englishmen. To one problem I Have already referred-that which arose from the separation of Pakistan and India and the terribly distressing circumstance which that separation brought about. Particularly in the Punjab. The distribution of the population in that part of India in villages often dominated by families or sections, acutely jealous rivals of each other, is shown very greatly to have added to the difficulties of the hard worked police when called upon to investigate crimes and in the course of such duties, to collect independent and reliable evidence-difficulties which the author shows have not unnaturally, if regrettably, sometimes tempted, the police when satisfied that they have found the guilty party to improve upon what might appear to be the colourless and unconvincing case of the prosecution. In these respects we in this country may indeed be regarded as fortunate as we are also fortunate in regard to the great skill and thoroughness of the medical evidence rendered available to English courts.

The reader may also be struck, as I was, by the frequent recurrence of the same names though attached of course to wholly different persons. Thus the name Mohinder Singh occurs in three of the chapters and that of Hakim Khan as

belonging both to an accessory to a murder and also to one of the victims. They may perhaps be likened to our own Nation's wealth of Smiths.

In his last chapter Mr. Khosla raises a controversial question with which I was personally concerned following the visit to this country in 1961 of the representatives of the American Institute of Judicial Administration to investigate, with representatives of the English, Legal profession, the problem of appellate work - namely, the question whether and to what extent a judge should read the papers and acquaint himself with the facts of a particular case before it comes before him for hearing, There is no doubt and understandably in this country and particularly among members of the Bar a feeling that a judge who has so acquainted himself with the facts of a case is liable to come into court with his mind substantially prejudiced on one side or the other-as undoubtedly was the fact in the case described by the author in the last chapter of this book. This is plainly not the occasion for me to enter the lists upon such a matter. I do however, venture to make the point that the opposition to any reading by a judge of the papers in a case before he tries it may be overstated. If the argument in its extreme form were well founded it would surely mean that in any appeal the appellant would inevitably win a judge who knows his job should. I claim, be able to acquaint himself sufficiently with such matters as the pleadings in the case, the terms of any judgment under appeal, and the like, in order to save an appreciable amount of the time taken in Court and therefore an appreciable amount of the costs incurred which one or other of the parties under our system will eventually have to pay; and should be able so to do without risk of any closing of his mind to the arguments which will be presented to him.

But, above and beyond any of the matters to which I have alluded, one consideration emerges uppermost from a reading of this book which is of the greatest importance, and which should bring a sense of pride, to all English readers, namely, the fact that in this great country of India our English system of law and our English way of administering justice are maintained and revered as being the best adapted for realising the essential requirements of a free

people, I had recently the privilege of being invited to sit in Delhi with the Justices of the Supreme Court of India, and I was indeed greatly moved by the evident belief which the Indian people have in our English law. I venture indeed to think that it is one of the strongest links that binds India to our Commonwealth and, for the future peace and happiness of mankind, may it long continue! We must therefore be highly grateful to the author of this book for the striking Illustration it affords of this great truth, I commend in accordingly with warm good wishes to English readers.

THE CRIME OF NATURAM GODSE

TOWARDS the end of 1947 I was appointed by the Government of India to deal with a matter which seemed simple enough to start with, but which, upon closer examination, revealed a complex and difficult pattern. This assignment provided me with the only opportunity I have ever had of meeting Mahatma Gandhi, and conversing with him for a considerable length of time

The formation of Pakistan and the consequent partition of India led to a large-scale exchange of population, millions of Hindus and Sikhs were compelled to leave their homes in what had, overnight, become a foreign country for them. They rushed across the border in quite unmanageable numbers, using all available means of transport, and poured into the towns and villages of India in big unruly masses. They wanted houses to live in. The Muslims of India for their part were equally panic-stricken and were leaving for Pakistan. The houses vacated by them were quickly invaded and expropriated by the homeless immigrants. So great was the rush of refugees and so fierce the wrath which impelled them that it was well nigh impossible to enforce any kind of scheme or order into the chaos which prevailed. Rich and commodious evacuee houses were frequently occupied by ruffianly hooligans who, sometimes, were not even refugees and had taken advantage of the confusion to improve their status by grabbing whatever they could lay their hands on, while law-abiding individuals belonging to a much higher stratum of society remained homeless.

There were not wanting instances of angry refugees driving Muslims out of their houses, before they had made up their minds to emigrate, for many of them hoped to continue their lives in their old-established homes after the disturbances, which they hoped would be short-lived had subsided. This was something the Government of India could not countenance. Mr. Nehru had declared in unequivocal terms that India was going to be a secular State, and any Muslims who chose to remain in the country, would be given full protection and citizenship rights.

In Delhi, where there were large numbers of Muslim residents, the situation was at its most difficult. The capital was subjected to a much greater influx of refugees than any other town. It seemed at one stage that everyone from west Punjab-doctor, engineer, lawyer, moneylender, industrialist, business man, shopkeeper, hawker, artisan and manual labourer-had been impelled by an irresistible urge to come and live in Delhi, The old cry of **Dilli Chalo** (let us go to Delhi) which had been no more than a slogan to rally the forces of patriotism, had, at last, been answered. But there just weren't enough houses to go round.

The Government of India appointed a senior member of the Indian Civil Service the Custodian of Evacuee Property, It was his duty to protect Muslim property and 'administer' it according to law. But this was easier said than done. A Problem of such magnitude and complexity needed a large measure of initiative, resourcefulness, patience, tact and administrative ability above all it demanded a knowledge and understanding of the Punjabis, The Custodian selected by the Government of India was a south Indian, and very soon there were loud complaints of incompetence, favouritism, nepotism and corruption. The matter was raised in Parliament, and an immediate sifting enquiry by a High Court Judge was ordered. The Judge had to be a Punjabi, conversant with the people of the Punjab and their problems, the choice fell upon me.

In Delhi I called on the secretary to the Ministry of Relief and Rehabilitation, and asked for the terms of reference of the enquiry entrusted to me, I was told that the terms were very wide-as wide as I wished. I was to report on the work of the Custodian and 'clean up the mess'. This was a tall order, and I was doubtful about the legality of at any rate the wisdom of embarking on such a vague and limitless venture without something in the form of an order of Government notification, I went to see the Minister. He assured me that the secretary had acted under his orders and that there was no need to limit the scope of my assignment. I would have an entirely free hand and the government had complete confidence in me, etc., etc.

Just as I was taking leave of him. He dropped a bombshell: ' The Custodian is proceeding on leave and it may be some time before his successor is appointed. So you will be in complete charge of the department. This was staggering. I had come to hold an enquiry and now I was being asked to run the entire show. But it was hardly the time to demur or argue about the matter. It would have been churlish not to shoulder the responsibility, even though it was being thrust upon me so unceremoniously.

The next few weeks were like a crazy nightmare. I was so irretrievably overpowered by the immensity of my task and the multifarious problems surrounding me on all sides, that I had scarcely any time to look into the alleged malpractices of the earring Custodian. Thousands of Muslim families, seeing the temper of the refugees and anticipating trouble, left their houses to go to the camps set up as temporary shelters, at safe distance from the town. In most cases a single (usually the oldest) member of the family stayed on as evidence of continued possession or of **animus revertendi**. It was difficult to know which of them would ultimately decide to return home, and which would prefer to go to Pakistan like so many others who had already joined the exodus. When I visited the Muslim quarters to see things at first hand, and check the inventory of houses prepared by sub-ordinate officials I was besieged by homeless refugees clamouring to be let into the empty houses abandoned by Muslim occupants. Was it fair, they asked me to deny them shelter after they had been handed out of their homes. How long would they remain lying in the streets when houses were available? Couldn't I see that they were rapidly falling victim to exposure and the cold winter nights of north India? Didn't I know full well that the Muslims would not come back? For years they had been shouting and agitating for Pakistan, and now their demands had been conceded. If they didn't want to go to the homeland of their choice, they should be sent there by force. Had I no feeling. No sympathy, no understating, no sense of justice where my own people were concerned? They expected better treatment from a Punjabi. And much more in the same strain.

In my office I received hundreds of visitors each day. I knew many of them personally. Among them were my own relatives, friends and acquaintances. There were others whose names were familiar. Physicians, surgeons, lawyers, engineers, an X-Ray specialist a well-known caterer of Lahore, a fashionable tailor, dozens of retired Government officials came seeking my assistance. All they wanted was a house - a portion to house, a room, an empty garage or a shed to live in and to work in. It was not easy to maintain a cool and dispassionate attitude when faced by these demands, and to remain just and impartial. I began to entertain doubts about what was just in the circumstances. Should I let the homeless people occupy the empty houses? Should I allow the Muslims to be chased out of India as Hindus and Sikhs had been chased out of Pakistan? I didn't know what answer to make to the people who importuned me daily, asking for what, they said, was theirs by right.

In my perplexity, I sought Mahatma Gandhi's advice. He was in those days living in Mr. Birla's house on Albuquerque Road, and held prayer meetings every evening. I telephoned his secretary, and though he was very busy and had a crowded programme of visits, interviews and discussions with political leaders, he agreed to receive me at 11 o'clock the following morning.

But then, suddenly, I was overcome by a strange apprehension, which only they can appreciate who knew the position held by Mahatma Gandhi in India and the influence he exercised in every sphere of activity, political, social and economic. It was reported that there was, about him, an aura of saintliness and a magical power which hypnotised his interlocutors and reduced them to tame, supine creatures ready to efface themselves, to agree to whatever he said and carry out his directions. Lord Irwin was supposed to have been affected in this manner when he gave his assent to the Gandhi-Irwin pact in 1931. His fasts had converted his strongest opponents, and it was rumoured that die-hard British politicians and administrators were unwilling to meet him, lest under his mysterious spell they compromised their principles. Only a few days previously the world had witnessed a demonstration of his powers. A sum of 550 million rupees was due to Pakistan, but the Government of India was reluctant to pay

it as it was feared that the money would be used by the Government of Pakistan to purchase arms for use against India in Kashmir where a state of hostilities prevailed. Sardar Patel, the Home Minister, made a statement to this effect on January 12, 1948. It was well known that Mahatma Gandhi was strongly opposed to any decision which might savour of breach of faith on our part. On the day Sardar Patel made his statement, the All India Radio announced that Mahatma Gandhi had undertaken a fast with the object of improving Hindu-Muslim relations in the capital. Three days later, the Government of India announced that immediate effect would be given to the financial pact arrived at between India and Pakistan, and that orders had been issued to the Reserve Bank of India to pay the entire amount due to Pakistan. On the same day Mahatma Gandhi broke his fast. The nationalist newspapers highlighted these two items of news with bold headlines announcing that the Government of India had at last surrendered 'to Pakistan due to pressure from Gandhiji'. The leaders of Pakistan were 'overcome with excessive joy', and though nothing was openly said against Mahatma Gandhi there was an under-current of sorrow and resentment at what had happened.

As I turned over these events in my mind, I wondered if I should be able to place my problem before the Mahatma and explain it various aspects. Sixteen months later these events were again narrated before me in the quiet but solemn atmosphere of our court-room in Simla, and we were told of the impact they had made on certain individuals and of the horrible crime committed by them. But, sitting in my small office room that day towards the end of January 1948, my only thoughts were of the embarrassing situation in which I had placed myself. However, the appointment had been made and there was no question of going back upon it. Also, there was within me a genuine desire, a pardonable curiosity to meet the great man who had done more to achieve political freedom for India than the rest of the country put together.

So, the next morning I drove to Birla House, well before the appointed time. While waiting in the ante-room, I asked the official present if I should speak to the Mahatma in English or in Hindi. 'Hindi, of course,' was the immediate and

categorical reply. I felt more at home in English, but I accepted the inevitable, and began formulating sentences which would adequately express my meaning. After a moment or two I abandoned the attempt, telling myself that I should manage somehow. I had heard Gandhiji did not like being addressed as 'Mahatma'. I asked the official what was the correct form of address. 'Call him Bapuji,' he said. There was a touch of scorn in his tone at such crass ignorance on the part of a High Court Judge.

I removed my shoes and tried to compose myself. Exactly at 11 I was called. I hurried into the room where Gandhiji was sitting on the carpeted floor. He wore only a handspun loin-cloth, and from the waist upwards his body was bare. He was thin, but by no means emaciated. Indeed, his skin had a fresh, healthy lustre, and his well-massaged muscles rested firmly on his limbs, giving his body an appearance of youth and quiet vigour. His face was almost completely free from wrinkles, except when he laughed. A standard electric lamp stood behind him, and its light came down in a broad cone lighting up his bald head and the shapely curves of his small shoulders. As I entered, he put down the paper on which he had been writing, and greeted me in the usual manner with folded hands.

I sat down near him and began to tell him of my assignment and the difficulties I had encountered. It was a long story and Bapu listened without interrupting me. And while I was speaking, an independent mental process started within me. I was becoming aware that there was no mysterious power of hypnotic force to which I was being subjected. I had not entered a strange magnetic field. No spiritual medium charged with a compelling tension surrounded me. Bapu was listening to me just as any other man might. The realisation of this fact lent courage and plausibility to my argument, though, by now, I knew that I was advocating a false plea based on false premises and an emotional urge. I concluded by saying: 'The Muslims in the Old Fort camp have no wish to stay in this country. They told me, when I visited them, that they would like to go to Pakistan as soon as possible. Our own people are without houses or shelter. It

breaks my heart to see them suffering like this, exposed to the elements. Tell me, Bapuji, what should I do?

My carefully delivered appeal sounded hollow in my own ears.

'When I go there,' he replied, 'they do not say that they want to go to Pakistan. They say to me that if we cannot keep them in their own homes, we should send them to Afghanistan, to Iran, to Arabia, anywhere except to Pakistan. They are also our people. You should bring them back and protect them:

He had spoken in a calm matter-of-fact voice. What I heard was not a command, but a simple statement of truth, uttered in a tone which had in it more of humility than of authority. But what surprised me most was that he did not seem to be making a final pronouncement. He had said: 'You should bring them back and protect them', but he kept the discussion open. I mentioned other facts, other difficulties. He pointed out the flaws in my argument. He did not digress into a highfalutin moral discourse, but kept to the practical problem I had placed before him.

And as he went on talking, understanding came to me that this man had only one sentiment, one passion, one source of strength within him and that was a deep and pervading feeling of love. He loved Hindus and Muslims, Sikhs and Christians alike. He loved the British who had ruled over us for 150 years, he loved the Pakistanis who had hounded out millions of Hindus from their ancestral homes. He never once uttered the word 'love', but when he looked at me there was a softness in his eyes-and the trace of a smile on his mouth. I felt ashamed.

When I left him after having spent thirty minutes in his company, I knew what I had to do. Bapu was completely, utterly right, just as he had been right in insisting that we fulfill our promise to pay Pakistan 550 million rupees, even though the money would almost certainly be spent to procure arms for use against India.

Four days after this interview I was in Simla. It was a cold and foggy evening with a touch of frost in the air. My wife and I were walking back from the club.

We noticed a strange hush in the usually crowded and noisy street which in the main shopping centre of Simla. People were standing in twos or threes, and speaking in subdued voices. A phrase caught my ear: '... kill our leaders'. As we went by, another said: 'absolutely mad', and then 'barbarous'. A sort of premonition made me stop and ask what had happened.

'Mahatma Gandhi has been murdered. Somebody shot him dead'.

I could not believe that such an insane thing could come to pass. Our informer knew nothing beyond what he had told us, and we hurried home to switch on the wireless for more details of the horrible tragedy. There was no doubt at all about the truth of what we had heard. Mahatma Gandhi had been shot dead while walking to his prayer meeting, that day at 5 p.m., by Nathuram Godse, a Brahmin from Poona. The assassin had fired three shots at point-blank range. Mahatma Gandhi was wounded in the chest and abdomen, and fell down on the spot saying: 'Hai Ram'. The murderer was immediately apprehended and saved from a lynching by the crowd. The pistol from which he had fired the shots was recovered from his possession. Gandhiji was carried to his room in a state of unconsciousness, and he succumbed to his injuries within a few moments.

The whole country was in turmoil. In millions of homes no food was cooked or eaten that night, and a heavy cloud of gloom darkened the thoughts and feelings of the people. While the whole nation mourned Gandhiji's untimely death, the police took up the investigation of by far the most dastardly crime they had ever had occasion to handle. As the enquiries proceeded, it transpired that Nathuram Godse was not the only person concerned in the murder. His act of shooting Gandhiji was the culmination of a widespread and carefully laid conspiracy in which several persons were involved. It took the police nearly five months to complete the investigation and declare the case ripe for trial.

The trial commenced on June 22, 1948, before Mr. Atma Charan, a senior member of the judicial branch of the Indian Civil Service, who was specially appointed for the purpose and invested with powers to give him the requisite jurisdiction. This was necessary because the judge would have to deal with offences committed beyond his normal territorial jurisdiction.* The trial was

held inside the Red Fort. Delhi, but the court was open to the public and the Press, and the proceedings were extensively reported in all newspapers. The accused persons had full liberty to have the assistance of counsel of their own choice.

The following eight persons were charged with murder, conspiracy to commit murder and offences punishable under the Arms Act and the Explosive Substances Act:

1. Nathuram Godse, 37, Editor, **Hindu Rashtra**, Poona.
2. His brother, Gopal Godse, 27, Storekeeper, Army Depot, Poona.
3. Narayan Apte, 34, Managing Director, **Hindu Rashtra**, Prakasham, Ltd., Poona.
4. Vishnu Karkare, 37, Restaurant Proprietor, Ahmednagar.
5. Madanlal Pahwa, 20, Refugee Camp, Ahmednagar.
6. Shankar Kistayya, 27, Domestic Servant, Poona
7. Dattatraya Parchure, 49, Medical Practitioner, Gwalior
8. Vinayak Savarkar, 65, Barrister-at-Law, Landlord and Property Owner, Bombay.

Three others, viz. Gangadhar Dandwadi, Gangadhar Jadhav and Suryadeo Sharma, were said to be absconding from justice, and the case against them was heard **in absentia**. The prosecution case was opened by C. K. Daphtary, Advocate-General of Bombay (now Attorney-General of India), and on June 24 the examination of witnesses began. In all 149 witnesses were called and a large number of documents, letters, newspaper articles and other exhibits were produced in court. The most important piece of evidence was the statement of Digambar Badge (pronounced Bahdgay), the approver in the case. He was alleged to be one of the conspirators and an active participant in the murder plan. Upon his arrest on January 31, the day after Gandhi's murder, he was subjected to the usual police interrogation. It was not long before he made a statement admitting his own guilt and incriminating his accomplices. After a

time he expressed his willingness to appear before a magistrate and repeat his statement. He was tendered a conditional pardon and thus he became King's evidence.

The examination of the witnesses and the recording of their evidence was concluded on November 6. The prisoners made long statements when asked to explain the evidence produced by the prosecution, but they chose not to call any witnesses, though a number of documents were placed before the court by way to defence. Arguments of counsel lasted a whole month, and the court pronounced judgment on February 10, 1949. Out of the men Charged. Savarkar was acquitted, two, viz. Nathuram Godse and his friend Apte, were sentenced to death and the remaining five were awarded sentences of imprisonment for life. The trial judge, at the time of announcing his order, informed the convicted persons that if they wished to appeal from his order, they should do so within fifteen days. Four days later appeals were filed in the Punjab High Court on behalf of all the seven convicted persons. Godse did not challenge his conviction upon the charge of murder, not did he question the propriety of the death sentence. His appeal was confined to the finding that there was a conspiracy. He assumed complete and sole responsibility for the death of Mahatma Gandhi, and vehemently denied that anyone else had anything to do with it.

An appeal in a murder case is, according to High Court Rules and Orders, heard by a Division Bench consisting of two judges, but owing to the unique position which the deceased had occupied, the complexity and volume of the evidence which would have to be considered and appraised and the unprecedented interest aroused by the case, the Chief Justice decided to constitute a bench of three judges to hear the appeal by Godse and his accomplices. The judges were Mr. Justice Bhandari, Mr. Justice Achhruram and myself. We decided that as a special measure we should resume the old practice of wearing wigs, and that on our entry into the court-room we should, as in the olden days, be preceded by our liveried ushers carrying silver-mounted staffs.

The Punjab High Court was, at that time, located at Simla, where it had been hurriedly set up during the autumn of 1947, because at no other place was suitable accommodation available. The Government of India had placed at our Disposal Peterhoff, a large manorial building which was formerly the summer residence of the Viceroy. It was a picturesque house standing in pleasant surroundings and commanding a view of the distant hills with their snow-covered peaks. But it was scarcely suitable for a high court. The vice-regal bedrooms, stripped of their opulent furnishings and silver-plated fittings, gave an appearance of mock austerity, but even the largest of them was not commodious enough for a court-room in which, besides the judge and his reader, half a dozen lawyers and their clerks spent several hours a day; and often the parties to the case under consideration also came to see how their lawyers were handling their misfortunes and hopes and how the judge was reacting to the pleas put forward on their behalf. There must be a table for the judge, another for his reader and stenographer, a separate table for the lawyers on which they can place their briefs and the law books they cite. And when a few book-shelves to hold law reports and other books of reference were placed along the walls, there was no room left for the public. We had a constant feeling of being cramped, and there was nothing that we could do to improve matters. Chandigarh and the massive High Court building into which we moved in the beginning of 1955 was still no more than an idea. Fortunately the non-litigant public of Simla was incurious about High Court proceedings, and we seldom had any visitors. But the hearing of the appeal in the Gandhi murder case was expected to arouse widespread interest and bring large numbers of lawyers, pressmen and spectators to court each day, and there was not a single court-room which could accommodate even the persons actually engaged in dealing with the appeal.

The ballroom on the ground floor was being used as a passage giving access to the court-rooms on the first floor. Constructed for vice-regal entertainment during the summer months when the seat of the Government of India used to move from Calcutta to Simla, the large hall was cold and draughty. However, with a few minor alterations and the additions of a dais at one end, it became

an admirable court-room, and the generous teak wood staircase which came down to the specially constructed dais displayed a dignity worthy of the robed and bewigged judges who day after day for a period of six weeks marched down it, preceded by ushers resplendent in their scarlet and gold liveries and carrying tall silver-mounted staffs- symbols of the triple embodiment of law. Such splendour and glory had not been witnessed in the refugee High Court since it had been forced to abandon its old seat in Lahore. The staffs had been put away in a store-room because the narrow corridors between the bedrooms allowed no play for processional ritual, and even the wigs had ceased to be worn because many of the advocates had left them behind in Lahore in their stampede to safety; and at Simla they had made a formal request that the dress regulation be relaxed in this respect. Their re-appearance on the opening day of the appeal was, therefore, all the more impressive.

The hearing began on May 2, 1949. It was a bright day with the gold of the sun lying in a thin layer on the lawns of Peterhoff. There was a cold breath in the air, and the ball-room was warmed by a dozen or so electric fires. Policemen stood guard at the entrance, and admission to the court-room was regulated by passes issued by the Registrar. This was done partly for reasons of security, but chiefly to limit the number of persons who could be accommodated without taxing the patience of our staff or disturbing the proceedings. When we took our seats on the dais, I saw that the room was full to capacity. All the black-coated and gowned lawyers who were not engaged in arguing their cases before other judges had spread themselves over the privileged front rows in a large inky splash. Behind them sat the members of the gentry of Simla, who had succeeded in exercising a sufficient measure of their influence to secure passes. There were separate seats for pressmen and reporters, and to the right of the dais a score or so of chairs had been reserved for the V.I.P.'s. These comprised the wives and daughters of hon'ble judges and high Government officials.

At a long table in front of the dais sat a impressive row of advocates representing the appellants and the King. There was Mr. Banerjee, a senior

advocate from Calcutta, for Apte and Madanlal Pahwa, Mr. Dange for Karkare, Mr. Avasthi of the Punjab High Court, engaged at public expense to represent Kistayya, who was too poor to pay counsel's fees, and Mr. Inamdar from Bombay for Parchare and Gopal Godse. Nathuram Godse had declined to be represented by a lawyer, and had made a prayer that he should be permitted to appear in person and argue his appeal himself. This prayer had been granted, and so he stood in a specially constructed dock. His small defiant figure with flashing eyes and close-cropped hair offered a remarkable and immediately noticeable contrast to the long row of placid and prosperous-looking lawyers who represented his accomplices. The plea of poverty on which Godse had based his request to be present in person was only an excuse, and the real reason behind the maneuver was a morbid desire to watch the process of his disintegration at first hand and also to exhibit himself as a fearless patriot and a passionate protagonist of Hindu ideology. He had remained completely unrepentant of his atrocious crime, and whether out of a deep conviction in his beliefs or merely in order to make a last public apology, he had sought this opportunity of displaying his talents before he dissolved into oblivion.

On the right-hand end of the front row sat four lawyers who were appearing for the prosecution-Mr. Daphtary, Advocate-General of Bombay, Messrs. Patigar and Vyavakarkar, also from Bombay, and Mr. Kartar Singh Chawla of our own High Court.

I have made it a rule never to make a deep study of any case before the actual hearing begins. I usually read ' the judgement appealed against to acquaint myself of the salient facts and get an overall impression of the matter I have to deal with. I have always been of the view that too close a pre-study of the evidence and a mastery of the details involved hinder a fair and impartial hearing, because, away from the open atmosphere of the court and without the point of view of the two parties before it, the mind is apt to interpret the whole case in the light to its personal prepossessions. This builds up an unconscious resistance against the arguments of counsel, for though judges are perpetually advertising the remarkable fluidity of truly judicial minds and their

capacity for remaining open till the last word in a cause has been uttered, eminent judges are notoriously obstinate and difficult to dislodge from their beliefs and convictions. I have known judges who come to court even more fully prepared than the lawyers engaged by the parties. I have a suspicion that they do this partly from a sense of their high duty, but also because of their desire to make an exhibition of their industry and erudition. No matter how learned and experienced the judge, if he has made a deep study of a case he will inevitably have formed an opinion regarding its merits before he comes to court. So, he will start with a bias and it will be difficult to displace him from his position, for his subconscious mind will refuse to admit that something important escaped his close study of the case or that a certain piece or evidence was erroneously interpreted. A truly liquid mind is a very rare commodity among high judicial dignitaries.

My friend and colleague Mr. Justice Achhruram has always been a very industrious lawyer. He commanded an extensive and lucrative practice at the bar before he was raised to the bench, and he brought with him his inimitable capacity for hard work and his deep knowledge of civil law. Criminal law and procedure had remained comparative strangers to him, though he had often sat on a bench dealing with criminal matters. For weeks before the appeal of Godse and his accomplices came up for hearing, he had been studying the bulky volumes in which the entire evidence, oral and documentary, was contained. There were -in all 1,131 printed pages of foolscap size and a supplementary volume of 115 pages of cyclostyled foolscap paper. He had taken pains to look up a number of reported cases dealing with some legal aspects of the trial, and had made a note of these rulings. So, when he came to court on the morning of May 2, he showed a complete understanding of the facts of the case as well as of the points of law raised in the memoranda of appeals.

I have always had the profoundest respect for my quondam colleague, both as a lawyer and as a judge, and I shall continue to respect his learning, but his habit of industry had a most unfortunate consequence on the first day of the Godse appeal. The case was opened by Mr. Banerjee, who started by putting forward

an argument that a charge of conspiracy could not survive the consummation of the purpose of the conspiracy, and the conspirators could not be tried on multiple charges of conspiracy to murder Mahatma Gandhi and also of actually murdering him. They should have been tried for murder and abetment to murder. Mr. Banerjee's argument was that owing to this serious irregularity the trial of all the appellants was vitiated. It was, as lawyers say, a nice point, and much could be said for and against it; but no sooner and Mr. Banerjee uttered a few sentences than Mr. Justice Achhruram cut him short by drawing his attention to a number of reported rulings from the various High Courts of India. Mr. Banerjee tried, in vain, to expound the law on the subject according to his own understanding of it. The merest reference to a decision which supported his argument was repulsed by a volley of rulings to the contrary. My friend Mr. Justice Bhandari, as the senior-most judge of the bench, felt that he should be the one to guide and control the proceedings, which during the course of the day resolved themselves into an animated duologue *with Mr. Banerjee being allowed to utter only a few brief and minor speeches. Bhandari J. was greatly concerned about the unusual trend which the hearing had taken, and thought that the bench was making a far from dignified exhibition of its judicial attitude in a case which was drawing very widespread attention. He feared we might convey the impression that we had already made up our minds about the whole case and had no wish to examine, the merits of any argument advanced on behalf of the convicted persons.

After the day's proceedings were over he came to my chamber and confided to me his irritation over the day's proceedings and his misgiving about the future conduct of the case. He asked me how he should deal with the situation. I agreed with him that the day had been a very unusual one, and, if the faces of the large audience were any indication, we seemed to have provided a great deal of entertainment for the gallery.

'But he won't let the case proceed. Gopal, we can't go on like this. The lawyer should be allowed to argue his case.'

'H'm, yes. But, you know, some judges like to talk. They just can't help chipping in when counsel is arguing. It happens even in England.'

'Don't you think I should speak to him? You see, we have spent five hours over the case and we haven't advanced a single step forward.'

'Well, you might mention it to him. He won't like it.'

Mr. Justice Achhruram didn't like it. In fact, he greatly resented it, and for the next few days relations between two of the members of the bench were far from cordial. They hardly spoke to one another, and each greeted the other with a scowl. Fortunately this quarrel was short lived, and was soon forgotten in the complexities of the case and the intricate pattern of the evidence each detail of which had to be scrutinised and appraised.

I shall not dwell upon the legal issues raised before us, as they contained little of any interest to the general reader, and even to the lawyer they offered only a few familiar aspects of procedural rules and were scarcely germane to the merits of the case. Before, however, narrating the story of the manner in which the conspiracy was hatched and its purpose achieved, let me briefly introduce the individuals upon whose destinies we were called upon to make a pronouncement.

Nathuram and Gopal Godse were the sons of a village postmaster. They were a family of six, four brothers and two sisters. Nathuram, the second child, was not an industrious student, and he left school before matriculating. He started a small business in cloth, but when this did not prove profitable he joined a tailoring concern. At 22 he joined the Rashtrya Swayam Sewak Sangh - an organisation of which the avowed aim was to protect Hindu culture and solidarity. A few years later he shifted to Poona, and became Secretary of the local branch of the Hindu Mahasabha.* He took part in the civil disobedience movement in Hyderabad, where Hindus were complaining of being deprived of their rights by the Muslim government of the Nizam. Nathuram was arrested and sentenced to a term of imprisonment. He had, by now, become deeply involved in Hindu politics and had read widely in History and Sociology. He decided to remain free from the bonds and impediments which matrimony

brings with it, and to devote all his energies to the aim he had set before him. At Poona he met Apte, who was then employed as a school teacher, and started a newspaper **Agarni**. The name was later changed to **Hindu Rashtra**. Godse was strongly opposed to what he called Mahatma Gandhi's policy of appeasing the Muslims, and adversely criticised any move to concede Jinnah's demands. He was resentful of Mahatma Gandhi's visits to **Jinnah**, of his friendship with Surawarshi, a Muslim leader from Bengal. The Government warned him when his writings became inflammatory and dangerous to public peace. This did not suffice; his security deposit under the Press Security Act was forfeited. He was asked to make a fresh deposit, and the money was hurriedly collected from the sympathisers of the Hindu Mahasabha cause. The bomb incident of January 20, 1948, was reported in **Hindu Rashtra** with more than touch of gloating satisfaction in the headline: REPRESENTATIVE ACTION SHOWN BY ENRAGED HINDU REFUGEES AGAINST THE APPEASEMENT POLICY OF GANDHIJI.

Godse had made a study of **Bhagwadgita** and knew most of its verses by heart. He liked to quote them to justify acts of violence in pursuing a righteous aim. He had a fiery temperament which he usually endeavoured to conceal under a calm and composed exterior.

His younger brother, Gopal, was not quite so passionate in his espousal of the Hindu cause. After passing his matriculation examination he, too, joined the tailoring concern in which Nathuram worked. He married and had two daughters. After working for some time for the Hindu Mahasabha, he joined the Army as a member of the civilian personnel, and was appointed a store-keeper of the Motor Transport Spares Sub-Depot at Kirkee, a military station near Poona. During the war he went to Iraq and Iran and came back with a fuller understanding of the rights of men and the importance of freedom. He was greatly influenced by Savarkar's speeches against the proposal to divide India, and became converted to the creed of violence. His brother, Nathuram, counselled discretion and said to him: 'You are a married man with responsibilities and commitments. Think twice before embarking on this

dangerous course.' Gopal hesitated, thought over the matter, but in the end decided to throw in his lot with Nathuram.

Narayan Dattatrya Apte came of a middle-class Brahmin family. After taking his B.Sc. degree he became a school teacher at Ahmednagar. There he started a rifle club and joined the Hindu Rashtra Dal.* During this time he met Nathuram Godse and became friendly with him. In 1943 he joined the Indian Air Force and was awarded a King's Commission. Four months later he resigned because his younger brother's death necessitated his return home to look after the affairs of the family. The following year he joined Godse to help him with his news paper on the management side. His close association with Godse converted him to the belief that nothing substantial could be achieved in the political field by peaceful means. To the last he displayed a more steadfast and courageous attitude than Godse, though he did not possess Godse's religious fervour nor his ebullient enthusiasm.

Vishnu Hamkrishnan Karkare had a chequered childhood and adolescence. His parents, unable to support him and bring him up. took him to an orphanage and, leaving him there, abandoned him. He ran away and earned his livelihood by taking up odd jobs in hotels and restaurants. He joined a troupe of travelling actors, and finally started a restaurant of his own in Ahmednagar. He became an active member of the Hindu Mahasabha, and was elected secretary of the district branch. It was thus that he came to know Apte, and the two became close associates. With Apte's help, Karkare successfully contested the election to the Ahmednagar Municipal Committee. In 1946 he went to Noakhali with a relief party to render assistance to the victims of Muslim mob violence. He stayed there for three months and witnessed the kidnapping and raping of Hindu women. He came back greatly embittered and expressed his indignation when Mahatma Gandhi said that he had not seen a single instance of kidnapping or rape. The payment of Rs. 10,000/- to Ghulam Sarwar, a Muslim M.L.A. of Bengal, amounted, he said, to awarding a vicious criminal because Ghulam Sarwar had been responsible for many acts of violence against the Hindus.

Madanlal Pahwa, a Punjabi Hindu from Pakpattan (now in Pakistan), had the makings of a firebrand. He ran away from school to join the Royal Indian Navy. When he failed to pass his examination he went to Poona and joined the Army. After a brief period of training he asked for, and was given, a release order. He went home to Pakistan, and when large-scale rioting started in 1947, he was evacuated to Ferozepore. He saw his father and aunt being massacred by a Muslim mob before he left Pakistan. He tried in vain to secure employment, and his continued failures added to his sense of resentment. In December 1947 he met Apte and Godse, and began organising demonstrations by groups of refugees against the Government and its apparent lack of sympathy for the Hindu victims of the partition.

Shankar Kistayya was the son of a village carpenter. He had no schooling of any kind and remained illiterate. After an unsteady period of temporary jobs, he went to Poona and obtained employment at a shop. There he met Badge, who dealt in daggers, knives and (surreptitiously) in firearms and ammunition. Badge offered to take him as his domestic servant, and Kistayya agreed to serve him at a salary of Rs. 30/- per month. Kistayya proved a willing and energetic worker, and besides doing Badge's house-work he washed his clothes, looked after his shop and acted as his rickshaw coolie. But when his wages fell into arrears he decamped with a sum of money which he had collected from an old woman on his master's behalf. After the money was spent he went back to Badge and Badge re-employed him. Thereafter he 'went steady' and became Badge's trusted agent for carrying contraband arms and weapons to his customers. There was at that time quite a flourishing trade in illicit arms owing to the communal trouble in Hyderabad and other parts of the country.

Dr. Dattatraya Parchure was a Brahmin from Gwalior. His father held a high post in the Education Department of the State and was a greatly respected individual. Parchure qualified as a Bachelor of Medicine and Surgery, and joined the State Medical Service. He was dismissed in 1934 and began practising privately. He took an active part in the activities of the Hindu Mahasabha, and

was elected the Dictator of the local Hindu Rashtrya Sena. In this capacity he became acquainted with Godse and Apte.

Vinayak Savarkar, or Veer Savarkar as he came to be known, was a barrister and historian. He joined a revolutionary body and was sentenced to transportation for fourteen years. He was subsequently interned. On his release in 1937 he joined the Hindu Mahasabha and devoted himself to the Mahasabha's objective for united India. He was for many years the president of this body, and exercised a great deal of influence over its deliberations and policies. He resided in Bombay, and his house Savarkar Sadan was visited by all Hindu leaders, and the meetings held there were viewed with an eye of Suspicion by the authorities.

Digambar Ramchandra Badge (pronounced Bahdgay), the approver, a Maratha from Challisgaon in Esat Khandesh, had a brief period of schooling, and long before the stage of matriculation could be reached he abandoned studies and went to Poona to earn his livelihood. He experienced considerable difficulty in obtaining permanent employment, and had to be content with temporary jobs of various kinds. Once, he resorted to **satyagrah** in front of the residence of the Chairman of the Poona City Municipality, The post he was offered did not satisfy him and he left it. For some time he collected funds for a charitable institution and went with a money-box from door to door, his remuneration being one-fourth of the collections made by him. He bought small quantities of knives, daggers and knuckle-dusters from a shop and hawked them. The business brought him a little more money than what he had been able to earn hitherto. Gradually he expanded the scope of his activities, and finally started a shop of his own: The articles he dealt in did not require a license for sale or purchase, and were at that period in great demand by political agitators and members of anti-Muslim associations. The Hindus re- siding near the border to the Muslim State to Hyderabad were particularly good customers. Badge, thus, came into contact with members of the Hindu Mahasabha and began attending the annual sessions of this body wherever they were held. On each occasion he

opened a bookstall, well stocked not only with books but with the more popular knives, daggers and knuckle-dusters.

He met Nathuram Godse and Apte at the residence of Veer Savarkar, president of the Hindu Mahasabha. In 1947 he enlarged his business, adding contraband firearms and ammunition to his stock-in-trade. These he acquired and disposed of surreptitiously through his 'contacts' of which, by now, he had many in Poona and in Bombay. These transactions were far more lucrative than the sale of books on patriotism and Hindu solidarity.

Such was the composition of the group which came together and became united by a common hatred of what they believed was the weak-kneed policy of capitulation to Muslim arrogance, as propounded and advocated by Mahatma Gandhi. The evidence led in court revealed that the plan to put an end to this state of affairs was conceived by Godse and Apte in December 1947. In the course of the weeks that followed others joined the small band, and the details of the plan began to be worked out. The decision to strike was taken on January 13, when it was learnt that Mahatma Gandhi had started his fast to put pressure upon the Government of India and compel it to review its former decision to withhold the payment of 55 crores rupees to Pakistan. When after three days the Government surrendered to Mahatma Gandhi's demand, and announced its revocation of its previous decision by declaring that the Indo-Pakistan agreement relating to financial adjustments would be implemented immediately, the conspirators could wait no longer. They hastened to complete their arrangements and achieve the aim they had set before themselves.

The execution of this plan needed forethought, teamwork and a dovetailing of movements and arrangements which were not free from a certain measure of complexity. The first thing that Godse did was to make an assignment of his assets. He himself was unmarried and had no commitments to leave behind when his immortal longings were satisfied. The two persons who were nearest to him, and for whom he felt most concerned were his brother, Gopal, and his friend and associate, Apte. They had joined him in this perilous undertaking, and they ran a grave risk of losing their liberty and possibly their lives. He held

two insurance policies of Rs. 2,000/- and Rs. 3,000/- respectively on his life. On January 13 he nominated Apte's wife as the beneficiary under the first policy, and on the following day he similarly assigned the second policy for Rs. 3,000/- to his brother's wife. Then, accompanied by Apte, he left Poona for Bombay, with his mind a little easier in, at least, one respect.

On the same day Badge, accompanied by his servant, Shankar, also left for Bombay. They took with them a bag containing two gun-cotton slabs and four hand-grenades which were deposited for safe custody in the house of Dixitji Maharaj, a prominent nationalist, religious leader and an old patron of Badge. Badge had frequently sold knives and daggers to him for 'distribution among Hindus living near Muslim States, for their protection'. Badge spent the night at the office of the Hindu Mahasabha, and in the morning Godse and Apte met him there and discussed the details of their plan. Pahwa and Karkare had been in Bombay since January 10, and they, too, joined the deliberations at the Hindu Mahasabha office. All five of them went to call on Dixitji Maharaj and pick up the bag containing the explosives. Dixitji Maharaj had a friendly talk with his visitors, and believing that the hand-grenades were to be used against the Muslims of Hyderabad, where communal trouble was brewing, went to the length of explaining the best manner of working and throwing a hand-grenade. But when Apte asked him for the loan of a revolver, he made an evasive reply. The visit of these five persons remained in Dixitji's memory because of a prediction made by an astrologer that he (Dixitji) would suffer bodily harm on January 17. In fact, on that day, he fell down and hurt himself, and he remembered subsequently that it was just two days before the accident that Badge and his companions had come to visit him. Dixitji was thus able to recall the whole incident and narrate it, complete in all details, when he gave evidence at the trial.

Pahwa and Karkare had no further business in Bombay, and Pahwa wanted to see his relatives in Delhi and discuss with them the question of his marriage. So, these two left Bombay by train on the evening of the 15th. They arrived at Delhi on the 17th, and after a fruitless attempt to get living accommodation

at the office of the Hindu Mahasabha engaged a room in a small and inexpensive hotel in Chandni Chowk. While registering their arrival, Karkare gave a false name, describing himself as of B.M. Bias. Pahwa stated his correct name but entered a wrong address in the column 'Permanent address'.

Badge and his henchman, Shankar, went back to Poona, and after entrusting his arms and explosives to a sympathiser of the Hyderabad State Congress returned to Bombay on the morning of the 17th. There they met Godse and Apte at the railway station in pursuance of a previous appointment. Money was needed for carrying out their project, and they went round Bombay on a campaign of collecting funds. By representing that they needed money for the Hyderabad movement, they succeeded in securing Rs. 2,100/- from a number of persons. The same afternoon Godse and Apte travelled to Delhi by plane. They bought their tickets under assumed names-Godse representing himself to be D.N. Karmarkar and Apte, S. Marathe. In Delhi they stayed at the Marina Hotel, and abandoning the aliases they had adopted for the air journey registered themselves as S. Deshpande and M. Deshpande. In this hotel they stayed till the 20th. Badge and Shankar travelled to Delhi by train and reached there on the evening of the 19th. They went to the Hindu Mahasabha Bhavan and stayed there.

Gopal Godse was, as I have already mentioned, employed as a store-keeper in an Army depot near Poona. On the 14th he submitted an application for seven days' leave beginning January 15. The leave was refused on the ground that he was required to appear before a board of officers on the 16th. On the 16th he renewed his application and asked for a week's leave from the 17th. This was granted, and he was able to reach Delhi on the evening of the 18th. His train was late, and he was fast asleep when it arrived at the New Delhi railway station. His brother, Nathuram, who had come to receive him, thus could not see him. The train went on to Old Delhi, and there Gopal alighted and spent the night on the platform with a group of refugees. The next morning he went to the Mahasabha Bhavan and met his friends. Arrangements for their stay in the Bhavan were made, and further consultations took place at Pahwa's hotel in

Chandni Chowk. All the seven conspirators had thus arrived in Delhi by the evening of January 19. They had provided themselves with two revolvers, some gun-cotton slabs and several hand-grenades. One of the revolvers was a service weapon which Gopal Godse had with him from the time he had been posted abroad. At Nathuram's request he had brought it with him, and the other revolver was procured by Badge from Sharma, an old client of his to whom he had formerly sold it. The hand-grenades and gun-cotton slabs were all provided by Badge.

On the morning of the 20th Apte, Karkare, Badge and Shankar paid a visit of reconnaissance to Birla House. Birla House was approached from what was then known as Albuquerque Road.* Beyond the main house were situated the servants' quarters. There was a verandah at the back of the quarters, and in front of the verandah a large platform had been constructed. It was here that the prayer meetings of Mahatma Gandhi were held. Mahatma Gandhi himself sat on a wooden divan under the verandah roof while the members of the audience disposed themselves on the platform. The wall behind Gandhiji's divan contained a trellis-work window which provided ventilation to the room beyond. The back gate of the house opened on to a service lane, and most of the regular visitors came to the prayer meetings by this gate. The conspirators entered the house by the back door and inspected from outside the room with the trellis-work window. A one-eyed man was sitting in front of the door of this room, and they did not think it wise to seek entry into it at that moment and thus draw attention to themselves, but they walked round through the verandah and, finding no one within sight, Apte measured the openings of the trellis-work with a piece of string. He came to the conclusion that it was possible to fire through these openings which were wide enough to allow even the passage of a hand-grenade of the size they had brought with them. It was decided that Godse and Apte would direct operations by giving pre-arranged signals at appropriate moments. Badge, armed with a revolver and a hand-grenade, would enter the servants' quarters behind Mahatma Gandhi's seat by pretending that he intended to take a photograph of the prayer meeting through the trellised window. Pahwa would explode a gun-cotton slab near the

back gate, in order to distract the attention of the gathering at the prayer meeting and to create a stampede. In the ensuing confusion, Badge was to shoot at Gandhiji with his revolver from behind and follow up by throwing his hand-grenade at him. From the front his servant, Shankar, was to duplicate his master's performance by similarly firing a revolver and throwing a hand-grenade. Gopal Godse, Pahwa and Karkare were then to throw a hand-grenade each and everyone was to escape as best he could.

The revolvers brought by Badge and Gopal Godse had not been tested to see if they fired accurately. Badge's revolver was an old one which he had sold to one of his customers and had borrowed it back from him for the occasion, and Gopal's revolver had lain unused with him for several years. So after the reconnoitering at Birla House, Apte, Badge, Gopal and Shankar went into the forest behind the Mahasabha office to try out the weapons. It was seen that the chamber of Gopal's revolver was defective and did not work. A shot fired from Badge's revolver fell very short of the target. Apte declared that this revolver, too, was useless. Gopal undertook to repair the weapons, and Shankar was sent to fetch a bottle of oil and a penknife from his bag in the Mahasabha office. While Gopal was engaged in repairing the revolvers a Forest Guard was seen approaching. The weapons were quickly hidden, and Pahwa spoke to the guard in Punjabi to allay any possible suspicion on his part. When the guard passed on to continue his round, the repairs were completed, but there was no further trial firing.

A final meeting at Marina Hotel took place in the early afternoon, Nathuram lay on his bed, complaining of a severe headache, and the others sat round him while the details of their plan were discussed and the weapons and explosives were distributed. The Primers and fuse wires in the slabs and hand-grenades were fixed, and Nathuram admonished them to perform their parts with diligence and care. 'It is your last chance,' he said, 'you must not fail: Fictitious names were assigned to everyone, which were to be used should need to address each other in public arise. They changed their clothes and Karkare even

painted a false moustache, darkened his eyebrows and placed a red mark on his forehead to give him the appearance of a devout Brahmin.

The crowd at the prayer meeting was bigger than usual, as this was Mahatma Gandhi's first public appearance after the 12th when he had undertaken his fast. A failure of the electric installation put the loud-speakers out of use, and Gandhiji's feeble voice could be heard only by a few who sat near him. But his discourse was repeated to the audience by Dr. Sushila Nayyar, a prominent congress worker and a close associate of Mahatma Gandhi.

Gandhiji referred to the Peace Pledge taken by the residents of Delhi, and said Delhi had done a great thing and he hoped that the signatories had taken their pledge with Truth, represented by God, as their witness. If Delhi acted truthfully, the effects of its action would be felt all over the world. He was sorry, however, that the Hindu Mahasabha had repudiated the pledge through one of its officials. Enmity towards the Muslim meant enmity towards India.

He went on to speak of a suggestion that he should pay a visit to Pakistan to stop the acts of violence against non- Muslims. Suddenly there was a loud report as if something had exploded. A moment's restlessness was observed on the periphery of the audience, and some persons were seen moving away, but Gandhiji asked everyone to remain seated and continued with his discourse. After he had concluded it, Dr. Sushila Nayyar repeated the substance of the speech to the audience from her notes. A large portion of the audience near Gandhiji's seat did not know what had caused the loud report and where exactly the explosion had taken place. Gandhiji himself thought that it was some form of military practice and, therefore, nothing to worry about. It was only when the prayer meeting was dispersing that those who had been sitting near Gandhiji's divan learnt that a Punjabi youth had exploded a gun-cotton slab near the back gate of Birla House. No one was injured, and the misguided youth had been immediately apprehended and handed over to the police. A hand-grenade, complete in every respect, was recovered from his coat pocket. Some people said that the young man's name was Madam Lai Pahwa, and that he was a disgruntled refugee who was merely making an exhibition of his bad

temper. Pahwa was taken away by the police for interrogation, and the scandalised visitors went home talking about the outrage in subdued voices.

The well-laid plan of the conspirators had completely failed. All seven of them had arrived at Birla House and disposed themselves according to the decision taken by them. But at the last moment, Badge's courage failed him. He found two persons standing in front of the door which provided access to the room behind Gandhiji's divan. One of these men was the one-eyed man they had seen in the morning. A one-eyed man is proverbially ill-omened, and Badge suddenly realised that if he fired his revolver and threw his hand-grenade through the trellis-work window, he would be irretrievably trapped inside the room and escape would be impossible. He told Godse that he would, on no account, enter the room. A hurried consultation took place, and after a public attempt to persuade Badge to adhere to the original design, his refusal was perforce accepted. Pahwa was told to detonate the slab of gun-cotton, and when the explosion took place the others waited for a general stampede which was to provide them with the opportunity for completing their task. Strangely enough, there was no stampede, no panic and no confusion. A few persons moved away. Pahwa was caught and handed over to the police, and the prayer meeting went on almost as if nothing had happened. The calculations of the conspirators were completely upset, and they scampered away in a state of near panic. Badge and Shankar hired the first tonga they met on the road, and after taking their baggage from Hindu Mahasabha Bhavan caught the night train for Poona. Nathuram Godse and Apte went to Kanpur where they stayed for one day, and then went on to Bombay where they arrived on the 23rd. Karkare and Gopal Godse spent the night of the 20th at another hotel and registered under assumed names, Gopal professing to be G. M. Shastri and Karkare, Rajgopalan. On the 21st they took the train back to Poona.

Pahwa's arrest and the failure of their plan disheartened the conspirators but did not deflect them from their purpose. During the week that followed they had hurried consultations. They had to strike at once, because they feared that Pahwa would not be able to maintain his silence when subjected to police

interrogation, and it would not be long before they were traced and taken into custody. Nathuram announced his intention to assume the entire responsibility for the project and perform the deed single-handed. It was, he argued, the best and indeed the only way to bring their plan to a successful conclusion and lead them to the fruition of their desires. Karkare, in his statement to the police, gave a vivid description of the talk he had with Godse and Apte on the 26th at Thana.* This was his first meeting with them after the debacle of the 20th

We walked and came to Thana railway station, and sat down on the cement platform near the goods yard. This was a completely secluded place. It was about 9.45 p.m. and it was a moonlit night. This place was suggested by Apte and Godse as they did not want anyone to overhear our conversation. On taking our seats on the platform I asked Apte and Godse how they had come back from Delhi after the explosion of January 20. Godse was in a calm mood and asked me not to discuss anything about the matter but talk of our present circumstances and also of our future plans. This was urgent, because Madan Lai had been arrested and he would disclose our names. Godse also said that we would be arrested by the police and our plans to assassinate Gandhiji would fail. He, therefore, suggested that there should not be nine or ten persons in the execution of the plan, because history showed that such revolutionary plots in which several persons were concerned had always been foiled, and it was only the effort of a single individual that succeeded. He mentioned several instances for history and told us that acts of single persons, such as Madan Lai Dhingra and Vasudev Rao Gogate, had been successful, because they were individual efforts. He had, therefore, decided to assassinate Gandhiji single-handed. He asked me to go on to Ahmednagar, if I so desired, and carry on the work of Hindu Mahasabha. He also requested me to push the sale of the shares of **Hindu Rashtra Parkasham** and to look for a good writer in place of Apte. I was stunned by this suggestion and I saw that Apte was silent. I thought that Godse and Apte must have discussed the matter; and that Apte was fully aware of Godse's intention. Inside me I felt that Apte had made up his mind to stand by the side of Nathuram. I had heard that Godse was ashamed to show his face

in Maharashtra and I asked him if this was his reason for preparing himself to die. Godse looked stunned and determined and told me not to say such things and carry out the work entrusted to me. I insisted on knowing how they were going to commit the murder of Gandhiji. Godse then told me that he would procure a revolver within a day or two, or would find some other means of killing Gandhiji, and until he had accomplished his aim. He would not enter Maharashtra. I felt that I should also be with them and told Godse that I, too, was prepared for the worst and would join them in their project. I was told that Badge and Shankar had reached Poona safely and were attending to their work. Godse also told me that Apte had gone to Poona and settled his private affairs. On hearing this I became very excited, and declared my intention to do whatever they did, even at the risk of my life. Apte, on this, gave me Rs. 300/, and asked me to go to Delhi the next day. Godse and Apte were at that time staying in a hotel at Bombay under assumed names, V. Vinayakrao and D. Vinayakrao. On the 25th they had booked two seats on the plane going to Delhi on the morning of the 27th, giving the same false names, V. Vinayakrao and D. vinayakrao.

In the meantime the police were making extensive enquiries just as Godse and Apte had feared. The course of these enquiries was guided not so much by what Pahwa had revealed to the police after his arrest but by a piece of indiscretion committed by him before the incident of January 20. In the beginning of October 1947 Pahwa came into contact with a Bombay professor, Dr. J.C. Jain. Pahwa appealed to him for help, saying that he was a refugee who had lost everything in Pakistan and wanted to earn his living in whatever way was possible. Dr. Jain, who besides being a professor of Hindi is the author of several books, offered to engage him as an agent for the sale of his books and pay him a commission on the sale proceeds. Pahwa agreed, but this job did not prove very profitable. It did, however, establish a friendly relationship between the two men, and Pahwa began to speak of his emotions and aspirations. He boasted of his exploits at Ahmednagar, saying that he had assaulted Rao Shaib Patwardhan at a public meeting because he was preaching Hindu-Muslim unity, adding with a note of triumph that the police had left him alone as they were

all 'Hindu- minded'. He had organised a volunteer corps to devend Hindus and, in particular, the refugees. On one occasion in the beginning of January he spoke, with a mysterious air, of a plot to murder a leader. Dr. Jain thought the young man was merely boiling over with indignation, and did not believe that there was any truth in what he said. But the next time he met Pahwa ne asked with the name of the leader who was to be the victim of their plot, and when Pahwa revealed the name or Mahatma Gandhi, Dr. Jain, though still incredulous, gave him some fatherly advice, telling him not to behave like a foolish child. 'You are a refugee,' he said, 'you have suffered a great deal in the Punjab riots. Begin yourself a victim of violence, you should not seek your remedy in violence,' and so on at great length in this strain. When Pahwa let him, Dr. Jain believed that he had converted the young man, if indeed there was any basis of truth in the story of the plot, and dismissed the matter from this mind as a thing of small consequence.

But when only a week later he read of the outrage at Birla house and the arrest of Madan Lai Pahwa, he was indignant with himself for having remained so criminally complacent, and at once telephoned Sardar Vallabhbhai Patel, the Minister for Home Affairs, who was present at Bombay, and Mr.S.K. Patil, President of the Bombay Provincial Congress Committee. Neither of them was available, but he was able to speak to Mr. Kher, the Chief Minister of Bombay, first on the telephone and then personally in his office. He also saw Mr. Morarji Desai, who was then the Home minister of Bombay State. He told them the story of the plot to assassinate Mahatma Gandhi just as he had heard it from Pahwa. The police at once took the matter up and began a vigorous search for the persons who were reported to be Pahwa's associates.

Godse and Apte arrived at Delhi, by plane, at 12.40 p.m. on January 27. The same afternoon they left for Gwalior by train, reaching there at 10.38 p.m. They drove in a tonga to the house of Dr. Parchure, and stayed the night with him. The object of their visit was to procure a pistol which would fire accurately. In this they were successful, and a pistol was obtained from one Goel who was a member of Dr. Parchure's volunteer corps. Godse and Apte then

returned to Delhi, reaching there on the morning of the 29th. They engaged a retiring-room at the Old Delhi railway station, and stayed there till the next morning. Karkare had in the meantime come to Delhi, on the 28th, by train, and in pursuance of a prearranged plan he met Godse and Apte at the gate of the Birla Temple at noon on the 29th. Godse told him that a pistol had been procured from Gwalior, and that everything was ready for the final accomplishment of their plan. Godse was in a grim mood and began to explain his motives for taking the entire burden upon himself.

'Apte has responsibilities. He has a wife and child. I have no family. Moreover, I am an orator and a writer; I shall be able to justify my act and impress the Government and the court of my good faith in killing Gandhi. Now, Apte, on the other hand, is a man of the world. He can contact people and carry on the **Hindu Rashtra**. You must help him in the conduct of the newspaper and carry on the work of the Hindu Mahasabha.'

In the evening Karkare suggested a visit to the cinema, but Godse repelled the suggestion saying that he wanted to rest. Apte insisted, arguing that a little diversion would take his mind to the business to the following day and cheer him up. But Godse turned away and began reading a book. So Apte and Karkare left him and spent three hours entertaining themselves at the first cinema house they came to.

On the morning of the 30th Godse appeared calm and self-possessed, but a close observer could discern signs of an inner agitation which was battling with a determination to meet his doom with the resignation of a fatalist. He was up first of all, and was bathed and dressed while Apte and Karkare were still asleep. All three had a light breakfast and then drove in a tonga to New Delhi. After paying off the tonga they walked to a thick forest not far from where they had alighted, and Godse fired three or four rounds from his pistol while Karkare standing on a high rock kept watch. Godse was satisfied with the performance of his weapon, and the party returned to Old Delhi.

Godse spoke very little in the afternoon and continued to wear a determined expression. To Karkare he said: 'you will miss me the next time.' What he meant

by 'next time' was not quite clear. At 4.30 p.m. he hired a tonga, and, waving a final good-bye, drove away. Karkare and Apte followed him to Birla House in another tonga a few minutes later. The prayer meeting had not yet started, but a crowd of about 200 persons was awaiting the arrival of Mahatma Gandhi. Godse was moving among the people apparently unconcerned. Suddenly, there was a stirring in the crowd, and everyone stood up to form a passage for Mahatma Gandhi, who was seen coming up slowly with his hands resting on the shoulders of two girls who were walking by his side. As he raised his hands to join them in the customary greeting, Godse took a quick step forward, pushed aside the girl on Gandhiji's right and, standing in front of him, fired three shots in quick succession at point-blank range. Mahatma Gandhi collapsed and fell down, saying 'Hai Ram'

Godse made no attempt to escape. He was caught, and the people nearest to him fell upon him in an attempt to belabour him. A police officer who was present rescued him and led him away from the fury of the crowd. In the panic that followed, Apte and Karkare came out with the people rushing from Birla House. They made ' their way to the Old Delhi railway station and returned to Bombay.

Events now moved rapidly. Pahwa's revelation to Dr. Jain could no longer be regarded as the silly talk of a misguided and imaginative youth. It became proof not only of Pahwa's individual design but of a wider and deeply laid plan in which more than one or two persons were concerned. The field of investigation was widened 'to cover the entire country, and the tempo was accelerated. Arrests followed in quick succession. Badge was taken into custody on January 31, Gopal Godse on February 5 and Dr. Parchure was apprehended from his house in Gwalior the same day. Shankar was arrested on February 6, and Apte and Karkare on February 14. Prolonged interrogation of the prisoners took place, and long statements were made by each one of them. Hundreds of persons were examined, and at last the complete picture of the conspiracy and the manner of its execution were pieced together.

At the trial the defence of the conspirators was a simple one. Godse admitted firing his pistol at Mahatma Gandhi and fatally wounding him; but he maintained that it was his individual act, and nobody else had any concern with or knowledge of what he had planned to do. He could not but admit that he and Apte travelled to Delhi by air on January 17, and again on January 27, each time under assumed names. He further admitted that he and Apte had stayed at the Marina Hotel in New Delhi from January 17 to January 20, and registered their arrival by giving false names. He admitted the brief visit to Dr. Parchure at Gwalior and the facts that he gave a fictitious name to the attendant at the Delhi railway station while booking a retiring-room for himself.

Apte similarly admitted the manner in which he had travelled to Delhi with Godse on both occasions and stayed at the Marina Hotel during their first visit. He also admitted going to Gwalior and seeing Dr. Parchure, but he denied that he had gone back to Delhi with Godse. He said that he had parted company with Godse and returned to Bombay directly from Gwalior.

Karkare admitted coming to Delhi in the company of Pahwa on January 17, and staying at Sharif Hotel under the assumed name of B. N. Bias. He denied having paid a second visit to Delhi and being present there on the day of Mahatma Gandhi's murder. He professed complete ignorance of the alleged conspiracy.

Shankar, when he was examined by the trial judge, after the conclusion of the evidence for the prosecution, made a statement supporting in a large measure the deposition of his employer, Badge, and pleaded that he had merely carried out his master's orders. But after arguments on his behalf had been addressed to the court by his counsel, he retracted his previous statement, and in a written petition explained that he had been compelled by the police to admit the allegations of the prosecution. No police influence could, of course, have been exercised upon him, once the case was placed before the court, and his subsequent resilement must have been the result of persuasion by his co-accused.

Gopal Godse totally denied his participation in the conspiracy and even repelled the allegation that he had gone to Delhi on January 18 and been present there on the 20th.

Pahwa's defence was that he had gone to Delhi to express his resentment against the treatment which was being meted out to refugees like himself. He had been at pains he asserted, to explode the slab of gun-cotton at a safe distance from everyone, so that no harm should be caused by his act.

Dr. Parchure said that Godse and Apte had come to him and asked him to send some volunteers in order to stage a peaceful demonstration at Delhi; but he had flatly refused to fall in with their wishes. He denied that he had helped them to procure a pistol.

The defence plea thus amounted to no more than this: There was no conspiracy to murder Mahatma Gandhi. The explosion of January 20 and the shooting of Mahatma Gandhi were the individual and unrelated acts of Pahwa and Nathuram Godse respectively. No evidence was, however, led by the prisoner in support of their plea, and they contented themselves by challenging the veracity of the prosecution story on the principle that the prosecution case must fall or stand by itself, and a bad case needs no rebuttal.

As already observed, the trial judge acquitted Savarkar and convicted the remaining seven persons, holding that the charge of conspiracy to murder had been proved against all of them.

Since association is the most important ingredient of conspiracy, the attempt of learned counsel for the appellants before us was to break down the links which connected the conspirators. They sought to show that no one except Pahwa was responsible for the outrage of January 20, and Nathuram Godse alone was guilty of the murder of Mahatma Gandhi, while the others did not even know of his intention. The evidence of the witnesses who had seen the various appellants together at different times was vehemently attacked, the unsatisfactory features in their evidence were stressed upon and each minor discrepancy was played out to the full. It is not difficult to pick out inconsistencies and contradictions in the statement of the most truthful witness

after he has been subjected to a lengthy and tiring cross-examination by a clever lawyer. We gave the fullest benefit to every reasonable doubt to the accused persons, rejecting the evidence of any witness whose statement aroused suspicion or whose story did⁷ not sound natural. For instance, it was alleged by the prosecution that on January 20, before going to Birla House, Apte had lent his coat to Pahwa and retained the trousers which matched it. Pahwa was wearing this coat when he was arrested after the explosion, and the trousers were recovered from Apte's trunk on April 16, 1948. Apte had been arrested on February 14; and, taking the view that Apte's house and his belongings must have been subjected to a thorough search at the time of his arrest, we declined to rely upon the belated recovery of the trousers as a piece of evidence proving the close association of Apte and Pahwa immediately before the explosion of January 20. Similarly, we did not accept the story that Karkare and Godse had both spent the night of January 20 in a hotel room at Delhi. The statements of casual witnesses, e.g. taxi and tonga drivers, hotel boot-blacks, chance encounters, were, out of abundant caution, not fully relied upon. There was, however, enough material to hold that a conspiracy had been formed with the object of murdering Mahatma Gandhi, and that Nathuram Godse had acted in the furtherance of the common object of this conspiracy. The fact that all seven persons had gone to Delhi before the 20th of January and some of them had travelled and stayed in hotels under assumed names; the fact that all but one of them admitted their presence at Birla House at the time of the explosion; the fact that a number of hand-grenades were taken by Badge to Bombay and were carried to Delhi, and manner of the hasty dispersal from Delhi of all the conspirators left very little doubt that all of them had gone to Delhi with a common object, and that their simultaneous presence in Delhi was not a mere coincidence. There was ample evidence of association after the explosion of January 20. There was, for instance, a telegram sent by Karkare who was in Bombay, to Apte in Poona, on January 25. The telegram simply said: 'BOTH COME IMMEDIATELY', and this telegram was signed with the name 'B. M. Bias'. The telegram summoned Godse and Apte to Bombay.

We gave Dr. Parchure and Shankar the benefit of doubt and, accepting their appeal, acquitted them. The conviction and sentence of the remaining five appellants were confirmed.

The highlight of the appeal before us was the discourse delivered by Nathuram Godse in his defence. He spoke for several hours discussing, in the first instance, the facts of the case and then the motives which had prompted him to take Mahatma Gandhi's life. He had pursued the same line in the long written statement which he had filed in the trial court, and the following passages taken from this statement will give some indication of his opinions and attitudes:

Born in a devotional Brahmin family, I instinctively came to revere Hindu religion, Hindu history and Hindu culture. I had been intensely proud of Hinduism as a whole. Nevertheless, as I grew up, I developed a tendency to free thinking unfettered by any superstitious allegiance to any 'ism' political or religious. That is why I worked actively for the eradication of untouchability and the caste system based on birth alone. I publicly joined anti-caste movements and maintained that all Hindus should be treated with equal status as to rights, social and religious, and should be high or low on their merit alone and not through the accident of birth in a particular caste or profession. I used publicly to take part in organised anti-caste dinners in which thousands of Hindus, Brahmins, Kshatriyas, Vaishyas, Charmars and Bhangis broke the caste rules and dined in the company of each other.

I have read the works of Dadabhai Naoroji, Vivekanand, Gokhale, Tilak along with books of ancient and modern history of India and of some prominent countries in the world like England, France, America and Russia. Not only that, I studied tolerably well the current tenets of Socialism and Communism too. But above all I studied very closely whatever Veer Savarkar and Gandhiji had written and spoken, as to my mind, these two ideologies had contributed more to mould the thought and action of modern India during the last fifty years or so, than any other single factor had done.

All this reading and thinking brought me to believe that, above all, it was my first duty to serve the Hindudom and the Hindu people, as a patriot and even as a humanitarian. For, is it not true that to secure the freedom and to safeguard the just interests of some thirty crores of Hindus constituted the freedom and the well-being of one-fifth of human race? This conviction led me naturally to devote myself to the new Hindu Sanghatanist ideology and programme, which alone, I came to believe, could win and preserve the national independence of Hindustan, my Motherland, and enable her to render true service to humanity as well.

In 1946 or thereabouts the Muslim atrocities perpetrated on the Hindus under the Government patronage of Suhrawardy in Noakhali, made our blood boil. Our shame and indignation knew to bounds, when we saw that Gandhiji had come forward to shield that very Suhrawardy and begun to style him as 'Shahid Saheb' -a Martyr Soul (!) even in his prayer meetings. Not only that, but after coming to Delhi, Gandhiji began to hold his prayers meetings in a Hindu temple in Bhangi Colony and persisted in reading passages from the Koran as a part of the prayer in that Hindu temple, in spite of the protest of the Hindu worshippers there. Of course he dared not read Geeta in a mosque in the teeth of Muslim opposition. He knew what a terrible Muslim reaction there would have been if he had done so. But he could safely trample over the feelings of the tolerant Hindu. To belie this belief I determined to prove to Gandhiji that the Hindu too could be in tolerant when his honour was insulted.

* * *

Just after that followed the terrible outburst of Muslim fanaticism in the Punjab and other part of India. The Congress Government began to persecute, prosecute the shoot the Hindus themselves who dared to resist the Muslim forces in Bihar, Calcutta. Punjab and other places. Our worst fears seemed to be coming true; and yet how painful and disgraceful it was for us to find that the 15th of August 1947 was celebrated with illuminations and festivities, while the whole of the Punjab was set by the Muslims in flames and Hindu blood ran in rivers. The Hindu Mahasabhaites of my persuasion decided to boycott the

festivities and the Congressite Government, and to launch a fighting programme to check Muslim onslaughts.

* * *

Five crores of Indian Muslim have ceased to be our countrymen; virtually the non-Muslim minority in Western Pakistan has been liquidated either by the most brutal murders or by a forced tragic removal from their moorings of centuries; the same process is furiously at work in Eastern Pakistan. One hundred and ten million people have been torn from their homes of which not less than four million are Muslims, and when I found that even after such terrible results Gandhiji continued to pursue the same policy of appeasement, my blood boiled and I could not tolerate him any longer. I do not mean to use hard words against Gandhiji personally, not do I wish to conceal my utter dissent from and disapproval of the very foundation of his policy and methods. Gandhiji in fact succeeded in doing what the British always wanted to do in pursuance of their policy of 'Divide and Rule'. He helped them in dividing India and it is not yet certain whether their rule has ceased.

* * *

The accumulating provocation of 32 years, culminating in his last pro-Muslim fast, at last, goaded me to the conclusion that the existence of Gandhiji should be brought to an end immediately. On coming back to India he developed a subjective mentality under which he alone was to be the final judge of what was right or wrong. If the country wanted his leadership it had to accept his infallibility; if it did not, he would stand aloof from the Congress and carry on in his own way. Against such an attitude there can be no halfway house; either the Congress had to surrender its will to his, and had to be content with playing the second fiddle to all his eccentricity, whimsicality, metaphysics and primitive vision, or it had to carry on without him. He alone was the judge of everyone and everything: he was the master brain guiding the civil disobedience movement; nobody else knew the technique of that " movement; he alone knew when to begin it and when to withdraw it. The movement may succeed or fail; it may bring untold disasters and political reverses, but that

could make no difference to the Mahatma's infallibility. 'A Satyagrahi can never fail' was his formula for declaring his own infallibility and nobody except he himself knew who a Satyagrahi was. Thus Gandhiji became the judge and the counsel in his own case. These childish inanities and obstinacies coupled with a most severe austerity of life, ceaseless work and lofty character made Gandhiji formidable and irresistible. Many people thought his politics were irrational, but they had either to withdraw from the Congress or to place their intelligence at his feet to do what he liked with it. In a position of such absolute irresponsibility Gandhiji was guilty of blunder after blunder, failure after failure and disaster after disaster. No one single political victory can be claimed to his credit during 33 years of his political predominance.

* * *

So long as Gandhian method was in the ascendance, frustration was the only inevitable result. He had, throughout, opposed every spirited revolutionary, radical and vigorous individual or group, and constantly boosted his Charka, non-violence and truth. The Charka had, after 34 years of the best efforts of Gandhiji, only led to the expansion of the machine-run textile industry by over 200 per cent. It is unable even now to clothe even one per cent of the nation. - As regards non-violence, it was absurd to expect 40 crores of people to regulate their lives on such a lofty plane and it broke down most conspicuously in 1942. As regards truth the least I can say is that the truthfulness of the average Congressman is by no means of a higher order than that of the man in the street, and that very often it is untruth, in reality, masked by a thin veneer of pretended truthfulness.

* * *

Gandhiji's inner voice, his spiritual power and his doctrine of non-violence, of which so much is made of, all crumbled before Mr. Jinnah's iron will and proved to be powerless.

Having known that with his spiritual powers he could not influence Mr. Jinnah, Gandhiji should have either changed his policy or could have admitted his defeat and given way to others of different political views to deal with Mr.

Jinnah and the Muslim League. But Gandhiji was not honest enough to do that. He could not forget his egoism or self even for national interest. There was, thus, no scope left for the practical politics while the great blunders-blunders as big as the Himalayas were being committed.

* * *

Those who personally know me take me as a person of quiet temperament. But when the top-rank leaders of the Congress with the consent of Gandhiji divided and tore the country-which we consider as a deity of worship- my mind became full with thoughts of direful anger.

* * *

Briefly speaking, I thought to myself and foresaw that I shall be totally ruined and the only thing that I could expect from the people would be nothing but hatred and that I shall have lost all my honour, even more valuable than my life, if I were to kill Gandhiji. But at the same time I felt that the Indian politics in the absence of Gandhiji would surely be practical, able to retaliate, and would be powerful with armed forces. No doubt, my own future would be totally ruined but the nation would be saved from the inroads of Pakistan. People may even call me and dub me as devoid of any sense or foolish, but the nation would be free to follow the course founded on reason which I consider to be necessary for sound nation-building. After having fully considered the question, I took the final decision in the matter but I did not speak about it to anyone whatsoever. I took courage in both my hands and I did fire the shots at Gandhiji, on 30th January 1948, on the prayer-grounds in Birla House.

There now remains hardly anything for me to say. If devotion to one's country amounts to a sin, I admit I have committed that sin. If it is meritorious, I humbly claim the merit thereof. I fully and confidently believe that if there be any other Court of justice beyond the one founded by the mortals, my act will not be taken as unjust. If after death there be no such place to reach or to go to, there is nothing to be said. I have resorted to the action I did purely for the benefit of the humanity. I do say that my shots were fired at the person whose

policy and action had brought rack (sic) and ruin and destruction to lacs of Hindus.

* * *

May the country properly known as Hindustan be again united and be one, and may the people be taught to discard the defeatist mentality leading them to submit to the aggressors. This is my last wish and prayer to the Almighty.

My confidence about the moral side to my action has not been shaken even by the criticism leveled against it on all sides. I have no doubt honest writers of history will weigh my act and find the true value thereof on some day in future.

Godse had, while talking to Apte and Karkare, claimed a measure of competence in the arts of writing and public speaking. He made full use of his talents during the trial and at the hearing of the appeal. Before us, he reiterated the arguments he had advanced before the trial judge and supplemented them with some fresh points which he had not thought of before. His main theme, however, was the nature of a righteous man's duty, his **dharma** as laid down in the Hindu scriptures. He made moving references to historical events and delivered an impassioned appeal to Hindus to hold and preserve their motherland and fight for it with their very lives. He ended his peroration on a high note emotion, reciting verses from **Bhagwadgita**.

The audience was visibly and audibly moved. There was a deep silence when he ceased speaking. Many women were in tears and men were coughing and searching for their handkerchiefs. The silence was accentuated and made deeper by the sound of a occasional subdued sniff or a muffled cough. It seemed to me that I was taking part in some kind of melodrama or in a scene out of a Hollywood feature film. Once or twice I had interrupted Godse and pointed out the irrelevance of what he was saying, but my colleagues seemed inclined to hear him and the audience most certainly thought that Godse's performance was the only worth-while part of the lengthy proceedings. A writer's curiosity in watching the interplay of impact and response made me abstain from being too conscientious in the matter. Also I said to myself: 'The

man is going to die soon. He is past doing any harm. He should be allowed to let off steam for the last time.'

I have, however, no doubt that had the audience of that day been constituted into a jury and entrusted with the task of deciding Godse's appeal, they would have brought in a verdict of 'not guilty' by an overwhelming majority.

The final chapter of this sad story takes us to the Central Gaol, Ambalal, where Nathuram Godse and Apte were executed on the morning of November 15, 1949. After the conclusion of the trial they had been sent there to await the decision of the appeal preferred by them. Apte began to write a treatise on some aspects of Indian philosophy which he completed a day or two before his execution. Godse contented himself with regarding a number of books.

The two condemned prisoners were led out of their cells with their hands pinioned behind them. Godse walked in front. His step occasionally faltered. His demeanour and general appearance evidenced a state of nervousness and fear. He tried to fight against it and keep up a bold exterior by shouting every few seconds the slogan 'Akhand Bharat' (undivided India). But his voice had a slight croak in it and the vigour with which he had argued his case at the trial and in the High Court seemed to have been all but expanded. The desperate cry was taken up by Apte who shouted '**Amar rahe**' (may stay forever). His loud and firm tone made an uncanny contrast to Godse's at times, almost feeble utterance. The Superintendent of the goal and the District Magistrate of Ambalal who had come to certify the due execution of the High Court's order observed that, unlike Godse, Apte was completely self-possessed and displayed not the slightest sign of nervousness. He walked with a firm step with his shoulders thrown back and his head held high. Taller than Godse by several inches, he appeared to dominate over him. There was, on his face, a look not so much of defiance and justification of what he had done, as of an inner sense of fulfillment, of looking forward to a rightful end to the proceedings which had occasioned so much sound and fury. It was said afterwards that Godse had, during his last days in gaol, repented of his deed and declared that were he to be given another chance he would spend the rest of his life in the promotion of

peace and the service of his country. Apte, on the other hand, maintained an unrelenting attitude. Till the very end he refused to admit his guilt, nor did he plead his innocence in the cringing tones of a beaten adversary. The study of **Bhagwadgita** and his own experiment in writing a treatise on philosophy may have taught him the futility of protest or prayer, or it may be his naturally stoic temperament, but he walked to his doom with the self-assurance and confidence of a man who is about to receive no more and no less than the expected and deserved reward for doing his duty.

A single gallows had been prepared for the execution of both. Two ropes, each with a noose, hung from the high crossbar in parallel lines. Godse and Apte were made to stand side by side, the black cloth bags were drawn over their heads and tied at the necks. After adjusting the nooses, the executioner stepped off the platform and pulled the lever.

Apte died almost at once and his still body swung in a slow oscillating movement, but Godse, though unconscious and unfeeling, continued to wriggle and display signs of life in the shivering of his legs and the convulsing of his body for quite fifteen minutes.

The dead bodies were cremated inside the gaol, the ground where the pyres had been erected was ploughed up and the earth and ashes taken to the Ghaggar river and secretly submerged at a secluded spot.

Appendix (A) Letters appeared in times of India July-1998

GANDHI Vs GODSE

It is indeed depressing to note that a dastardly murderer of the father of our nation who successfully led us to freedom is being depicted as a national hero like Bhagat Singh or Rani of Jhansi in a drama enacted at Mumbai. Every murder is a crime irrespective of its motive, and the murder of a world figure who was an apostle of peace and love, and to whom the whole nation owes its deep respect and veneration, is the most despicable and cowardly crime. Its glorification not only hurts the national ethos and culture, but also encourages intolerance in public life, and incites that class of people who are not ready to tolerate the opposite view in public affairs, to resort to violence to settle the scores.

Prima facie, this becomes an offence punishable under Section 505 IPC which seeks to punish the making or publishing of any statement which is likely to incite any class of persons to commit any offence against any other class of persons.

If you, by your statements in dramatic performance try to justify a political murder and glorify the murderer, you are inciting a class of political opponents to resort to violence against their political rivals, and when subsequently, you hire an irresponsible scribe to raise you to the status of a national hero, you are destroying a democratic and civilized society where public life is at the mercy of goons.

It is not just enough to stop the performance of this silly drama. The government should not only prosecute the author, performers and the organisers, an impartial inquiry into the whole episode in view of the fact that the Shiv Sena chief has now come out openly to defend this shameful act.

T U Mehta, Ahmedabad. (Ex. Chief-Justice- Himachal Pradesh)

NATHURAM GODSE

(Time of India July 1998)

Apropos your Editorial "No licence to Act" (July 20). the ban on staging of play 'Me Nathuram Godse Boltoy' is unlikely to settle the dust of controversy, rather this has once again thrown open the vexed issues of permissible limits and nature and content of free speech rights guaranteed under the constitution. While it will be justifiably argue that the prohibition on the drama without seeing it is in the nature of pre-censorship, it would be countered contending that even the slightest downplay of Mahatma Gandhi could not be tolerated.

Recurrence of controversies of the kind have been more often than before in recent times. The Rashtrapita was portrayed in advertisement of shoes or the other day was ridiculed on a private television channel; painter Hussain tirelessly goes on to draw nude pictures of Hindu Gods and few year back there was a heated reaction from the nationalists when the apex court had upheld the right of the minority community students to refuse to sing the national anthem. The common moot question is what is the place of freedom of speech and expression vis-a-vis national values in the democracy of our country.

As far as the play on Godse is concerned, and as such in all audio and visual speech and expression, the primary yardstick to judge the permissibility or otherwise of them is not what is said or expressed therein but how, why and with what intention it is said. In the enjoyment of freedom of speech, however, it is most desirable that its expansion has the intake of values of culture, nationalist outlook and national pride and honour. Our national leaders, historical achievement, national symbols and cultural values are the real value-attributes for the society and they have to be protected and respected if their sanctity. Are we to permit licence to say anything on the plea of right to say everything and thereby compromise these ideals and values?

Your editorial is right in saying that the Indian Society should be taught that the freedom of speech has to be exercised in responsible manner. The difficulty

arises because there are no manageable criteria in this regard. Though the constitutionally conferred right to freedom of speech under Article 19(1)(a) is delimited in its enjoyment by the reasonable restrictions provided in Article 19(2). these reasonable restrictions do not contain the ground of national values, pride and honour to restrict freedom of speech and expression. Parliament needs to consider this aspect. ***Nilay V. Anjaria, Ahmedabad.***

FIFTY YEARS AFTER / NATHURAM GODSE

(India Today Aug. 1998)

IN THE EARLY HOURS OF A COLD NOVEMBER MORNING IN 1948, two prisoners were escorted from the death row in Ambala prison. Clutching a map of undivided India in one hand and the bhagwa dhvaj (saffron flag) in another. 38-year-old Nathuram Godse and 37-year-old Narayan Apte walked to the gallows chanting in unison a Sanskrit invocation to the motherland. Godse died instantly, but Apte's end was more painful—he had to be hanged a second time. A few hours later their bodies were cremated outside the prison walls, immediately afterwards, the whole area was ploughed and planted with grass so that no one could identify the spot and build a shrine.

Fifty years later, there is no public shrine in Ambala honouring the assassins of Mahatma Gandhi, in history textbooks, Godse is perfunctorily dismissed as Gandhi's killer and Apte's reputation as the brain behind the murder has been forgotten. For generations of post-independence Indians, they mean nothing and signify even less. Yet, the ghost of Godse refuses to go away. Every now and then it emerges from the recesses of the past to haunt a nation that is still unsure of how to cope with its history. On at least three occasions in the past three decades, the austere Chitpavan Brahmin from Pune has been put in the dock posthumously and made to answer for the three bullets that felled the greatest apostle of non-violence this century.

It happened again this month Pradeep Dalvi's play *Mee Nathuram Godse Boltoy* (I am Nathuram Godse speaking) was calculated to take the Marathi stage by storm. Written in 1984, Dalvi struggled for 14 years to get the script approved by the Stage Performances Scrutiny Board a curious culture police that exists in all states. It took the election of a Shiv Sena-BJP government in the state the appointment of a new board and some minor changes for the play to receive a certificate. Based on Godse's testimony to the Appeals Court in 1948, it sought to skillfully dramatise the flip side of Gandhi's murder. "I wanted to reveal the

assassin's character, his convictions, thinking and why he went out of his way to kill Gandhi." Says Dalvi. "It's important to understand his compulsion."

When it opened to a packed Shivaji Mandir auditorium on July 10. The response was staggering, but in an entirely unexpected way. Godse's spirited denunciation of Gandhi for nurturing a fledgling Pakistan and being insensitive to the plight of Hindu refugees and his passionate appeal for akhand undivided Hindustan were not merely dramatically compelling but emotionally captivating. So powerful was the projection of Godse that the play almost seemed like a justification for a cold.

CRAZY FOR A CAUSE

(India Today Aug. 1998)

LIKE MOST ZEALOTS. THE MURDERERS OF MAHATMA GANDHI were fired with a sense of divine mission. "We were the persons." says Gopal Godse in a matter of fact way. "who felt Gandhi should never meet a natural death. It was not in our hands. It was destiny. So far as we were concerned, he deserved only death as a punishment."

This perverse conviction was, however, not matched by a similar strategic finesse. Judged by contemporary standards, the plot to kill was marked by amateurishness and colossal ineptitude. That they ultimately succeeded in their grisly project owed more to good luck and the Mahatma's complete indifference to his personal security. Initially preoccupied with hare-brained schemes to fight the Razakars in the Nizam's Hyderabad, Narayan Apte came into contact with Digamber Badge, a small-time gun-runner. Madanlal Pahwa, an enterprising refugee from Punjab, and Vishnu Karkare, a hotel owner of Ahmednagar whose conscience was stirred by the massacre of Hindus in Noakhali. Nathuram Godse was more occupied in editing Hindu Rashtra, writing fiery editorials declaiming against the injustice to Hindus and reading Perry Mason thrillers. Together, they had a cause and a desire to do something daring. The only thing missing was target.

That problem was resolved on January 12, 1948. As soon as the tele-printers signalled the news of Gandhi's fast to pressure the Government into paying Rs. 55 crore to Pakistan. Godse and Apte deemed he must die. Godse wrote to his insurance company changing the beneficiaries of his two life policies, his brother Gopal applied to his employers for leave so as to recover a disused revolver he had buried in Kirkee, near Pune, and Apte began a frenetic search for guns and grenades. They decided on January 20 as the D-Day but almost missed the flight to Delhi because they first landed up in the wrong airport. Godse, Apte and Karkare checked into Marina Hotel and the others into the Hindu Mahasabha Bhavan. After a quick round of Birla House they decided on a

five-pronged commando operation. The bomb did go off but the gun did not fire. Pahwa was caught and should have spilled the beans had it not been for the rivalry between the Delhi and Bombay police.

The other conspirators rushed back to Bombay. Then, flush with a generous donation from a benefactor, they haunted for another weapon. Godse, Apte and Karkare flew back to Delhi on January 27, travelled by train to Gwalior and purchased a 1934 Italian-made automatic 9mm Beretta. Returning to Delhi two days later, they checked into the railway retiring room. That evening, Apte and Karkare went to see a film in Chandni Chowk, while Godse went to have himself photographed. The next day, they went to the Ridge behind Birla temple and, for the first time, tested the weapon. It worked.

It worked once again in the afternoon. Godse believed he had saved India. After arrest, he insisted the doctors certify him normal, blooded murder. By the time the play was six shows old, tickets were fetching a handsome premium in the black market. Long exposed to the deification of the Father of the Nation, the audience revelled in a heady dose of revisionist history.

That's when the present intruded into the past. Well aware of the BJP's diffidence on the subject-Godse was initially nurtured by the Sangh Parivar and the RSS was banned after Gandhi's assassination-the Congress chose to make an issue of the play in Parliament. On July 16, it was joined by the rest of the Opposition in demanding a ban on Mee Nathuram Godse Boltoy. In the next two days the issue snowballed. In Kerala the ruling Left Democratic Front even tried to link the matter with a local controversy over the Sivagiri Mutt. Always anxious to keep his liberal credentials intact Prime Minister Atal Binari Vajpayee was particularly agitated on receiving an agonised letter of protest from veteran Gandhian Usha Mehta. He instructed Home Minister L.K. Advani to take action.

For Advani it was an awkward predicament Personally opposed to bans and censorship as an opposition leader he attacked the ban on Salman Rushdie's "The Satant verses" the home minister was never the less aware that the issue could get out of hand Apart from resurrecting the hoary controversy over the

RSS alleged involvement in the Gandhi murder there was the danger that the Opposition would use the issue to disrupt both Parliament and the Maharashtra Assembly. He first advised the Mahohar Joshi Government to ensure that the issue didn't become a law and order problem. But before the state Government could act he bowed to Vajpayee's pressure and advised the state Government to prohibit its performance. The Government Advani told Parliament, "strongly disapproves of anything that denigrates the hallowed memory of Mahatma Gandhi and belittles the unique role he played in leading the nation of freedom." The lofty statement barely concealed the fact that the Government had bowed to pressure and succumbed to expediency.

The Center's "advice" left the Maharashtra Government with no option but to prohibit the play. Says state Culture Minister Pramod Navalkar, the man behind the crusade against lurid advertisements and shows in pubs: "We were not very pleased to ban it. But we couldn't let it become a law and order issue either." Shiv Sena supremo Bal Thackeray, who has never concealed his admiration for Godse, wasn't pleased either. "I interpret it as prohibition, not as ban," he said dourly.

Next, it was the turn of the Left to join the "ban" wagon so as to please the Congress. The Kerala police raided the offices of Tapathi Pusthaka Prasadhaka Sanghom (operating from the RSS office) in Kannur, seized 25 copies of the Malayalam translation of Godse's court deposition, *May It Please Your Honour*, and arrested the printer. The Government used its powers under Section 153 of the Indian Penal Code that permits action to prevent the spread of communal hatred. It conveniently ignored a 1983 court ruling that section 153 cannot be misused to thwart historical research.

This month's events mark the fourth time that Godse has been at the center of a storm since his execution. First, the Government prohibited the distribution of Godse's testimony in court, despite it being a part of the court records. Second, the Delhi Administration banned the original Marathi version of Gopal Godse's *Gandhiji's Murder and After* when it was published in 1967, Gopal, the younger brother of Nathuram was sentenced to life imprisonment for his role in

the Gandhi murder plot and released from prison in 1965. He challenged the ban in the Bombay High Court. In a landmark 217-page judgment delivered in 1968, the court said. "We think that the claim of the publisher that Gandhi's assassination is now a matter of history' ...is fairly justified. "Considering the government's claim that the book would contribute to communal disharmony. The high court said it was least concerned with the author's motives. The central theme of the book Partition and Gandhi's murder-was deemed a legitimate subject for study by any citizen of India.

The Bombay High Court judgment came too late to reverse the Government's ban on American academic Stanley Wolpert's *Nine Hours To Rama* published in 1962. Actually, the novel on Gandhi's assassination was a casualty of its celluloid version, directed by Mark Robson (of *Peyton Place* fame) and starring German actor Horst Buchholz as Godse. For reasons unknown, the Union Cabinet disapproved of the film after a private showing in November 1962-at the height of the Sino-Indian war. In 1988, when Penguin India.

CULT FOLLOWING

(India Today Aug. 1998)

There are many in Pune who still revere Godse and Apte. For the families of the Mahatma's killers, upholding their legacy is a matter of intense pride.

MINUTES BEFORE HE faced the gallows in Ambala jail, Nathuram Godse had his will testified by the magistrate presiding over his execution. "My ashes," he instructed his elder brother Dattatraya. "may be sunk in the holy Sindhu river when she will again flow freely under the aegis of the flag of Hindustan... It hardly matters even if it took a couple of generations for realising my wish. Preserve the ashes till then..."

After cremation, the ashes of Godse and Narayan Apte were not handed over to their families. Jail officials took the urns to a railway bridge and dropped the ashes into the Ghaggar river. Later in the afternoon, one of them narrated the experience to a shopkeeper in the *bazaar*. The shopkeeper in turn hurriedly whispered the information to Indrasen Sharma, a local Hindu Mahasabha worker employed by *The Tribune*. Sharma accompanied by two fellow Mahas'abhaites. Immediately left for the spot. "The river was only six inches deep." says Sharma, now living in retirement in Delhi, "and we managed to collect half a matka of ashes." That *matka* has handed over Om Prakash Kohal, a lecturer in a local college, who in turn passed it on to one Dr L.V. Paranjape in Nasik. There it lay in safe custody until it was handed over to Gopal Godse in 1965 after his release from prison. It is now preserved, as per Godse's wishes, in a silver urn in a residential flat in Pune.

Each November 15, since 1950. Godse's "martyrdom day" is observed in Pune. First, the portraits of Godse and Apte, inset in a map of *akhand* Hindustan are garlanded. Then, lamps-the numbers signifying the years since his death-are lit and an *aarti* performed. Finally, the audience takes a collective pledge to work towards full-filling Godse's dream of a united India. "It took the Jews 1,600

years to recover Jerusalem." Says Gopal Godse and each year they took the pledge next year Jerusalem.

The gatherings are small-though the number of Godse ceremonies across India has actually grown in recent years-but to the committed. Godse remains the symbol of a cause. "Those of us who were young and believed in the Hindu Mahasabha ideology did feel that Gandhi deserved to die for his anti-national activities." says Vikram Savarkar, whose uncle Veer Savarkar was the ideological guru of Godse and Apte. "There is a part of the *samaj* that realised the significance of Nathuram's act." says Gopal Godse. "There was sympathy but people were also afraid."

The tear was understandable. After Gandhi's death, the ire of Congress workers was directed at the Brahmins of Pune. There was organised rioting and Pune was under curfew for a week. Later many were detained by the police because of their links with the RSS and Hindu Mahasabha. "It was difficult time," recounts Sindhu Godse, Gopal's wife. "Our house was looted and we were teased and harassed. That was Gandhism." Sindhu was even advised by many well-wishers to revert to her maiden name. She refused. "I was married into the Godses. Even if I fall down, I will remain a Godse. I proudly said I was Nathuram's sister-in-law."

"My confidence about the moral side of my action has not been shaken even by the criticism levelled against it on all sides." Godse told the Appeals Court confidently. That sense of righteousness has rubbed off on the Godse and Apte families.

Champutai Apte was only 14 when she married the dashing and chain-smoking "Nana" Apte. By 31 she was widowed, and a year later lost her only child. Today she lives in the attic of her father's ancestral house, her only luxury an old alarm clock kept in a glass case. Her only reminder of her husband is an old photograph and her *mangalsutra* that she continues wearing- "He told me not to live like a widow". Always aloof from politics, she only got to know of Apte's involvement in the Gandhi murder after his arrest in Mumbai was she angry? "I

was not angry. He has given his life for the nation. I am living a proud life. What regret?"

That reassurance has come from the support of Pune's closely knit Chitpavan Brahmin community. In the vanguard of revolutionary nationalism, the light-eyed Chitpavan Brahmins were among the first to embrace Hindutva, an ideology they perceived as the logical extension of the legacy of Shivaji, the Peshwas and Lokmanya Tilak. Out of place in both the social reform movement of Mahatma Phule and the mass politics of Mahatma Gandhi, large numbers of them looked to Sarvarkar, the Hindu Mahasabha and finally, the RSS for inspiration. The Godse cult stems from this mindset and time has only proved a partial healer.

Godse was a familiar figure in Pune in the 1940s and Apte's father was a respected scholar involved in charitable work. They were part of the old city's Brahmin establishment. Their role in the Mahatma's murder may have shocked the city but the act didn't make the Godses and Aptes social outcasts. Sindhu Godse ran a small engineering business while Gopal was in prison and Champutai retired as a nursery schoolteacher. "My children never suffered in school," says sindhu the teaching Community was very understanding adds Champutai: "I too never suffered. The community was very supportive."

That supportiveness did not stem from a belief that Gandhi deserved to die. The murderers of India's greatest son were nurtured in an ambience where Gandhism was equated with effeteism. These were modern India's early elites who prospered under the Peshwas, benefited from English education, supported the early nationalists and got lost in democracy. For this they held Gandhi responsible.

—SWAPAN DASGUPTA and ASHOK MALIK sought the Home Ministry's permission for a paperback edition of the novel, it was informed that "we have reviewed the file and have no reason to change our decision to ban the book". The ban persists to this date though extracts of the book are freely accessible on the Internet.

What explains this strange reluctance on the part of successive governments to permit any public deliberation on the Gandhi murder? Gandhi was one of the most outstanding personalities of this century. His leadership of the national movement was unquestioned and his role in history is assured. His assassination was a dastardly act and Godse stood condemned by public opinion much before the judicial verdict against him was pronounced. In death, Gandhi and Godse may have got intertwined but in life they were simply not on par. So why is Godse's critique of Gandhi being singled out of official action.

From a liberal point of view, the heavy-handedness of the Government is inexplicable. "Controversial ideas need to be debated in public." says Wolpert, who was at the centre of another controversy in 1996 over his biography of Jawaharlal Nehru, pointing to the fact that even Adolf Hitler's *Mein Kampf* is available in countries that were invaded and brutalised by the Nazis. "If we keep banning art and books, where will we end up?" asks National School of Drama Director Ram Gopal Bajaj. Adds playwright Girish Kanard: "Whatever its critique of Mahatma Gandhi, we all have a right to see the play and decide for ourselves. What worries me is the proliferation of an old RSS-Shiv Sena technique: collect 200 to 300 people, create a law and order problem, divert attention from the actual creative work and cause a situation where a ban seems the easy way out."

In the case of Godse, however libertarian arguments are met with reservations. If former Congress president Sitaram Kesri is gung-ho that "the ban is totally justified because glorification of Gandhi's assassin means that as a nation we are endorsing what he did others are a little more cautious. Says leader Somnath Chatterjee: "Ordinarily one wouldn't support an attempt to interfere with the freedom of expression but in a situation in which a play is being used to portray a murder as a martyr one cannot but reluctantly support such a measure."

That freedom is not absolute licence is conceded by all, but does it have to be tempered with political expediency "killing Gandhi didn't put the end to Gandhism." says Maharashtra Deputy Chief Minister Gopinath Munde.

"Stopping the play doesn't mean that Godse's ideology will be banned." Munde is right, but will find it daunting to apply the same logic to his government's offensive against painter M. F. Husain and sundry pop stars. Conviction cannot become a matter of political convenience. In Maharashtra, the Shiv Sena and a section of the BJP are understandably sore at having been forced to stop Dalvi's play. Will this experience now prompt them to abandon state sponsored exercises in ideological and cultural purification? Or will it prompt a wave of savage ideological retaliation centered on counter-intolerance? **A section of the saffron camp certainly feels that the Vajpayee Government is pulling its punches and not doing enough to prompt the party's distinctiveness.** This, however, is a fringe view. The leadership sees in the Godse controversy an opportunity to extricate the party from the taint of being "Gandhi's killers". Now in positions of authority the BJP is in search of respectability and wouldn't mind jettisoning the last strands of the Godse connection. Having placed Gandhiji in the Sangh Parivar pantheon, the BJP is unlikely to regress.

In any case, pre-determined ideology is inadequate to comprehend the complexities of Godse. The assassin of Gandhi wasn't a crank along the lines of the murderers of Martin Luther King and John F. Kennedy. Godse failed to matriculate but he was nevertheless an accomplished Marathi polemicist with definite and clear views of what constituted right and wrong. "It was not a *supari* Killing, says former Hindu Mahasabha president Vinayak Savarkar who knew both Godse and Apte."Godse was a learned man. He had ideological reasons for doing what he did."

Those ideological reasons were spelt out by Godse in his lengthy deposition to the court. In it, with copious references to philosophy and contemporary politics, he spelt out his belief and Gandhi "had no right to vivisect the country, the image of our worship. But he did it all the same". From all accounts it was a masterly performance. Even the judges were impressed. **Justice G.D.Khosla, who sat on a three-bench court of appeal/ later wrote that women could be seen sobbing after Godse's final deposition.** "I have... no doubt that had the audience of that day been constituted into a jury... they would have brought in

a verdict of not guilty by an overwhelming majority. "Gopal Godse, in fact, traces the Government's determination to suppress the debate about his brother to the power of his arguments. "They did not want the truth to emerge."

Such a suggestion seems unduly conspiratorial. The Government's real fear stemmed from the high emotive content of Godse's justification of his "moral but "illegal" act. In the context of the 1950s, when Indian democracy was still in its infancy, it was a legitimate fear. Partition and its accompanying horrors were still fresh in the popular imagination and Godse's message was calculated to have an inflammatory effect. But that was 50 years ago. Today; much of what angered Godse and his coconspirators is of academic interest. The refugees from Pakistan have resettled and even prospered and Indian nationhood hasn't been bartered away, as Godse feared. Even Hindutva is alive and kicking. A ban born out of anxiety has little relevance. Godse has been tried, found guilty and punished. He now belongs to history.

Actually, it was the Mahatma who had the proverbial last word. When Godse's associate Madanlal Pahwa, a refugee from Punjab, threw a bomb at his prayer meeting a few days before the murder, Gandhi implored forgiveness and understanding. Indicating that Pahwa may have been miss-guided by the Bhagwat Gita, he nevertheless cautioned: "The youth should realise that those who differed from him were not necessarily evil.'

It's a message that should be compulsory reading for those politicians who insist on playing football with the past.

Please read further for understanding Gandhiji's views on "Partition of India" a recent publication of Mani Bhavan Gandhi Sangrahalaya- Mumbai-named as "Gandhiji's on Partition" - Views of Gandhiji's gathered from "Collected works of Mahatma Gandhi" available at Mani Bhavan, Labournum Road, Gamdevi, Mumbai-400007.

G.D. KHOSLA Gopal Das Khosla was born at Lahore on December 15, 1901 and the first few years of his life were spent in various towns of Punjab where his father a member of the Civil Service, was posted from time to time. He was educated at St. George's College, Mussorie, and Emmanuel College, Cambridge, where he took the B.A. (Hons.) degree in Mathematics in 1923. In 1925, he became a Civil Servant. As Magistrate, and later Session judge, he saw a great deal of urban and rural Punjab, and had ample occasion to study the Punjabi, way of life in its different aspects. He was a judge of the Punjab High Court. He took an active interest in Music, dramatics and culture of Northern India, and was anxious to promote tourism, especially in the mountainous regions of India. From his childhood, Khosla has been interested in the world of letters. The study of Urdu and Persian in his school days gave him a taste for languages, and while in Europe he learnt to read and speak French. He was a regular radio broadcaster and had given more than 200 talks at home and abroad. His major literary works are *Stern Reckoning*, *our Judicial System*, *Himalayan Circuit*, and *The Price of wife*.