

Mahatma Gandhi: Statement in the Great Trial of 1922

[The historical trial of Mahatma Gandhi and Shri Shankarlal Ghe-labhai Banker, editor, and printer and publisher respectively of *Young India*, on charges under Section 124 A of the Indian Penal Code, was held on Saturday, 18th March 1922, before Mr. C. N. Broomfield, I. C. S., District and Sessions Judge, Ahmedabad.]

Sir J. T. Strangman, Advocate-General, with Rao Bahadur Girdharlal Uttamram, Public Prosecutor of Ahmedabad, appeared for the Crown. Mr. A. C. Wild, Remembrance of Legal Affairs, was also present. Mahatma Gandhi and Shri Shankarlal Banker were undefended.

Among the members of the public who were present on the occasion were: Kasturba Gandhi, Sarojini Naidu, Pandit M. M. Malaviya, Shri N. C. Kelkar, Smt. J. B. Petit, and Smt. Anasuyaben Sarabhai.

The Judge, who took his seat at 12 noon, said that there was slight mistake in the charges were then read out by the Registrar. These charges were of “bringing or attempting to excite disaffection towards His Majesty’s Government established by law in British India, and thereby committing offences punishable under Section 124 A of the Indian Penal Code,” the offences being in three articles published in *Young India* of September 29 and December 15 of 1921, and February 23 of 1922. The offending articles were then read out: first of them was, “Tampering with Loyalty”; and second, “The Puzzle and its Solution”, and the last was “Shaking the Manes”.

The Judge said that the law required that the charges should not be read out but explained. In this case it would not be necessary for him to say much by way of explanation. The charge in each case was that of bringing or attempting to excite into hatred or contempt or exciting or attempting to excite disaffection towards His Majesty’s Government, established by law in British India. Both the accused were charged with the three offences under Section 124 A, contained in the articles read out, written by Mahatma Gandhi and printed by Shri Banker.

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

Gandhiji said: “I plead guilty to all the charges. I observe that the King’s name has been omitted from the charge, and it has been properly omitted.”

The Judge asked Shri Banker the same question and he too readily pleaded guilty.

The Judge wished to give his verdict immediately after Gandhiji had pleaded guilty, but Sir Strangman insisted that the procedure should be carried out in full. The Advocate-General requested the Judge to take into account “the occurrences in Bombay, Malabar and Chauri Chaura, leading to rioting and murder”. He admitted, indeed, that “in these articles you find that non-violence is insisted upon as an item of the campaign and of the creed,” but he added “of what value is it to insist on non-violence, if incessantly you preach disaffection towards the Government and hold it up as a treacherous Government, and if you openly and deliberately seek to instigate others to overthrow it?” These were the circumstances which he asked the Judge to take into account in passing sentence on the accused.

As regards Shri Banker, the second accused, the offence was lesser. He did the publication but did not write. Sir Strangman’s instructions were that Shri Banker was a man of means and he requested the court to impose a substantial fine in addition to such term of imprisonment as might be inflicted upon.

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

Gandhiji: I would like to make a statement.

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

Gandhiji: I shall give it as soon as I finish it.

[Gandhiji then made the following oral statement followed by a written statement that he read.]

Before I read this statement I would like to state that I entirely endorse the learned Advocate-General’s remarks in connection with my humble self. I think that he has made, because it is very true and I have no desire whatsoever to conceal from this court the fact that to preach disaffection towards the existing system of Government has become

almost a passion with me, and the Advocate-General is entirely in the right when he says that my preaching of disaffection did not commence with my connection with *Young India* but that it commenced much earlier, and in the statement that I am about to read, it will be my painful duty to admit before this court that it commenced much earlier than the period stated by the Advocate-General. It is a painful duty with me but I have to discharge that duty knowing the responsibility that rests upon my shoulders, and I wish to endorse all the blame that the learned Advocate-General has thrown on my shoulders in connection with the Bombay occurrences, Madras occurrences and the Chauri Chaura occurrences. Thinking over these things deeply and sleeping over them night after night, it is impossible for me to dissociate myself from the diabolical crimes of Chauri Chaura or the mad outrages of Bombay. He is quite right when he says, that as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should have known the consequences of every one of my acts. I know them. I knew that I was playing with fire. I ran the risk and if I was set free I would still do the same. I have felt it this morning that I would have failed in my duty, if I did not say what I said here just now.

I wanted to avoid violence. Non-violence is the first article of my faith. It is also the last article of my creed. But I had to make my choice. I had either to submit to a system which I considered had done an irreparable harm to my country, or incur the risk of the mad fury of my people bursting forth when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it and I am, therefore, here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not plead any extending act. I am here, therefore, to invite and cheerfully submit to the highest penalty that can be inflicted upon me for what in law is a deliberate crime, and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is, as I am going to say in my statement, either to resign your post, or inflict on me the severest penalty if you believe that the system and law you are assisting to administer are good for the people. I do not except that kind of conversion. But by the time I have finished with my statement you will

have a glimpse of what is raging within my breast to run this maddest risk which a sane man can run.

[He then read out the written statement:]

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

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

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

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

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

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

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

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

The greater misfortune is that the Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many Englishmen and Indian officials honestly believe that they are administering one of the best systems devised in the world, and that India is making steady, though, slow progress. They do not know, a subtle but effective system of terrorism and an organized display of force on the one hand, and the deprivation of all powers of retaliation or self-defence on the other, has emasculated the people and induced in them the habit of simulation. This awful habit has added to the ignorance and the self-deception of the administrators. Section 124 A, under which I am happily charged, is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote, or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried

under it; I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege, therefore, to be charged under that section. I have endeavored to give in their briefest outline the reasons for my disaffection. I have no personal ill-will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be able to write what I have in the various articles tendered in evidence against me.

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

Source:

<http://www.gandhi-manibhavan.org/gandhicomelive/speech3.htm>