



**REPORT
OF
COMMISSION OF INQUIRY
IN TO
CONSPIRACY TO MURDER
MAHATMA GANDHI**

PART I

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PART I

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Vol. I

Introduction

1.1 This Commission was appointed by notification dated March 22, 1965, S.O. 992. Mr. Gopal Swarup Pathak, M.P., was appointed to make the Inquiry. On his being appointed a Minister, I was appointed to conduct the Inquiry on November 21, 1966. The terms of reference were:—

- (a) whether any persons, in particular Shri Gajanan Viswanath Ketkar, of Poona, had prior information of the conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi;
- (b) whether any of such persons had communicated the said information to any authorities of the Government of Bombay or of the Government of India; in particular, whether the aforesaid Shri Ketkar had conveyed the said information to the late Bal Gangadhar Kher, the then Premier of Bombay, through the late Balukaka Kanetkar;
- (c) if so, what action was taken by the Government of Bombay, in particular by the late Bal Gangadhar Kher, and the Government of India on the basis of the said information.

This notification was amended by notification No. 31/28/68-Poll.I(A) dated October 28, 1968, making clause (c) to read as follows:—

- (c) if so, what action was taken by the Government of Bombay, in particular by the late Bal Gangadhar Kher, and the Government of India and by the officers of the said Governments on the basis of the said information.

1.2 To assist this Commission, Mr. G. N. Vaidya was engaged by the Government of Maharashtra and Mr. K. S. Chawla, Barrister-at-Law was appointed for the Government of India. The Government of India then replaced their counsel and engaged Mr. B. B. Lall, Advocate, who appeared before the Commission as from February 10, 1968. Mr. G. N. Vaidya having been raised to the Bench, Mr. R. B. Kotwal took his place.

1.3 After I was appointed to conduct the Inquiry, notices were issued under rule 2(1) (a) of the rules under the Commissions of Inquiry Act (Act LX of 1952).

1.4 The Commission examined 101 witnesses and 407 documents were produced by the two Governments and witnesses who appeared before the Commission. The examination of the witnesses took 162 days at various places where the Commission had to sit for the convenience of the witnesses—Bombay, New Delhi, Dharwar, Nagpur, Poona, Baroda and Chandigarh.

1.5 As the matter under inquiry was of great importance to the two Governments, the Commission allowed them full opportunity

to produce evidence and to cross-examine witnesses whom the Commission called and the Commission is glad to say that the witnesses who were summoned appeared most willingly and without demur suffered the strain and embarrassment if not the discomfort of searching cross-examination. Counsel argued their respective cases for 50 days out of which Mr. R. B. Kotwal took 37 days and Mr. B. B. Lall 13. Commission thought it fit to give full latitude to Counsel to put their respective cases before the Commission. A list of the sittings on different dates and the number of witnesses examined, and their names are set out in the appendix I.

1.6 The Commission is glad to say that it got full co-operation from witnesses as well as from Counsel but for which it might have been difficult to make the Inquiry.

1.7 The Report is in six volumes. The evidence recorded by the Commission is contained in five volumes and the documents produced before it are contained in another five volumes. Besides this, the record of the proceedings before Judge Atma Charan had also to be perused as some of the statements were made parts of the evidence before the Commission. The case diaries of the Delhi Police investigation into the bomb case and the murder case and the Crime Report of the Bombay Police as also some of the files produced by the Government of India, Director, Intelligence Bureau and by the Inspector-General of Police, Delhi, have been made parts of the record.

1.8 The Commission wishes to thank all those officers who throughout assisted the Commission in its Inquiry and also those officers of the Government of India as well as of the Government of Maharashtra who have produced the documentary evidence required by the Commission or were necessary to subserve the smooth working of the Commission. In this matter, the Government of Maharashtra has been particularly helpful and they placed all the relevant records which were in their possession. The Government of India have also placed such documents which were in their possession and the Director, Intelligence Bureau has also done the same. But for their willing co-operation it might not have been easy to conduct this Inquiry or to bring it to a successful end.

1.9 Commission wishes to thank counsel who have conducted their respective cases with diligence and ability. But for their assistance it might not have been possible to unravel the skein of tangled facts submitted before the Commission.

1.10 The scheme which the Commission has followed is this that in every chapter where facts had to be discussed the Commission has set out a narration of facts giving its opinions on questions of facts wherever necessary but as the Commission is a fact-finding body and the conduct of several officers of Government and the action and inactions of Ministers has had to be inquired into and commented upon, the Commission thought it expedient in the interest of justice to give wherever it was necessary a resume of the evidence of each of the important witnesses. This has, in many cases, led to repetition and duplication but because the question of the responsibility of officers and Ministers was involved the Commission has had to adopt this pattern in spite of the danger of repetitions.

1.11 During the course of the Inquiry the official acts of persons who are unfortunately dead have also had to be inquired into and commented upon but in such cases the Commission has been careful to refer to all the documentary and other evidence which have been placed before the Commission. In most cases the authors of these documents were the deceased persons themselves or they were compiled under their directions. It is unfortunate that the actions of persons who are dead have had to be inquired into and sometimes adversely commented upon but that was inevitable in view of the nature of the inquiry.

1.12 Some witnesses have made statements in regard to certain eminent persons, who could not be examined either because they are out of India or due to reasons of health and *lapsus memoriae* due to lapse of time. Commission has avoided, as far as it was possible and consistent with its duty, which the Commission had in regard to fact-finding, commenting upon the actions of such persons but wherever it was absolutely unavoidable the Commission has not hesitated to make its comments.

1.13 The Report of the Commission has been divided into chapters and sub-chapters. In Chapter II are set out the facts preceding and leading to the setting up of this Commission. In Chapters III and IV the Commission has discussed what it has called 'Inquiries' held after the murder of Mahatma Gandhi. They include the inquiry made on 31st January after the funeral of Mahatma Gandhi, the interpellations in the Constituent Assembly, the trial of the Murder case, and the explanations given by the police officers of Delhi and Bombay after certain adverse remarks were made by Judge Atma Charan in his judgment and the action taken by the Government of India thereupon. At Bombay also there were similar Inquiries. They include the interpellation in the Bombay Legislative Assembly, a quasi inquiry by the Inspector General of Police, Bombay, the debate in the Bombay Legislative Assembly in 1949, and the explanation given by the Bombay police after the adverse remarks. In Chapter V the scope of the present Inquiry and the interpretation put on the language used in the Notification constituting the Inquiry have been discussed. Chapter VI deals with the background of the accused in the Murder case and Chapter VII with the jurisdiction of the Commission. In Chapter VIII the constitutional responsibility of Ministers has been dealt with.

1.14 The Commission has next taken up and discussed the general conditions in the country at the time when the murder took place. Three incidents which happened previous to the murder in 1944 and 1946 are dealt with in Chapters IX to XI. They are the alleged attack on Mahatma Gandhi at Panchgani and Wardha and the attempted derailment of the Gandhi Special on Kalyan-Poona section.

1.15 In Chapter XII the conditions in Delhi just before and after the murder have been discussed at some length in 9 sub-chapters XII-A to XII-I. In Chapters XIII and XIV the conditions at Alwar and Gwalior have been discussed.

1.16 Chapters XV to XVII deal with conditions prevailing in the Maharashtra region of Bombay Province i.e. at Poona and Ahmednagar. Chapter XVIII deals with conditions in Bombay.

1.17 As the murder of Mahatma Gandhi had a communal origin, three communal organisations the Hindu Mahasabha, the R.S.S., and the Rashtra Dal have been discussed in Chapter XIX.

1.18 The terms of reference (a) and (b) are discussed in Chapters XX and XXI, the latter has been divided into two parts 'A', and 'B'. 'A' deals with prior knowledge at Delhi and 'B' with Bombay.

1.19 Chapter XXII deals with term of reference (c). Under this head fall the investigation at Delhi and Bombay and these have been divided into three chapters XXIII, XXIV and XXV.

1.20 Findings have been given in Chapter XXVI.

1.21 In the matter of Waters Inquiry protest was raised in the British Parliament about the injustice done by inquiries held under the Tribunals of Inquiries Act of 1921 corresponding to the Commissions of Inquiry Act and the defect has been referred to by Lord Devlin in his broadcast on the B.B.C. which is reported in the *Listener* dated 12th December, 1968. This is what Lord Devlin has said:—

"Under our system it's the responsibility of the advocate on each side—I use that term to cover both barrister and solicitor—to see that all the relevant facts are brought before the judge. This is what is known as the adversary system as opposed to the inquisitorial. When, for example, a government inquiry is set up to investigate, let's say, the causes of a national disaster, there is no opposition of adversaries, and the commission of inquiry has to be armed with powers to ascertain the facts for itself. Under the adversary system it's presumed that if each side produces the evidence in its own favour, the judge will at the end of the day have the whole picture in front of him. Indeed, I think myself that he will get a better picture that way than if he does the job himself."

In judging the results of an Inquiry this onesidedness has always to be kept in view. But there is no other method devisable.

1.22 The Commission has been subjected to criticism sometimes complimentary and sometimes adverse. Those who have held high judicial office may be impervious to and may not be affected by such criticisms; but such criticisms are likely to affect the public mind and it is unfortunate that unlike in England such criticisms cannot be taken notice of by superior courts and there may be some constitutional difficulty about it.

1.23 The Commission has not examined the then Governor General, Earl Mountbatten, because he was not in India but he has been mentioned in the statements of certain witnesses from which certain deductions may have unwittingly been made. Commission would like to say that it expresses no opinion on the correctness or otherwise of the statements made by witnesses in regard to matters with which His Lordship was connected.

CHAPTER II—FACTS

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CHAPTER II

Facts

2.1 Facts which have preceded and given rise to this reference are these:

2.2 On December 10, 1945 Mr. Jinnah first suggested the possibility of the exchange of population "if it could be done purely on a voluntary basis", which the Hindus and Sikhs and other non-Muslims of the Punjab, North West Frontier Province, Sindh and Bengal rejected most vehemently. On November 24, 1946 Mr. Jinnah at a press conference at Karachi said that the question of exchange should be taken up immediately to which the reaction of non-Muslims throughout India was most unfavourable though it was supported by the Muslim League but in the Punjab only one League leader supported it e.g., the Nawab of Mamdot.

2.3 On 2nd June 1947 Lord Mountbatten announced a three-fold plan for solution of the Indian problem, one of which was the partition of the country—Pakistan to have Muslim majority areas of the Punjab, Sindh, Baluchistan and Bengal. There was to be a plebiscite in N.W.F.P. but that also went in favour of Pakistan. A fortiori the rest of territories of the country were to form India.

2.4 In pursuance of their demand for Pakistan the Muslim League in about March 1947 observed what was the Direct Action Day the consequence of which was that Hindus and Sikhs in the western districts of the Punjab, particularly in rural areas were subjected to indescribable atrocities which in one of the northern districts of the Punjab was termed the 'Rape of Rawalpindi'. Consequent upon this and particularly after the announcement of the Partition plan the Hindus and Sikhs of the western districts of Western Punjab started leaving their hearths and homes and migrated into eastern districts of the Punjab, Delhi and into western U.P. which *inter alia* created a law and order problem in those parts. There had been in 1946 what were euphemistically called Hindu-Muslim riots in Noakhali and Tipperah districts of East Bengal which had resulted in forcible conversions, murder, rape, abduction, etc., of which the victims were solely Hindus. Mahatma Gandhi thereupon with a party of his ashramites went on a peace mission to Chaumuhani in Noakhali district on November 7, 1946 and remained in that district till March 3, 1947. After leaving Noakhali the Mahatma came to Bihar and from there came back to Calcutta and after visiting Kashmir and again visiting Patna and Calcutta returned to New Delhi on September 9, 1947 and stayed at Birla House instead of at Bhangi Colony.

2.5 From Noakhali he came to Patna via Sodepur near Calcutta. He returned to Delhi but went back to Patna and returned to Delhi on May 25, 1947. From there he went to Srinagar and Jammu and

Wah and again went to Calcutta on August 7, 1947. He finally returned to Delhi on September 9, 1947, after having stayed in a Muslim locality in Calcutta (Beliaghata) and when he arrived in Delhi he was shocked to hear about the riots in the capital—see 'Mahatma Gandhi' by Tendulkar, Vol. VIII, page 134.

2.6 Sometimes in the end of December, 1947 the Government of India decided to postpone the payment of 55 crores Pakistan's share of cash balances. It was a freeze and the payment was to await an overall settlement.

2.7 On January 4, 1948 the Delhi Maulanas complained to Mahatma Gandhi about their safety putting moral pressure upon him, which from all accounts greatly disturbed the Mahatma.

2.8 According to some witnesses Lord Mountbatten also was putting moral pressure on the Mahatma in regard to the payment of 55 crores, the non-payment of which, according to him, would have tarnished the fair name and honour of India. Pyarelal in his book at page 700 has given a slightly different version and has called it invited advice. He also impressed upon Mahatma Gandhi the necessity of exerting his influence to prevent the exodus of Muslims from Delhi to Pakistan. The Commission has not examined Lord Mountbatten and it expresses no opinion on the correctness or otherwise of statement regarding moral pressure.

2.9 On January 13, 1948 at 11.55 A.M. the Mahatma undertook a fast with two objectives (i) to undo the decision regarding the payment of the cash balances to Pakistan, and (ii) to produce an atmosphere of proper Hindu-Muslim amity in Delhi. A fuller account of this will be given later. On January 15, 1948, i.e., on the third day of the fast the Government of India announced that it had decided to pay the 55 crores cash balances to Pakistan immediately. This greatly incensed militant sections of the Hindus, particularly the Hindu Mahasabha. The Mahatma in his post-prayer speeches had been insisting that the Muslims should not be disturbed from their habitations and that the Hindu refugees who had come should not indulge in violence so as to create a situation which would force the Muslims to leave their homes.

2.10 During Mahatma's fast there were processions taken to Birla House to protest against Mahatma's fasting in order to coerce Government of India to pay 55 crores and to prevent the rehabilitation of Hindu refugees into houses left vacant by the Muslims who had taken refuge in Purana Quila, Humayun's Tomb, etc. Some of the refugees were so incensed that they took out processions and slogans were shouted 'MARTA HAI TO MARNE DO' (If Gandhi wants to die, let him die). However, as a result of the fast an atmosphere was created which according to Pyarelal's book* softened the hearts of a large section of the Hindus and the leaders of the Hindus and the Muslims agreed to sign a four-point pledge to keep peace and harmony.

* Mahatma Gandhi the Last Phase, Vol. II

2.11 On the morning of January 18, 1948 the Peace Committee which had been formed after the Mahatma's undertaking the fast gave a pledge assuring Gandhiji (i) that the annual fair at Khawaja Qutabuddin's Mausoleum at Mehrauli will be held as usual, (ii) Muslims will be able to move about in Delhi, (iii) Mosques left by the Muslims and taken possession of by Hindus and Sikhs will be vacated, Muslim areas will not be forcibly occupied, and (iv) the Hindus will not object to the return of Muslims who had migrated, whereupon t.^o Mahatma gave up his fast taking orange juice from the hands of Maulana Azad at 12.45 P.M.

2.12 On January, 1948 a meeting under the auspices of the Hindu Mahasabha was held in which they expressed indignation over the payment of 55 crores, described Mahatma's fast as being helpful to Pakistan, a boost to the value of property of Muslims in Delhi and it was ridiculing the Hindus and Sikhs all the world over. Some derogatory remarks were made against Mahatma Gandhi calling him a dictator who would soon meet the fate of Hitler. On the 19th January 1948 the Secretary of the Hindu Mahasabha Mr. Ashutosh Lahiri issued a pamphlet Ex. P-25 in which he repudiated the Hindus being any party to the four-point pledge and repudiated those Hindus who were parties to it.

2.13 Police reports show that the Sikhs were also unhappy about the fast which was for the protection of Muslim rights and did not do anything for the Hindus and Sikhs. Police reports also show that the Mohammedans passed resolutions at two meetings on the 19th and 23rd January 1948 recognizing the selfless services of Mahatma Gandhi.

2.14 We might go back a few days; a conspiracy was formed in Poona, Bombay etc. to murder Mahatma Gandhi in which some Maharashtrians and one Punjabi, Madanlal by name, were the participants. Gopal Godse's evidence discloses that the conspirators were many more though he does not say so in so many words. In pursuance of the objects of the conspiracy the conspirators came to Delhi by air and rail between the 17th and 19th January and took up residence at hotels and the Hindu Mahasabha Bhawan. On the 18th January 1948 some of the conspirators attended Mahatmaji's prayer meeting at Birla House at 5 P.M. That was to reconnoitre the place and the crowds. On the morning of 19th January 1948 some of them got accommodation at the Hindu Mahasabha Bhawan. The Police case was that this they got by getting a chit from Nathuram Godse in the name of his friend the Secretary of the Hindu Mahasabha Bhawan, but this fact was not established. On 19th morning the conspirators met in the Hindu Mahasabha Bhawan and in the afternoon chalked out a programme to kill Mahatma Gandhi. On the 19th January 1948 three of the conspirators Godse, Karkare and Apte went to the Birla House, took note of the Police arrangements there and surveyed the prayer ground. At 4 P.M. the same day i.e. 19th January 1948 they again came to the prayer ground at 10 P.M. five of them met at the Hindu Mahasabha Bhawan and held confabulations.

2.15 On January 20, 1948 Nathuram Godse was ill and four of them again went to the Birla House to survey the place. They returned to the Hindu Mahasabha Bhawan at 10.30 A.M. Somewhere at about mid-day tested their revolvers in the jungle behind Hindu Mahasabha Bhawan. In the afternoon they met at Marina Hotel and chalked out their final plan of action.

2.16 At 4.45 P.M. they came to the Birla House and there on the back wall Madanlal ignited a gun-cotton slab which has been called a bomb. Madanlal was arrested at the spot and on search of his person a handgrenade was recovered amongst other things. Three of them who were with Madanlal escaped in the taxi in which they had come and returned to Connaught Place. Three others who were in the prayer meeting itself also escaped after mixing with the crowd. At this stage their names and details of escape are not necessary. Their movements will be given in detail later.

2.17 The two principal conspirators N. V. Godse and Apte left the same evening by train from Delhi main station and returned to Bombay via Kanpur and Allahabad on the evening of 23rd January 1948.

2.18 The third Gopal Godse stayed the night at the Frontier Hindu Hotel and left for Bombay the next morning by the Frontier Mail i.e. on 21st January 1948. The fourth Karkare stayed in Delhi upto the afternoon of the 23rd and left Delhi on the 23rd January 1948 and by taking short distance trains and bus journeys and by breaking his journey *en route* reached Kalyan on the morning of 26th January 1948. The remaining two Badge and Shankar took the Bombay Express from Delhi Main Railway Station on the 20th January 1948 reaching Kalyan on the 22nd morning and then proceeded to Poona and reached there the same day. In this manner all the conspirators escaped from Delhi unnoticed and untraced and went back to Bombay as shown above.

2.19 On January 20, the bomb was thrown and on the 21st January morning newspapers came out with news about the bomb incident. Peculiarly enough, *The Times of India*, Ex. 106, *The Statesman*, Delhi, Ex. 106-A, *The Bombay Chronicle* of Bombay, Ex. 107 came out with prominent banner lines but *The Hindustan Times*, Ex. 106-B, gave a more prominent place and caption about Kashmir—AGREED FORMULA ON KASHMIR—and then in column Nos. 4 and 5 another caption also fairly prominent “GANDHIJI EAGER TO GO TO PAKISTAN” but in column 5 it just gave the caption in comparatively smaller letters “Bomb goes up near prayer grounds” and then instill small letters “Gandhi did not even turn his head”.

2.20 *The Times of India* gave an account of what its Special Representative learnt in regard to the incident. *The Statesman*, Delhi gave out the story that there was a formidable plot on the life of the Mahatma. A Police Inspector said, “The bomb was intended to create confusion even though it was powerful enough to kill many people. The handgrenade was apparently to be used against the Mahatma himself”. The story given in the *Bombay Chronicle* of

Bombay was that the person who threw the bomb confessed that he had done so because he did not like the peace campaign of Mahatma Gandhi.

2.21 Two sets of investigations, independent of each other, were started—one at Delhi under Ch. XIV of Cr.P.C. and the other at Bombay. It is a matter of controversy under what law the latter was undertaken and whether it was an investigation at all. But without here deciding the question the Commission will call it an investigation as did Mr. Nagarvala himself in his letter Ex. 8. The course of Delhi investigation was as follows.

2.22 The First Information Report under sections 4 and 5 of Explosive Substances Act was lodged by Mr. K. N. Sahney, Magistrate, Ist Class, Karnal, wit. 25 which was recorded at the Tughlaq Road Police Station at 6-30 P.M. and the investigation started thereafter by the S.H.O. Sub-Inspector Dasondha Singh, wit. 14.

2.23 Before the First Information Report was actually recorded Madanlal was searched and a handgrenade was found on him showing his real intention as anything but innocent. He was questioned at the Birla House and was then taken to the Parliament Street Police Station where some high ranking police officers interrogated him and he is alleged to have made a statement, Ex. 6, which has given rise to a sharp controversy. But this much is uncontroversial that he gave the name of Karkare and also disclosed where he and his companions had stayed. The two places mentioned by him, i.e., Marina Hotel and the Hindu Mahasabha Bhawan were raided and in the former it was discovered that two of the conspirators stayed under assumed names of 'S' and 'M' Deshpande and they had hurriedly left. In the room where they stayed a document Ex. P-25 was found, showing their close connection with the Hindu Mahasabha which is noted in paragraph 17 of the first case diary.

2.24 On the 21st January a remand of 15 days was obtained, Madanlal was taken to the Civil Lines Police Station where he was interrogated and this interrogation continued upto the 24th January when he made a fuller statement, Ex. 1, wherein he mentioned the proprietor of the "Hindu Rashtriya" paper as a co-conspirator but did not mention the "Agrani" or the editor.

2.25 On further enquiry it was discovered that the number of the taxi by which the culprits had arrived at Birla House and which was noted down by the witnesses was a wrong number as that was the number of a G.N.I.T. bus.

2.26 On the same day two police officers were flown to Bombay but the case diary No. 2A of their departure does not show what documents, if any, were taken by them and what exactly they were required to do in Bombay and there was no mention of a requisition required under section 54 (Ninthly) Cr.PC.

2.27 On 23rd January, Kali Ram, a bearer of the Marina Hotel produced some clothes three of which had the marking 'N.V.G.' but it does not appear that either the Delhi Police or the Bombay Police made any use of this discovery. There is no evidence that it was ever conveyed to Bombay Police.

2.28 Interrogation continued on the following day and with the permission of the District Magistrate, one Mehta Puran Chand, Advocate, interviewed Madanlal while his interrogation was going on which naturally had to be interrupted. A copy of the full statement of Madanlal was given to Mr. U. H. Rana, D.I.G., C.I.D., Bombay on January 25, 1948, and he proceeded to Bombay the same night via Allahabad because flying did not suit him but surely he did not need to go via the Triveni, unless no accommodation in the direct train could be arranged for him. Meanwhile on the 24th the Delhi policemen who had gone to Bombay returned and on 25th they made a complaint of the treatment or mistreatment that they had received at the hands of Mr. Nagarvala and of the Bombay Police.

2.29 It is stated that special policemen were posted at important places in order to trace the culprits. The interrogation of Madanlal continued but nothing useful was discovered. On the 29th January 1948 the police discovered the taxi used for the commission of the offence and also who its driver was.

2.30 On 30th January, 1948, while the Mahatma was proceeding to the prayer meeting and had just stepped on to the prayer ground, he was shot at by Nathuram Godse who was arrested there and then and his name given then was 'Narayan Vinayak Godse'. The diary shows that he was the accomplice in the Bomb Case who was described by Madanlal as the editor of the "Rashtriya" newspaper Poona. A photograph of the assassin's pistol is attached herewith. (See next page).

2.31 The other culprits who had accompanied Nathuram Godse escaped from Delhi and subsequent investigation was carried on in Bombay under the direction of Mr. U. H. Rana by Mr. J. D. Nagarvala as the Special Additional Superintendent of Police, Delhi.

2.32 It is not necessary at this stage to trace the movements of the conspirators who escaped after the bomb was thrown. Godse and Apte the two principal conspirators had escaped to Bombay reaching there on the 23rd. They went via Kanpur and Allahabad. They flew back to Delhi on January 27, 1948 under assumed names and then took a train to Gwalior where they stayed for the night at Dr. Parchure's house. The next day they purchased a pistol from one Goel and returned to Delhi on the morning of the 29th and stayed at the Delhi Main Railway Station in a retiring room where they were met by Karkare. On the 30th they first practised in a jungle behind Birla Mandir "istol shooting", reconnoitred the Birla House which they had as a matter of fact done the previous day also and Nathuram Godse committed the offence on the 30th at 5.00 p.m. after had paid his obeisance at the statues of Shivaji Maharaja and in Peshwa.



Ex. 270 C—Photo of the pistol. (Para. No. 230)

2.33 Nathuram Godse was arrested at the spot as above stated but Apte and Karkare again escaped from Delhi and went back to Bombay where they were arrested on 14th February 1948 under circumstances which would indeed be romantic had the matter been not so tragic.

Bombay Inquiry

2.34 The scene now shifts to Bombay where on an information given by Prof. J-i'n investigation was carried on between 21st January and 30th January. This is an unfortunate chapter of opportunities missed, errors committed and of assuming exaggerated notions about oneself. After the explosion of the bomb Prof. J. C. Jain of the Ruia College got a little unnerved because Madanlal had disclosed to him before going to Delhi that he and his companions were going to murder Mahatma Gandhi which he had considered to be a mere boast though in fact he did not take the matter so lightly. But he was hesitant, dithering and failed to give this information to any authority.

2.35 On the 21st he met the Premier and the Home Minister of Bombay and made them the recipients of this vital information with a request to Mr. Morarji Desai not to disclose his name to anyone. Mr. Morarji Desai in his turn called the Deputy Commissioner of Police Mr. Nagarvala, but as he could not come at once he asked him to come to the Central Station of the B.B. & C.I. Railway from where he was leaving for Ahmedabad to give this vital information to Sardar Patel. Mr. Morarji Desai conveyed to Nagarvala the information that he had received and directed him to arrest Karkare and his associates and to watch the house of Savarkar because both these persons were mentioned by Prof. Jain to him.

2.36 Nagarvala promptly got into touch with his contacts and his informers, instructing them to locate Karkare and his associates. He learnt from Ahmednagar that Karkare was not there.

2.37 It is not necessary at this stage to give a resume of what Mr. Nagarvala did or what steps he took. But briefly stated, he learnt that one Balraj Mehta and Avtar Singh of the Sher-i-Punjab Hotel were in the conspiracy. Information from Ahmednagar was that Badge of Poona, a dealer in illicit arms, was a close associate of Karkare; and his contacts informed him that Savarkar was the real instigator of the conspiracy and his illness was feigned. Savarkar's house was kept under watch. Nagarvala's informants also told him that there were many other conspirators, about 20 Punjabis and Maharashtrians, with a large following. Efforts were made to find out the haunts of those persons. From 22nd onwards the police tried to find out the whereabouts of Karkare and Badge, particularly in Hindu Mahasabha Bhawan at Parel. Watch was kept on the Arya Pathik Ashram where two suspicious looking Punjabis were staying. They were suspected to be associates of Balraj Mehta.

2.38 Mr. Rana the D.I.G. (C.I.D) arrived in Bombay on the 27th stayed with Mr. Nagarvala who told him of the steps he had

taken upto then and both of them had a long distance talk with Mr. Sanjevi, the D.I.B. and then gave him full details of what had been done upto then. Rana had taken with him the statement of Madan Lal which he showed to Nagarvala who read one or two pages but took it back from him saying it was too long and promised to send him a copy from Poona which he never did.

2.39 After the murder when Nagarvala learnt the name of Nathuram Godse, he arrested the various suspects and interrogated Savarkar's Secretary Damle and his Bodyguard Kasar. Limaye who had been detained told the police that if Nathuram Godse was the murderer, Apte must have been with him and that they must have consulted Savarkar.

2.40 The murder of Mahatma Gandhi, who was acknowledged to be the Father of the Nation and who had not only preached but practised non-violence for four decades and who had led India to independence, produced anguish and even consternation not only amongst the leaders of public opinion and the Government of the day, but also amongst the millions who constituted the newly emerged independent Indian nation.

2.41 Everyone was anxious to know how the apostle of peace and non-violence could meet such a tragic end. And, therefore, what one may conveniently call inquiries were started both in Delhi and in Bombay which were the two places principally concerned with the tragic events culminating in the murder of the Mahatma.

2.42 In Delhi there were four inquiries: (1) an informal one on the 31st January, 1948, (2) interpellation in the Constituent Assembly on February 6, 1948, (3) trial of the accused in the Court of Judge Atma Charan, Special Judge, and (4) explanation called from the police officers who had been in charge of Mahatma Gandhi's protective measures and of the investigation after the bomb was exploded.

2.43 In Bombay similarly there were what may, for the want of a better word, be called inquiries. Including the court case which was in Delhi, there were five inquiries in Bombay: (1) interpellation in the Bombay Legislative Assembly; (2) explanation called by Mr. Kamte, Inspector General of Police, from Mr. U. H. Rana, Deputy Inspector General of Police and his explanation; (3) the trial in the Court at Delhi of Judge Atma Charan; (4) Cut Motion in the Bombay Legislative Assembly in March 1949; and (5) the explanation of Mr. J. D. Nagarvala, Deputy Commissioner of Police and what followed thereupon. These will be briefly dealt with in the following chapters.

CHAPTER III—INQUIRIES—DELHI

Index of Paragraphs

Meeting at Sardar Patel's house on 31-1-1948—
1st Inquiry

Interpellations in the Constituent Assembly

Third Inquiry

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Ex. 7, note of Mr. Sanjevi as explanation

Mr. Rana summoned by Mr. Sanjevi, Ex. 7 contd.

Ex. 7 contd. Ex. 9 attached

Note, Ex. 7, summed up

Mr. Iengar's remarks

Letters of Mr. Nagarvala, Exs. 8 and 9.

CHAPTER III

Inquiries—Delhi

First Inquiry

3.1 The shock of Mahatma's murder and the fact that it could be committed openly in the prayer grounds in spite of the precautions taken led to an inquiry at the earliest opportunity as to where the things went wrong. This was by way of an informal meeting where the matter was discussed.

3.2 The object of this meeting, according to Mr. R. N. Bannerjee (wit. 19), was to devise measures to protect the living i.e. the Ministers and other high dignitaries. It also appears that the meeting reviewed the circumstances which led to the assassination of Gandhiji despite previous warnings and the facts disclosed by Madanlal's statement.

3.3 After the funeral, a meeting was called at a very short notice at the house of the Home Minister in the evening of 31st January, 1948. According to Mr. Bannerjee's statement before Mr. Pathak as witness No. 17, the following were present: Prime Minister Nehru, Deputy Prime Minister Sardar Patel, Mr. B. G. Kher, Premier of Bombay, Mr. Rajagopalachari, Governor of West Bengal, and Mr. Bannerjee and Mr. Sanjevi, Mr. D. W. Mehra's note Ex. 10-A dated February 1, 1948, besides these names, gave the names of Rajkumari Amrit Kaur, Mr. Morarji Desai, the Chief Commissioner and himself. A copy of this note is Ex. 10-A produced by Mr. D. W. Mehra before this Commission.

3.4 The confessional statement of Madanlal was read by Mr. Sanjevi, who also said that he had sent a copy of that statement with two police officers, who were flown to Bombay on 21st January, 1948, but the two police officers returned after two or three days and complained that the Bombay police did not take any notice of them and had asked them to return to Delhi and that they would themselves look into the matter. The confessional statement of Madanlal was then read which disclosed a conspiracy to murder Mahatma Gandhi which had been in existence for some time. In the statement, Madanlal had given names and particulars of the conspirators, two or three haunts in Bombay which were mentioned as meeting places of conspirators and Madanlal told the police, "PHIR AYEGA". From this Mr. Bannerjee understood that the conspirators would return to Delhi to kill Mahatma Gandhi. At the discussion it came out that Godse had reconnoitred the prayer ground at Birla House on the evening of the 29th, i.e., a day before the murder. It also came out at the meeting that Mr. Sanjevi gave

no information to either the Deputy Commissioner of Delhi or to Mr. Bannerjee. Mr. Bannerjee said:—

"I will put it to gross incompetency and lethargy on the part of Mr. Sanjevi that he did not care to inform either me or to remind the Bombay police as to what action they had been taking."

Mr. Sanjevi said at that meeting that he had not reminded the Bombay police after the return of the Delhi police officers sent by him. This emerged in the course of the meeting. Everyone present was in great anguish and Mr. Sanjevi admitted that he had not reminded the Bombay police.

3.5 Mr. Bannerjee was recalled before this Commission. He added that besides the gentlemen he had named before, Mr. Shankarrao Deo was also present at that meeting. The account that he gave at this hearing was that the confessional statement of Madanlal which had been recorded earlier was read out. He said:—

"This was the first intimation that we from Pandit Nehru downward got that there was a confessional statement and certain information was contained in it which if properly utilised would have resulted in the arrest of those persons who were participants in the murder of Mahatma Gandhi. In the statement, the particulars and the haunts of some of the persons who were subsequently accused and convicted of murder were given. If the police had been vigilant, it should have been possible for them to have arrested those persons."

3.6 Mr. Bannerjee added:—

"None of us knew about the particulars of this conspiracy. Mr. Sanjevi never gave us any information about it. When he was asked why he had not done so, he just said, 'he was sorry he just did not do it'. I put this due to the incompetency and lethargy of Mr. Sanjevi not to have informed or to have ordered the Bombay police to send their men here or to have reminded the Bombay police in regard to the information which was sent to them."

3.7 Mr. Bannerjee was asked by the Commission as to whether Ex. 6 or Ex. 36 the first alleged statement of Madanlal was read out or some other statement. His reply was that he could not recollect what was read out but what was read out gave more particulars about Bombay haunts and about 'PHIR AYEGA'. Commission then showed him Ex. 5, the original of which is Ex. 5-A, and he was asked if that statement was ever shown to him. He replied:—

"We never saw any papers. Some papers were in the hands of Mr. Sanjevi and he read out extracts therefrom."

He added that he understood from Mr. Sanjevi's statement that full confessional statement of Madanlal was sent to Bombay, the substance of which was that Apte and Godse must have gone back to one of their haunts in Bombay. But no such statement has been produced before the Commission.

3.8 In cross-examination by Mr. Vaidya, Mr. Bannerjee said that when they came back from the cremation of Mahatma Gandhi, a meeting was called at a very short notice where everybody was in a mournful mood, and "the Sardar asked Sanjevi what had happened and he came out with the allegation that the names had been sent to Bombay police and nothing was done there. It was that part which was emphasised by Mr. Sanjevi there". Mr. Bannerjee added that Sardar Patel was in great anguish and so were "we all but I told Sardar Patel that he could not have done anything more than to ask his police to be vigilant". Further, he said:—

"I feel it very difficult to be able to reconcile this statement of the Superintendent of Police, C.I.D., with the scene I recall of the meeting of the 31st January, 1948, at which everybody was in extreme anguish and was surprised to hear that there was a conspiracy and the names of the conspirators were disclosed in the statement of Madanlal."

Mr. Bannerjee again repeated that the words, "PHIR AYEGA", were mentioned at the meeting on the 31st January by Mr. Sanjevi. He thought it was Mr. Sanjevi but he could not say exactly who said these words. Those words did come at the meeting but he could not say for certain by whom they were said. He then added that he might have heard these words later after the meeting.

3.9 Mr. Bannerjee also said that after the 30th January, Government felt rather guilty about not having taken preventive or punitive action against the R.S.S., although in Mr. Bannerjee's opinion those who conspired to murder Mahatma Gandhi did not do so as members of the R.S.S. "An informal decision at the post-funeral meeting was that the R.S.S. should be banned immediately and secret instructions should issue to Provincial Governments the same night", but somehow or the other the news of banning leaked out and the leaders of the movement went underground. Mr. Bannerjee categorically stated that at that meeting nobody from top to the bottom knew that a statement had been made by Madanlal or what the contents of the statement were.

* 3.10 There is some documentary evidence to show as to when the meeting was held and what was stated by Mr. Sanjevi there, but the dates do not accord. There is a difference of a day.

3.11 In his letter, Ex. 7-A, dated February 20, 1949 to Mr. H. V. R. Iengar, Secretary to the Ministry of Home Affairs, Mr. Sanjevi said in paragraph 3 as follows:—

"I mentioned these facts briefly to H.M. and the P.M. on the night of the 1st February, 1948 at H.M.'s residence, when His Excellency the Governor-General (then Governor of West Bengal), the Premiers of U.P. and Bombay and Mr. Shankar-rao Deo were also present."

3.12 According to the personal diary of Miss Maniben Patel, Ex-273, there was a meeting after the cremation on 31st January 1948 at 7-30 P.M. Those present were Rajaji, Pantji, Balasahib Kher, Mehra, Bannerjee, Shankarrao Deo, Shankar and Mr. Jairamdas Daulatram. Balasahib Kher talked on the phone to Mr. Morarji Desai at Bombay and Raja Maharaj Singh also talked from Bombay to Mr. Nehru on the phone.

3.13 In the note Ex. 7-B in paragraphs 2 and 3 are given the steps taken in regard to augmenting the police personnel. Besides the uniformed police, one Sub-Inspector, four Head Constables, and two Constables in plain clothes, armed with revolvers were deputed for the personal security of the Mahatma. Three were stationed on the pathway which led to the prayer meeting and their duty was to spot possible offenders. Uniformed police at the gate had instructions to stop all persons about whom they had any doubt.

3.14 The police officers on duty were given the descriptions of the men who were with Madanlal when the bomb had exploded and they were told to keep a sharp lookout for them. There is, however, no evidence of these officers having been of any utility whatsoever or to have done anything to prevent Godse and others like him getting near Gandhiji.

3.15 An account of this meeting is also given by Mr. M. K. Sinha, wit. 44. His statement is mere hearsay because he was not present. What he stated was that after the funeral, there was a meeting at the Home Minister's house and among those present were the Prime Minister, the Chief Minister of U.P. and several others including Mr. R. N. Bannerjee. Mr. Sinha said, "I was also told that Madanlal's confessional statement was read by Pantji and he asked Sanjivi as to why he did not arrest or arrange to get these persons who were named by Madanlal arrested". His reply was that no names had been mentioned in the statement but Pantji told him that descriptions and some addresses were mentioned and he could easily have had them arrested only if he had taken the trouble to do so.

3.16 Even though the Evidence Act does not strictly apply to proceedings before the Commission, yet the Commission does not think it right to take into account this hearsay evidence even though it may be corroborative in nature.

3.17 So this was the first inquiry, an informal one no doubt, where Sanjivi was asked as to what had happened. He produced a confessional statement of Madanlal which, according to Mr. Bannerjee, contained the names and haunts of some of the accused. According to Miss Maniben Patel, wit. 79, Sanjivi had said that he had sent a copy of the full statement made by Madanlal the substance of which was (1) that Apte and Godse must have gone back to Bombay, (2) there were two or three hanuts at Bombay. That is what Mr. Bannerjee has also stated. Thus, it appears from this evidence that the question of conspiracy was first disclosed at this meeting. Sanjivi read out from the confessional statement of Madanlal but what or which that confessional statement was, is not quite clear

from the evidence produced before this Commission. No statement of Madanlal has been produced before the Commission which comprises all that Mr. Bannerjee says was said at the meeting.

3.18 Mr. D. W. Mehra has produced before the Commission a copy of the note which was prepared by him and was presented before the high-powered meeting, Ex. 10-A. It is a copy of Ex. 10 with the note of Mr. Sanjevi Ex. 7. It sets out the increase in the number and deployment of police at the Birla House after the Bomb incident. It mentions that screening of visitors was suggested by Superintendent Bhauá to Mr. Brij Krishan Chandiwala which he would not agree to and then a similar suggestion by Mr. Mehra himself to Gandhiji was also rejected. It then gives an account of the murder and arrest of Nathuram Godse and also what statement Madanlal made on 20th January, wherein he gave only one name and there is no mention of the editor of the 'Agrani'.

3.19 Amongst what may be termed non-officials who were present at this meeting were Mr. C. Rajagopalachari, Mr. Jairamdas Daulatram, and Mr. Shankarrao Deo, who fortunately are alive but the efforts of the Commission to get them to appear before it proved fruitless because for one reason or another they did not appear and they pleaded complete forgetfulness about the incident. Thus, very valuable evidence about what explanations were given by Mr. Sanjevi remained unavailable to the Commission. But Commission well understands the position of these eminent citizens of India, who due to age and lapse of over two decades, might well have forgotten the details of what took place at that very sad and unhappy occasion.

Second Inquiry

3.20 The Members of the Constituent Assembly took the earliest opportunity to interpellate the Home Minister to elicit information as to the circumstances leading to the assassination of Mahatma Gandhi, which is shown by Ex. 142 dated February 6, 1948. In reply to Mr. Ananthasayanam Ayyangar, Sardar Patel gave details of the precautions taken prior to the bomb incident and also what was done after it. He gave the details of increase in the strength of the Police stationed at Birla House and also the number of plain clothes policemen deployed there and the instructions given to the Police. The Police, he said, considered that they should be allowed to search every stranger attending the prayer meetings but to this Gandhiji did not agree. Sardar Patel stated that he had himself pleaded with Gandhiji for allowing the Police to do their duty in regard to his protection but he was unsuccessful and that as the Police apprehended, this weak spot was successfully taken advantage of, by the assassins and Gandhiji was murdered.

3.21 In supplementary questions the Home Minister was asked as to the precautions taken to prevent the repetition of the incident, what these precautions were and whether sufficient steps were taken to protect the life of the Ministers of Government. The Home Minister replied that consistent with the wishes and inclinations of

Ministers sufficient precautionary measures had been taken. There were supplementary questions by another Hon'ble Member about Nathuram Godse and whether the Police had lost track of him. In reply the Home Minister said that after the arrest of Madanlal a copy of the statement of Madanlal was taken to Bombay C.I.D. Arrests were not made because it was considered inexpedient to do so as by so doing the other conspirators would have gone underground. Therefore, after consultation between the Bombay and the Delhi Police it was decided that for the moment no arrests should be made. The Bombay Police was on the track of the conspirators but they were not all in Bombay.

3.22 Asked whether photographs could have been procured of those persons, the reply was that all of them were not at one place and it was not possible to have photographs of people like that.

3.23 The Home Minister also stated that it was not possible for the police to take any precautions without consulting Mahatma Gandhi.

3.24 So this interpellation shows that—

(1) The police considered the search of visitors to Birla House the most efficacious form of protection to which the Mahatma was not agreeable.

(2) There was after the bomb an increase in the number of policemen stationed to guard Birla House and a detachment of troops was also stationed to guard and prevent trespassers.

(3) After the arrest of Madanlal a copy of his statement was taken by Delhi Police to Bombay C.I.D.

(4) After consultations between the Bombay Police and Delhi Police it was decided not to make arrests for the moment, in order to prevent the conspirators going underground.

(5) Bombay Police were on the track of the conspirators.

(6) All the conspirators were not at one place and, therefore, it was not possible to get their photographs.

3.25 Now there are inaccuracies in these answers and in one particular it is a question for determination as to what document was taken by the Delhi Police officers to the Bombay C.I.D. The Commission has little or no evidence to show that the Police knew that the group of conspirators was at one place or different places or where they individually or collectively were. As a matter of fact the police had not been able to establish the identity of the conspirators till after the murder.

Third Inquiry

3.26 Then there was the trial of the accused for conspiracy to murder Mahatma Gandhi in the Court of Judge Atma Charan, Special Judge. An appeal against this judgment was taken to the East Punjab High Court where it was heard by a Full Bench who

upheld the judgment except that two of the convicted persons i.e. Dr. Parchure and Shankar Kistayya were acquitted. This has been dealt with in the Chapter "Scope of the Inquiry".

3.27 The trial judge passed adverse remarks against the Police with which the Appeal Court disagreed and exonerated the Police of all blame.

Fourth Inquiry

3.28 After the adverse remarks made against the police by Judge Atma Charan, the Government of India called for what may for the lack of a better word, be called explanation of the Investigating Police officers regarding those remarks. The replies show the course of investigation of the Bomb Case both in Delhi and in Bombay and what the police had to say in reply to the learned judge's adverse comments. Commission will first deal with Mr. Sanjevi's explanation and then with what Mr. Nagarvala had to say as to the investigational processes in Bombay.

3.29 A document of some importance produced before the Commission is Ex. 7 which is a note by the then Director of Intelligence Bureau, the late Mr. Sanjevi, dated February 20, 1949. It was submitted to Government of India for the information of the Home Minister and was intended to be Mr. Sanjevi's explanation in reply to Judge Atma Charan's strictures against the Police. It contains some useful information and is more or less a contemporary record of events but because of its exculpatory trends in favour of the Delhi Police and opprobrious slant against the Bombay Police, it requires a more careful scrutiny and critical analysis than the opinion of so highly placed a police official as the D.I.B. would have merited.

3.30 A short resume of the document would show how Mr. Sanjevi viewed the investigation into the Birla House Bomb Case and what, according to him, the police at Delhi and Bombay had respectively done, what investigation they carried out, and also what information was conveyed to him by the officers of the two respective forces.

3.31 The Ex. 7 is divided into 11 paragraphs each one of which is important.

3.32 In the first paragraph Mr. Sanjevi has set out the facts of the occurrence on the evening of January 20, 1948; and explosion of the bomb by Madanlal Pahwa and his arrest at the spot and escape of his companions; recovery of the handgrenade from his possession; his interrogation and his statement on the 20th January mentioning Karkare and editor of the Agrani and giving description of others; formation of the conspiracy at Bombay; how the conspirators came to Delhi, where they stayed and what they did. Therefore, the Delhi Police had a fair idea of the formation of the conspiracy, of the principal offenders and sufficient material to proceed against the editor of the Agrani and thus to crack the

conspiracy and apprehend the conspirators. And if the Bombay Police was informed, it should have been easier still for them.

3.33 The course of investigation at Delhi is then given and also their making inquiries at Jullundur where they drew a blank.

3.34 It then states that Mr. Sanjevi himself visited the scene of occurrence and made inquiries from the Police Superintendent of New Delhi. The next day he ordered 2 Police officers to fly to Bombay "to contact Mr. Nagarvala, Deputy Commissioner of Police Bombay, and Rao Sahib Gurta, A.D.I.G. (C.I.D.) Poona". They took with them Ex. 5-A which officers of the Law Commission, after some effort, found with the original case diary of the Bomb Case lying somewhere in the Delhi District Record Room.

3.35 The Delhi Police continued with its investigation and ordered its C.I.D. to be on the look-out for the conspirators whose descriptions were given in a document Ex. 244 which is a bundle of corrections, contradictory descriptions and a mere look at it will show its worthlessness.

3.36 Paragraph 4 sets out the protective measures taken at Birla House. It shows that the previous strength of the guard consisting of a Head Constable and 4 Constables which were placed at Birla House in September, 1947, was increased after the throwing of the Bomb to 1 Assistant Sub-Inspector, 2 Head Constables and 16 Foot Constables. In addition, a plain clothes staff of 1 Sub-Inspector, 4 Head Constables and 2 Constables, all armed with revolvers, were also detailed for protective duty. The note then mentions the precautions in the nature of search of persons attending the prayer meetings which were sought to be taken, but could not be taken because of the objection of Mahatma Gandhi and by those who were round about him in his party. A copy of the note showing the protective measures which had been taken at Birla House was attached, annexure VI, Ex. 7-B.

3.37 The note then proceeds to state the steps taken at Bombay. It mentions that the two officers with all the information furnished to the Delhi Police by Madanlal flew to Bombay and stayed at the Universal National Restaurant and met Mr. Nagarvala the next day and gave him all the information that they possessed. Mr. Nagarvala told them that he also had received information about the case and had deputed special men to locate the wanted persons. He warned them that nobody should know about their presence in Bombay and so they should not stay in the city because if the suspected persons came to know of their arrival the whole plan of their arrests would be "ruined". He ordered the police officers to go about in *mufti*. The two officers again met Mr. Nagarvala at his office. They gave him the facts of the case and also showed him the note on Madanlal's statement from which Mr. Nagarvala took extracts. "The Delhi Police officers told him that one of the accused was the editor of the 'Agrani' or the 'Hindu Rashtriya' newspaper. The description of all the accused persons as disclosed by Madanlal,

was communicated to him". The Police officers again met Mr. Nagarvala and he told them, "his information was that there were more persons in this conspiracy. He said that there were about 20 persons. He added that he had made special arrangements for Karkare in Bombay, Poona and Ahmednagar. About the other persons connected with this case, he said that he had located three or four". He also disclosed to them the scheme to locate all the offenders and to carry out their simultaneous arrests, his reason being that if only a few were arrested, the others would go underground. He also told them that he would accompany them to Ahmednagar as soon as he got the necessary information and asked one of his Inspectors to arrange for their lodging so that nobody should know about their presence. He also told them not to give their Delhi address at the hotel, and that he would consult his Home Minister and will take further action against the accused. The same day again they went to the Bombay C.I.D. office where they were told by an Inspector that their presence was no longer required. The Inspector also told them that Bombay officers had been deputed to arrest the other suspects who had not till then been located. In regard to Karkare and the editor of the 'Agrani' or 'Hindu Rashtra', he told them that an Inspector from Ahmednagar was arriving the next day at Bombay, and they would then arrange for their arrest".

3.38 This portion of the note thus shows that—

- (a) Nagarvala had specially arranged for the arrest Karkare in Bombay, Ahmednagar and Poona.
- (b) The information of locating 3 or 4 other persons connected with the case seems puzzling because there were 6 persons mentioned by Madanlal and location of 3 or 4 would be solving the mystery of the conspiracy completely.
- (c) The statement, that an Inspector was coming the next day from Ahmednagar and they would arrange to arrest Karkare and editor of the 'Agrani', appears to be erroneous. Why should there have been an Inspector from Ahmednagar to arrest the editor of the 'Agrani' which was a Poona paper.

3.39 The next day, i.e., 23rd January, 1948, so the note says, the Delhi Police officers went to the Deputy Commissioner's office but could not meet him. A C.I.D. Inspector told them that the Inspector from Ahmednagar had arrived and he had been told to search for the editor of the 'Agrani' or the 'Hindu Rashtra', which again appears to be a wrong statement or misunderstanding by the Delhi officers. Deputy Superintendent Jaswant Singh then asked for information regarding Karkare and his associates and the Bombay C.I.D. Inspector gave him the following names as being Karkare's associates:—

- (i) Badge of Poona.
- (ii) Autar Singh, Punjabi Sikh

(iii) Talwar of Karachi, then in Bombay.

(iv) Balraj Mehta of Lahore, then in Shivaji Park in Bombay.

3.40 Mr. Nagarvala who arrived at about 12.30 P.M. told the Police officers that he was doing his best to arrest the wanted persons and that the presence of the Delhi Police was no longer required at Bombay and he ordered them to return. "On this, Mr. Jaswant Singh, Deputy Superintendent of Police, Delhi, drew Mr. Nagarvala's attention to Madanlal's statement regarding Karkare and the editor of the 'Agrani' or the 'Hindu Rashtriya' and asked that as soon as they were arrested, they should be sent to Delhi. The Delhi officers handed over to the C.I.D. Inspector a brief note on the case, with the names and the description of the accused wanted, as far as known then". Of the handing over of this note there is no evidence except this cryptic reference. No questions were put to Mr. Nagarvala although he was questioned at length and was cross-examined for a good few days. In a subsequent affidavit in reply to Commission's Questionnaire, Mr. Nagarvala denied any such document having been given to his officers.

3.41 The two Delhi Police officers returned to Delhi on the 24th and saw the Superintendent of Police, New Delhi, and the Superintendent of Police, C.I.D., and gave them an account of all that had happened in Bombay. Copies of the diaries of the 21st, 22nd and 23rd January, 1948, are attached to this note. They are marked as annexure VIII and Ex. 2, 3 and 4. Copies of these documents were sent to Mr. V. Shankar, Private Secretary of the Home Minister. The note expresses surprise at the mystery which was associated with the presence of the Delhi Police officers at Bombay, a complaint about which was made to Mr. Sanjevi on the 25th morning. Normally, it says, the police officers should not have been sent back to Delhi but should have been kept there to assist the Bombay Police in the investigation of the case. It may be noted that in his statement, Rai Sahib R. I. kesh, Superintendent of Police, C.I.D., stated that these officers stayed in Bombay too long and should have returned earlier.

3.42 The Deputy Inspector General of Police, (C.I.D.), Poona, who was still in Delhi, was summoned by Mr. Sanjevi in the presence of the Superintendent of C.I.D., Delhi. To the D.I.G. was given the report of the two Delhi Police officers and his attention was drawn to the importance of locating the absconding accused. A copy of the detailed statement of Madanlal was given to him. Both he and Mr. Sanjevi went over it, and the D.I.G. was asked to fly to Bombay but he did not, as he could not. If he could not fly, then one should have thought that another officer could have been sent by air to deliver the statement to the D.I.G. He left by train via Allahabad and reached Bombay on the 27th evening.

3.44 The note then states that that evening (of 27th), the D.I.G. talked to Mr. Sanjevi on the telephone and a gist of the conversation is given in paragraph 8 which is as follows:—

"On the 27th evening Mr. Rana rang me up from Bombay and told me that he had seen Mr. Nagarvala, and that Mr. Nagarvala would give me an explanation for what had happened to the two Delhi Police officers at Bombay. Mr. Nagarvala told me that he had good reason for not allowing the Delhi Police officers to move about freely in Bombay. He told me of the information that he and the Bombay Police had of a conspiracy to kidnap Mahatma Gandhi. He told me that it was a very big organisation, with about 20 principal conspirators, each assisted by 20 persons and in possession of considerable quantities of firearms and other lethal weapons. I asked him about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal. Mr. Nagarvala told me that he would send a detailed note on the investigation made at Bombay City and elsewhere in the Province by air the next day."

This portion of the note is not quite clear. It does not show what was said to Mr. Sanjevi by Mr. Rana and which portion was by Mr. Nagarvala. But one fact stated in this paragraph is of great importance. Mr. Sanjevi asked Mr. Nagarvala about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal. But this note does not say that those names or descriptions had been conveyed to Nagarvala by the two officers who were flown to Bombay. Nor does it say what reply he gave to that query except that he would write a detailed letter. Significantly, there is nothing to show whether Mr. Sanjevi pressed Nagarvala to tell him if he had done anything about the suspects whose names or descriptions were given to him by Delhi Police or showed any anxiety about their arrest or even tried to find out who they were or whether they had been located at all. On the other hand, Sardar Patel's replies in the Constituent Assembly made on February 6, 1948, show that the Bombay and Delhi Police were in accord on the steps taken and on the question of the proposal to make simultaneous arrests to prevent some of the accused going underground.

3.45 The note then goes on to say that Nagarvala did not write to Mr. Sanjevi. On the 30th he sent a letter which reached Mr. Sanjevi on February 3, and a copy of that letter was received through an officer who came by air from Bombay on 1st February which is annexure I, Ex. 8. But these letters make no mention of any query by Mr. Sanjevi about persons disclosed to Nagarvala by Delhi Police nor were they a reply to what Mr. Sanjevi says he asked Mr. Nagarvala.

3.46 In the letter received by Mr. Sanjevi, according to the note, the line of action by the Bombay Police was indicated which was that there was a gang out to kidnap Mahatma Gandhi and of the names mentioned in that letter there were those of Karkare and Badge which were also mentioned in the statement of Madanlal.

which does not seem to be correct as Badge's name is not there. Significantly the letters did not mention the editor of the 'Agrani' or 'Hindu Rashtriya'. The note, however, emphasised that the officers had repeatedly given information of all the names and descriptions mentioned by Madanlal. It then sets out that Mr. Rana agreed with Mr. Nagarvala that the arrest of Karkare and Badge will not arouse any suspicion and the arrests of others could wait till all the information collected by the Delhi Police, the provincial Poona C.I.D. and the Bombay City Police were pooled together and that the Home Minister of Bombay had entrusted the investigation of the case to Mr. Nagarvala.

3.47 The note makes a grievance that the Bombay police did not consider it necessary to immediately pursue the information given by the Delhi police regarding the editor of the "Hindu Rashtriya" (Godse) and the other accused mentioned by Madanlal, who should have been arrested without delay. This grievance would be justified if it could be established that the editor was disclosed in the first statement or was given to Nagarvala by the Delhi Police officers.

3.48 The note then laments that even 10 days after the Delhi Police officers had carried vital information about the case, the Bombay Police had no more information than about the kidnapping of Mahatma Gandhi, and it did not act on the information given by the two Delhi Police officers. It complains that Rana had a copy of the full statement of Madanlal and had been told of the serious nature of the statement and yet nothing had been done. The responsibility for investigation in Bombay was of the Bombay Police and the Delhi Police had to depend on the investigation and reports of Bombay Police. The Delhi Police did not receive between the 21st and 30th January "any confirmation of Madanlal's statement" from the Bombay Police. The note further said—

"The information conveyed by the Delhi Police to the Bombay Police clearly indicated a conspiracy to murder and the identity of some of the accused. The information conveyed called for investigation in Bombay City and Province, and whatever was found in the course of that investigation should have been conveyed to the Delhi Police. This was not done except for the telephone message to me on the 27th night when information of a conspiracy to kidnap Mahatma Ji was mentioned."

Nagarvala's letter was a clear proof that the Delhi police were not told of the exact identity of the editor of the 'Hindu Rashtriya' paper or of his associates excepting Badge. But at that stage Mr. Sanjevi did nothing to ask Nagarvala about it. Perhaps the tragedy, which had ensured was too great that it must have left Mr. Sanjevi wholly stunned to think of giving much attention to Nagarvala's letter or its contents whether, they were omissions or commissions.

3.49 Mr. Sanjevi also attached to his note a copy of a demi-official letter dated the 31st January which was the day after the assassination. This is annexure II, Ex. 9. The note then sets out the contents

of this letter and the information which Prof. Jain had given to the authorities in Bombay. The note expresses surprise that in spite of Madanlal's statement and Prof. Jain's information the Bombay authorities were working on the theory of an attempt to kidnap Mahatma Gandhi. It also protested against the accusation that the Delhi Police had been won over by the gang of kidnappers. But there is nothing to show that Mr. Sanjevi at any stage told the Bombay Police about their lethargy, inattentiveness or carelessness or gave them a bit of his mind about the absurdity of the kidnapping theory.

3.50 The note finally said—

"11. It is now definitely known that from the 23rd to the 28th January, Godse was in Bombay. He flew from the Bombay aerodrome to Delhi on the 28th morning. From the 22nd to the 28th January was a long enough period for the Bombay Police to have known who the editor of the 'Agrani' or the 'Hindu Rashtra' was. As long as the Delhi Police did not have full information in regard to the identity and correct description of this person, they could not possibly spot him when he arrived in Delhi. He had completely changed his clothes, and on the 30th evening, was wearing a military khaki jacket, and went into the prayer grounds with the large crowds that congregated there. The Delhi Police had not, in the least, relaxed the protective measures at Birla House. Mr. Mehra's note sets out very clearly what precautions and measures were undertaken. As long as the Police were not in a position to search visitors to the prayer meetings, the Police on duty at the Birla House on the 30th could not be blamed for not spotting one of the visitors who had carried a small pistol hidden on him. The Police were prevented from searching visitors. In these circumstances, the Delhi Police did all that was possible. In his observations the Judge has, unfortunately, not distinguished between the Delhi and the Bombay Police. He was not aware of the real position. He did not know that the Bombay Police had not taken all the action necessary on the information conveyed from Delhi. Even on the evidence that he had before him, his observations against the Delhi Police cannot be justified."

3.51 This is the case which was presented to the Ministry of Home Affairs by the Delhi Police through Mr. Sanjevi. Some of the expressions used in the note and some of the sentences employed have a very familiar mien and are not far different from the translation of the Delhi Police diaries of Deputy Superintendent Jaswant Singh i.e., Nos. 3-A and 4-A, which perhaps formed the basis of the note if not its sole inspiration. The note may be summed up as follows:—

- (i) After the arrest of Madanlal, a statement, Ex. 6, annexure III, was made by Madanlal on the night between 20th and 21st Jan. admitting his conspiracy to murder Mahatma Gandhi.

- (ii) In the statement of Madanlal the name of Karkare, proprietor of a hotel at Ahmednagar, the editor or proprietor of newspaper 'Hindu Rashtra' or the 'Agrani', a Maratha looking like a Sikh, a man called 'Maharaj' and two other youth were mentioned.
- (iii) The statement disclosed the places where Madanlal and his associates had been staying and as a consequence of this disclosure vigorous combing of the city was carried out but it was found that the associates had already left.
- (iv) A description of the absconders was also furnished to the police at Jullundur.
- (v) Two officers of the Delhi Police were flown to Bombay who had full instructions and a brief note containing the facts of the case ascertained upto that time.
- (vi) The description of these persons mentioned by Madanlal was circulated to the Delhi C.I.D.
- (vii) Protective measures taken at Birla House were strengthened by increasing the number of uniformed policemen and plain clothes policemen.
- (viii) The proposal to search persons going to the prayer meetings were not agreed to by Mahatma Gandhi and those round about him, i.e., his Secretaries, etc.,
- (ix) All the information which the Delhi Police had upto that time was conveyed to Mr. Nagarvala on the 22nd. The note which had been sent to Bombay was shown to Nagarvala and the Delhi Police gave him full facts of the case and mentioned that one of the accused was the editor of 'Agrani' or the 'Hindu Rashtra' newspaper and the description of other persons as given by Madanlal was communicated to him. He took an extract from the note sent to him and returned the note to the Delhi policemen.
- (x) Nagarvala told them that he had located 3 or 4 persons and that he was not making any arrests lest the others might go underground.
- (xi) Nagarvala told those policemen not to stay at the Hotel where they were staying but to shift to another place and they should move about in *mufti*. An Inspector agreed to put the two officers up.
- (xii) On 23rd January, 1948 at 12-00 noon a C.I.D. Inspector told the Delhi Police officers that an Inspector from Ahmednagar had arrived and he was told to search for the editor of the 'Agrani' or the 'Hindu Rashtra'. The Delhi Police officers asked for information regarding Karkare and his associates and the Inspector gave the four names, Badge, Autar Singh, Tilakwari and Balaji Mehta, whose names had had already been set out.

- (xiii) At 12-30 P.M. Mr. Nagarvala arrived and he told the Delhi Police that he was trying his level best and that their presence was no longer required at Bombay and they should return to Delhi. The Delhi Police officers again drew the attention of Nagarvala to the statement of Madanlal regarding Karkare and the editor of the 'Agrani' and asked him to get them apprehended and send them to Delhi as soon as possible.
- (xiv) The Delhi Police officers handed over to the C.I.D. Inspector a brief note on the case, a matter on which no questions were put by the Delhi Police to any of the Bombay Police witnesses.
- (xv) On their return the Delhi Police officers apprised their Superintendents of Police of what had happened at Bombay, and copies of their Police diaries were sent to Mr. Shankar on 18th February, 1948.
- i) On the 25th morning the two Superintendents of Police of Delhi reported the matter to Mr. Sanjevi whose reaction was that the police officers should have been kept on in Bombay to assist the Bombay Police in the investigation there.
- (xvii) Consequently, Mr. Sanjevi spoke to Mr. Rana and complained to him about the treatment which was meted out to the Delhi Police officers.
- (iii) A copy of the fuller statement of Madanlal was given to Rana. He was asked to fly to Bombay but he could not do so, and therefore he went by train and arrived at Bombay on the 27th afternoon.
- (xix) Paragraph 8 sets out an account of the telephonic conversation which took place between Rana and Nagarvala on the one side and Mr. Sanjevi on the other.
- (xx) The letter of Nagarvala reached Mr. Sanjevi on the 3rd February which purported to have been written on 30th January, whereas he had promised to write on the 27th. A copy of that letter was brought by the Bombay Police officer which has also been set out. Both the letters highlight the theory of kidnapping Mahatma Gandhi and mentioned the names of only Karkare and Badge and did not even mention the editor of the 'Agrani' or the 'Hindu Rashtriya' or of the full information including names and descriptions given by Madanlal which had been conveyed to Nagarvala, and it also mentioned that Rana agreed with what Nagarvala had done and that the investigation in Bombay, as far as the Province of Bombay was concerned, had been entrusted to Nagarvala by the Home Minister.
- (xxi) It is clear that the Bombay Police did not consider it necessary to pursue the information given by the Delhi Police in digitized by sscw/Hindu Rashtriya' and the other accused mentioned by Madanlal.

- (xxii) The Bombay police had no other information but that there was a conspiracy to kidnap Mahatma Gandhi and that was in spite of their having worked on the case for 10 days.
- (xxiii) The note emphasises that the Delhi police had conveyed to the Bombay police that there was a conspiracy to murder Mahatma Gandhi and also had conveyed the identity of the accused to them and that Nagarvala did not convey to the Delhi police the exact identity of the editor of the 'Hindu Rashtriya' paper or of his associates except Badge.
- (xxiv) Lastly, Godse was in Bombay between 23rd January and 28th January. He flew from there on the 28th (which is wrong; he flew on the 27th). The Bombay police should have discovered by then who the editor of the 'Agrani' or the 'Hindu Rashtriya' was and should have taken vigorous measures to apprehend him. The Delhi police were not in a position to arrest anyone of them as they did not have his identity or the correct description and when he committed the murder he had changed his dress.

3.52 In short the note accepts unhesitatingly the version given to Mr. Sanjevi by the Delhi police the most important parts of which are—

- (1) Madanlal made a statement on the 20th January giving full descriptions of his associates, the name of Karkare and mentioned the editor of the 'Hindu Rashtriya' or the 'Agrani'.
- (2) This information was sent to Bombay police who did nothing in the matter and instead embarked on a fantastic theory of a conspiracy to kidnap Mahatma Gandhi.
- (3) The Delhi Police had the descriptions of the conspirators given by Madanlal which had been relayed to Jullundur police and had also been given to the Bombay police but the latter did absolutely nothing in the matter.
- (4) Rana had been emphatically told not to sleep over the matter but he also did nothing.
- (5) Although Godse and Apte were in Bombay between the 23rd and "28th January" no attempt was made to locate or arrest him or his other co-conspirators.
- (6) Mr. Sanjevi threw all the blame on the Bombay police.

Mr. Sanjevi is unfortunately dead and this is the only record of what he did or did not do in regard to Mahatma Gandhi's life and safety.

3.53 Out of the remarks of Mr. H. V. R. Iengar, Secretary of the Ministry of Home Affairs after the receipt of the explanation from

Mr. Sanjevi, Ex. 7, and of Mr. Nagarvala, Ex. 14, paragraphs 3, 4 and 5 are important and they are as follows:-

"3. Secondly, while it is clear that the Bombay Police took all possible steps to arrest Karkare and Badge, they do not appear to have taken any notice of Godse. Admittedly, his name was not mentioned in Madanlal's statement but there was a description of him as the editor of the 'Hindu Rashtriya' or the 'Agrani'. According to D.I.B.'s report the investigating officers from Delhi took with them to Bombay on the 21st January a statement (Annexure V to D.I.B.'s report—Slip "T") which mentioned the editor of this paper. Mr. Nagarvala says that these officers did not give him any information other than that they wanted Karkare. Here is a discrepancy which cannot be reconciled without further examination.

4. I have put to the D.I.B. the view that as soon as it became clear that there was a conspiracy among certain Maharashtra Brahmins from Poona, Ahmednagar and the "neighbourhood to commit assassination, plain clothesmen from that part of the Bombay Province should have been summoned to Delhi, on the chance that they might have been able to identify these persons if they came to Birla House. Mr. Sanjevi says that as the Bombay Police did not take the idea of a conspiracy to assassinate very seriously, the responsibility was really theirs. Personally I do not accept this view and that that there was a failure in Delhi to insist on this precaution. It may not have been successful in preventing the assassination, but it was certainly worth trying.

5. I think the Bombay Police are to blame more seriously because they refused to take the idea of a conspiracy to assassinate seriously, although every rule of commonsense pointed in that direction."

F

Two letters of Mr. J. D. Nagarvala

3.54. The two letters of Mr. Nagarvala mentioned in the note, Ex. 7, are annexures 1 and 2, Exs. 8 and 9, dated January 30, 1948 and January 31, 1948, respectively—one on the day when Mahatma Gandhi was murdered, and the other on the day following.

3.55 The first letter shows that Madanlal's statement in the Press showing that "he had come from Bombay" led to the initiation of investigations in Bombay. In the course of preliminary investigations names of Balraj Mehta, Karkare, Talwar, Badge, Autar Singh Chavan, and Somnath Kapoor transpired of whom Autar Singh and Chavan were under detention. Balraj had been identified and a trial put on him. Karkare and Badge were the two Maharashtrian companions of Balraj and Somnath Kapoor who were both Punjabis. Badge had been seen in Ahmednagar three days earlier i.e., on the 27th, and arrangements had been made to bring informants from Ahmednagar to Bombay who knew both Karkare and Badge, the object being to get them (Badge and Karkare) identified and to arrest them. Karkare's rendezvous in Bombay was known to the Police

and if he came to Bombay he would be arrested but Talwar had not been identified and inquiries were going on.

3.56 From the investigation it appeared that there were 21 Punjabis and Maharashtraans in the conspiracy and they had 20 workers under each one of them. The object of the gang was to drive out Muslims from the Indian Dominion. With that object they had collected arms and ammunition and it was also learnt that Col. Mohan Singh of the I.N.A. had organised the gang and he had the support of the Akali leader, Master Tara Singh. But the information had not yet been corroborated. There was also a suggestion that one of the Sikh refugees had been sent by the gang to the Speaker of the Uttar Pradesh Assembly for further consultations as to their plan. The opinion amongst the members of the gang was that it was easy to win over the Delhi Police and their object was to kidnap Gandhiji. But the letter made it clear that this was only an information which have been collected but they had yet to see if it was correct. Nobody had been arrested but a fair amount of progress had been made in the investigation.

3.57 The general policy which Nagarvala proposed to follow was (and Mr. Rana agreed with him) that they might arrest Karkare and Badge which was not likely to rouse any suspicion because Karkare had been named by Madanlal and Badge was always with Karkare and they were known by the police to be good friends. Mr. Rana agreed with Nagarvala that arrests of others should wait till the Information collected by the Delhi Police, Poona Provincial C.I.D. and the Bombay City C.I.D. was pooled together. The Home Minister of Bombay and Mr. Rana had entrusted the investigation of the case to him (Nagarvala) for the Province of Bombay and Nagarvala was hoping to produce concrete results.

3.58 The letter of the 31st said that Nagarvala had arrested Balraj Mehta, Somnath Kapoor, Kasar—the bodyguard of Savarkar—and Damle, his Secretary. It had also transpired that Godse had seen Savarkar along with one Apte on the eve of their departure to Delhi. Kasar and Damle had not stated what conversation these two had with Savarkar during their 40 minutes interview but they had admitted that these two had access to the house of Savarkar without any restriction. If Madanlal was brought to Bombay, they would be able to "drag out Madanlal and get all facts and details out of him". He had also consulted the Home Minister and the Commissioner of Police and they agreed that Madanlal should be brought to Bombay and that would help the investigation in Bombay.

3.59 Badge had been arrested by the Poona Police. The letter then mentions the tense 24 hours through which Bombay had passed. Savarkar's house and other houses of Hindu Mahasabha leaders were attacked by mobs with terrific fury and the only safe place for those leaders was the police lock-up. Savarkar's house had been searched and all available records of Hindu Mahasabha had been attached and inquiries were in progress. As the copy of the previous letter sent by Nagarvala had not been received by Mr. Sanjevi, he enclosed a copy of that letter along with this one.

3.60 The first letter requires a careful analysis and scrutiny.

- (1) It shows that it was written in pursuance of the conversation which Nagarvala had with Mr. Sanjevi on January 27, 1948.
- (2) That after the statement of Madanlal appeared in the Press about his being from Bombay, investigations were taken up. There is no mention of either the orders of Mr. Morarji Desai or of what Jain had told Mr. Desai.
- (3) It does not specifically mention any information having been given to Nagarvala by the Delhi Police officers.
- (4) It does mention Madanlal's statement wherein Karkare was named.
- (5) It mentions that Karkare and Badge were two Maharashtrian companions of Balraj and Somnath Kapoor, and the former two were good friends.
- (6) It then states that Badge was seen at Ahmednagar about 27th January but he had left that place and that two informants had been called from Ahmednagar who would identify and help in the arrest of Karkare and Badge. Now if badge belonged to Poona and Karkare to Ahmednagar, even if they were friends, one would have expected that informants would be called from Poona also.
- (7) The letter mentions a large number of Punjabis and Maharashtrians being in the conspiracy which was being organised by Col. Mohan Singh of the I.N.A.

This gentleman was examined by the Commission (wit. 86) and he denied any knowledge of this gang and it is difficult to imagine that Col. Mohan Singh would be a party to encouraging either the assassination or the kidnapping of Mahatma Gandhi and it would be still more astonishing if the then Speaker of the Uttar Pradesh Assembly could be persuaded to join the plan. Even if the objective was eviction of Mohammedans, the Speaker was unlikely to give his blessings to any such action.

- (8) Although the letter mentions that the plan was to arrest Karkare and Badge, there is no indication as to what tangible steps had been taken to carry out the plan.
- (9) The most important omission is the non-mention of either the editor or the proprietor of the 'Agrani' or the 'Hindu Rashtra' because that seems to have been emphasised again and again in the note of Mr. Sanjevi. This would show that either these persons were never mentioned till then or Nagarvala was deliberately omitting them. The latter possibility appears unlikely in the circumstances.
- (10) There is no indication in the note that in the telephonic talk with Nagarvala Mr. Sanjevi mentioned either of these two persons. All he says in the note is, "I asked him

about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal and Nagarvala promised to send a detailed note". One should have imagined that if the editor of this newspaper had been mentioned, Mr. Sanjevi would have made pointed inquiries about the editor and/or the proprietor.

- (11) Further, there is nothing to indicate in this note, Ex. 7, that when Nagarvala mentioned the conspiracy to kidnap Mahatma Gandhi, Mr. Sanjevi ticked him off or told him that the very theory or idea was absurd.

Commission has been unable to discover any reason why Mr. Nagarvala in his letter made the Press report of Madanlal's statement the basis of his investigation rather than the information or the order given to him by Mr. Morarji Desai, the factum of which is not denied and was accepted both by the trial court as well as by the High Court in the Conspiracy Case. Unfortunately, this matter was not put to Mr. Nagarvala before the Commission.

- (12) The omission of reference to names, descriptions, avocations or places of residence of Madanlal's co-conspirators has remained unexplained.
- (13) The letter of the 30th by Nagarvala to Mr. Sanjevi was top secret and there could not have been any inherent danger in disclosing to Mr. Sanjevi the factum of information given by Mr. Morarji Desai or the order he passed.

CHAPTER IV—INQUIRIES—BOMBAY

Index of Paragraphs

- 4.8 First Inquiry
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- 4.10-23 Second Inquiry—
Mr. Kamte's letters and
Mr. Rana's replies
Fourth Inquiry—
Assembly debate
Mr. Nagarvala's explanation

CHAPTER IV

Inquiries—Bombay

4.1 In Bombay there were four inquiries into the causes of Gandhi murder and what steps were taken by the Government of Bombay to prevent the catastrophe.

4.2 (1) Soon after the murder of Mahatma Gandhi, there was interpellation in the Bombay Legislative Assembly in which certain questions were given notice of but actually they were withdrawn but there is some material to show as to what was the position of the Government at that time.

4.3 (2) Mr. Kamte, who was Inspector General of Police in Bombay Province, started an inquiry by writing to Mr. U. H. Rana, D.I.G., C.I.D., Poona, and that correspondence shows what Mr. Kamte wanted to know; what enquiries he made from Mr. Rana; and what replies Mr. Rana gave.

4.4 (3) In the Bombay Legislative Assembly, there was a Cut Motion and the matter of Mahatma Gandhi's murder was discussed. Mr. Morarji Desai there made a statement which may be taken to be the position of the Government of Bombay at that time.

4.5 (4) After strictures were passed by the trial judge, Judge Atma Charan in his judgment, the Government of India through the Government of Bombay asked for the explanation of the Bombay Police officers in regard to those strictures. Mr. Nagarvala gave his explanation (Ex. 14) on which there were certain notings in the Bombay Secretariat, Ex. 168. That explanation came without any remarks from the Bombay Government to the Government of India and was considered by the Government of India upon which and upon the explanation of the Delhi Police there were combined notings by Mr. H. V. R. Iengar, Home Secretary—Ex. 7-C i.e. on the explanation of Mr. Sanjevi, Ex 7, and on the explanation of Mr. Nagarvala, Ex. 14. The views of the Government of India were these which may briefly be stated.

4.6 Mr. Iengar made two points:

- (1) That it was surprising that in spite of the statement of Madanlal and the information given by Prof. Jain, the Bombay Police should have hesitated to accept the theory of conspiracy to murder and should have given credence to the theory of a conspiracy to kidnap Mahatma Gandhi.
- (2) That the Bombay Police took all possible steps to arrest Karkare and Badge but took no notice of Godse whose description as editor had been given in Madanlal's statement as shown by Annexure 5 (which is Ex. 5-A). He

noticed the denial of Mr. Nagarvala about any information other than that about Karkare. He also noticed that as the conspirators were Maharashtrians plain clothes policemen from that part of Bombay Province should have been summoned to Delhi. He did not accept the view that the responsibility was of the Bombay Police because of their failure to take notice of the theory to murder but the Bombay Police were more to blame for not taking a commonsense view of murder being the object of the conspiracy. He also noticed the most controversial part as to the identity of the editor of the Agrani and again blamed the Bombay Police for not taking the conspiracy to murder seriously.

4.7 Sardar Patel agreed (Ex. 7-E) that plain clothes policemen from Bombay should have been summoned and that it was a mistake to send a Deputy Superintendent of Police to Bonabay. The matter was sent to the Prime Minister and his endorsement is dated April 4, 1949. The notings in the Government of India Secretariat and in the Bombay Government Secretariat will be discussed at greater length under the heading Ex. 5-A.

First Inquiry

4.8 The first inquiry which was held in Bombay was by way of notice of a starred question No. 864 by Mr. A. J. Doddameti in the Bombay Legislative Assembly. This was on 20th February 1948. The questions and the proposed answers are as follows as shown in Ex. 167 (See the attached photostat copy.)

Short notice question No. 864
put by Mr. A. J. Doddameti.

Will the Hon'ble Minister for
Home and Revenue be pleased
to state—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) whether it is a fact that the plot for the assassination of Mahatma Gandhi and plans for the assassination of other high-ranking Indian leaders were hatched in the Bombay Province;</p> <p>(2) whether reports regarding the existence of such a plot had reached Government, prior to the assassination of Mahatma Gandhi;</p> <p>(3) if so, what precautionary measures were taken by Government</p> | <p>(1) As the investigation into the alleged conspiracy is still not complete, it is too early to give any information on the question asked in this clause.</p> <p>(2) A private report reached Government on 21st January regarding such a plot. (In the original this is handwritten.)</p> <p>(3) The Home Ministry was informed about this on 22nd morning and the</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Short notice question No. #864 put
by Mr. A. J. Doddameti.

Proposed reply.

Will the Hon'ble Minister for
Home and Revenue be pleased to
state -

(1) whether it is a fact that the
plot for the assassination of
Mahatma Gandhi and plans for the
assassination of other high-ranking
India leaders were hatched in the
Bombay Province;

(2) whether reports regarding the
existence of such a plot had reached
Government, prior to the assassina-
tion of Mahatma Gandhi;

(3) if so, what precautionary
measures were taken by Government to
prevent the tragedy that followed;

(4) what is the number (district-
wise) of the members of the R.S.S.
so far arrested in the Province in
connection with the recent assassina-
tion of Mahatma Gandhi?

(1) as the investigation into the
alleged conspiracy to assassinate
Mahatma Gandhi and other Indian
leaders is still not complete, it is
too early to give any information
on the question asked in this clause.

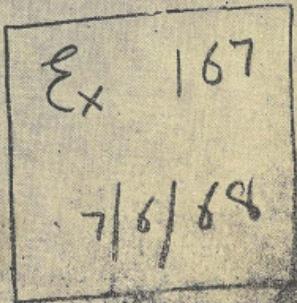
(2) ^{from} A report reached last
on 21 Jan re. much s
plot.

(3) Does not arise. ^{From 21 Jan} No
mentioning informed about
the on 22 March & 16 Oct
Bengal which will meet
protected persons.

(4) Some persons have been arrested
in connection with the assassination
of Mahatma Gandhi. It is not possible
to say at this stage how many of
them are members of the R.S.S.
Sangh.

Ans
replies

See para. 4.8.]



Ex. 167—Photostat copy of a Short Notice Question on 'precautionary
measures to prevent assassination of Mahatma Gandhi'. (Para. No. 4.8)

- C.I.D. Bombay took steps to watch the movements of suspected persons. (This is also handwritten.)
- (4) what is the number (district-wise) of the members of the R.S.S. so far arrested in the Province in connection with the assassination of Mahatma Gandhi?
- (4) Some persons have been arrested in connection with the assassination of Mahatma Gandhi. It is not possible to say at this stage how many of them are members of the R.S.S. Sangh.

This shows that in the proposed answers it was stated in reply to question No. 1—(1) that the investigation into the conspiracy was not complete till then and it was too early to give any information, (2) in answer to second question whether information of existence of such a plot had reached the Government prior to the assassination or not, the answer proposed by the office was "No", but Mr. Morarji Desai made corrections in his own hand showing that a report had reached Government on 21st January, 1948, (3) in reply to question No. 3 whether any precautionary measures were taken, the reply proposed by office was "does not arise" but the correction made in his own hand by Mr. Morarji Desai is "The Home Ministry was informed about this on 22nd morning and the C.I.D. Bombay took steps to watch the movements of suspected persons", and (4) in the fourth question it was asked how many members of the R.S.S. had been arrested in connection with the murder of Mahatma Gandhi, and the answer was that some persons had been arrested but it was not possible to say how many of them were R.S.S. members. A photostat copy of the questions and the answers as given in Ex. 167 is attached hereto. (See next page).

4.9 The Bombay Government has also placed on record the noting on these questions which were to be asked. The noting is Ex. 167-A. On this document the final note is by Mr. Morarji Desai dated 4th March 1948 in which he has said that the Honourable Member should be persuaded to withdraw the question as this matter is *sub judice* and the replies would create complications and consequently the question was withdrawn.

Kamte's letters and Rana's replies

4.10 Correspondence which passed between the Inspector General of Bombay, Mr. N. M. Kamte, and the D.I.G., C.I.D., Mr. U. H. Rana, constitutes evidence of some importance concerning the investigation into the bomb case, its defects, omissions and lapses as discernible. On February 6, 1948, Mr. Kamte wrote a letter to his D.I.G., C.I.D., Mr. Rana, Ex. 31-A saying that he had carefully gone through the statement of Madanlal which had been sent to him and which showed that there was sufficient indication to make out that

there was a plot to kill Gandhiji by certain Poona men and he wanted information on two matters from Mr. Rana—

- (1) What steps were taken by him to arrest them i
tely; and
- (2) what steps were taken to send men to Del
Delhi and arrest them there.

These were two specific questions to Mr. Rana asking about steps taken by Mr. Rana. To this Mr. Rana's reply is Ex. 31 dated February 24, 1948. In this letter he has set out the facts and sequence of events and of the action taken by the Delhi Police and Bombay Special Branch and Poona C.I.D. It says that on the 21st morning when two Delhi Police officers met him and presumably (although it is not so stated) gave him the information they had upto then, he (Rana) told them at once that the gang must be followers of Dr. Savarkar and suggested the sending of two police officers to contact Mr. Nagarvala at Bombay and Rao Sahib Gurtu at Poona and accordingly two officers were flown to Bombay. By that time, the Bombay Police had also come to know about Karkare and some enquiries had been made or as he put it this information had already been worked out by the Bombay City Police. The Delhi Police officers went and stayed at the National Hotel which was in the locality of the Sher-e-Punjab Hotel whose proprietor, Avtar Singh, had been detained by the Bombay City Police and whose name had transpired as one of the conspirators to kill Mahatma Gandhi.

4.11 The Delhi officers were in their uniforms with their revolvers and were going about Bombay, trying to locate "KIRKAREE" and not Karkare. They themselves knew nothing about Bombay. When they met Nagarvala, he asked them to change their place of residence but as they expressed their inability to go anywhere, one of the Inspectors of the Bombay C.I.D. volunteered to put them up.

4.12 Mr. Nagarvala also told them that if they wanted to m
about, they must do so in *mufti*.

4.13 The movements of the officers were never restricted but it was explained to them that it was futile to make open street enquiries about Karkare who did not belong to Bombay and regarding whom enquiries were already afoot. They were asked to question Avtar Singh but they expressed their unwillingness to do so and decided to return immediateiy. Nagarvala had received no instructions through these police officers and he had no authority to detain them further and they left.

4.14 The letter then says that Madanlal did not make a statement making a clean breast till about the 23rd or 24th. The police officers returned to Delhi by train on the 24th and they saw him (Rana) on the 25th. Thereafter the D.I.B. called Rana and asked him why the officers were not allowed to move about and Rana told him that Nagarvala must have done it for sound reasons. Madanlal's statement was made available to Mr. Rana on the 25th and he left the same night by train via Allahabad reaching Bombay on the 27th afternoon and he found that investigation of Nagarvala was

on the right lines. The whole case was discussed with Nagarvala who gave him an idea of the investigation that had already been done and that he had learnt the names of Madanlal's associates through a source.

4.15 Thereupon the D.I.B. was contacted on the telephone and he was told of the "extreme necessity of every possible precaution for the protection of Mahatma Gandhi". The D.I.B. was told "to take every possible precaution for the protection of Mahatma Gandhi. This in itself will prove that both the Delhi and Bombay Police have done all they could". Nagarvala was in touch with them in Ahmednagar and every attempt was made to locate Karkare in Ahmednagar and Bombay but Karkare never went back to Ahmednagar. He returned to Bombay after a tour around Mathura and Agra and returned to Delhi on the 27th. Delhi Police had asked Nagarvala for no other person than Karkare and every attempt was made to locate him. Nagarvala asked him (Rana) to send somebody who would be able to identify the associates of Karkare from Poona and Ahmednagar. Rana left for Poona on the 28th and asked the D.S.P. Poona to spare his L.I.B. Inspector Angarkar. This was on the 29th. But that gentleman was down with fever. He sent a wireless message to recall Dy. S. P. Deulkar, who was in Colaba district at the time and he returned on the 30th night. Immediately thereafter officers were sent by plane as there was a lurking suspicion that these men will attack other Ministers in the Central Cabinet. Four officers were sent by plane. From the facts which were revealed later, the culprits had slipped out on the morning of 28th from Bombay.

4.16 To this letter Mr. Kamte replied by his letter, Ex. 32 dated March 6, 1948. He restated the two questions he had asked to which, according to him, Rana's reply appeared to be in the negative. He then asked Rana to give his remarks on certain specific matters which were—

- (1) What did the two police officers tell him (Rana) on the 21st which was not quite clear from the letter?
- (2) Why did he not ask his own C.I.D. to make inquiries because two officers from Delhi were not going to make much headway in Bombay or Poona?
- (3) The object of contacting Nagarvala by these police officers was not stated.
- (4) The statement of Madanlal was given to him (Rana) on the 25th. What action did he take till the evening of 27th?
- (5) The information that Nagarvala came to know through a source of associates of Madanlal was not correct because all he had known by then was Karkare's name and the other information was very vague. But in Madanlal's statement, pp. 7, 16, 18, etc., the description given therein showed that the other accused were Godse, Apte, Badge,

etc. Why was there no attempt made to arrest them as from the 25th evening.

- (6) Although on the 27th he had telephoned to the D.I.B. about taking precautions for the protection of Mahatma ji, he could very well have deputed his own C.I.D. men to Delhi because Madanlal's statement showed that there was a plan to kill Mahatma Gandhi by men from Bombay Province.
- (7) Mr. Kamte could not subscribe to the proposition that the Bombay Police had done all that they could in the matter of precautions to be taken about Mahatma Gandhi and the best thing which Rana could have done on the 29th was to have sent for Rao Sahib Gurtu and get that officer on the move.
- (8) Sending of men by plane to Bombay was done, at the suggestion of Mr. Kamte and not at Mr. Rana's for which Mr. Rana could not take any credit.

4.17 This letter makes some telling points of criticism--(a) why Rana did not send his own C.I.D. to make enquiries rather than send Delhi Police officers; (b) why he did not send his own C.I.D. to Delhi to protect the Mahatma; and (c) why he did not get hold of Gurtu even on 29th January.

4.18 The next letter of importance is Mr. Rana's reply to Mr. Kamte, Ex. 30, dated April 15, 1948. The following are the salient points from this letter:—

- (1) It was wrong assumption to make that Madanlal straight-away gave the names of his accomplices. His statement was made available to him (Rana) on the afternoon of 25th January, 1948. It was on that day that he first came to know about what Madanlal had said. In this statement, Madanlal had mentioned the editor of Hindu Rashtriya daily and the proprietor of Shastra Bhandar of Poona and Karkare of Ahmednagar.
- (2) The two officers who came to see him (Rana) were Rikhikesh and Bhatia and not the two who had been sent to Bombay and from their talks he (Rana) concluded that the exploding of the brick was the work of Savarkarvadi group of the Hindu Mahasabha. Thus Rana told these two officers on the 21st before Madanlal made any statement which is rather important because one of the points in controversy is when did Madanlal disclose the names and give description of his associates. The officers who went to Bombay were not the same to whom Rana had talked and they did not see Rana on their return. "My suspicion of Savarkarvadi group's role in the conspiracy was also confirmed by the D.I.B." who had been informed by the Home Minister that Madanlal had met Savarkar before he came to Delhi and this suspicion was

further confirmed by the fact that the two officers were sent back from Bombay.

- (3) Rana did not think it necessary to take any further action because he presumed that the gang must have been located in Bombay and he had one C.I.D. Head Constable Yadav in Delhi who was directed to move about in Delhi and visit railway stations and try to locate Karkare whom the Head Constable knew "as a Communist from Ahmednagar". Rana did not think it necessary to send a special man from Bombay to Delhi. Rana's explanation for not doing anything further was that he had given instructions to the Delhi Police officers in regard to what was to be done in Bombay and Poona.
- (4) *En route* from Delhi to Bombay, Rana got fever. He went straight to Nagarvala who showed him what investigation had been done and Rana showed the statement of Madanlal which tallied with the information of Savarkarvadi group. Rana told him that he would send him a copy of Madanlal's statement immediately after reaching Poona to enable him to start further investigation in Bombay and Nagarvala asked him to send Poona Police officers to help him to identify those people and he specially asked for Angarkar. But Rana could not go to Poona as he had developed fever.
- (5) Rana talked to the D.I.B. and told him that Nagarvala was on the right lines and requested him to tighten up the arrangements at Birla House which showed that Rana took the necessary action in the matter.
- (6) Next morning he told the Home Minister, Bombay, of the lines of investigation.
- (7) He reached Poona at 4 p.m. and tried to get Angarkar but he was ill and then he tried to contact Deulkar but he was away to Colaba and therefore a wireless message was sent on the 29th.
- (8) The officers who flew to Bombay were not the ones who came to see him on the 21st January. And Rana did not make use of the telephone because the Delhi Police officers had gone with instructions from their own officers. Moreover, there was no secrecy in the telephone communication which would be supported by the D.I.B. and was clear from the fact that the telephone operators were chuckling when he and Rana were talking soon after the tragedy of 30th showing that there was a leak in the telephone operations.
- (9) That in the note book which Nagarvala had, there were seven or eight names and one of them was of Badge and therefore it was not correct that the only name that Nagarvala knew then was Karkare's.

- (10) Attempts to arrest Karkare and Badge were started long before 25th January 1948 and Nagarvala was doing his best in that connection.
- (11) It was incorrect that Rana knew about the names of Godse, Apte and Badge and that that fact was also known to Nagarvala. "The fact is, as far as I am concerned, I did not know till I reached Poona who the editor and proprietor of Hindu Rashtriya was".

As far as the Commission has been able to see, Mr. Rana made no effort to find out their identity or to take action to get them apprehended.

- (12) Moreover the impression Rana had was that the gang would be hiding in Bombay or roundabout Bombay and that he (Rana) met the Home Minister at Bombay on the 28th and he told him that Nagarvala was on the right track.
- (13) He (Rana) had got his officers on the move on 29th January 1948 within a short time that he had at his disposal. "However, I will make it more clear. Rao Sahib Gurtu was there when D.S.P. Poona was called and the names of Apte, Godse and Badge were known from Rao Sahib Gurtu. I also asked him if Angarkar knows all three to which his reply was in the affirmative". There was no question of getting Gurtu and others in Poona on the move because the culprits were hiding in Bombay and the Bombay Special Branch were on their watch. The letter ended by saying "It is really disgraceful in that we have not been able to prevent this, and now I wonder if really we can justify our existence as C.I.D.s".

4.19 Ex. 33 contains the opinion of Mr. Kamte on Mr. Rana's letter, Ex. 30, of April 15, 1948. Ex. 33 has got no date but it only shows the reaction of Mr. Kamte. He there points out what should have been done. In the opinion of the Commission it is a document of some importance. In paragraph (1) Mr. Kamte has said that when the D.I.G. got Madanlal's statement on the 25th January, he should have taken action himself and not depended on Delhi officers.

(2) The D.I.G. cannot be absolved of his failure to contact the Poona C.I.D. giving instructions to arrest the persons whose names or descriptions were known from Madanlal's statement and it was no use finding fault with Delhi Police officers. The D.I.G. should have immediately informed Rao Sahib Gurtu. Even if the D.I.G. had fever, he could have sent a code telegram to Rao Sahib Gurtu and his telephoning to the D.I.B. was not the point at issue. The "only fact" was that he failed to take action immediately after receiving the statement of Madanlal. When he reached Poona, Rana should have asked the A.D.I.G. to arrest the persons whose names and descriptions had been disclosed in Madanlal's statement.

(3) If telephone conversation were considered undesirable, the D.I.G. should have sent a civil cipher code telegram.

(4) The names that the D.I.G. saw in Nagarvala's note book were not the names which Madanlal's statement disclosed and he wanted to know "why the Poona C.I.D. did not go to arrest men from Maharashtra".

(5) It may be true that the D.I.G. did not know the editor and proprietor of the Hindu Rashtra till he reached Poona. Therefore, it would have been better if he had informed Rao Sahib Gurtu by cipher telegram.

(6) Merely telling the D.I.B. to take preventive measures was not enough. The D.I.G. should have sent his own men from Poona for the purpose.

(7) The D.I.G. has said that Rao Sahib Gurtu was present when the D.S.P. Poona was called and the names of Apte, Godse and Badge were known from Rao Sahib Gurtu. That is exactly what Mr. Kamte had been saying all these days.

(8) If Rao Sahib Gurtu had been informed by the D.I.G., would have taken necessary action.

(9) The culprits might have been in Bombay or near Bombay but if the Poona C.I.D. had information they would have made inquiries in Poona and if they thought that the culprits belonged to Savarkar group, they would have gone to Bombay.

(10) It was unfortunate that the D.I.G. did not realise the necessity of sending a man to Delhi immediately.

4.20 But what follows takes away the force of the criticism because it says, "he was being corrected for not realising this so that in future he may not commit these mistakes again". Unfortunately, there cannot be Gandhis over and over again, at least not in the very near future, and therefore this admonishing was wholly fatuous.

4.21 This correspondence to which the Commission has attached great importance shows this:

- (1) That Mr. Rana should have contacted his men at Poona rather than sending Delhi Police officers there.
- (2) After getting the statement of Madanlal on the 25th, he should immediately have got into touch with Rao Sahib Gurtu and asked him to get on the move.
- (3) The D.I.G. had failed in taking proper measures.

4.22 The correspondence also shows that the statement of Madanlal, which was first made, did not particularise any person excepting Karkare and the names or avocations of others were not given. Whether the descriptions were there or not is not easily discernible.

4.23 In the opinion of the Commission the assessment of Mr. Kamte was correct and had the D.I.G. taken only the most elementary step of asking his C.I.D. Poona about the identity of the associates of Karkare or Madanlal he would most probably have found out who they were. At any rate if officers could be flown from Poona after the murder to protect the Ministers in the Central Cabinet, the same course could have fruitfully been adopted after the bomb was thrown and Madanlal's statement of the 24th or 25th January had become available.

Fourth Inquiry

4.24 The fourth inquiry in Bombay was by way of a Cut Motion in the Bombay Legislative Assembly dated 12-3-1949 Ex. 232 where Mr. Morarji Desai gave his version of the Government that Prof. Jain had seen him on 21st January 1948 and had given him certain information but Jain had not told him that he had also seen Mr. Jayaprakash Narayan, and Jain's name was not disclosed to the police before the 30th because Jain did not want his name to be disclosed. He then said that whatever information he had received he conveyed to Sardar Vallabhbhai Patel at Ahmedabad where he, Mr. Desai, specially went to give that information to him. He also said that not only he informed Sardar Vallabhbhai Patel, but he also informed Mahatma Gandhi himself and told him that there was a real danger to his life and he implored him to be more careful and the only effective way that the danger could be checked was to search every person who was going to his residence or to his prayer meeting. But it was not possible to search these people without Mahatma Gandhi's knowledge and Mahatma Gandhi did not agree to any such thing. Mahatma Gandhi said that he would stop his prayers and go away from Delhi rather than reconcile himself to the people being subjected to searches. That is why it was not possible for the Delhi Police to take better steps and the Bombay Police could do nothing in the matter. He said:

"I told the police officer to take action against everybody who came under suspicion. Mr. Jain has not said that he gave me names of two other persons who ultimately were found to be in the conspiracy and who had nothing to do with the offence.....I have stated what steps were taken by the police force. I know all that because I was inquiring of the police officer constantly as to what was being done not only before the incident, but even afterwards when the offence was being investigated, because I wanted to give him the benefit, if any of my views and knowledge. I found that they were constantly on the move. Even at midnight I found that they were on duty. I found that the Police were not even caring for their meals. They had so much concentrated on the work. That is why I cannot say that they failed in their duty."

4.25 The Minister then denied the complaint of Prof. Jain that he was insulted or shouted down when he went the next time after the murder to see the Ministers.

Nagarvala's explanation

4.26 Mr. Nagarvala was asked to give his explanation which he did and is marked Ex. 14. It was sent to Government of India by Mr. Dehejia with his letter, Ex. 170 dated 25th March, 1949. Ex. 14 sets out the steps taken by him in the investigation, if one may so call it, which he conducted in Bombay after Mr. Morarji Desai gave him information about Karkare, etc. It is really a copy of the Crime Report from January 21, 1948 to January 30, 1948. It is not necessary to repeat the contents here because they are contained in the chapter dealing with the investigation at Bombay. To this he attached his letter to Mr. Sanjevi, Appendix A dated January 30, 1948 which is really Ex. 8. He also attached to his explanation certain other appendices—Appendix B, a list of places watched and names of persons watched during that period; Appendix C, his statement in court, portion of statement of Inspector Pinto and Deputy Superintendent of Police, Jaswant Singh.

4.27 When this explanation, Ex. 14, was received in the Secretariat, there was certain noting on it (Ex. 168) which was adverse to what Nagarvala had done. The office pointed out the various infirmities in the investigation which are worth mentioning.

(1) Badge was well-known to D.S.P. Poona. Why was he not contacted and why was Karkare made the central figure and the case started with Madanlal.

(2) Why did the Delhi Police not bring Madanlal's statement on January 22, 1948.

(3) What efforts were made to establish contact with Delhi and what action did Rana take on Madanlal's statement.

(4) Did Nagarvala spot an editor with initials N.V.G. from Poona who was Madanlal's companion.

(5) Did Nagarvala go to Ahmednagar to look for links of Madanlal there. Who was handling the investigation at Ahmednagar and Poona. If Badge was seen in Ahmednagar three days before and he was suspected, why was no action taken.

4.28 When this note went to Mr. Morarji Desai, he held a discussion with his Secretary and finally it was decided that Ex. 14 with the appendices should be sent on to the Government of India.

4.29 On the receipt of this explanation and explanation of Mr. Sanjevi, Ex. 7 with the annexures, Mr. Iengar made his remarks which have already been set out and Hon'ble the Home Minister, Sardar Patel, gave his remarks. The file was finally sent to Hon'ble the Prime Minister who just signed it.

CHAPTER V—SCOPE OF THE INQUIRY

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CHAPTER V

Scope of the Inquiry

5.1 The circumstances under which this Commission was appointed are these: On January 30, 1948, Mahatma Gandhi was shot dead. He was the topmost leader of India whose position was higher than that of anyone else; he was the architect of a new independence movement, i.e., the achievement of freedom by non-violence, a novel concept in a world riven by strife and abounding in violence, war and aggression. He was both a saint and a politician. He was assassinated on January 30, 1948 while he was going to his daily prayer meeting at about 5 p.m. in the grounds of the Birla House by revolver shots fired by Nathuram Godse who was arrested at the spot. Previous to the murder, a young Punjabi refugee, Madanlal Pahwa, had burst a bomb at the back of Birla House damaging a wall and was arrested. In connection with that the Delhi Police were carrying on investigation, and that offence was found to be in pursuance of the conspiracy to murder Gandhiji.

5.2 In connection with both these offences, eight persons were arrested and put on trial, and the facts of the conspiracy with its object of murdering Mahatma Gandhi are clearly set out in the judgment of the learned trial judge, dated February 10, 1949, and the judgment of the Full Bench of the High Court of East Punjab dated June 21, 1949. It is not necessary to repeat them here except to give a short resume of the story preceding the murder.

Conspirators—movements of Story unfolded in the judgments of courts

5.3 The story which the prosecution unfolded at the trial of the accused in the Gandhi Murder Conspiracy case sufficiently sets out the incidents which happened before the two occurrences, i.e., the exploding of a gun cotton slab and the assassination of Gandhiji which formed the bases of accusation against the accused in that case. The accused in that case were :—

- (1) Nathuram Godse, aged about 37.
- (2) Narain Apte, aged about 34.
- (3) Vishnu Karkare, aged about 38.
- (4) Madanlal Pahwa, aged about 20.
- (5) Shankar Kishtayya, aged about 20.
- (6) Gopal Godse, aged about 27.
- (7) V. D. Savarkar, aged about 66.
- (8) D. S. Parchure, aged about 47.

'Of these, Nathuram Godse and N. D. Apte were respectively editor and manager of the newspaper, the Hindu Rashtra published in Poona. Previously it was published under the name of the Agrani but when action was taken against it under the Press Emergency Powers Act, it ceased publication and restarted under its new name. According to the judgment of the trial court, they were close associates and members of the Hindu Mahasabha with identical views and the evidence before the Commission is to the same effect. They were both sentenced to death and their sentences were upheld by the High Court and they were ultimately executed on November 15, 1949.

5.4 V. R. Karkare belonged to Ahmednagar. He owned a hotel, the Deccan Guest House, there. He was also a Hindu Mahasabhaite and both Nathuram Godse and Apte had known him for a considerable time. He also had identical political leanings. Madanlal Pahwa was a young Punjabi refugee who had come into contact with and under the influence of V. R. Karkare and through him he came into contact with Nathuram Godse and Apte. Badge was a man of ordinary status. He belonged to Gondali caste of bards who specialise in devotional music. He was running a shastra bhandar (an arms shop) in Poona and was trafficking in arms, ammunitions and explosives. He was also a Hindu Mahasabhaite. He had been helped in starting his business by many persons, including Mr. G. V. Katkar, witness No. 1. Shankar Kishtayya was a servant of Badge. Gopal Godse was the brother of Nathuram Godse and V. D. Savarkar was a well-known revolutionary leader who had distinguished himself in his violent anti-British activities and had come into prominence after his escape from a British ship in a French port. He later became a Hindu Mahasabhaite—its President—and was a leader of the militant group of that party. Parchure was a Hindu Sabha leader at Gwalior; he was a medical practitioner and resided in that town.

5.5 Of the accused, Madanlal threw a bomb or ignited a gun-cotton slab at Birla House on January 20, 1948. He was arrested at the spot. And 10 days later, i.e., on January 30, 1948, Nathuram Godse fired three shots at Mahatma Gandhi from a close range and was thus the actual murderer of the Mahatma. He also was arrested at the spot. The accused were prosecuted for murder and conspiracy to murder under sections 120-B and 302 and s. 307, Indian Penal Code and of various other offences under the Arms Act and the Explosive Substances Act.

5.6 According to the judgment of the trial court, the investigation into the gun-cotton explosion started on January 20, 1948 and into the murder on January 30, 1948, Mr. J. D. Nagarvala, IP., Deputy Commissioner of Police, Bombay, was appointed on January 31, 1948, an Additional Superintendent of Police, Delhi, in addition to his own duties and investigation into both the incidents was taken up by him. As a matter of fact, his appointment was gazetted later with retrospective effect.

5.7 D. R. Badge who turned an approver was arrested at Poona on January 31, 1948. D. S. Parchure was first ordered to be detained and kept as a detenu at Gwalior as from February 3, 1948 and was put under arrest for the offence of conspiracy etc. on February 17, 1948. Gopal Godse was arrested while on his way to his native village Uksan in Poona District on February 5, 1948. Savarkar was taken into custody and detained as from February 5, 1948 and was put under arrest in the case on March 11, 1948. Shankar Kishtayya was arrested at Bhuleshehar near the residence of Dikshitji Maharaj and Dadaji Maharaj in Bombay on February 6, 1948. N. D. Apte and Karkare were arrested at Pyrkes Apollo Hotel at Bombay on February 14, 1948. Nathuram Godse was arrested at the spot and Madanlal had already been arrested on January 20, 1948, soon after he exploded the "bomb". There were three other persons who were alleged to be in the conspiracy—Gangadhar Dandwade, Gangadhar Yadav and Suryadeo Sharma—but they were absconding and successfully evaded arrest.

5.8 Vishnu R. Karkare was a kind of a hotelier at Ahmednagar. Madanlal was a refugee from Pakpattan Tehsil of Montgomery District and was residing after the Partition at the refugee camp at Visapur about 20 miles away from Ahmednagar. Gopal Godse is the brother of Nathuram Godse and was a Government servant and at the time of his arrest was employed in the Motor Transport Spares Depot at Kirkee. Shankar was the servant of Badge and used to prepare handles for daggers manufactured by Badge. D. S. Parchure was a medical practitioner in Gwalior. Badge, the approver, who was of Gondhi caste, belonged to Chalisgaon but had settled in Poona and was at one time associated with one Mr. Atre, the leader of the Congress Party, and was employed in the local municipality. After he was discharged from there, he was employed by Mr. G. V. Ketkar, witness No. 1, for collecting funds for the Hindu Anath Ashram and Hindu Sangathan Samiti with which Mr. Ketkar was intimately connected.

5.9 The story of the prosecution was that a conspiracy to murder Mahatma Gandhi was entered into sometime in December 1947 and Parchure, it was alleged, joined the conspiracy on January 27, 1948. In furtherance of the object of the conspiracy, Badge and Shankar brought two gun-cotton slabs and five hand-grenades with primers and detonators to Bombay on the evening of January 14, 1948 which were kept at the residence of Dikshitji Maharaj with a servant of his. Apte and Nathuram Godse arrived at Bombay the same evening, and went to the house of Dikshitji Maharaj with Badge to procure a revolver from him but could not get one. Karkare and Madanlal had arrived in Bombay sometime earlier and were staying in Hindu Mahasabha Bhawan where Badge and Shankar also stayed. On the 15th the explosives kept at the house of Dikshitji Maharaj were taken over by Karkare and Madanlal and were brought to Delhi the same evening tied up in a bedding. Badge and Nathuram Godse returned to Poona—Badge in order to make arrangements about his *bikandar* and Nathuram to fetch his brother Gopal Godse who had promised to provide him with a revolver. Badge and Shankar returned to Bombay reaching there early on the morning of the 17th. Evidently, Apte and Nathuram Godse were

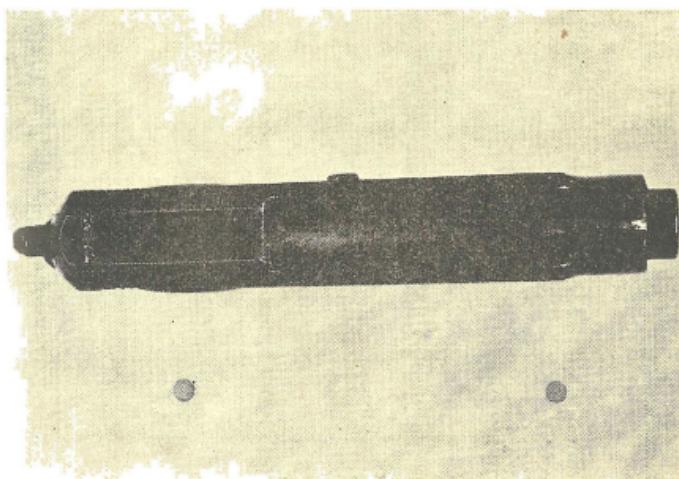
also in Bombay and they collected some money for expenses required to carry out their plot. Nathuram Godse and Apte left by plane on the afternoon of the 17th arriving at Delhi in the evening and stayed at the Marina Hotel, then a fairly posh European style hotel in Connaught Circus. Madanlal and Karkare had arrived the same day at about 12.30 P.M. and not being able to get accommodation at the Hindu Mahasabha Bhawan stayed at the Shariff Hotel. Badge and Shankar arrived at Delhi on the evening of the 19th and stayed at the Hindu Mahasabha Bhawan. Gopal Godse arrived at Delhi sometime after 17th January. One account was that he arrived on the evening of 18th January and met the others on 19th January. He also stayed at Hindu Mahasabha Bhawan. Thus, Badge, Shankar, Gopal Godse and Madanlal stayed at the Hindu Mahasabha Bhawan for the night. Apte and Badge and Shankar went to the Birla House on the morning of the 20th and made a survey of the prayer ground and the back of the servants quarters and then returned to Hindu Mahasabha Bhawan. In the jungle behind the Bhawan they tried out the two revolvers that they had brought but they were found to be unserviceable.

5.10 Thereafter they all met at the Marina Hotel in Nathuram's room and the plan for the evening was finalised which was that Madanlal should explode the gun-cotton slab at the back of the Birla House in order to create a commotion and taking advantage of the panic thus caused, Badge and Shankar would fire at Mahatma Gandhi with the two revolvers and would also throw at him a hand-grenade each. Badge was to fire the revolver and throw a hand-grenade from the trellis work of the window of the room in the servants quarter immediately behind where Mahatmaji used to sit at the time of the prayers. He was to enter the room posing as a photographer with the object of taking a photograph of the prayer meeting. Gopal Godse, Madanlal and Karkare were to throw the remaining hand-grenades on Mahatmaji at the same time. Apte and Nathuram were to give signals for the various participants to carry out their respective and assigned parts. In pursuance of this plan, the gun-cotton slab and a hand-grenade were given to Madanlal, one hand-grenade and revolver to Badge, one hand-grenade each to Gopal Godse and Karkare. The conspirators then left the Marina Hotel for Birla House, Madanlal and Karkare first, all the others excepting Nathuram Godse a little later in a taxi. Nathuram was to follow them. It is not necessary to give the rest of the story except to say that Madanlal ignited the gun-cotton slab on the wall near the back gate of Birla House but the others did not carry out their respective assigned parts and Nathuram Godse, Apte and Gopal Godse left immediately in the taxi by which they had come. Madanlal was arrested at the spot; Karkare, Badge and Shankar managed to escape.

5.11 While Nathuram Godse and Apte were in Bombay they had unsuccessfully tried to get a pistol from Dadaji Maharaj and Dixitji Maharaj. From Delhi they went to Gwalior arriving at 10.30 P.M. on 27th January and stayed the night and the day following with Dr. Parchure to whom they disclosed their plan and with his help and with Dandwate the absconding accused they were able to get a pistol from one Goel. Leaving Gwalior the same night they



(i) Ex. 270 A—Pistol used by assassin Nathura
[Para. No. 5.11]



270 C—Another picture of the pistol.
[Para. No. 5.11]

arrived at Delhi the next morning where they were joined by Karkare and three of them spent the night in the retiring room at the Delhi Main Railway Station. The next evening, i.e., on the 30th January, Nathuram Godse shot Mahatma Gandhi dead and was arrested at the spot. Two photographs of the assassin's pistol (Court Ex. 39) are attached herewith. (See next page).

5.12 The Commission has got two documents prepared which show the movement of the accused from January 9, 1948. They also set out the evidence in support of the movements indicated. (See Exhibit 276 and Exhibit 276-A).

5.13 It thus shows that the conspirators moved about from place to place. The principal ones amongst them were staying at better class and better known hotels like the Marina Hotel, New Delhi and the Elphinstone Annexe Hotel, Bombay and after the incident of the 30th they managed to escape by train—two to Poona and the principal accused, i.e., Nathuram Godse and Apte to Kanpur en route to Bombay. Karkare and Gopal Godse stayed the night in Delhi at the Frontier Hotel in Chandni Chowk and one left the following day and the other later. As far as the court record goes, it does not show that the conspirators were hiding themselves anywhere and beyond adopting pseudonyms they do not seem to have attempted to hide themselves.

5.14 On return to Bombay on January 23, Apte stayed at the Arya Pathik Ashram, Bombay, under an assumed name of D. Narayan and so did Nathuram Godse. Thereafter Nathuram Godse and Apte stayed in the Elphinstone Annexe Hotel from January 24, 1948—Nathuram Godse stayed under an assumed name of Vinayakrao. Apte spent the night between the 24th and 25th January 1948 with a woman in the Arya Pathik Ashram and then shifted to Elphinstone Annexe Hotel where they (Apte and Godse) stayed upto January 27, 1948. On the morning of January 25, Nathuram Godse and Apte went to the Air India office and got two seats reserved in the names of Narayanrao and Vinayakrao by the plane leaving on the 27th January. The four of them—Nathuram Godse, Gopal Godse, Apte and Karkare—met at the house of G. M. Joshi of the Shivaji Printing Press at Thana and conferred together there which really meant that they discussed their future plan to carry out the object of the conspiracy.

5.15 On January 26, 1948, in the morning, Nathuram Godse and Apte met Dadaji Maharaj and Dixitji Maharaj and asked their help to get a revolver but they did not succeed in getting one. On January 27, 1948, both of them left Bombay for Delhi by air. It is alleged that on the eve of their departure for Delhi the two principal conspirators, Godse and Apte, saw Savarkar but that is controversial. The rest of their movements, i.e., their reaching Delhi, proceeding to Gwalior, staying there with Dr. Parchure and getting a revolver through him and returning to Delhi on the 29th January 1948 and staying in a retiring room at the Delhi Railway Station have already been set out above. On January 30, 1948, at 5 P.M., Nathuram Godse carried out the object of the conspiracy, firing three shots at point blank range and thus killing Mahatma Gandhi.

5.16 The Commission thus has a complete picture of the movements of the conspirators from the time they left Poona on January 15, 1948, right upto the time they were arrested on various dates. It is not necessary to pursue the course of the trial before the Special Judge, Delhi and the appeal before the East Punjab High Court, but the fact remains that these persons after the arrest of Madanlal and after the information which had been given by Professor Jain were moving about in Bombay and in Delhi and other places and neither their names nor their identities could be discovered. The High Court has exonerated the police of all blame and held that this was in spite of strenuous efforts of the police through the trial judge had held the police lacking in diligence and thus blameworthy.

5.17 The Special Judge found seven of them guilty and sentenced two, Nathuram Godse and Apte, to be hanged; and the rest except Savarkar who was acquitted, were ordered to be transported for life. On appeal to the High Court, two more were acquitted, i.e., Parchure and Shankar Kishtayya. The appeal of the rest of the accused persons was dismissed; the sentences of death on Nathuram Godse and Apte were confirmed under s. 374 Cr. P.C. and the sentences passed on the other three were upheld.

5.18 Nathuram Godse and Apte were hanged in Ambala Jail on November 15, 1949. The rest were kept in Punjab Jails and then in Bombay jails. After they had served a certain number of years they unsuccessfully moved, on more occasions than one, the Supreme Court for writs of *Habeas Corpus* on the ground that they were entitled to claim remission for good conduct. Ultimately, on October 12, 1964, Gopal Godse, Karkare and Madanlal were released from jail by the Government of India although the Government of Maharashtra were not in favour and had so advised the Government of India. It is not for the Commission to say whether they were right or wrong. As a matter of fact, the Government of India were unwilling to disclose the reason for their going against the advice of the Government of Bombay. The fact remains that these persons were released.

5.19 The release of these persons was made the occasion of Satyavinyak Pooja at Udyan Karyalaya at Poona. For this ceremony invitations were sent out on a post card, Ex. 29, under the name of one M. G. Ghaisas. The invitation was in Marathi and its English translation supplied by the Government of Bombay is as follows :—

SHRI GAJANAN PRASANNA

(i.e., May Lord Ganpati bless)

With respect of love—

To rejoice the release from jail of Shri Gopalrao Godse—the brother of Patriot (deshbhakt) (Italics are by the Commission) the late Nathuram V. Godse, Shri Vishnupant Karkare and Shri Madanlal Pahwa, we (their friends) are going to perform Shri Satya Vinayak Puja and Congratulate them by inviting them here. You are

therefore requested to remain present for this ceremony along with your friends.

Yours,

M. G. GHAISAS.

Time—Thursday 12-11-1964 5.30 P.M. to 7.30 P.M. Place Udyan Karyalaya, 619
Shaniwar Path, Poona - 2.

5.20 It is significant to note that in this invitation Nathuram Godse was described as 'Deshbhakt', i.e., a patriot which is demonstrative of the mentality of the organisers of the function and it may not be too remote an inference that the invitees would be sympathetic if not holding the same or similar views. The affidavit filed in the Bombay High Court by M. C. Ghaisas, who was also detained as a consequence of the function, shows that about 50 invitations were sent. Actually the attendance was about 3 or 4 times that number. It has variously been described as 125 to 200.

5.21 In the issue of the Indian Express dated the 14th November, 1964, Ex. 26, under the caption "POONA EDITOR KNEW OF THE PLAN TO MURDER MAHATMA GANDHI", there was a report of the proceedings of this function by its Poona Correspondent to the effect that Mr. G. V. Ketkar, former editor of the *Kesari* and at that time editor of the *Tarun Bharat* presided at the function and the occasion was described as a reception in the newspaper which indeed it was and was given in honour of Gopal Godse and Vishnu Karkare. Mr. G. V. Ketkar there made a speech in which he said that he knew from Nathuram Godse assassin of Gandhiji, of the "plan" to murder Gandhiji quite a "few weeks earlier" but he was opposed to Nathuram's idea. The proceedings of the function which may be termed a *puja* or a meeting shows that Gopal Godse and Karkare narrated their jail experiences. The following extract from the newspaper, *The Indian Express*, Bombay, shows what exactly Mr. Ketkar said :—

"Mr. Ketkar presided over the function, which was held in Udyan Mangal Karyalaya. It was attended by about 100 men and women.

"Mr. Ketkar disclosed that for about three months prior to Gandhiji's murder, Nathuram 'used to discuss with me the pros and cons' of his idea to kill Gandhiji. He was opposed to the idea and 'used to tell Nathuram to consider the consequences, both social and political'.

"Mr. Ketkar said that after the first incident (Madan Lal had exploded a bomb at Gandhiji's prayer meeting a few days before the murder), Badge (who turned approver) had come to Poona and told him (Mr. Ketkar) of 'their future plans'.

"Mr. Ketkar added that he thus knew that they were going to kill Gandhiji.

"As Mr. Ketkar said these things, Mr. Gopal Godse asked him not to speak 'more about it'. But Mr. Ketkar said that 'they will not arrest me now for that'."

5.22 Ex. 27B is a report of the proceedings as given in the *Times of India* dated 16th November 1964 which is a little more informative. Therein it is said that Mr. Ketkar recently asserted that he had advance information about Nathuram Godse's intention to assassinate Mahatma Gandhi, and told the Times of India News Service, that he had informed the late Balukaka Kanitkar about Godse's intention to murder Mahatma Gandhi and that Kanitkar had written to Mr. Kher but the State Government did not act on the information received. Ketkar also said that he tried to dissuade Nathuram Godse from doing bodily harm to Gandhiji. Mr. Ketkar further disclosed that Nathuram Godse, had in a public speech, said that he would like to see how Mahatma Gandhi would realise his wish of living upto 125 years. This disclosure about the advance information was condemned by the Poona City District Congress Committee as a dangerous trend which was harmful to the State. The President of the D.C.C., Mr. B. N. Sanas, drew the attention of the State Government to Mr. Ketkar's statement and he also wanted the Government to take note of the fact that those who had been sentenced in the Mahatma Gandhi Murder case were felicitated by certain persons in Poona on their release from prison.

5.23 When the *Indian Express* report appeared in its issue dated November 14, 1964, Mr. G. V. Ketkar issued a clarification which is as revealing as his previous speech. This is Ex. 27A, and appeared in the *Indian Express* of November 17, 1964. He confirmed the news being given to the then Premier Mr. B. G. Kher through the late Balukaka Kanitkar to whom Mr. Ketkar had conveyed Nathuram's intention to kill Gandhiji. He further said that the report in the previous issue of the *Indian Express* was "generally correct" but the objection that Ketkar took to the report was in regard to the use of the words "plan to kill Gandhiji". The clarification was in the following words:-

"In his 'clarification', Mr. Ketkar said that what Nathuram had told him was his 'intention' to kill Gandhiji and not his 'plan' to murder Gandhiji."

* * *

"I stated in my closing remarks that after Nathuram Godse had disclosed to me some months before (Gandhiji's murder) his intention of murdering Gandhiji I had tried to dissuade him on political, social and moral grounds.

"Published reports of that speech are generally correct. I had spoken about it (Nathuram's intention) to the late Balukaka Kanitkar. He (Kanitkar) had then written to the then Chief Minister, B. G. Kher, informing him Nathuram's intention. Kanitkar had shown me a copy of that letter (to Kher).

"Since I expressed opposition to Nathuram Godse he did not speak to me about the matter. Hence I had not come to know in advance his actual plan."

5.24 In the same issue, the *Indian Express* adversely commented upon Mr. Ketkar's conduct. It said that Ketkar's foreknowledge of the assassination of Mahatma Gandhi only added to the mystery of

the circumstances preceding the crime. In other words, the Poona Editor had information from Godse himself of the assassin's 'intention' and not of his 'plan'. This subtle difference does not greatly alter the patent fact that Mr. Ketkar, as a responsible citizen, had a clear obligation to prevent the assassination as far as it lay in his power. It also said that it was the duty of the Government to come out with the facts in fairness to the Poona editor. The paper added—

"But the story would not end there. Even if Mr. Ketkar is cleared by an official confirmation of his claim, a further explanation would still be required of those who last week made such a show of Godse's 'martyrdom'. The Poona 'reception' for the assassin's two accomplices was a sordid reminder of the ugly spirit which still moves some people in this country. Have we really fallen so low that not only the murderer of the Father of the Nation but also those who, in the eyes of the law, helped him in his heinous act are to be regarded as national heroes? The Poona 'reception' was a shame beyond description. There can be no two opinions about it."

5.25 The *Poona Daily News* also published a report of Ketkar's clarification in its issue of 16th November, 1964, Ex. 28. There the clarification is different. A reference is made by Mr. Ketkar to the speech of Nathuram Godse at a meeting mentioning about Gandhiji's utterances of living upto 125 years and then he mentioned his having a talk with Balukaka Kanitkar about this intention of Nathuram Godse and it was Balukaka Kanitkar who had "relayed" the fact to Mr. B. G. Kher. Further, it is asserted that everything to avoid this calamity was thus done "when I told Nathuram that it is wrong way to behave in the politics and it would have grave and misdirected repercussions."

5.26 Ex. 182 dated November 24, 1964, is a letter from the District Magistrate to the Government of Bombay regarding reaction to the disclosure made by G. V. Ketkar. Poona City, it said, was stirred by Ketkar's statement and the subsequent functions to celebrate the death anniversary of Nathuram and the situation had become tense but because of the intervention of the leaders of political parties no mishap took place.

5.27 By an order dated November 24, 1964, the District Magistrate, Poona, ordered the detention amongst others of G. V. Ketkar. It will be relevant to note at this stage that after the comments in the *Indian Express* and before the passing of the order of detention, on November 23, 1964, Mr. Ketkar left Poona and fled to Madras on 24th November. On November 25, 1964, he surrendered himself before the Commissioner of Police at Madras. He was then brought back to Poona and on the way when the train was within the boundaries of the Maharashtra State, the order of detention was served on him at midnight and he was first detained in Poona Vervada Jail and then in "Akola District Prison".

5.28 After his detention he put in a petition, Ex. 18, to the Reviewing Authority under the Defence of India Rules, wherein he denied

the allegations which had been made against him in the Indian Express report and he tried to meet the inference which the comments in that newspaper had drawn. He stated therein that he met Balukaka Kanitkar and conveyed to him Nathuram's public speech and his corroborative private talk with him (Ketkar) and he urged on Balukaka to communicate the fact to the authorities and that Balukaka had done so. He also stated therein that "shocking confession" was nothing new and that he had disclosed it earlier to Mr. R. K. Khadilkar who is now the Deputy Speaker of the Lower House, who was also examined before this Commission at witness No. 97 but he had no recollection of any such talk. It is difficult to imagine that if there had been any such talk, it could have been forgotten.

5.29 Evidently there were interpellations in the Maharashtra Legislative Assembly on February 25, 1965 in regard to the reception in honour of Gopal Godse and Karkare who had been convicted in the Mahatma Gandhi Murder case. According to Mr. Ketkar himself there was a furor in the public press and as a consequence he, Ketkar, was ordered to be detained. There was also an uproar in both Houses of Parliament and indignant speeches were made there. In the Council of States there was a Calling Attention Motion in regard to the statement made by Mr. G. V. Ketkar regarding the "plan" of Nathuram Godse to assassinate Mahatma Gandhi. The Home Minister, Mr. Gulzari Lal Nanda, in his speech said that at a meeting to felicitate Gopal Godse and Vishnu Karkare, Mr. Ketkar had claimed that he had known of the intention of Nathuram Godse to assassinate Mahatma Gandhi and had conveyed this information to the late Mr. B. G. Kher through Balukaka Kanitkar; that as both Balukaka and Mr. Kher were dead, Government was making a thorough inquiry into the matter with the help of old records in consultation with the Government of Maharashtra.

5.30 Mr. A. D. Mani asked the Home Minister whether he had received a detailed report as to what happened at the meeting and referred to what had been published in the newspapers. He asked further whether any attempt had been made by Government of India to ask Mr. Ketkar to give all those details which he knew. Mr. Nanda in reply said that it should be possible to take action against a person who was an "accessory before the act".

5.31 Mr. Bhupesh Gupta, another M.P., made a spirited speech and said that two things had clearly emerged from the proceedings: (1) disclosures about the plan to murder Mahatma Gandhi were made by Mr. Ketkar, and (2) the organisation of the reception itself. He further said that at the time of assassination of Mahatma Gandhi people had a feeling that there had been some dereliction of duty somewhere and that he had not been given the protection which he should have been given. He said:—

"Is it not a fit case for a very high-powered enquiry into the whole revelations that had been made in order to find out whether and in what manner the information was received, the communication about the intention was received by

Mr. Ketkar, what he did later on, to whom he sent, and so on? I think that if it had been so much talked about at that time, the would-be murderer coming and talking to Mr. Ketkar, it is tantamount to an admission that the matter had been discussed in a conspiratorial manner amongst others also. What was the Bombay Government doing at that time? We would like to know whether the Bombay Government and the Central Government and the Central Intelligence had any inkling or indication with regard to such things. This is very very important."

He added that he would suggest that because there was a deliberate dereliction of duty on the part of some people in high authority who had got information through Mr. G. V. Ketkar directly or indirectly, he would suggest that a high-powered enquiry be held into the whole matter. He ended his speech by saying:—

"I should like to know whether they, after having failed to protect Mahatma Gandhi's "life, are today going to allow these kinds of things. All these things have to be explained."

5.32 Another Member, Mr. Thengari, wanted to know whether the Government were forewarned by Mr. Balukaka Kanitkar who had urged it to take precautions.

5.33 Professor M. B. Lal said the fact that Ketkar presided over the meeting indicates that he was not so innocent as he tried to show himself to be and that he had written a number of articles inciting hatred against Mahatma Gandhi. Many other Members expressed their feeling of disgust at the hideous glorification of such murders like the assassination of Mahatma Gandhi. It was under these circumstances that this Commission of Inquiry was set up by the Central Government.

5.34 The Commission has appended to this portion a copy of the Parliamentary Debates which show how the Members of Parliament reacted to the revelations made by Mr. Ketkar. Appendix II.

5.5 In pursuance of these debates the Central Government by a notification dated March 22, 1965, appointed a Commission of Inquiry for the purposes of making an inquiry into the matters of public importance therein specified and the terms of reference were:—

- (a) Whether any persons, in particular Shri Gajanan Viswanath Ketkar, of Poona, had prior information of the conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi;
- (b) whether any of such persons had communicated the said information to any authorities of the Government of Bombay or of the Government of India; in particular, whether the aforesaid Shri Ketkar had conveyed the said information to the late Bal Gangadhar Kher, the then Premier of Bombay, through the late Balukaka Kanitkar;

(c) if so, what action was taken by the Government of Bombay, in particular by the late Bal Gangadhar Kher, and the Government of India on the basis of the said information.

Mr. Gopal Swarup Pathak, M.P., a Senior Advocate of the Supreme Court was appointed to make the inquiry. On his being appointed a Central Minister and then Governor of the State of Mysore, this Commission was reconstituted and I was appointed to conduct the inquiry. That is how this Commission of Inquiry came to be constituted.

5.36 The terms of reference were amended by notification No. 31/28/68-Pol.I(A) dated October 28, 1968, and in clause (c) the words "and by the officers of the said Governments" were added with retrospective effect so that the third clause now reads as under:—

(c) If so, what action was taken by the Government of Bombay, in particular by the late Bal Gangadhar Kher, and the Government of India and by the officers of the said Governments on the basis of the said information.

5.37 The first term, i.e., (a), refers particularly to Mr. Ketkar of Poona and whether he or any other person had prior information of the conspiracy of Nathuram Godse and others to assassinate Mahatma Gandhi.

5.38 The second term refers to any communication by such persons, as are mentioned in the first term, of the information to the Government of Bombay or the Government of India and in particular whether Mr. Ketkar had conveyed this information through Balukaka Kanitkar to the late Balasahib Kher.

5.39 And the third term refers to the action taken by one or the other or both the Governments or any of the officers of the said two Governments.

5.40 Clause (b) is wide enough to cover not only the Government of Bombay and the Government of India but also any of the authorities of those Governments which would include various officers under the Governments including those belonging to the police and civil administration.

5.41 Now the first term uses the words "had prior information of the conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi" and the use of the word "conspiracy" in the context, it is submitted, perhaps not unjustifiably, is significant and important. Is the Commission confined to the prior knowledge of "conspiracy" as it is defined under section 120A of the Indian Penal Code or does it refer to the general danger to Mahatma Gandhi's life from a group of persons which would include Nathuram Godse as their mentor. The danger could have been from other persons also as was suggested by Mr. Morarji Desai in his evidence before the Commission or was hinted at by Gopal Godse, witness No. 33.

5.42 Both the trial court which tried the Gandhi Murder Conspiracy case and the High Court to which the appeal was taken after the conviction, have given their findings as to when the conspiracy came into existence. According to the judgment of the Special Judge Mr. Atma Charan, existence of the conspiracy could be deduced at least on January 9, 1948. The learned judge has said:—

"There is no evidence forthcoming on behalf of the prosecution as to when the 'conspiracy' was first entered into and by whom and where. However, it may safely be inferred from the 'movements of the accused and their conduct that the 'conspiracy' was in existence at least on 9th January 1948 when Narayan D. Apte sent Vishnu R. Karkare and Madanlal K. Pahwa along with two more individuals to examine the 'stuff' at the house of Digambar R. Badge. Narayan D. Apte, Vishnu R. Karkare and Madanlal K. Pahwa must have been in the 'conspiracy' at that time. Nathuram V. Godse comes in the picture first on 10th January 1948 when he along with Narayan D. Apte asked Digambar R. Badge to be supplied with two gun-cotton-slabs and five hand-grenades. Nathuram V. Godse must have been in the 'conspiracy' at that time. Digambar R. Badge joined the 'conspiracy' on 15th January 1948 when he agreed to accompany Nathuram V. Godse and Narayan D. Apte to Delhi. Gopal V. Godse must have been in the 'conspiracy' on 14th January 1948 when he put in an application for seven days' casual leave. Shankar Kistayya joined the 'conspiracy' on 20th January 1948 when he was told by Digambar R. Badge the purpose of their visit to the Birla House. Dattatraya S. Parchure joined the 'conspiracy' on 27th January 1948 when he agreed to get a pistol procured for Nathuram V. Godse and Narayan D. Apte."

5.43 The East Punjab High Court accepted this finding regarding the coming into existence of the conspiracy. There is also the evidence of Gopal Godse, witness No. 33. He stated that Nathuram made up his mind to finish Gandhiji when Gandhiji justified on January 13, 1948, his resolve to go on fast.

5.44 If the scope of the Commission is only to be circumscribed to the prior knowledge regarding "conspiracy" then any information that anybody might have had in regard to the danger to the life of Mahatma Gandhi from individual persons in Poona or wherever they might be would be excluded from the scope of the Inquiry unless there is proof "of their agreeing to do an illegal act" or they had banded together or formed a plot to do so. In S. 120A, the word 'criminal conspiracy' is defined as follows:—

"S. 120A. When two or more persons agree to do, or cause to be done,—

(1) an illegal act, or

"(2) an act which is not illegal by illegal means,
such an agreement is designated a criminal conspiracy;

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object."

5.45 Conspiracy, according to the Shorter Oxford English Dictionary, means a combination of persons for an evil or unlawful purpose; an agreement between two or more to do something criminal, illegal, or reprehensible; a plot.

5.46 In Webster's Third International dictionary the meaning is as follows:—

Conspiracy: 1. (a) an illegal, treasonable, or treacherous plan to harm or destroy another person, group, or entity; (b) an agreement manifesting itself in words or deeds and made by two or more persons confederating to do an unlawful act or use unlawful means to do an act which is lawful: Confederacy 2. a combination of persons banded secretly together and resolved to accomplish an evil or unlawful end: 3. a striking concurrence of tendencies, circumstances, or phenomena as though in planned accord.

5.47 In the notification, the word used in clause (a) is 'conspiracy' which is a term of art and when used in legal documents must ordinarily connote the meaning given to it in the law relating to conspiracies as contained in the Indian Penal Code. And in this case, the conspiracy is specified as being a conspiracy of Nathuram Godse and others to assassinate Mahatma Gandhi. Even according to its dictionary meaning, conspiracy is a combination for unlawful purposes; a plot, and is connected with something illegal.

5.48 So viewed and so considered, anything disclosed in July 1947 by Balukaka Kanitkar or Mr. Ketkar or both of them individually, or collectively, even if it was of a definite kind, would be excluded as there was no conspiracy of Nathuram Godse then.

5.49 If the scope of the Inquiry is confined to the knowledge of conspiracy technically so called, in the Penal Code or its meaning as given in dictionaries and if the conspiracy came into existence sometime on the 9th of January 1948 or thereabout or even in November 1947, then any inquiry into any knowledge or information in possession of Mr. G. V. Ketkar or anyone else before that date would be *dehors* the terms of reference in the notification and any inquiry by this Commission constituted under that notification with that limited mandate would be barred.

5.50 In both its legal sense and in its non-legal sense the word 'conspiracy' has reference to a combination or banding together. And therefore if one were to give to this word the legal meaning of S. 120A Indian Penal Code or the ordinary connotation of banding

together then unless G. V. Ketkar's or other evidence refers to such plotting of which the architect was Nathuram Godse, the scope of the Commission's Inquiry will be extremely constricted and narrow.

5.51 If on the other hand the word 'conspiracy' is not given its technical meaning then anything known or coming to the knowledge of Messrs. Ketkar or Balukaka Kanitkar individually or to both of them together or to any other individual relating to the intention or plan to murder Mahatma Gandhi or relating to a threat or danger to his life would be within the scope of the Inquiry by this Commission. A plan or intention may be of one person or more than one person acting together but conspiracy can only be between two or more than two persons. It is not even alleged that information given by Mr. Ketkar to Balukaka Kanitkar, assuming that it was given, was regarding a conspiracy or banding together of two persons or more and therefore if the Commission were to attach to the word 'conspiracy' its technical meaning that information would not be within the boundaries of the mandate of the Commission of Inquiry set up by the notification. And that would hardly be in conformity with what the Parliamentary debates disclose or what clearly appears to be the matter which was agitating the minds of the public as reflected in the speeches of the various Honourable Members of Parliament, in the Council of States or in the Housse of the People.

5.52 If the Commission were to take a technical view of the wording of the notification then prior to 20th January 1948 the only person outside the accused persons who had prior knowledge of the conspiracy was Professor Jain and his two friends with whom he held talks about Madanlal's disclosures; and Mr. G. V. Ketkar to whom such a plan was disclosed by D. R. Badge on or about the 23rd January 1948. Nobody has even alleged that before January 20, 1948 Professor Jain informed anyone in authority of the existence of the conspiracy or even of the danger to Mahatma Gandhi's life; of course, after January 20, 1948, when Madanlal was arrested and he made a "confessional" statement, the Delhi Police also came to know of the existence of the conspiracy but as to when they came to know about the identity of the conspirators or the participants in the offence may not be so easy to say or even relevant at this stage.

5.53 Professor Jain's knowledge of the conspiracy to put it in his own words was this:-

"Then he (Madanlal) said that there was a conspiracy to murder. I asked, whom do you want to murder. Do you want to murder me. He said that he did not know who was to be murdered. I asked him: "do you want to murder Jinnah." He said: "no, because Jinnah was too well guarded and nothing could be done about him." I named Maulana Abul Kalam Azad. Then I mentioned Sardar Patel. He said: "no". From my house I took him to the sea shore. I tried to draw him out by talking nicely. Even then he would not give the name. So I put a direct question as to who the person was that was going to be murdered. He named Mahatma Gandhi."

5.54 It may be added that on the 21st January Professor Jain gave this information of the conspiracy to Premier B. G. Kher and Mr. Morarji Desai and reference may be made to Mr. Morarji Desai's statement as P.W. 78 in the court of the Special Judge at page 166 of the High Court record. Even there the word used is not conspiracy but what is said is "He (Jain) then said that Madanlal his friends had decided to take the life of a great leader.....Madanlal then gave the name of Mahatma Gandhi."

5.55 In his statement before the Commission in answer to a question regarding conspiracy, Mr. Morarji Desai said:—

"There were rumours that there was a conspiracy going on against Gandhiji because of the Partition and of the 55 crores. I did not hear people saying that there was no escape for him and his life was in danger. This was about the time when he undertook the fast."

So that this also puts the matter in January 1948.

5.56 A Commission of Inquiry under the Commissions of Inquiry Act is, it has been so held by the Supreme Court, a fact-finding body and is not a judicial tribunal in the sense that that word is used. If the word 'conspiracy' and the language of the terms of the notification constituting this Commission of Inquiry were to be interpreted as statutes, statutory orders or legal documents are interpreted, i.e., according to the rules of interpretation by courts and other judicial or quasi judicial tribunals, then whatever was said and debated in Parliament previous to the notification constituting this Commission may not be relevant for its interpretation and if the word 'conspiracy' were to be strictly and legally construed, the mandate of Parliament and its direction for or requirement of collection of facts connected with Mr. Ketkar or Balukaka Kanitkar and what they said or did and what information they gave would not be carried out and the wishes of Parliament would be thwarted, frustrated and remain unfulfilled and the debate would become sterile. That would be stultifying the Commission itself and make its setting up thoroughly futile, useless and inutile if not facetious. That should be prevented and avoided as far as it is reasonably possible.

5.57 Now two persons are mentioned by name in clauses (a) and (b) of the notification—G. V. Ketkar and Balukaka Kanitkar. So it will be fruitful to discuss at this stage what they disclosed to the authorities if they did disclose anything at all or anything definite.

5.58 The evidence of Mr. G. V. Ketkar does not disclose his knowledge of conspiracy prior to January 20, 1948 and in this word "evidence" would include his statement as a witness before the Commission; his petition and affidavit to the Bombay High Court; petition to the Detenus Reviewing Board or any other document which he has chosen to place before this Commission. As a matter of fact, before January 20, 1948, the only person who had prior information of the conspiracy as such was, as has been said above, Professor Jain, but he, to put it mildly and even charitably, was sceptical.

sitant and even dubitant. He was examined by the Commission more than once and was readily available whenever summoned to appear and was always ready and anxious to give whatever information he possessed.

5.59 Professor Jain has deposed with regard to the conspiracy that somewhere in early January Madanlal met him while he (Jain) was returning from the college and he told him (Jain) that he wanted to talk to him and accompanied Jain to his house. Karkare was also there, watching from a little distance. The same night Madanlal again, this time alone, came to Jain and started talking "at random" about diverse matters. Then he disclosed to Jain that there was a conspiracy to murder somebody and when Jain mentioned various names to Madanlal, he got, perhaps extracted, the name of Mahatma. After getting information of this sinister design, the Professor took no serious action except preaching to Madanlal and then imagined, unfortunately and quite mistakenly if not vaingloriously, that he had succeeded in dissuading him from his nefarious design and in persuading or talking Madanlal out of his murderous intentions. Why he thought so is difficult to discover. But this is what he says and for the present if may be left at that. This talk about the murder of Mahatma Gandhi took place somewhere in January and soon after Professor Jain tried to see Mr. Jayaprakash Narain, a socialist leader of some eminence, but he could not tell him (Mr. Jayaprakash Narain) anything as the latter was so busy. Then he disclosed it to two of his colleagues and friends, Mr. Angad Singh, witness No. 28 and Professor Yagnik, witness No. 29, and Mr. Angad Singh disclosed the matter to Mr. Ashoka Mehta and Mr. Harris who were both leaders of the socialists at that time. But both of them have no recollection of these talks. Mr. Angad Singh has also stated that he disclosed this information to Mr. Jayaprakash Narain but the latter has no such recollection, nor does he remember this gentleman himself. So, thus far, it was only the future conspirators themselves and Professor Jain and his colleagues who knew anything about the conspiracy. Professor Jain's two colleagues and friends were equally undecided and sceptical about what Jain told them.

5.60 It would be relevant to mention that what Professor Jain or his friends say they knew about the conspiracy, must have been known to Parliament when they debated the statements of Mr. G. V. Ketkar because they had appeared as prosecution witnesses at the trial and the propriety or otherwise of their behaviour and performance was not the basis or the reason or the cause of Parliamentary debate.

5.61 The debate in Parliament and the story disclosed by Mr Ketkar which led to the matter being taken up by Parliament and spiritedly discussed there does not point to exclusion of Ketkar's disclosures from the scope of the Inquiry, rather it is a pointer the other way. And the Commission is of the opinion that its mandate includes and it is required to go into the whole matter and discuss

the evidence produced before it. It does not propose to circumscribe the Inquiry within the narrow limits of the legal connotation of "conspiracy" or its dictionary meaning which was the matter in issue at the Gandhi Murder trial.

5.62 The rule of construction of statutes which has been adopted by courts ever since the *Lincoln College Case*,¹ and which has uniformly been accepted as the proper rule of construction is *Exposition Ex Visceribus Actus*, i.e., language of the whole Act has to be looked at. And the court has to consider any other part of the Act which throws light on the intention of the Legislature and which may serve to show that the particular provision ought not to be construed as it would be alone and apart from the rest of the Act; in other words, every clause of a statute should be construed with reference to the context and other clauses in the Act to make a consistent enactment of the whole statute.²

5.63 Thus construed, we have to look at the three terms of reference, (a), (b) and (c), together and to construe them together. This rule of construction requires that in order to effectuate the particularised portion in terms (b) referring to the information given through Balukaka Kanitkar, we have to add to the words, "conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi", the words "plan or intention to assassinate Mahatma Gandhi or danger to the life of Mahatma Gandhi or the threats to his life" as in cases of *casus omissus*. This is so because the conspiracy came into existence, according to the findings of the court, at least on January 9, 1948, and according to the case of the prosecution in December, 1947. As the letter of Balukaka Kanitkar was written in July 1947, it could possibly not have referred to any conspiracy to murder Mahatma Gandhi as technically understood. It must have reference to intention or plan to assassinate or to any threat given to the life of Mahatma Gandhi or any danger sensed against his life. As a matter of fact, Balukaka Kanitkar's letter, so far as the Commission has been able to see, referred to the life of Congress leaders, including Mahatma Gandhi.

5.64 In any case, to carry out the intention of Parliament and to subserve its directions and to give a harmonious interpretation, it is necessary to construe the words "conspiracy to assassinate" to include at it were plan or intention to assassinate or danger to the life of Mahatma Gandhi or threats to his life.

5.65 The Commission, therefore, holds that it is within the scope of this Inquiry not only to inquire about the knowledge of persons mentioned in the terms of reference about the conspiracy of Nathuram Godse and others to assassinate Mahatma Gandhi but also to enquire into any knowledge of plan or intention to kill or threat or danger to his life.

5.66 The story as disclosed by the evidence before the Commission is that sometime in July 1947 Balukaka Kanitkar got some information in regard to danger to the life of top Congress leaders

1. (1595) 3 Co. Rep. 58b.

2. See Lord Davey in *Canada Sugar Refining Co. v. R.* (1898) A.C. 735, 741.

which included Mahatma Gandhi and sent a registered letter to Mr. B. G. Kher at Delhi. So, if the first term is read in its literal sense, what is contained in the second would be excluded. If, in any case, to the expression "conspiracy of Nathuram Godse and others to assassinate Mahatma Gandhi" the technical meaning as contained in the Indian Penal Code is given, then the object of this Inquiry will be absolutely frustrated and the Commission will be left more or less in the position that the court was when it tried Godse, Apte, Karkare and others for the conspiracy to murder and for the murder of Mahatma Gandhi. It could not have been the intention of Parliament, nor would this interpretation subserve the directions of Parliament as contained in the Parliamentary debates which have been attached as appendix II to this Report.

5.67 In the opinion of the Commission, this interpretation is much too narrow and militates against the object of setting up of the Commission. It is for that reason that the Commission has adopted the interpretation of the words prior knowledge of "conspiracy to assassinate" to include prior knowledge of danger to Mahatma Gandhi's life or threats to his life rather than giving it the technical meaning as contained in the Indian Penal Code. It is by adopting this track of construction that the intention of Parliament can be complied with.

5.68 As said above, the scope of the Inquiry is not limited to the conspiracy of Nathuram Godse and others and, therefore, any evidence led before the Commission regarding the knowledge which any person possessed not only as to the conspiracy but also as to the intention or plan to assassinate or to the danger and threats to the life of Mahatma Gandhi by one person or more is relevant and, therefore, evidence regarding the knowledge of Mr. G. V. Ketkar, Balukaka Kanitkar, Mr. S. R. Bhagwat, Mr. Keshavrao Jedhe, Mr. R. K. Khadilkar, and Mr. N. V. Gadgil will be relevant. The documentary evidence dealing with the knowledge of Balukaka Kanitkar or of any other person will also be relevant and would fall within the terms of reference and, therefore, within the scope of the Inquiry.

5.69 The first term of reference, (a), was as follows:—

- Whether any persons, in particular Shri Gajanan Viswanath Ketkar, of Poona, had prior information of the conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi.

When analysed, this term requires finding out—

- whether any persons had prior information of the conspiracy;
- in particular whether Mr. G. V. Ketkar of Poona had this information;
- the conspiracy which is indicated in the terms of reference is the one in which the participants were Nathuram Godse as the principal and also others; and

(iv) the object of the conspiracy mentioned was to assassinate Mahatma Gandhi.

5.70 In order to decide the first point, it is necessary to deal with the statement of Mr. Ketkar himself. He is witness No. 1. It will next have to be seen whether his statement receives corroboration from documentary, oral or circumstantial evidence. The Commission will first discuss the statement of Mr. Ketkar and see how far his own statement supports the claim that he had prior information. (See Chapter XX).

CHAPTER VI—BACKGROUND OF THE ACCUSED

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CHAPTER VI

Background of the accused

6.1 It will be helpful if the background of the various accused persons and their movements after the conspiracy was formed are set out at this stage. These are based on Exhibits 276 and 276-A.

Godse

6.2 He was one of the originators of the Rashtra Dal which held its first camp in Poona in May, 1942. On January 16, 1944, he with Apte decided to start a newspaper and they did start "the Agrani" on March 1, 1944.

6.3 On January 2 or 3, 1948, Godse and Apte went to Ahmednagar and met Karkare. On January 10 Godse and Apte were promised by Badge that he would supply them with ammunition, termed the stuff, at the Hindu Mahasabha office at Bombay. On January 14, 1948 Godse and Apte met Savarkar. Badge brought the promised ammunition. Godse, Apte, Badge, and Shankar, went to the Dixitji Maharaj and left the ammunition there either with him or with his servant. It is not quite clear which it was.

6.4 On January 15, 1948, Godse, Apte, Badge, Karkare, and Madanlal, held a meeting at the Hindu Mahasabha office and then went to Dixitji Maharaj and took from there the ammunition that they had left there. Karkare and Madanlal were then asked to leave for Delhi. Godse evidently returned to Poona. Badge also promised to go to Delhi.

6.5 On January 17, 1948, Godse, Apte, Badge and Shankar saw Savarkar at his house. Godse and Apte left Bombay for Delhi by 2.00 P.M. plane and arrived at Delhi at 7.30 P.M. and stayed at the Marina Hotel from the 17th till the 20th January, 1948. On 19th January they saw Badge at the Hindu Mahasabha office. They also met Ashutosh Lahiri and Dr. Satya Prakash at the Hindu Mahasabha Bhawan. On 20th January, Nathuram Godse, Apte, Karkare, Madanlal, Shankar, Gopal Godse and Badge met at the Marina Hotel. The same day in the evening, Madanlal exploded the gun cotton slab at the prayer meeting in the presence of Nathuram Godse. Godse and Apte fled from there and hurriedly left the hotel and then left for Kanpur by the night train where they reached the next morning.

6.6 On the following day, they both stayed at the retiring room at the Kanpur Railway Station. On 22nd January they left Kanpur for Bombay by Punjab Mail and arrived at Bombay on 23rd January. They stayed a day and a night at the Arya Pathik Ashram and

shifted to Elphinstone Hotel Annexe on 24th January. On January 25, Godse and Apte met Karkare and Gopal Godse at Ville Parle. The same day they booked seats for Delhi in the Air India plane for 27th January under assumed names. On the same day, i.e., 25th, Godse and Apte obtained a loan of ten thousand rupees from one Pranje, really Bank Silver Company in Bombay. The money was paid by Pranje the next day partly (Rs. 8000·00) by cheque and partly in cash (Rs. 2000·00) which was supposed to be meant for the 'Hindu Rashtra'. On January 27, Godse and Apte came to Delhi by Air and the same afternoon went to Gwalior by the Grand Trunk Express and stayed with Dr. Parchure. The next day Goel brought them a revolver which was defective. Then Dandwate brought another revolver which was purchased by Godse for Rs. 300·00. Leaving Gwalior that evening they reached Delhi the next morning, i.e., 29th January, and stayed at the Delhi Main Railway Station in a retiring room (No. 6). Karkare also stayed there with them.

6.7 On 17th January, 1948, Godse had got from one Kale one thousand rupees and at Lalbaug he met Charandas and got a donation of five thousand rupees, showing that they were well provided with money.

6.8 Their movements of the 29th and 30th are important and, therefore, they may be given at some length, Karkare had gone to Birla Dharmshala in the morning. Godse and Apte met him there. At about 1·00 P.M. Apte, Godse and Karkare went to the Old Delhi Railway Station and engaged retiring room No. 6. Godse gave his name as N. Vinayak Rao. Thereafter Apte, Godse and Karkare went to the *maidan* and took some decisions there. At 4·00 P.M. all three of them—Apte, Godse and Karkare—went to Birla House and found about 400 persons attending the prayer meeting. They then returned to Old Delhi Railway Station. Apte and Karkare went to the pictures at New Delhi. It should have been added that Apte, Godse, and Karkare went some time in the afternoon to the jungle behind Birla Mandir and Godse fired three or four rounds with the pistol and buried handgrenades there. Apte and Karkare returned from the cinema some time after midnight.

6.9 Now we come to the 30th January, the fateful day. On that day Apte, Karkare and Godse after having their breakfast at the Railway Station Restaurant went to Birla Mandir. Godse fired three or four rounds in the jungle behind Birla Mandir. At 11·30 A.M. Godse returned to the Old Delhi Railway Station and Karkare went to the Madras Hotel. Karkare went to Old Delhi Railway Station and there met Apte and Godse at about 2·00 P.M. At 4·30 P.M. Apte, Godse and Karkare left Delhi Railway Station by tonga and reached Birla Mandir. Godse went to Birla Mandir to have *darshan* of the deity there. Apte and Karkare then went to Birla House. Godse at about 5·00 P.M. shot at Mahatma Gandhi and was arrested there. At about 6·00 P.M. Apte and Karkare left by tonga and returned to Old Delhi Railway Station.

6.10 Apte was evidently a better educated person. He did his B.T. In 1941-42 and then became a member of the Hindu Rashtra Dal which at that time had about 50 or 60 members in Poona and of which Godse was a prominent worker. In 1943 he returned to Ahmednagar and was selected for I.A.F. but he obtained his discharge after about four months and joined Godse in starting the 'Agrani' in 1944. He was the person who had arranged the black flag demonstration at Panchgani against Mahatma Gandhi's consenting to C.R. Formula.

6.11 It is not necessary to go further back than January 1948. On 2nd or 3rd January 1948, Apte and Godse went to Ahmednagar and met Karkare there. On the 13th January, 1948, Apte and Godse told Badge to deliver the arms and ammunition, called the stuff, at the Hindu Mahasabha office in Bombay. On 14th January, 1948, Apte and Godse went to Bombay by evening train and were dropped at Savarkar Sadan by one Miss Shanta Modak, a film actress, and they met Savarkar at 7.30 P.M. Apte, Godse, Badge, Karkare, Madanlal and Shankar went to Dixitji Maharaj and left the stuff, i.e., arms and ammunition there and they stayed the night at Sea Green Hotel. Apte asked Badge to meet him at the V.T. Railway Station on the morning of January 17, 1948. On 15th January, 1948, Apte went to Kirkee to persuade Gopal Godse to accompany them to Delhi. On 17th January, 1948, Apte and Godse met Badge at V. T. Railway Station. All three of them went to the Bombay Dyeing Mill for collection of money. Apte, Godse, Badge, Karkare and Shankar saw Savarkar. Apte and Godse went to the Air India Office and arranged their air passages to Delhi. Apte and Badge met Dixitji Maharaj for a pistol but did not get one. Apte and Godse went to Delhi by plane, reaching there at 7.30 P.M. on the 17th January and stayed at Marina Hotel from 17th January, 1948, to the evening of 20th January, 1948.

6.12 On the 18th January, 1948, Karkare met Apte near Birla House and in the evening they surveyed Birla House. On 19th January, 1948, Apte and Godse met Ashutosh Lahiri and Dr. Satya Prakash at the Hindu Mahasabha Bhawan. They also met Badge there some time late in the evening. On the 20th January, 1948, Apte, Badge, Shankar "inspected" Birla House and surveyed the locality round it and Apte, Badge, Shankar and Gopal went to the jungle to try out the firearms and plans were finalised. The gun cotton slab was to be burst by Madanlal. As stated in the case of Godse, Apte and Godse left for Kanpur by the night train after fleeing the Birla House, reaching Kanpur on the 21st January, 1948, and stayed in the retiring room. On the 22nd January, 1948, they left for Bombay by Punjab Mail and reached Bombay on 23rd evening.

6.13 On 31st January, 1948, Apte and Karkare left Delhi by Allahabad Express at 3.30 P.M.; the former travelled 2nd Class and the latter 3rd Class. On 2nd February, 1948 Apte and Karkare arrived in Bombay and stayed at Sea Green Hotel. On 3rd February,

1948, Apte and Karkare went to Elphinstone Annexe Hotel and Apte contacted Miss Manorama Salvi. On 5th February, 1948, they went with G. M. Joshi to Thana. Apte and Karkare went to stay in Apollo Hotel on 13th February, 1948, and Apte was arrested at Pyrkes Apollo Hotel at Bombay on 14th February, 1948.

Karkare

6.14 Karkare was a hotel keeper of Ahmednagar and was a prominent member of the Hindu Mahasabha there. He used his moneys in furtherance of the cause of the Hindu Mahasabha and in that process he worked amongst the refugees and managed to attract to himself Madanlal, who made himself notorious in Ahmednagar by his violent activities against Muslims and against some Congress leaders like Raosaheb Patwardhan. There is evidence to show that in starting his business Karkare got some assistance from N. D. Apte who was a school master in Ahmednagar at the time.

6.15 He was mentioned by S. V. Ketkar as the person who had given him arms and ammunition which were found with Ketkar and, therefore, the hotel and house of Karkare were also searched. Godse and Apte met him at his hotel on January 2 or 3, 1948. He left Ahmednagar on January 6, 1948. On the 7th he met Apte at the 'Agrani' office. On 9th January he introduced Madanlal to Apte and in the afternoon took Madanlal to Badge's house to see the 'stuff' meaning arms and ammunition. On the 10th he went to Bombay and then to Thana to G. M. Joshi's house. On the 11th he met Madanlal at the Hindu Mahasabha office, Bombay, and then went to Chembur Camp with him. On 13th he went to see Savarkar but could not meet him and met him on the following day and introduced Madanlal to him. He then went with Madanlal to Professor Jain at about 6.00 P.M. On the 15th Apte, Badge and Karkare with Godse and Madanlal went to Bhuleshwar and met Dixitji Maharaj and took the 'stuff' (arms and ammunition) from Dixitji Maharaj. Both Madanlal and Karkare left for Delhi by Peshawar Express and reached Delhi on January 17 along with one Angchekar and stayed at the Hindu Sharif Hotel. That evening Badge came to Birla Dharmshala where Karkare met him and they decided to meet the next morning, i.e., 18th. Karkare met Apte and Godse at the Marina Hotel on the morning of the 18th and after having breakfast he along with Apte and Godse went to New Delhi Railway Station to meet Gopal Godse but Gopal Godse did not arrive. They then returned to Hindu Mahasabha Bhawan. At 11.30 A.M. on that day Godse gave a chit to Karkare for the Secretary, Hindu Mahasabha, for allotment of a room to him, and, as a consequence, room No. 3 was allotted to him. At 3.30 P.M. Apte, Godse and Karkare went to Birla House and then returned to Marina Hotel. Karkare had his dinner with Godse and Apte at the Marina Hotel and then went to New Delhi Railway Station to see if Gopal had arrived, but they did not find Gopal and they returned to the Marina Hotel for the night. As a matter of fact, Gopal Godse arrived that evening and slept at the platform.

6.16 Next morning (on 19th) all three of them visited Birla House and surveyed the prayer ground. Gopal arrived that day at the Hindu Mahasabha Bhawan at 11.30 A.M. Karkare and Madanlal returned to Sharif Hotel and in the evening they along with Gopal returned to Hindu Mahasabha Bhawan at about 8.00 P.M. At 9.00 P.M. Madanlal and Karkare went to Gole Market and had their meals there. The same evening, Apte, Badge, Karkare and Gopal discussed the plan for shooting at a meeting in the forest near Hindu Mahasabha Bhawan. Apte and Karkare then returned to Marina Hotel and slept there. Others went to the Hindu Mahasabha Bhawan.

6.17 On the 20th, Karkare came to the Hindu Mahasabha Bhawan in the morning. At 12.30 P.M. Karkare and Madanlal left Hindu Mahasabha Bhawan and went to Birla House and then to Marina Hotel. Apte had his lunch there and others at the Madras Hotel. All subsequently met at Marina Hotel and armed themselves with various weapons. At 4.00 P.M. Madanlal and Karkare went to Birla House. Karkare and Gopal went and mixed with the congregation. At 4.45 P.M. the bomb was exploded. After the explosion, Karkare went to Frontier Hindu Hotel and stayed in room No. 2. Gopal Godse also went to the Hindu Mahasabha Bhawan and then to the Frontier Hindu Hotel and stayed there in room No. 4 under the name Gopalan.

6.18 On 21st, Karkare visited Hindu Mahasabha Bhawan and Old Delhi Railway Station. At 9.30 A.M. Gopal left from Old Delhi Railway Station for Bombay. Karkare left Frontier Hindu Hotel and shifted to the Railway Station at Old Delhi.

6.19 On 22nd January 1948 Karkare was in Delhi and spent the night in the waiting room at Delhi Railway Station. Next day, i.e., 23rd, Karkare left Delhi for Mathura at 3.00 P.M. and stayed in Mohan Gujarat Hotel as V. M. Vyas. Next day at 4.00 P.M. Karkare went to Agra by bus and left Agra Cantt. for Itarsi by Madras Express at 8.30 P.M.

6.20 On 25th January, Karkare took the Allahabad Express and went to Kalyan and from there to Thana and stayed with G. M. Joshi. On the 26th January he and Gopal met Apte and Godse at the Thana Railway Station at 9.30 P.M. and that night Apte, Godse and Karkare met at Thana Railway Station and took decisions about Delhi. Apte paid three hundred rupees to Karkare for expenses.

6.21 On 27th January, 1948, Karkare had his morning meals with Joshi. At 12.30 P.M. he left Thana for Dadar and posted some letters at L. J. Road Mahim. At 3.00 P.M. Karkare bought his ticket at the Bombay Central Railway Station for Delhi and left Bombay by Frontier Mail at 5.45 P.M. reaching Delhi at 8.30 P.M. on 28th. He stayed in the retiring room.

6.22 On 29th January, Karkare went to Birla Dharmshala and kept his bedding there where Godse and Apte met him. At 1.00 P.M. Apte, Godse and Karkare went to Old Delhi Railway Station and 6—259 HA.

stayed at retiring room No. 6. At 4.00 P.M. Karkare went to Birla House with Apte and Godse where about 400 persons had collected. They then returned to Old Delhi Railway Station.

6.23 On the 30th, after breakfast at the railway station restaurant, Apte, Karkare and Godse went to Birla Mandir and Godse practised shooting in the jungle behind. At 11.30 A.M. Karkare went to Madras Hotel and met Apte and Godse at the Delhi Railway Station retiring room at 2.00 P.M. At 3.30 P.M. Apte, Godse and Karkare left New Delhi Railway Station and went to Birla Mandir and from there Apte and Karkare went to Birla House and, as already stated, Godse shot at Mahatma Gandhi. Apte and Karkare then fled to the Old Delhi Railway Station at 6.00 P.M. and stayed the night on the platform along with the refugees.

6.24 On 31st January 1948, both Apte and Karkare left Delhi Railway Station for Itarsi and there Karkare got the Allahabad Express and reached Kalyan on 2nd February, 1948, and then went to stay at Sea Green Hotel at Bombay. On 4th February 1948 he and Apte met Joshi and on the 5th February they went to stay with him. On the 7th February also he was with Joshi. On 9th February 1948 he went to Poona reaching there in the morning of 10th February. On that day he slept at the platform among the refugees. On 11th February he went to Dhond by Madras Express and returned to Poona at 9.30 P.M. and went to Lonavala and from there to Thana. He met Joshi on the 13th February and then stayed at the Apollo Hotel. He was arrested from there on 14th February, 1948.

Gopal Godse

6.25 On the 14th January, 1948, Nathuram gave him two hundred rupees to get a revolver and at the instance of his brother, Gopal left Bombay and went by Punjab Mail to Delhi reaching there on the 18th January and slept at the platform at night. Next morning he went to Hindu Mahasabha Bhawan and met Karkare, Nathuram Godse and Apte and then went to Birla House to survey the surroundings. Thereafter he went to Hindu Mahasabha Bhawan.

6.26 After the explosion on the 20th he stayed at the Frontier Hotel and left it on the 21st January and left Delhi at 9.30 A.M. and reached Bombay at 11.00 A.M. on the 22nd and from there went to Kirkee reaching there at 5.00 P.M. On 24th January Apte went to see him to inquire about the revolver and also asked him to accompany him to Bombay. On 25th January Gopal gave Nathuram a revolver and then went to Thana at Joshi's place where he met Karkare and then returned to Poona.

Badge

6.27 Badge's movements might also be given. He reached Delhi at 10.00 P.M. on 19th January, 1948 and went to the Hindu Mahasabha office where he met Madanlal and Gopal. Later, Apte, Karkare and Godse came to see him.

6.28 On 20th January he went to Birla House for surveying the grounds, etc., and then returned to the Hindu Mahasabha office. At 4.30 P.M. he again went to Birla House with others and after the bomb explosion he fled from there and with Shankar caught the Panjab Express at 10.00 P.M. at the Delhi Railway Station and reached Kalyan on 22nd January and from there proceeded to Poona arriving there at 4.00 P.M. He went for Devi *yatra* in the jungles of Poona on the 30th and returned to Poona on the 31st when he was arrested.

6.29 It is not necessary to set out Shankar's movements because he is stated to have been with Badge.

CHAPTER VII—JURISDICTION OF THE COMMISSION

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CHAPTER VII

Jurisdiction of the Commission

7.1 The main objection to the jurisdiction of the Commission to make an Inquiry into the conduct of the police, i.e., its shortcomings, its inaction or its acts of commission or omission, its negligence in the matter of investigation of the bomb case, was raised in an application by Mr. J. D. Nagarvala, wit. 83. His main contention against the jurisdiction of this Commission was based on the ground that after the strictures passed by the learned trial judge, Judge Atma Charan, the High Court came to a different conclusion; and that once a court or a competent tribunal has come to the conclusion on a point in controversy in a criminal matter that becomes *res judicata* and cannot be reopened and the decision is binding and conclusive in all subsequent proceedings between the parties to the adjudication.

7.2 Although no judgment was relied upon, the law on the subject is well settled; i.e., if in a criminal court a verdict is given on a matter which is in controversy, then the matter must be treated as *res judicata* and cannot be reopened by any court or tribunal.

7.3 The matter was so decided by the Privy Council in *Sambasivam v. Public Prosecutor, Federal of Malaya*¹, and the Supreme Court of India stated the law under section 403 of the Criminal Procedure Code in terms similar to that stated by the Privy Council in *Pritam Singh v. State of Punjab*². In *Sambasivam v. Public Prosecutor* the Privy Council laid down the following proposition:—

“The effect of a verdict of acquittal pronounced by a competent court on a lawful charge and after a lawful trial is not completely stated by saying that the person acquitted cannot be tried again for the same offence. To that it must be added that the verdict is binding and conclusive in all subsequent proceedings between the parties to the adjudication.

The maxim '*res judicata pro veritate accipitur*' is no less applicable to criminal than to civil proceedings. Here, the appellant having been acquitted at the first trial on the charge of having ammunition in his possession, the prosecution was bound to accept the correctness of that verdict and was precluded from taking any steps to challenge it at the second trial.”

Therefore, it was contended that if in the *Gandhi Murder Case*, which comprised the offence of bomb throwing, attempt to murder, and murder, the conduct of the police or the quality of their investigation of the Bomb Case, i.e., whether they investigated any par-

1. (1950) A.C. 548.
2. (1956) A.S.C. 415.

ticular matter carefully or correctly or not, was in controversy and it was found in favour of the police, it is not open to this Commission to go into the matter again. But this would still depend upon the question whether that matter was a *lis inter partes*.

7.4 In a criminal case, the matter substantially and materially in issue is whether a person brought before the court is guilty of the offence of which he is charged; but in deciding this material issue if certain matters become material then any decision on those matters also becomes *res judicata*. In *Pritam Singh's Case*, one of the questions raised before the High Court was whether one of the accused had a pistol in his possession. That accused person had in a different proceeding been acquitted of the possession of that pistol by the court of an erstwhile Indian State—Faridkot State—and it was argued before the High Court that having been acquitted of being in possession of that pistol, he could not again be tried for having that pistol and using it in the commission of murder. The High Court accepted that plea and that piece of evidence was excluded from consideration against that particular accused. In the opinion of the Commission it is matters of this kind which can be termed matters materially and substantially in issue.

7.5 In the trial of the Gandhi Murder Case, or at the appellate stage, whether the police investigated a matter properly or not could not be a matter materially and substantially in issue because on the efficiency of the investigation of a case does not depend the acquittal or otherwise of an accused person, although it has been ruled in certain jurisdictions that evidence improperly collected or illegally obtained cannot sustain a conviction. In the Inquiry before this Commission, the matters in controversy are (1) whether the investigation in the Bomb Case was proper or improper; (2) whether as a consequence of it or even without that matter being taken into consideration, the police had given proper protection to Mahatma Gandhi; (3) whether by improper or negligent investigation the accused were allowed to return to Delhi and commit the murder; and (4) whether murder could, by adequate measures being taken by the police, have been prevented. This may depend upon whether the investigation which was carried on from the time that the bomb was thrown at 4.15 P.M. on the 20th January to the 30th January, 1948, was efficient or not; and upon the question whether the police by its inaction, improper investigation, allowed the persons in the conspiracy to escape and remain undetected and thus they were enable to carry out the object of their conspiracy to wit to murder Mahatma Gandhi. In the opinion of the Commission that matter was not before the High Court and any decision given by the High Court is not *res judicata* within the rule laid down by the Supreme Court in *Pritam Singh's Case*. Besides, there is no *lis* before a Commission of Inquiry.

7.6 Investigation by the police and the conduct of the inquiry or trial in a case are two separate compartments separately treated in the Code of Criminal Procedure and the Courts except to the extent so provided in the Code have no jurisdiction on police investigations which was pointed out by the Privy Council and Khawaja Nazir Ahmad's Case. 71 I.A. 203; A.I.R. 1945 P.C. 18.

7.7 Judge Atma Charan had found the police guilty of inaction and, therefore, guilty of not having prevented the death of Mahatma Gandhi. The High Court held that those remarks were not justified although no petition had been filed before the High Court for the exemption of those remarks.

7.8 It may be remarked that *res judicata* in Criminal cases has the effect of preventing double jeopardy, i.e., the person acquitted cannot be again tried for the same offence and a person convicted cannot again be tried for the same offence. But there is nothing to prevent the sovereign from satisfying himself by collateral proceedings that the conviction was not improperly obtained, in order to exercise its powers of mercy or paying compensation to the wrong man. Similarly, if an accused has been acquitted by improper means, the sovereign may try to find out the illegality though perhaps the verdict of not guilty cannot be disturbed to punish even a guilty person who has obtained an acquittal. But double jeopardy is not the question involved in this case.

7.9 In the High Court after dealing with the question of negligence or otherwise of the Police, Mr. Justice Bhandari said :

"The evidence on record satisfies me (a) that no opportunity was afforded to the police to explain the circumstances which prevented them from apprehending Nathuram before the 30th January and thereby saving the life of Mahatma Gandhi; (b) that Madanlal failed to supply the names of the conspirators to the police; (c) that even if those names were supplied it was extremely difficult, if not impossible, for the police to arrest Nathuram who was going about from place to place under assumed names and who was determined to assassinate Mahatma Gandhi even at the risk of losing his own life."

Mr. Justice Achhru Ram said :

"Before concluding I want to advert to some remarks made by the learned Special Judge as to the slackness shown in the investigation during the period between the 20th and the 30th January 1948 but for which, in the view of the learned Judge, the tragedy could have been prevented. I must say that I have not been able to discover any justification at all for these remarks which in my judgment were wholly uncalled for."

Mr. Justice Khosla said :

"I concur with the conclusions arrived at by my learned brothers Bhandari and Achhru Ram JJ."

7.10 In coming to the conclusion at which he arrived, Mr. Justice Bhandari has analysed the evidence and relied on the following facts :—

- (1) That the authorities knew nothing about the conspiracy before the 20th January and that they came to know about it at 4 o'clock on the 20th January when Professor Jain

informed Mr. Kher and Mr. Morarji Desai. (There is evidently some mistake with regard to the date. Prof. Jain gave the information on the 21st January.)

- (2) On receipt of Professor Jain's information Mr. Morarji Desai, acted with "commendable promptitude" in relaying the information to Mr. J. D. Nagarvala at the Central Railway Station on the same day at 8.15 P.M.
- (3) Mr. Nagarvala organised a look-out for the accused and a watch on the house of Savarkar from 9.30 P.M. on the same day.
- (4) Madanlal was interrogated "but the inquiries do not appear to have revealed any useful information except in regard to Karkare".
- (5) In a statement before the Court Madanlal stated "the police asked me the names of co-workers of Badge who were putting up in the Marina Hotel. I told them that I did not know their names". (There is some mistake here also, because no one knew the name of Badge at Delhi.)
- (6) Police rushed to the Marina Hotel but on arrival there they found that the co-conspirators had escaped and inquiries in the hotel only disclosed that two persons were staying under the names of M. Deshpande and S. Deshpande, who after paying their bills had hurriedly left the hotel.
- (7) Police then visited the Hindu Mahasabha Bhawan and found the room where Badge, Shankar, Madanlal and Gopal Godse had stayed, vacant.
- (8) Inquiries were made at Sharif Hotel but no information could be obtained from there. (These inquiries, it may be pointed out, were on the 24th January, and not on the 20th.)
- (9) In this way Badge, Shankar and Gopal Godse had made themselves scarce from Delhi after the explosion and they did not go back to the Hindu Mahasabha Bhawan.
- (10) On the 21st January, the position was that although the police were aware of the existence of a conspiracy to assassinate, the only conspirators who were known to them were Badge, Karkare, Madanlal. (It appears there is a mistake in regard to Badge because his name was not known on the 21st and not till after the murder was his name known at Delhi.)
- (11) A Deputy Superintendent and an Inspector of Police were flown to Bombay and they reached Bombay on the 22nd. "Left Delhi by air and reached Bombay on the 22nd." (It appears there is some mistake here because they reached Bombay on the 21st.)
- (12) They desired the arrest of Karkare and his associates in connection with the Bomb explosion. They stayed in Bombay till 23rd.

- (13) After their departure, Mr. Nagarvala continued the search for Karkare and his associates "if any". Karkare was not known to the Bombay Police.
- (14) On the 24th January Mr. Nagarvala issued instructions for the arrest of Badge.
- (15) Mr. Rana, D.I.G., C.I.D., reached Bombay on the 27th "and (Nagarvala?) reported developments to him".
- (16) On the same day, Mr. Nagarvala had a telephonic conversation with the D.I.B., Delhi, to whom he reported developments.
- (17) Badge could not be traced till the 31st.
- (18) The fatal shots were not fired either by Badge or by Karkare or by Madanlal, and even if they had been arrested immediately after the explosion, the tragedy could not be avoided.
- (19) Evidence did not disclose that the names of any other conspirators were known. If they had been known, the police could have put them under arrest.
- (20) The movements of Karkare, Badge and Shankar were not known during the period 20th January to 30th January, Badge and Shankar were arrested at a place where they were not expected to be.
- (21) The only person who could have been arrested if they wanted to arrest him, was Gopal Godse. But the police could not have known that he was concerned in the crime.
- (22) The police could not have traced the movements of Nathuram Godse and Apte who, according to the learned judge, were moving from place to place under assumed names.
- (23) "It was impossible for any police officer, however capable and efficient he might have been, to have prevented Nathuram from committing the crime on which he had set his heart."
- (24) Even if the police were aware on the night of the 20th that Nathuram and Apte were concerned in the conspiracy, it is extremely "doubtful if they could have stopped them from achieving their end".
- (25) Immediately after the explosion, the police sent a number of persons to various railway stations in order to prevent the suspects from escaping by train.
- (26) Madanlal did not know the names of the accused and did not give them to the police. Therefore, "it is idle to contend that the police could have prevented the tragedy notwithstanding the reticence of Madanlal"
- (27) Nathuram Godse was desparate and the police could not have stopped him from achieving his object.

These were the reasons on which Mr. Justice Bhandari came to the conclusion that under the circumstances it was impossible for the police to have stopped the happening of the tragedy even if they knew of Godse and Apte being in the conspiracy and it was unfair to blame them without giving them an opportunity of giving their explanations.

7.11 Mr. Justice Achhru Ram has not given any reasons other than what have already been stated.

7.12 This Commission is not sitting as a Court of Appeal against the High Court nor is it open to it to find fault with the findings of the High Court, still less to readjudicate on matters already dealt with by it. But this principle applies to matters which deal with the guilt or innocence of the accused or matters so connected with the decision of that question as to be part of it, but not to matters wholly subsidiary which do not affect the merits of the case e.g. the commission of the offence and those who committed it. Therefore, it is open to the sovereign or the State to find out through the agency of a Commission whether its protective and investigational machinery was properly geared to the protection of the Mahatma. In the opinion of the Commission the finding of the High Court about the quality of the investigation is not binding on it, because it was not a matter materially and substantially or even collaterally in issue at the trial which falls within the rule of *res judicata* as stated in *Sambasivam's* case quoted above. The Commission is not prevented from going into the matters set before it. Commission must, therefore, proceed to find out as to whether on the facts which have been placed before it, Mahatma Gandhi could or could not be protected and whether any authority is guilty of remissness in the discharge of its duty.

7.13 As has been said, the rule of *res judicata* is inapplicable and there is no rule of propriety or fairness which would bar such an inquiry.

7.14 The objection on the ground of want of jurisdiction is, therefore, overruled.

7.15 In England, inquiries have been set up after the decision of criminal courts even to inquire into the correctness of convictions for murder, i.e., whether the accused was rightly convicted or otherwise. That was the case of *Timothy John Evans*. After Dr. Ward's case and the revelations made in regard to Miss Christie Keeler, an Inquiry was set up presided over by Lord Denning to inquire into the adequacy or otherwise and defects, if any, in the police security arrangements of the United Kingdom. An Inquiry was also set up under the chairmanship of Lord Radcliffe in regard to the intelligence services of foreign countries and subversive organisations in the country. Thus, setting up of an inquiry after decisions of cases in regard to matters which may be subsidiary to the issues at the judicial trial, are not a matter of uncommon occurrence in the United Kingdom.

7.16 The case of *Timothy John Evans* and *John Christie* was this:

In November, 1949, Evans, a young labourer resident in North Kensington, went to the police and made a confession that he had 'disposed of' his wife down a drain in his house in Rillington Place in North Kensington. His wife's body along with that of his little child was found not down the drain but concealed in a wash-house in their home. Evans afterwards tried to withdraw his confession, but there did not appear at the time anybody else who had the remotest motive for committing, or against whom there was the least suspicion that he had committed, the murders. Evans was, therefore, convicted of the murder of his child¹. He was sentenced to death, and executed in 1950 for the murder of the child.

Evans was convicted largely on the evidence of his house-mate Christie, whose evidence was accepted by the judge as that of a reliable witness. At that time no controversy arose.

As Lord Birkett stated in the *Observer*²—

"The case against Evans, at his trial on the facts as they were then known, was quite overwhelming. There was no failure in the administrative machinery of the criminal law. No human skill could have prevented the conviction, and no human judicial system, whatever its checks and safeguards, can ever provide complete security against the exceedingly rare and utterly exceptional case such as that of Evans".

Certain developments, however, took place after 3 years, which created doubt as to whether Evans was guilty or whether he was the only person guilty. In the spring of 1953, the police found the remains of human bodies at Rillington Place (i.e., at the same place). All the bodies had been strangled—some as long ago as 1943. Christie, a previous tenant of the house, was charged with murder. It was discovered that Christie, far from being the respectable citizen that he appeared, was in fact a homicidal strangler. The bodies of his wife and five other victims were found about the house. Christie readily confessed to his murdering them, and confessed also that he was the murderer of Mrs. Evans.

This discovery changed the whole nature of the probabilities of Evans' guilt. Previously it was believed that Mrs. Evans and their child were murdered and there did not seem to be anyone other than Evans who had any sort of the motive for murdering them. Now, a very material factor emerged,—that there was living in the house a homicidal maniac who took pleasure in strangling women (Mrs. Evans had been murdered in substantially the same way as that in which Christie murdered his victims).

When Christie's story came to light, there was a large outcry. The Home Secretary (Sir David Maxwell Fyfe) had to appoint Mr.

1. Since a person could be tried for only one murder, as the law then stood, the prosecution chose to get him tried on the charge of murdering the child.

2. *Observer*, London (15th January 1961).

Scott Henderson Q.C. to inquire into and report on the Evans case. Mr. Scott Henderson reported, that there had been no miscarriage of justice at the trial of Evans. He found that there was no doubt that Evans had killed his wife as well as his baby, and that Christie's confession to the murder of Mrs. Evans was untrue. The enquiry was held in private. The Home Secretary accepted his findings.

These findings were, however, fiercely attacked in the House of Commons at the time. Later, there was an impressive amount of hostile comment in books and pamphlets¹. Ultimately, another inquiry was held by Mr. Justice Brabin². (His findings are too lengthy to be summarised). He could not reach a definite finding of guilt; but he observed as follows at the end of the Report:—

“the probability is that both these men killed and that both killed by strangulation using a ligature”.

¹. See Ludovic Kennedy's *Ten Rellington Place*, (1961).

². “The Case of Timothy John Evans”, Report of an Inquiry by the Hon. Mr. Justice Brabin, Cmnd. 3101 (1966). Published by Her Majesty's Stationery Office, London. Price 12 Shilling and 6 d.

CHAPTER VIII—POWERS OF A MINISTER AND MINISTERIAL RESPONSIBILITY

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CHAPTER VIII

Powers of a Minister and Ministerial Responsibility

8.1 A question of the powers and responsibility of a Minister in connection with offences committed or threatened to be committed arises in this inquiry thus :

8.2 It is alleged that on three occasions the Government of India and the Government of Bombay were informed of threats to Mahatma Gandhi's life, and of intention to murder him, (i) in July 1947 when Mr. G. V. Ketkar acting through Balukaka Kanitkar warned the Government of Bombay through Mr. B. G. Kher against Nathuram Godse, (ii) after the bomb was exploded at Birla House, Madanlal, who exploded it, was arrested and made a statement to the Delhi Police disclosing who his co-conspirators were, which information was conveyed to the Bombay Police, and (iii) when Prof. Jain, who had previous knowledge about the conspiracy to murder Mahatma Gandhi did, after the bomb was exploded by Madanlal, inform Mr. B. G. Kher and then Mr. Morarji Desai about the conspiracy to murder, in which V. D. Savarkar, the well-known Hindu Mahasabha leader and V. R. Karkare were named.

8.3 It is further alleged that the police acted inefficiently, ineptly and unskillfully and the Home Minister of Bombay was complacent and even if he did convey the information given by Prof. Jain to the Police, he was bound and required to supervise the investigation and keep a watchful eye on it and that the ineptitude of the police in the matter of investigation made the Minister responsible, and further that the Minister should have ordered the arrest of the persons named by Madanlal and by Prof. Jain and seen to it that they were arrested and their associates were quickly found and arrested. And if the police bungled, the responsibility is of the Minister, at least the failure of the police falls under what is called the "ministerial responsibility to the Legislature". It may be observed that the story in court as also the evidence before this Commission is that Mr. Morarji Desai did order the arrest of V. R. Karkare and also ordered the house of Savarkar to be watched; but the question remains, did he have the power to order arrest of any person or to get a watch put on his house.

8.4 Taking the first allegation, i.e. Ketkar's giving the information through Balukaka Kanitkar, at this stage the Commission would like to remark that it has dealt with the matter in a separate Chapter under the first term of reference under which the decision of this matter properly falls. That Chapter has been put at a later place in this report. But it can be said here that the Commission, for reasons there stated, has not accepted Mr. Ketkar's claim that he got any letter sent by Balukaka Kanitkar. The Commission has, however, accepted the story that Balukaka Kanitkar did in July 1947 give a warning to Mr. B. G. Kher by a registered letter but

that warning was in regard to all the top ranking Congress leaders and Mahatma Gandhi was not particularised nor were any names given. As said above, this will be fully dealt with under Terms of Reference (a).

8.5 In regard to the conspiracy to murder Mahatma Gandhi, the only persons who had any previous knowledge (i.e. prior to the bomb incident) about it were Prof. Jain, witness No. 27, and his two friends, Mr. Angad Singh, witness No. 28, and Prof. Yagnik, witness No. 29, with whom he had shared the information given to him by Madanlal. Unfortunately, Prof. Jain did not inform any police official or a Magistrate as he was, under section 144 of the Cr. P.C. bound to do. But after the bomb was thrown he did inform first Mr. B. G. Kher, the Premier of Bombay, and then Mr. Morarji Desai, the Home Minister, to whom he was introduced by Mr. Kher. What information Prof. Jain gave and what Mr. Morarji Desai did with this information has been dealt with in the chapter dealing with "Prior Knowledge in Bombay" and in the chapter dealing with "Investigation at Bombay", and those chapters also have been put later. The Commission has found that the information was with "commendable promptitude" passed on to Mr. Nagarvala.

8.6 In regard to the information given by Madanlal and the allegation that this information was conveyed to Bombay Police, the discussion is in the chapters "Investigation at Delhi", "Exhibit 5-A" and "Investigation in Bombay". These questions of fact are fully discussed in these chapters and need not be discussed here, except to remark that the court which tried the Murder case accepted the statement of Mr. Morarji Desai that he did convey the information to Mr. Nagarvala, the Deputy Commissioner of Police, Bombay. Before the Commission also, the same evidence was led and the Commission has also come to the same conclusion that the information was conveyed to Mr. Nagarvala and, thereafter, he started his investigation, although Counsel for the State of Maharashtra has argued that it was not an investigation but only an inquiry to work out the information given by Mr. Morarji Desai and that matter also will be dealt with later at the relevant places. It may here be remarked that there is no statutory authority for merely this "working out theory"; but the police could, in cases falling within these chapters, act under Chapters XIII and XIV of the Code of Criminal Procedure and even Chapters IV and V of the Bombay City Police Act. But Mr. Kotwal contends that the scope and authority of the latter Act is confined to the city of Bombay and is, therefore, limited.

8.7 The question which arises at this stage is, what were the powers of the Ministers in regard to the information given to them and what was their duty in regard to it, or what was the responsibility of a minister if anything went wrong. In other words, what has to be inquired into is what can and should a minister do if information of a threat to the life of an important citizen like Mahatma Gandhi is given to him, and what is his responsibility if the action taken thereupon is either inappropriate or insufficient, or is not proper and is deficient or futile.

III The Commission will first take up the question of the powers and authority of a minister in regard to matters which fall under the law relating to commission of offences and the action which is required to be taken thereupon.

8.9 In the Government of India Act of 1935 and even in the Indian Constitution of 1950, it has been provided that the executive authority of the Governor of a Province does not extend to any existing Indian law, and both the Indian Penal Code and the Code of Criminal Procedure were existing Indian laws, both when the Government of India Act was enacted and the Indian Constitution was adopted. The provision in the Government of India Act is in section 49 and in the Constitution of India in Art. 154 which are as follows:—

"49. (1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws."

"154. (1) The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

"(2) Nothing in this article shall—

- (a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or
- (b) prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor."

8.10 Similar powers of the Union are dealt with under Art. 4 of the Constitution.

8.11 These two provisions—it was the Government of India Act which applied at the relevant time—make it clear that a function relating to any matter which falls within the ambit of the Criminal Procedure Code or the Indian Penal Code are not transferred to Government. In other words, the Executive authority of the Government does not extend to functions contained in these two statutes. The alleged information before the bomb was thrown was one of threat to cause death and, therefore, would fall under section 506 of the Indian Penal Code which is a non-cognizable offence, but still its investigation is a matter, which is covered by the Code of Criminal Procedure and, therefore, solely within the power of the

police to deal with. If and when any Minister gets information about a threat or danger to the life of any person, he must inform the proper police authorities which will deal with the matter under appropriate provisions of the Law—Chapter XIII Preventive Action of the Police, Sections 149 to 151 of the Code, and Chapter XIV of the Criminal Procedure Code which deals with information to the Police and their Powers to Investigate.

8.12 Similarly in the case of the Bombay City Police, the matter was governed by the City of Bombay Police Act, 1902 which was also an existing law, and therefore, threats to murder would fall under Chapter IV of that Act, and if any investigation had to be done it would be under Chapter V. And any information coming to the Minister in regard to the threat to the life of a person like Mahatma Gandhi would have to be reported to the police in the manner provided in these various Acts. The Minister himself has neither the power nor the authority to pass any orders or to take any action in regard to such matters.

8.13 Similarly, in the case of information given by Prof. Jain to the late Mr. B. G. Kher and to Mr. Morarji Desai, the then Home Minister, the law is the same. All that the Minister could do was to pass on that information to a proper police officer, may be a person in whom he had confidence to be able to take proper action in regard to the information.

8.14 In this connection, Commission would refer to the opinion of two witnesses, one Mr. K. M. Munshi, witness No. 82, an eminent constitutional lawyer, an experienced Administrator and a well-known politician who has held various offices as Minister and Governor both in the Centre as well as in the States; the other, Mr. R. N. Banerjee, I.C.S., witness No. 19, who was Home Secretary to the Government of India at the time when the bomb was thrown, and later when the Mahatma was shot dead, and who had a vast administrative experience.

8.15 The opinion of Mr. K. M. Munshi may be quoted in verbatim:

"If, as a Minister, I get a report about somebody's life being in danger, the first thing that I would do would be to pass on the report to the Inspector-General of Police to look into its trustworthiness and ask him to take such steps as the law allows. If, on enquiry, he finds that the report is baseless, he can do nothing. If he finds that there is something in the report, then he can take action and keep the Minister informed.

If the Minister ordered arrests of persons on reports, that would be the end of law and order in the country. I would not do it. The Home Minister can only put his police in charge of the case; he cannot do anything more except to use the instrument of the police machinery to verify and take action."

8.16 Mr. R. N. Banerjee's opinion is as follows:—

"If any information had been given as it is now stated that it, was given by Prof. Jain, then proper directions should have been given to the Secretary or to the Head of the police and he should have been asked to submit his report within a short but specified time and the progress of the investigation should have been watched and more interest taken as to what the police was doing.

As far as I can see, Bombay Government had great faith in the ability of Mr. Nagarvala. If the Home Minister had given him instructions then it would be right in saying that he had done what he should have done i.e. in leaving the matter in the competent hands of an officer of the ability of Mr. Nagarvala".

8.17 He was asked by the Commission if he did not think it necessary to call up the police officers to whom the information had been given in Madanlal's case and ask them what they were doing, his answer was:

"Those were the days when the Ministers had just come. To the best of my recollection I must have prepared a note suggesting close attention to the matter. I have not the record with me and therefore I cannot say what exactly I wrote. But it is correct that we relied upon the efficiency of the police which proved wrong".

8.18 Mr. Banerjee also stated that after the meeting of 31st January, 1948 when Sardar Patel was in anguish, he told the Sardar that it was no fault of his. He could not have done anything more than to have asked the police to be vigilant.

8.19 Mr. Banerjee further said:

"The offices of the Inspector-General of Police and the Director of Intelligence Bureau were held by specially selected members of the Indian Police.... I should, therefore, say that ordinarily it cannot be said to be part of the functions of the Secretariat or the Police Administration, it being understood all the time that the Head of the Police and the Intelligence Bureau with the help of his departmental aides should come to interim findings about the progress of an investigation and keep Government informed of them."

8.20 In reply to another question as to why sufficient interest was not taken in finding out the progress of the Bomb Case as it was done after the Murder Case, Mr. Banerjee replied:

"My assessment of that is that they did not take the case so seriously then and they trusted the high police officials who were in-charge of the investigation and they were under the impression that such high police officials would do their duty".

8.21 Mr. Morarji Desai was not prepared to accept the English constitutional practice in regard to commencing or withdrawing from prosecutions as in that country the responsibility is exclusively of the Attorney General. The question as to whether that constitutional practice is accepted in India does not really arise here because there is no question of starting a prosecution or withdrawing from a prosecution. The question before the Commission is the power of the Minister to arrest or to order the arrest of an alleged offender. The Commission would like to add that the position taken by Mr. Morarji Desai is not in all cases untenable because under the Indian law the Government has been given power of giving or not giving sanctions to prosecute under various statutes and the discretion is entirely of the Government and the Attorney General does not come in except where it is specifically so stated. Of course, under the Criminal Procedure Code also there are certain powers which are vested in the Advocate General e.g. of entering *Nolle Prosequi* which is entirely his discretion and similarly the public prosecutor had under section 494, Cr. P.C. the power to apply to the court for withdrawal, but the final power of allowing the withdrawal in the latter case is in the court. It has not yet been decided in India whether the power the public prosecutor exercises is his own discretion or he acts under the direction of the Government or the District Magistrate as the case may be. In actual practice as far as the Commission knows, no Public Prosecutor would exercise this power except with the approval at least of the District Magistrate.

8.22 Mr. Kotwal addressed an elaborate argument on the powers of the Minister as to arrests and the ordering of the arrests of persons guilty of offences under the Indian Penal Code. He referred to the History of English Law by Sir Williams Holdsworth¹.

8.23 In Vol. 14¹, the duties of the Home Secretary are set out at page 113. It is stated that the Home Secretary took over what may be called the domestic duties of the Secretary of States—the duty of advising on petitions to the King as to the exercise....of the prerogative of mercy.

8.24 At one time the Home Secretary in England claimed the right to issue warrants for arrest and for search. This power the Courts in England held, the Home Secretary did not have. The following passage in Holdsworth's History of English Law² shows that the Home Secretary has no power of issuing warrants for the arrest of persons or search of persons:—

"The four principal cases which arose out of the publication of No. 45 of the *North Briton* were *Wilkes v. Wood*, heard in Michaelmas Term 1763; *Leach v. Money, Watson, and Blackmore*, heard in Easter Term 1765; *Entick v. Carington*, heard in Michaelmas Term 1765; and *Wilkes v. Lord Malifax*, heard in Michaelmas Term 1769. In the case of *Wilkes v. Wood*, Wilkes brought an action of trespass in the court of Common Pleas against Wood, a secretary of

¹. History of English Law by Sir Williams Holdsworth, Vol. 10 and Vol. 14.

². History of English Law by Sir Williams Holdsworth, Vol. 10.

Lord Halifax, the secretary of state, to recover damages for entering his house and seizing his papers. The defendant justified under a warrant issued by the secretary of state to arrest the authors, printers, and publishers of No. 45 of the *North Briton*. The court of Common Pleas directed the jury that such a warrant was illegal, and Wilkes was awarded £1,000 damages. In the case of *Leach v. Money, Watson, and Blackmore*, the plaintiff brought an action of trespass in the court of Common Pleas against the three defendants, who were King's messengers, for breaking and entering his house and imprisoning him. The defendants pleaded as their justification a warrant issued by the secretary of state to search for and arrest the authors, printers, and publishers of No. 45 of the *North Briton*. The jury found for the plaintiff and awarded him £400 damages. The case was brought before the Court of King's Bench on a bill of exceptions."

8.25 Lord Camden in *Entick v. Carrington*¹ held as long ago as 1765—

"It settled that the only power to arrest which he possessed was a power, a privy councillor, to arrest in cases of high treason. In all other cases he must act through the instrumentality of judicial officers, who were obliged to observe the formalities which the common law, enacted and unenacted, had devised to protect the liberty of the subject."

Effect of this judgment is comparable to the effect of the *Habeas Corpus* Act of 1679 "because, in all cases, except the case of high treason, it prevented arrests from being made at the discretion of the executive, and so gave abundant security that, if an arrest was made, it could only be made by regular judicial officers acting in accordance with known rules of law." It shows therefore that in England the law is well settled that if an arrest is to be made or any search warrant is to be issued it can be done by judicial authorities according to rules of law, the Secretary of State has no such power.

8.26 In India the matter is simple because the power of search, arrest etc. have been given a statutory shape and are embodied in the Code of Criminal Procedure and in the case of City of Bombay in 1948 they were incorporated in what was called the City of Bombay Police Act where the powers of arrest and search were almost the same as they are in the case of Criminal Procedure Code. In section 54 of the Criminal Procedure Code, powers of arrest which are vested in the Police are set out in nine clauses and the powers of arrest in the City of Bombay Police Act are the same excepting clause ninthly of Section 54 of the Criminal Procedure Code which

¹ *Entick v. Carrington*, (1765) 19 S T 102.

tion 54 is as follows:---

"54. (1) Any police-officer may, without an order from Magistrate and without a warrant, arrest—

first, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

[Clauses secondly to eighthly are not relevant inquiry.]

ninthly, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) This section applies also to the police
Calcutta."

But it may be added that it did not apply to the City of Bombay.

8.27 As this power of arrest is one of the statutory powers vested in the Police and gives a discretion to the police to arrest in accordance with the power thereby conferred they were expressly excluded from the executive functions of the Provincial Governments of the pre-Constitution days and they are now excluded from the executive functions of the State Government.

8.28 As a matter of fact in its replies to the interrogative questionnaire issued to the Government of India this position has been accepted that for making an arrest a Minister will have to communicate to the police. The relevant questions are Questions 10—12 and the answers thereto, but we may quote here question No. 11 and its answer by the Government of India:—

"Q. 11. What is the constitutional position of the Minister of Home Affairs to whom information is given about the commission of a serious offence like murder and of a person like Mahatma Gandhi or a conspiracy to commit the same or of the danger of that being done?

Ans. The Minister of Home Affairs would have such information communicated to the authorities concerned under the law, and ensure that necessary action is taken. In such important cases he would, in addition, write or get in personal touch with the Chief Minister of the concerned State or the Administrator of the concerned Union Territory if the relevant intelligence relates to any person residing within that State or Union Territory."

8.29 Question 12 is also re-
sponse are also quoted:

"Q. 12. Are there any rules of business framed under article 77 or the corresponding section 17 of the Government of India Act, 1935 which deal with this matter, i.e., of the responsibility of the Home Minister or Ministry and their powers in regard to matters like conspiracies to assassinate prominent persons like, say, Mahatma Gandhi or in regard to danger to their lives?

Ans. In the Rules of Business framed under section 17 of the Government of India Act, 1935, there is no specific mention about the responsibility of Home Minister or Ministry and their powers in regard to matters like conspiracies to assassinate prominent persons like Gandhiji. Attention is, however, invited to para. 5 of the rules, a copy of which is attached (Annexure-II)."

The rules are given in Annexure to the answer to the questionnaire and paragraph 5 therein being relevant is quoted:—

"5. *Cases of major importance.*—(1) Any case which is, in the opinion of the Member in charge of the Department to which the subject belongs, of major importance, shall be submitted, with the orders proposed by that Member, to the Governor-General for opinion.

"(2) When a resolution has been passed by a chamber of the Legislature and has been forwarded to the Department concerned under rule 24 of the Indian Legislative Rules it shall be submitted as soon as possible by the Secretary in the Department with the orders proposed by the Member in charge of that Department to the Governor General.

(3) [Deleted vide Ministry of Home Affairs O.M. No. 18/6/46—Public]."

8.30 The officers of the Bombay Police have rightly understood that the power to arrest is in their discretion. This is contained in the statement of Mr. J. D. Nagarvala. In answer to a question as to the power of a Minister to order arrest Mr. Nagarvala said as follows:—

"Q. What power has the Minister to order the arrest of any one?

Ans. If a Minister gave me an order for arresting any particular person and I on considering the matter thought that it was a reasonable order under the circumstances I would unhesitatingly carry it out."

And he has given an instance of how he acted when one of the Ministers ordered him to make an arrest; Mr. Nagarvala stated:—

"The Minister for Labour in those days was Mr. Nanda who asked me to arrest certain labour leaders. I was not

agreeable and therefore I approached the Home Minister and told him that I was not prepared to arrest them, and therefore they were not arrested because the Home Minister backed me."

8.31 The question of the power of Minister to order an arrest has assumed importance because one of the questions raised is what action if any, was taken by the Government of Bombay and in particular by late Mr. Bal Gangadhar Kher and by the Government of India, on the basis of information received by them as to the existence of a conspiracy for the murder of Mahatma Gandhi or as to a plan or intention of certain person or persons to murder him or of threat or danger to his life.

8.32. What action should the Minister have taken? Could he arrest or order the arrest of these persons if he knew their names or order an inquiry to be conducted by the police if their names were not known?

8.33 It is in order to decide this issue that the Commission has had to go into the Constitution Act, the Indian Constitution, the Criminal Procedure Code dealing with the statutory powers of the Police and the history of the powers of the Secretary of State to make arrest as given in the History of English Law. Under section 3 of the Police Act of 1861 the Superintendence over the Police is vested in and shall be exercised by the State Government and before the Constitution, it was by the Provincial Government. The distribution of duties according to the Rules of Business is not clear from the answers of the Government of India, but there is no specific evidence or rule to show that the Police in Bombay or Delhi was not under the Executive Control of the respective Home Ministers of the two Governments. As a matter of fact throughout the course of this inquiry, it was understood to be so and the inquiry has proceeded on that basis. The proceedings in the Constituent Assembly and in the Bombay Legislative Assembly in 1948 and 1949 respectively also support this view.

8.34 In the opinion of the Commission although a Home Minister is in charge of the Police and Police administration and answerable to Parliament about it, still he has no power to direct the police how they should exercise their statutory powers, duties or discretion. Both under the Criminal Procedure Code and under the Bombay City Police Act the statutory duty is of the Police both to prevent crime and bring criminals to justice. Therefore the minister can and could only pass on the information of the commission of an offence to the police to investigate, so also in regard to the threats of the commission of an offence. If the Minister were to give orders about arrests, to arrest or not to arrest, that would be an end of the rule of law as was said by Mr. K. M. Munshi. This view of the law has received recognition by our Courts in cases where a distinction is drawn between administrative control of Government and its powers of interfering with statutory powers of various statutory authorities.

8.35 The powers of the Government respecting the exercise of powers by the Police under the Criminal Procedure Code was decided by the Calcutta High Court in *Jay Engineering Works Ltd. v. State of West Bengal*¹. There the validity of the circulars issued by the West Bengal Government instructing the Police not to interfere with gheraoes and strikes of workers without direction of the Labour Minister was considered, and the law was thus stated by the Learned Chief Justice at page 493.

"The Labour Minister has no power or authority under the law to give directions to the Police before taking action, where such an offence has been committed or is said to have been committed. The action that the Police or Magistrate shall take under such circumstances is provided in the Criminal Procedure Code and the relative Police Acts. By executive fiat, such procedure cannot be altered or supplemented or varied."

"The precise moment when the Police or the Magistracy should act, the way they should act, the procedure they should follow when an offence has been committed or is said to have been committed or is apprehended, is laid down by law. The executive Government, in the absence of a legal provision has no jurisdiction to add to or detract from the same or direct any variation thereof or inhibit or delay the implementation of the same, in accordance with law. Where there is any attempt to do so, the Court will strike it down."

8.36 Mr. Justice B. C. Mitra put the position thus at page 587:

"The authority and the jurisdiction of the State Government to issue administrative directives are limited, firstly, by the Constitution, and secondly, by the laws of the land. There is no law which authorises the State Government to issue directives to officers in charge of maintenance of law and order, not to enforce the law of the land nor to direct them to enforce the law of the land upon certain conditions being fulfilled and complied with.... In my view, the Council of Ministers of the State of West Bengal in issuing the directives in the impugned circulars had clearly violated article 256 of the Constitution and it must, therefore, be held that they had no jurisdiction or authority to issue the two impugned circulars, which must, therefore, be struck down."

8.37 It will thus be seen that there is a distinction between the constitutional responsibility of the Minister for the exercise of executive power in respect of public order, police and enforcement of Criminal law on the one hand and statutory duties of the Police and Magistrate to exercise powers vested in them by the Police Acts and Code of Criminal Procedure. It is the constitutional duty

^{1.} *Jay Engineering Works Ltd. V. State of West Bengal*, 72 C. W. N. 441.

of the Minister, as head of the Department in charge of the police, who are instruments of maintenance of public order and enforcement of criminal law to ensure that the Police discharge their functions and exercise their powers properly and diligently. But beyond that the Minister cannot go and issue specific instructions as to the manner of exercise of their statutory powers. That would amount to interference. The distinction between administrative supervision ends and direct interference begins with statutory powers, a well recognised principle of Rule of Law¹.

8.38 In the *State of Bombay v. Mulji Jetha*², a distinction was drawn between Government and a Collector. The question in that case was whether the powers which under the Bombay Land Revenue Act the Government could exercise could also be exercised by the Collector and it was held that Collector was not the same thing as Government; no doubt Government appointed a Collector under section 8 of that Act but the Collector could exercise all the powers and discharge all the duties of a Collector under the Act. This judgment Mr. Kotwal quoted to support his contention that when a power is given to a Police Officer to discharge that power, it cannot be discharged by Government because the two are distinct entities and when powers are conferred on one authority that authority and that authority alone can exercise that power and nobody else.

8.39 The Supreme Court in the *Commissioner of Police, Bombay v. Gordhandas Bhanji*³, have held in a case of cinema where under the licensing rules the discretion was of the Commissioner of Police to give or refuse to give or to rescind a license and he did give a license, that the subsequent delicensing done under the orders of the Government was not within the law as it was not a discretion exercised by the Commissioner of Police who alone had the power of giving, refusing or withdrawing a license.

8.40 Sir Patrick Hastings' case emphasises the Constitutional position regarding powers of the Minister with respect to arrests, investigation and withdrawal of cases. In that case Sir Patrick Hastings who was Attorney General in the Labour Government was accused of having exercised the power of withdrawal of prosecution of the editor of the Workers Weekly under the political influence of his Cabinet colleagues. The matter was debated in the House of Commons⁴. The position is summarised by Lord Mac Dermott as follows⁵:—

"With some, relatively minor exceptions the executive must leave the initiation of criminal proceedings by the Crown

1. See *Rajagopal Naidu V. State Transport Tribunal*, A.I.R. 1964 S.C. 1573.

2. *State of Bombay V. Mulji Jetha*, A.I.R. 1955 S.C. 325.

3. *Commissioner of Police, Bombay V. Gordhandas Bhanji*, A.I.R. 1952 S.C. 16.

4. *Vols 1934 Parliamentary Debates, H. Vice of Commons*, pages 511, 582—594.

5. Protection from power, pp. 31-32.

to the Attorney-General and those for whom he is responsible. The days are gone when a subservient Attorney could be told whom to lay by the heels or whom to spare. He must now maintain a complete independence in this difficult and sometimes delicate sphere, and if he fails to do so, the remedy lies in his dismissal or that of the Administration."

8.41 The same principle is stated by Sir Hartley (now Lord) Shawcross, ex Attorney-General thus:—

"It remains the clearest rule that in the discharge of his legal and discretionary duties the Attorney-General is completely divorced from party political considerations and from any kind of political control."

8.42 This reiterates the principle that the statutory powers of initiating or withdrawing prosecution, making arrest, starting investigation, etc. must be exercised by the authorities according to the procedure and principles laid down by statute and the Ministers or any other outside authority cannot interfere with the exercise and dispositions of statutory authorities.

8.43 It may be added that although there is no statutory responsibility of the Minister in regard to matters of arrests and prevention of offences and of bringing offenders to justice, yet the question of responsibility of the Minister to Parliament or what is called ministerial responsibility to Parliament for the acts of the Civil Servants may arise in certain cases. It would indeed be absurd to suggest that if in the exercise of their powers of investigation or protection of citizens' lives the Police goes wrong or proceeds on a wrong track or bungles and thereby there is a failure on their part, the Minister would in every case be held responsible as the constitutional and superintending head of the Department.

8.44 But when it comes to cases of gross negligence or general failure or neglect to perform its statutory functions by the police in preventing the commission of offences or of bringing offenders to justice or there is a general failure to maintain law and order or in the matter of protection of a man like Mahatma Gandhi it may be different and should, in the opinion of the Commission, fall under the constitutional ministerial responsibility, although it is a matter entirely for Parliament to decide. There are thousands of cases of violence in the country every year. Hundreds of murders are committed, some of them may be preventable but in everyone of these cases where the Police either fails to do its duty diligently or does it badly the constitutional head of the Department would not be held responsible in Parliament. But then there are cases and cases and the protection of Mahatma Gandhi or a proper investigation into the attempt to murder him would be an exception to the ordinary rule.

8.45 On this question it will be fruitful to refer to the English practice. In an English book "Government and Parliament—A Survey from the Inside" by the Rt. Hon'ble Herbert Morrison, who was the Home Secretary and Minister of Home Security in the Churchill Was Cabinet, it is said¹

"Occasionally, however, something may go wrong or the Minister may be badly served. If a mistake is made in a Government Department the Minister is responsible even if he knew nothing about it until, for example, a letter of complaint is received from an M.P., or there is criticism in the Press, or a Question is put down for answer in the House; even if he has no real personal responsibility whatever, the Minister is still held responsible. He will no doubt criticize whoever is responsible in the Department in mild terms if it is a small mistake and in strong terms if it is a bad one, but publicly he must accept responsibility as if the act were his own. It is, however, legitimate for him to explain that something went wrong in the Department, that he accepts responsibility and apologizes for it, and that he has taken steps to see that such a thing will not happen again."

"All this may appear harsh on a Minister, but it is right somebody must be held responsible to the Parliament and the public. It has to be the Minister, for it is he, neither the Parliament nor the public, who has official control over his Civil Servants. One of the fundamentals of the English system of Government is that some Minister of the Crown is responsible to the Parliament and through the Parliament to the public for every act of the executive. This is the corner stone of the English system of Parliamentary Government. The proper answer of the Minister is that if the House wants somebody's head it must be his head as the responsible Minister and it must leave him to deal with the officer concerned in the department."

8.46 In 1917, Mr. Austen Chamberlain resigned because he considered himself to be ministerially responsible, as Secretary of the State, for the inefficiency of the Government of India disclosed by the Royal Commission on Mesopotamia. In that case, the Secretary of State had proceeded on the advice of his military experts—the Generals etc. But their advice turned out to be wrong with disastrous results².

¹. "Government and
Herbert Morrison, 3rd c

ent— A
Page 332.

8.47 Wade and Phillips in their CONSTITUTIONAL LAW have stated the same principle in following terms:—

"While collective responsibility ensures that the Queen's Government presents a united front to Parliament, individual responsibility in its political meaning ensures that for every act or neglect of his department a Minister must answer.... For what an unnamed official does, or does not do, his Minister alone must answer in Parliament and the official, who cannot be heard in his own defence, is therefore protected from attack. This positive liability of a Minister is essential to the performance by Parliament, and more particularly by the House of Commons, of its role of critic of the Executive. No Minister can shield himself by blaming his official."

8.48 In this connection reference may be made to what is known as the 'Crichel Down Affairs' where the Minister, Sir Thomas Dugdale, had to resign for the mistakes and negligence of departmental officers in dealing with acquisition of land and its release in favour of another person.

8.49 In that case there was an adjournment debate in the course of which the then Home Secretary Sir David Maxwell-Fyfe, later Lord Kilmuir, L. C. stated certain views of constitutional relationship between Ministers and civil servants. The four positions were:—

- (i) In the case where there is an explicit order by a Minister, the Minister must protect the civil servant who has carried out his order.
- (ii) Equally, where the civil servant acts properly in accordance with the policy laid down by the Minister, the Minister must protect and defend him.

To put it in different language—

- (i) where a civil servant carries out explicit orders by a Minister;
- (ii) where he acts properly in accordance with the policy laid down by the Minister;

the Minister must protect the civil servant.
responsibility is directly of the Minister.

- (iii) Where an official makes a mistake or causes some delay but not on an important issue of policy and not where a claim to individual rights is seriously involved.

8.50 It is the fourth category which is of importance and is therefore, quoted here in *extenso*:—

...where action has been taken by a civil servant of which the Minister disapproves and has no prior knowledge, and the conduct of the official is reprehensible, then there is no obligation on the part of the Minister to endorse what

he believes to be wrong, or to defend what are clearly shown to be errors of his officers. The Minister is not bound to approve of actions of which he did not know, or of which he disapproves. But, of course, he remains constitutionally responsible to Parliament for the fact that something has gone wrong, and he alone can tell Parliament what has occurred and render an account of his stewardship¹.

8.51 The most essential characteristic of the Civil Service is the responsibility of the Minister for every act done in his department. In practice he can hardly avoid saying that the mistake was that of a subordinate².

8.52 In this connection it would be legitimate to say that ordinarily a Minister is a layman and may have little or no knowledge of the intricacies of the Criminal Procedure and of the investigational powers of the Police and therefore it will be unfair to expect him to be able to direct the Police as to how investigation should be done or protection given. He must act on the advice of the Police experts. If their advice leads to disaster the constitutional responsibility may be there, the degree of which must depend upon the circumstances of each case. The position of lay ministers has been discussed by Sir Ivor Jennings in "Cabinet Government"³ and this is what he says:—

"The result is that a lay minister, a 'transient bird of passage', takes decisions on important questions of policy, subject to Cabinet control, upon which experts may be divided. If he has had experience as an official it is by the accident of his career and it will have been almost certainly, in a subordinate capacity. Thus, Mr. Sidney Webb, who had been a second division clerk in the Colonial Office, became in course of time Secretary of State for the Colonies. Sir Bolton Eyres-Monsell, who had been a comparatively junior naval officer, became First Lord of the Admiralty. Such experience is more likely to be a handicap than a benefit. It is somewhat difficult to imagine a former Lieutenant-commander politely telling a First Sea Lord that he is talking nonsense."

8.53 The Commission has set out the instances which are contained in the books on English Constitutional practice. In the matter of Police investigations the discretion is solely of the Police as to what, if any, action they should take. This has been discussed above and is supported by section 49 of the Government of India Act, 1935 and by the various provisions of the Code of Criminal Procedure and of the City of Bombay Police Act which have been set out above.

1. Herbert Morrison : "Government & Parliament", 3rd Edn. Pp. 333-334.

2. Sir Ivor Jennings: "Cabinet Government" (3rd Edn.), Page 4.

3. Sir Ivor Jennings: "Cabinet Government" (3rd Edn.), Page 113.

8.54 Besides, Indian parliamentary institutions are comparatively young and occasion on which the responsibility of a Minister in regard to the acts of civil servants arose are necessarily only a few. As far as the Commission is aware, there were two occasions on which a minister accepting his responsibility resigned, one was in the case of the late Sir Shanmukham Chetty, then Minister of Finance, when there was some trouble in regard to the premature leaking out of the Budget proposals; and the second was in the case of the late Mr. Lal Bahadur Shastri, Minister for Railways who resigned because there were serious railway accidents. But even though it may be a repetition it is proper to observe that in none of these cases was the question one where the matter was outside the executive functions of the Government as laid down in section 49 of the Constitution Act of 1935 and the action taken or not taken was within the statutory discretion of the erring civil servants. Nor was the matter complicated by delay and finding of the High Court exonerating the Civil Servant. In deciding the question of ministerial responsibility, the effect of section 49 of the Constitution Act will have to be taken into consideration as also the effect of decisions of Courts where it has been held that the functions of the Courts and those of the Police in regard to investigation are quite separate and the Courts have no jurisdiction in the matters of investigation except where it is so provided in the Criminal Procedure Code.

8.55 To sum up, the position of a Minister in regard to prevention of commission of offences and the bringing of offenders to justice is this:

(i) Under the Constitution Act of 1935 the Criminal Statutes—the Code of Criminal Procedure and the Indian Penal Code being existing Laws were in 1948 not functions transferred to the Governor or the Ministry.

(ii) There is a distinction between administrative supervision and direct interference with the exercise of statutory powers of the police. And, therefore, whereas a Minister may have administrative control over the police, he has no power of interfering in the performance by them of their statutory duties of preventing of the commission of offences or of bringing the offenders to justice, the discretion is by statute vested in the Police.

(iii) If any information is received by a Minister as to the commission of an offence or of a threat of the commission of an offence, he cannot order any arrest or direct the police as to what action it should take or how it should exercise its discretion. He must give information to the Police, may be to any officer who has jurisdiction and also has the Minister's confidence; but still the action to be taken in any particular case will be within his (police officer's) discretion, with which the Minister has no power to interfere.

(iv) After a Minister has handed over the matter or conveyed the information which he possesses to a high ranking hand-picked police officer like the Inspector-General of Police, it is not his duty or within his power to scrutinise the mode and the manner of his investigation. Nor is [the part of the duties of the Minister to take part 8-259 HA.]

In the investigation. But according to Mr. Bannerjee, the Home Secretary, the police must keep the minister informed of what he is doing.

(v) The Minister has no responsibility if in any particular case the police bungles or is unsuccessful; but in cases of general ineptitude, inefficiency, want of skill or honesty, the Minister will be subject to what is called ministerial responsibility to Parliament in regard to acts of a Civil Servant. But the sole judge of this and of its extent is the Parliament.

(vi) It would be absurd if the Minister were to be responsible and answerable for every case of failure of the police to investigate properly or skilfully but in cases like that of Mahatma Gandhi if the police fails to show reasonable amount of diligence in investigation, or is lethargic and inefficient as Mr. R. N. Bannerjee has described the Delhi Police, or it fails due to stupidity or inefficiency to give proper protection, responsibility may arise, but the extent of liability will vary in each case.

(vii) The question of responsibility may vary under different Parliamentary practices and the matter is entirely for Parliament to decide. It is not a matter on which this Commission would like to give a categorical opinion.

(viii) In the present case the question of responsibility may become difficult to decide in view of the decision of the High Court exonerating the Police of any blame and the delay in holding this Inquiry.

(ix) Under the Constitution Act, 1935, functions performable by the police under the Criminal Procedure Code are not functions transferred to the Governor and, therefore, any question of ministerial responsibility will have to be considered along with the provisions of Section 49 of the Constitution Act.

CHAPTER IX

Panchgani Incident

9.1 In the Poona Herald dated October 2, 1966, there was a news item under the heading 'A STORY THAT WAS NEVER TOLD'—'THE DAY GODSE MADE HIS FIRST ATTEMPT TO ASSASSINATE MAHATMA GANDHI'

—A. David.

The question posed in this story is: Could Gandhiji's life be saved from the assassin's bullet? It was stated in that story that in July of the year 1944 at Panchgani where the Mahatma used to spend a couple of months every year an unsuccessful attempt was made on the life of Gandhiji. The story of this incident was related to the newspaper reader Mr. David, by one Manishankar Purohit who has appeared before the Commission as witness No. 30. The central theme of the newspaper story is that one day in July 1944 during the Mahatma's prayer meeting at the Bhadra School in Panchgani, Nathuram Godse rushed towards him with an open knife from a distance of only a few yards away but the attempt failed because he was caught hold of by two rather strong persons, with certain amount of courage, of whom one was Manishankar Purohit and thus a tragedy was averted.

9.2 The Mahatma used to spend about 2 months at Panchgani every year and in 1944 also he went there after his release in May, 1944, because of the malarial attack and his doctor's advice. He was visited by a number of Congress leaders amongst whom were Rajaji, Dr Jivraj Mehta, Mr. Bhulabhai Desai and others who, it is stated, all knew about the attack and about the atmosphere of violence amongst the Poona Hindu Mahasabhaites. Gandhiji used to hold his prayer meetings in the Bhadra School building where his speeches dealt with Indo-British relations and about approach to Mr. Jinnah.

9.3 The incident is described thus:

About 18 or 20 young men came in a special bus from Poona and settled down in Anand Bhavan Hindi (really Hindu) High School. They went round the town shouting anti-Gandhi slogans. When he heard about this, Gandhiji invited Godse to his meeting but Godse refused the invitation.

At about 5-30 P.M., the date is not given, when Gandhiji started his prayer meeting, a man wearing a Nehru shirt, pyjama and a jacket and bare-headed, appeared at the meeting. He approached from the door near Gandhiji shouting in Marathi "Down with Gandhi". He whipped out a large knife which he had concealed under his jacket and raced towards the dais where Gandhiji was

seated. Two rather strong young men—one of them was Mani shankar Purohit—who does look quite stout and strong and must have been more so in 1944—jumped across “the way” and caught hold of him and stopped him from approaching the Mahatma. The assailant was Nathuram Godse. His other companions who were with him at the time fled from the place of the meeting.

9.4 Naturally this incident caused panic and consternation among the gathering. But Gandhiji was cool and calm and “chided” the people and told them that he would leave the place if they created “gadbad” (disturbance). The prayer meeting thereafter went on as usual but on returning to his place Gandhiji sent word to Godse asking him to come and stay with him for about eight days so that he could get an idea of his (Godse's) views.

9.5 This murderous attempt caused sensation in Panchgani. Congress guards were strengthened at Dilkush Bungalow where the Mahatma was staying and policemen in plain clothes were also posted for his security, but this was resented by the Mahatma who did not want any precaution for his life. Godse and his companions were arrested but on Mahatma's “advice and insistence” they were all let off.

9.6 There is no evidence of this incident as given in the Poona Herald being reported in the Bombay Press. Only one newspaper report of the incident has been produced, that is in *The Times of India* of July 23, 1944, Ex. 51, where it was said that some R.S.S. men had tried to create trouble at Gandhiji's prayer meeting, but there was no mention of the attempt on the Mahatma's life. The report is this ::

“MR. GANDHI HECKLED

“The hostility of a militant section of the Hindu Community to Mr. Gandhi's blessing of Mr. Rajagopalachari's communal formula was reflected immediately after the termination of prayers on Saturday when the spokesman of a group of a dozen Hindu youths rose suddenly and asked Mr. Gandhi questions and expressed “resentment”.

“Mr. Gandhi in a low tone replied, but the Hindu youths were not satisfied. They waved black flags for five minutes outside the hall and then left. Mr. Gandhi remained calm and drove away to his residence. There were at least four armed police officials in “mufti” close to Mr. Gandhi, but they were unnoticed by the crowd, Mr. Gandhi and his close associates.

“The youth who asked the questions is understood to be a Poona journalist, named Mr. N. D. Apte, while his companions are also from Poona. They are said to belong to a fairly militant Hindu organisation. He asked Mr. Gandhi who was seated on the “dais” whether it was true as reported in the press, that he had approved of the communal-Pakistan formula.

Mr. Gandhi replied that that was so. The youth said that they were there to express their resentment against his blessing of the Pakistan scheme. Mr. Gandhi asked him whether he had any written statement to give him. The reply was that the opposition had already been voiced and that he and his friends had come personally to voice their protest. Mr. Gandhi remarked that it could hardly be the time or place for such a course."

9.7 The place, as the *Poona Herald* story goes, became a great centre for the activities of Godse and his followers who camped regularly at Anand Bhavan and Sanjivan Vidyalaya. So much so that four days prior to the actual assassination of Mahatma Gandhi, Godse, Apte and others had hatched the whole diabolical plot at Panchgani from where they proceeded straight to Delhi. This in short is the story as was given in the *Poona Herald* published in the issue of October 2, 1966.

9.8 In support of the story, Mr. David has put in an affidavit, Ex. 124, in which he has stated that from the investigations made by him he came to the conclusion that there was a definite plot to kill Mahatma Gandhi as early as July 1944, and that the parties behind the plot were led by Nathuram Godse and that not only did the police know about the whole incident but actually arrested Nathuram Godse and his companions—though at the instance of Mahatma Gandhi, Godse and his associates were let off. He has then stated that he contacted Purohit and got the story from him. He also got corroboration of this story from some other citizens, who are not named in the affidavit, which generally supported the other things mentioned in *Poona Herald* story. But in his statement Mr. David has mentioned the names of Gadekar Baburao Omibale, President of Taluka Committee and Dr. Savant.

9.9 After this news item was published in the newspaper, the trustees of the educational institution—Sanjivan Vidyalaya—gave a lawyer's notice to the *Poona Herald* and its editor and its publishers. It is dated October 7, 1966, and is marked Ex. 125. In the notice objection was taken to the statement made with regard to the incident that Nathuram Godse and his companions settled down in Anand Bhavan High School, that there was no such building belonging to the trustees and that in fact various Congress leaders like B. G. Kher, Jivraj Mehta, Dr. Sushila Nayar and her brother Pyarelal were the guests at the school and that the whole story was false and defamatory. It was admitted that the school building was burnt down after the assassination of Mahatma Gandhi because of the erroneous belief that Nathuram Godse and his friends had stayed there. The notice called upon the newspaper to make the necessary correction.

9.10 Gopal Godse, Nathuram's brother and a co-accused in the murder conspiracy, issued a disclaimer published in the *Poona Herald* of October 9, 1966, Ex. 127, wherein he denied that Nathuram Gadse ever went to Panchgani during the period mentioned in the newspaper report or made any attempt on the life of Mahatma Gandhi. He also said that the true story was contained in his articles in the

Painjan, a Marathi weekly. Ex. 128 is the clarification issue in the *Poona Herald* of October 23, 1966, on the basis of Ex. 125 wherein the Lawyer's notice issued to the *Poona Herald* is published.

9.11 Gopal Godse appeared as witness No. 33 before the Commission and supported his story given in the *Painjan*. He stated that Nathuram Godse did not go to Panchgani and the report in the *Poona Herald* as to the incident was incorrect. It was Apte and party who went to demonstrate against the C.R. formula.

9.12 In support of the story as given out by the *Poona Herald*, Manishankar Purohit has appeared before the Commission as witness No. 30, and also Mr. Abel David, the editor, witness No. 70. Purohit is the proprietor of a lodging house called the "Surti Lodge". He deposed that the Panchgani incident, with which we are concerned, happened in July 1947 and not 1944. When his attention was drawn to the discrepancy in the dates, his answer was "the incident I am going to depose about was in the month of July 1947". Continuing he said that there were about 400 to 500 people at the prayer meeting. After the meeting, Mahatma Gandhi asked for subscription to the Harijan Fund. At that time, about 20 persons with Nathuram Godse came to Panchgani from Poona by a bus. The leader of the group was a man called Thaté and Godse was also amongst them. They got up in the meeting and started shouting. They protested against the division of the country shouting "Gandhi Murdabad". Amongst those present at the time were Dr. Jivraj Mehta, Dr. Sushila Nayar, Amrit Kaur, Pyarelal and Dr. Dinshaw Mehta. The crowd with Godse started moving forward with black flags. The volunteers tried to prevent their going further and Godse and others were surrounded, and were taken to one side and from the pocket of Nathuram Godse a knife was found on search. As a matter of fact, the police arrived after the knife was taken out from the pocket of Godse. The police was told about this when it arrived. The police took charge of Nathuram and his companions and took them to the police station but the witness did not go with them. He thereafter fell ill and was taken to a hospital. He further stated that some people of the "Poona Herald" came to see him in 1966 and he (Purohit) insisted that he gave the date as 1947 and that no incident took place in 1944. When the *Poona Herald* news was read out to the witness, he stated that Nathuram Godse did not go to Panchgani in 1944 but Thaté did. The date mentioned was not correct in the story published in the *Poona Herald*. As far as he was concerned, the date was definite. He also denied that Nathuram Godse took out a knife and wanted to attack Mahatma Gandhi and that he got hold of them. He repeated that the correct story was what he had stated before the Commission. On that occasion, Mahatma Gandhi did not ask Godse to come and stay with him. He further stated that Gandhiji was not staying in Dilkhush Bungalow in 1947 but in Eden House. In 1944, he was in Dilkhush Bungalow.

9.13 In cross-examination by Mr. Chawla, Counsel for the Government of India, he again reiterated that the person in 1944 was Thaté and also stated that he did not know Nathuram Godse. The sworn testimony of Purohit does not support the story as given out in the

it contradicts it showing that
At least the two dates do not

9.14 The other witnesses who deposed in regard to this incident were Dr. Sushila Nayar, witness No. 53, G. S. Chabal, who retired as Assistant to D.I.G., C.I.D., Poona and was C.I.D. Inspector in Panchgani, witness No. 31, and Superintendent Deulkar, a retired District Superintendent of Police, witness No. 6.

9.15 Dr. Sushila Nayar was a member of the Mahatma's party at Panchgani and was one of his important followers and was also his medical adviser. She was unable to recollect any person by the name of Purohit in Panchgani. She stated that some people did come and created trouble at one of the prayer meetings of Mahatma Gandhi in July 1944, but she could not say if Nathuram Godse was one of them. She said that she thought that it was the same group of Hindu Mahasabha workers who were subsequently responsible for the assassination of Mahatma Gandhi. They might be the same people. Further, she had no recollection of any person coming forward and shouting "Mahatma Gandhi Murdabad", except that there was a black flag demonstration. The demonstrators tried to push forward where the meeting was being held but they were stopped by local volunteers. She did not know what happened later as she and the party were taken away after the trouble started. She was unable to say whether Nathuram Godse was one of them or that a knife was found on his person. She added that in 1946 when talks with Mr Jinnah were going on, some young men of whom one was Nathuram Godse and the other Thate came to Sevagram, went to the Mahatma's hut and when he was coming out, stopped him. The Ashram volunteers removed them. Subsequently she learnt that one of them had a long knife. But no one believed that there could be a deliberate attack on Mahatma's life.

9.16 If an incident like an attack on Mahatma Gandhi, which is published in the *Poona Herald*, had taken place, she would, the Commission is sure, have known of it even if she was not actually present at the time because as it has been said above she was taken away when the trouble started.

9.17 Then there are two police officers who are witnesses.

9.18 Superintendent Deulkar was Dy. S. P., Poona in 1946 and Asstt. Central Intelligence Officer. He made a statement to the police on April 4, 1948, in the investigation of Gandhi murder case at Bombay. It is marked Ex. 129. Therein he stated that he was stationed at Panchgani in July 1944, during the Mahatma's stay there as Intelligence Officer and he attended Mahatma's prayer meetings. On July 22, 1944, Apte and about 20 other Hindu young men came to Panchgani and attended the prayer meeting in the hall of the Parsi School. After the prayer, Apte suddenly got up and accosted Mahatma Gandhi in a challenging mood and asked if he had consented to the Rajaji Formula and if that was so they (Apte and others) had come to protest against it. Mahatma Gandhi replied that

he had consented to the formula and if Apte wanted to have any further discussion with him he shuld meet him (Mahatma Gandhi) at his residence. Apte said that he did not want any further discussion and condemned Mahatma Gandhi's action. His other companions then stood up in their seats, took out black flag and waved them against Mahatma Gandhi and shouted anti-Gandhi and anti-Pakistan slogans. Attempts were made to calm them down but the demonstrators continued shouting slogans. People gathered at the prayer meeting resented this intrusion and then the demonstrators were bodily pushed out of the compound of the school. They left shouting slogans and also left Panchgani by the same bus by which they had come.

9.19 There is no mention in this statement of any attempted attack on Mahatma Gandhi by Nathuram Godse with a knife.

9.20 In Ex. 130 which is a part of the police diary written by this witness in his investigation of the Bomb and Gandhi Murder cases, he has stated about the 1944 incident at Panchgani. He says that he was present at the prayer meeting of Mahatma Gandhi on July 22, 1944 when Apte and 20 others made a black flag demonstration against the Mahatma's consenting to C. R. formula. This document is a part of the Police Diaries of those cases.

9.21 Another policeman whose evidence is very relevant on this point is wit. No. 31 G. S. Chaubal. He is a retired Assistant to the D.I.G., C.I.D. In 1944 he was Inspector, C.I.D. at poona and had been sent to Panchgani for intelligence purposes during Mahatma's stay there. He also has deposed regarding the incident of about 15 persons led by Apte disturbing the prayer meeting of Mahatma Gandhi. His version in regard to the Gandhi-Rajaji formula is the same as that given by wit. No. 6, Deulkar. He made a police report describing what happened of which a copy was produced. Ex. 48 is a copy of that report. In this document, the witness had reported that there was mild sensation created when 20 Hindu Mahasabha youth came by special bus from Poona, shouted slogans at the prayer meeting and waved black flags. According to this witness as indeed according to other witnesses, Mahatma Gandhi was undisturbed throughout while his followers tried mainly to calm down the demonstrators and the demonstrators were then pushed out of the hall.

9.22 Evidently, Mahatma Gandhi's Secretary, Pyarelal, was not in Panchgani at that time.

9.23 Ex. 49 is Chaubal's statement dated February 26, 1948 at Poona. This was in Gandhi Murder case. This statement of his is the same as his deposition and his report Ex. 48 which was Report No. 17 dated 23-7-1944 to the D.I.G., C.I.D. Here also there is no reference to the murderous attempt on Gandhiji's life.

9.24 Another important piece of evidence is Ex. 51 which is a news item in *The Times of India*, dated July 24, 1944. This news item shows that Mahatma Gandhi was heckled by a militant section of the Hindu Mahasabha for blessing Rajagopalachari's communal formula. This report also shows that there was a demonstration expressing resentment. The demonstration was led by Apte, and his companions, who like him were from Poona. They are stated to belong to the militant Hindu organisation and the report given in the newspaper is substantially in accord with what has been stated by witnesses No. 6, Deulkar, and No. 31, Chaubal, whose testimony the Commission has discussed above.

9.25 Wit. No. 70, Mr. Abel David, is the present editor of the *Poona Herald*. He put out the story which is being scrutinised by the Commission in this part. He admitted his authorship of the story in the *Poona Herald* on October 2, 1966. He had stated that there was an earlier attempt on Mahatma's life, i.e., earlier than 1944. The Mahatma was fired upon during the agitation against untouchability. The date of that incident he did not give but that is an incident which would not be wholly relevant to the inquiry because untouchability was a different topic altogether. But if the culprits then also were the Poona Hindu Mahasabha people that would be quite relevant. But we do not know who those people were. He also admitted the correctness of his affidavit about the incident in Panchgani.

9.26 The source of information of this witness was Manishankar Purohit, wit. No. 30, and others whose names he has given and they have been mentioned before Mr. David's explanation in regard to Purohit is that Purohit was threatened by Anand Hindu High School people, which is corroborated by the notice which was given to the *Poona Herald*, and that is the reason why Purohit shifted the scene from July 1944 to July 1947, and the people who were in-charge of the School were rather important personages. Mr. David was emphatic that the dates that he has given in the newspaper report were correct as given to him by Purohit and others. He was cross-examined by Mr. Vaidya and he reiterated that his report was made on statements made to him by Purohit, Gadekar, Dr. Savant and others. The object, he said in cross-examination, of his putting the story out in the paper was that he wanted to show that the motive for murder was not the giving of 55 crores but it had been in the air even in 1944 and even before which should have made the authorities vigilant and extra careful and should have put them on guard *qua* the lives of Mahatma and other leaders.

9.27 Another witness in regard to this incident is Gopal Godse, wit. No. 33. He has denied that any such incident, as was published in the *Poona Herald* of October 2, 1966, took place. He says "That incident is all false. The thing never happened. It is incorrect that Nathuram Godse went to Panchgani", but he admits that "Apte did go there with about 20 persons for the purpose of demonstration only against the C. R. formula". He sent a contradiction of the *Poona*

Herald report to that newspaper which was published
of that paper dated October 9, 1966, and is marked
the following effect:

"Nathuram never went to Panchgani during the said period.
There was no attempt on Gandhiji's life by Nathuram or his
associates while Gandhiji stayed at Panchgani. I am surprised
to find that you, a responsible Editor, relied on hearsay and did
not verify the truth."

9.28 In 1966 when the conspirators or the principal ones amongst them had paid the penalty for their crimes, Gopal Godse could have had no motive to falsely deny the alleged incident of 1944. It does not hurt him and his party. And the way these people have been behaving including their holding *Satya Vinayak Puja*s and martyrs' days they would have relished to boast about one more anti-Gandhi exploit rather than deny it.

9.29 Ex. 52 is an extract from the *Agrani* of July 23, 1944 of which the editor was Nathuram Godse. There also the incident given is that of demonstration organised by the Hindus against Rajaji's "unpious formula of Pakistan in this land of Shivaji". It is striking to note that this newspaper has stated that there were 4 armed policemen near the Mahatma for his protection. Apte is stated to have made a speech which is published in this issue of *Agrani* in which he said:

"Gandhiji! you have committed an offence of stabbing the nation, by giving your consent to Pakistan formula. You have already confessed that you have no right to speak on behalf of Hindus. Today we are demonstrating peacefully our protest on behalf of Hindu youths. You bear in mind that if you do not change your behaviour more difficult situations and ill fame are awaiting you. We will treat them as traitors who will try to vivisect our motherland. We, by this statement call on national minded people to treat Gandhi-Rajaji formula in this manner."

9.30 It is significant that although the *Agrani* has published this speech of Apte there is no mention of it either by Dr. Sushila Nayar or by the policemen, who made contemporaneous reports of the happening at that meeting nor is there any other evidence to support it. Even the affidavit of Mr. David does not contain any reference to this and therefore it is fair to conclude that no one could have informed Mr. David about it. The Commission has no doubt if such a statement was made it would have been reported by the police because the question of Pakistan was important from the point of view of the then British rulers also. Nor would it have been left out by newspaper reporters. It is difficult to believe that Dr. Sushila Nayar would not have known about it.

9.31 One must not lose sight of the fact that being himself the editor of the paper, Nathuram Godse could and would not, in ordinary circumstances, have admitted making a murderous attack on

the Mahatma but knowing him as the Commission now does, he would not have hesitated to make some reference to the attempted violence. Anyhow, even if this piece of evidence were ignored, there is sufficient evidence upon which the Commission can base its decision on this point.

9.32 As far as documents dealing with this incident are concerned, there are the statements of Deulkar made to the police, Ex. 129 in the Gandhi Murder investigation, and then his "statement", Ex. 130, really Police Diary. There is also Chaubal's statement, Ex. 48 and his statement to the police, Ex. 49. *The Times of India* report dated July 23, 1944, Ex. 51, and the *Agrani* report, Ex. 52, contradict the story of the attack. There is one other circumstance which contradicts the very existence of the incident and that is the notice which the Trustees of the School gave to the *Poona Herald*, Ex. 125, and the clarification which was published in the *Poona Herald*, Ex. 128. Of course, these are the later documents but they show that persons who were likely to know about this fact were not prepared to accept its veracity and considered the story of the *Poona Herald* as highly defamatory and took an early opportunity to record their dissent and protest.

9.33 The Commission, therefore, has in support of the news item in the *Poona Herald* a statement of its editor, Mr. David who made enquiries at Panchgani from various persons the principal one amongst whom was Manishankar Purohit who has not only changed the year of the incident but also the very details of the incident. All he says is that a knife was found on Nathuram Godse when he was searched. Unfortunately, Mr. David's principal informant has not supported the story. It may be for puerile reasons: but persons like him who do not hesitate to change their stories, scenes and even years cannot inspire confidence and can hardly be relied upon in the absence of corroboration which may be oral evidence or circumstances. And they are lacking in this case.

9.34 The evidence against this, and against the very existence of the incident, is that of wit. No. 31, Police Inspector Chaubal, and wit. No. 6, Dy. S. P. Deulkar, as they then were. Of course, Gopal Godse also denied it and Dr. Sushila Nayar has no knowledge of it.

9.35 In the opinion of the Commission, the correctness of the incident of July 1944 and even its existence is unproven. The only evidence in support of it is a 1966 investigation by the correspondent of a newspaper who one need not doubt must have made enquiries from the best of motives—the Commission can have no reason to think otherwise—and having convinced himself of the correctness he published it. The reasons are these:

If such an incident as a murderous attempt on the life of Mahatma Gandhi had happened there is no doubt that Dr. Sushila Nayar would have known about it and even though she was whisked away from the meeting when the trouble started, she was too important a member of the Mahatma's immediate followers to have remained ignorant of it.

Secondly, an incident like an attack on the Mahatma's life would not and could not have been suppressed or remained unknown. There is no reason why the newspaper correspondents of other newspapers did not send that story to their newspapers. Such a story would have been quite hot and certainly sensational in which the whole of India and many people outside were interested. And no newsmen who are watching for news like this would have dared not to report it. And Mahatma was a world figure.

Thirdly, there is no corroboration of the story. Not even Purohit has supported it and he does not seem to be the kind of a witness who would not have liked to become a hero or the cynosure of all eyes by repeating the story of his bravery in saving the great Mahatma. There is a suggestion that he has been threatened by the Trustees whose institutions have been defamed in *Poona Herald* story. That may be so. But people who can changes their statements in this manner can hardly inspire confidence or be relied upon. Besides the other facts militate against the correctness of the story.

Fourthly, there is contemporaneous evidence consisting of police reports made by C.I.D. officers sent to Panchgani to report about the happenings there. In the discharge of their duties they sent their reports, which, if they were doing their duty properly, and there is no reason to think that they were deliberately suppressing facts or making faked reports, are of considerable evidentiary value. Therefore, their evidence has been discussed at some length.

9.36 Although on this evidence the alleged incident of the attack and its alleged details cannot be held to be proved, the important fact which emerges is that there was in existence an organisation which was extremely anti-Gandhi and its members persisted in pursuing Mahatma Gandhi by creating disturbances at his meetings and their attitude was no non-violent.

9.37 At Panchgani in 1944 the persons who disturbed the meeting were Poona people led by N. D. Apte who was later sentenced to death for the murder of the Mahatma. The factum of disturbance led by N. D. Apte is also supported by Ex. 34 dated August 1, 1944 which also shows that it was organised by the Hindu Rashtra Dal, which is a militant Hindu organisation in Poona.

9.38 At Sevagram a party led by L. G. Thatte, who was subsequently interrogated in the Gandhi Murder Case, according to Dr. Sushila Nayar, stopped the Mahatma and might have used violence against him if protection had not come from the Ashramites. This Thatte had a freshly sharpened dagger with 7" blade on him and according to the Police, Ex. 256, they threatened to damage the car of the Mahatma. All this is discussed in the next chapter.

9.39 These facts are indicative of the design of the Poona crowd belonging to the Rashtra Dal, which with proper harnessing might have helped the police in unearthing the identity of the conspirators after Madanlal threw a bomb, who was arrested at the spot and also made a statement to the police giving some details about the identity of his co-conspirators.

CHAPTER X

Wardha Incident

10.1 There was another incident which is relevant because it is one of the series of demonstrations against Mahatma Gandhi in regard to his policy towards the Muslims in which the demonstrators were Maharashtrians and they became aggressive when they were joined by demonstrators from Bengal. Dr. Sushila Nayar, witness No. 53, stated that in 1946, probably under a mistake, when talks with Mr. Jinnah were going on, some young men of whom one was Nathuram Godse and the other Thatte came to Sevagram and objected to Mahatma's talks with Mr. Jinnah. When Mahatma was coming out of the compound of his hut and was going out for a walk, those people came in his way and stopped his going out. The ashramites removed them from his path. Subsequently she learnt that one of them, Godse or Thatte, had a sharp knife in his pocket. The ashramites including Mahatma Gandhi never imagined that anybody could really do Mahatma Gandhi harm. This was a kind of a fatalistic attitude of every one.

10.2 Another witness on this point is Pyarelal, witness No. 54. His version is that Godse and Thatte and some other persons came to Sevagram and wanted to prevent Mahatma Gandhi from going to Bombay to meet Mr. Jinnah. Those people were subsequently arrested and the police found a knife on the person of one of them. The conversation of those people with the police is recorded in the first volume of his book, 'Mahatma Gandhi—the Last Phase.' On that occasion the leader of the party said that he would become a martyr when he would assassinate Mahatma Gandhi. When the police said to them that it would be left to the leaders of the Hindu Mahasabha, that person replied that that would be too great an honour for Mahatma Gandhi and that a Jamandar could be quite enough and that Jamandar referred to was Nathuram Godse.

10.3 The Maharashtra Government has produced before the Commission a Special Report by the District Superintendent of Police dated September 8, 1944, Ex. 256. The report said that there was anti-Pakistan picketing by nine volunteers whose names are given in the report of whom one was Thatte; seven belonged to Bengal and one was a Madrasi Brahmin.

10.4 The report says that picketing was peaceful till they were joined by a batch of seven Bengalis and then they became extremely aggressive. They threatened to damage the car which was to carry Mahatma Gandhi to the railway station. He decided to walk alone with the picketers all along from Sevagram to the Railway Station. Distance to be covered was five miles. The news created a commotion in the town and if the Mahatma had walked all that distance,

a large crowd would have been attacted and the likely consequences could be serious. The picketers were warned and then arrested under the D.I.R.

10.5 In their conversation with the police, the picketers were extremely bitter against Mahatma Gandhi and L. G. Thatte said that he who would shoot Gandhi would be a martyr and when he was searched, a sharp knife, 7½" long, was found concealed on his person. Thatte was subsequently interrogated by Bombay Police in the Murder case.

10.6 When Mahatma Gandhi came to know about it, he gave up the idea of walking to the railway station and went in the car. No untoward incident occurred and Gandhiji left by Mail for Bombay. The arrest had the approval of all sections of the community and it also became clear that the Government meant business and would not tolerate a flagrant breach of the peace. Thatte was prosecuted under the Arms Act and the others were let off and left for their respective homes.

10.7 It appears that Dr. Sushila Nayar seems to be under some misapprehension and what has been given by Mr. Pyarelal and that given in the police report seems to be tallying on the whole and that is what must have happened. Godse's name is not mentioned in the police report and he may not have been there but the fact remains that Thatte did take a threatening attitude and also that there were a class of persons from Poona who would not have hesitated to inflict mortal injury on Mahatma Gandhi and were proud to say so.

10.8 This incident was only a pointer to the existence of the class of people and is corroborative of what was stated by Mr. Munshi about this school of thought in Poona which was extremely anti-Gandhi and which did not hesitate to resort to political assassination.

CHAPTER XI

Accident to Gandhiji's Special Train

11.1 In the *Bhavan's Journal* dated January 26, 1969, Ex. 252, there was an article by its editor, Mr. S. Ramakrishnan, that there was an attempt to derail the train by which Mahatma Gandhi was travelling on June 30, 1946 from Bombay to Poona and the incident happened between the railway stations of Nerul and Karjat. Boulders were placed on the railway track. It was the remarkable presence of mind of the driver which averted a disastrous accident even though the dynamo of the rear of a bogie was wrecked and the engine itself was damaged. Mr. Ramakrishnan was called as a witness (No. 100) and he stated that it was felt that it was an attempt on Gandhiji's life by his political opponents but he could not say who they were. But the most vocal people against Gandhiji were extreme Hindu elements.

11.2 An article also appeared in the *Sunday Standard* of March 9, 1969 by Mr. Pyarelal, Ex. 249, and he has also given the same story. Soon after this incident Mr. Pyarelal wrote in the *Haijan* of July 7, 1946, Ex. 250. In Tendulkar's book 'Mahatma Gandhi' (Vol. VII, page 171) a similar account is given and has been marked as Ex. 251.

11.3 The Maharashtra Government have submitted before the Commission some Police Reports and the last one dealing with the mishap to Mahatma Gandhi's train is dated July 20, 1946 Bombay Weekly Letter No. 29 in which it was emphasised that the incident was one of the series of attempts by train thieves to hold up goods train and it had no political implication. There is another extract from a letter of the D.I.G., C.I.D., Poona dated July 11, 1946 where it is stated that four persons had admitted that they were responsible and there was no political motive behind it; they belonged to a gang of thieves. These Police papers have been marked as Ex. 255. There is also a news item from *The Times of India* dated July 20, 1946 in which it was given that it was not an attempt to derail Mahatma Gandhi's train and it also gave the result of Police investigation.

11.4 The Railway Board has submitted before the Commission some papers but they do not take the matter any further than the account given by the driver of the train Mr. L. M. Pereira. He describes what happened. There are copies of Press cuttings from the *Free Press Journal* dated July 3, 1946 which also shows that it was no deliberate design on Gandhiji's life. The whole evidence before the Commission is inconclusive in showing what exactly was the motive of the persons who placed the boulders on the track. The

Police theory was that this was one of the series of attempts by thieves to stop a goods train to commit theft, and that it was no attempt on Mahatma Gandhi's life. From the evidence which has been placed before the Commission it will be difficult to say what exactly was the motive of the persons who put the boulders or who they were. There is positive assertion by two prominent gentlemen who were on the train that it was an attempt on the life of Mahatma Gandhi but contemporaneous accounts given in the *Free Press Journal* and *The Times of India* give the Police version. On the evidence it will be unsafe to come to a conclusion that it was a deliberate attempt to derail Mahatma Gandhi's train, which the driver has termed in his report as the "Mahatma's special". The only importance of this incident is the area, particularly hostile to Mahatma Gandhi, where this attempt at derailing took place.

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CHAPTER XII—CONDITIONS IN DELHI

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CHAPTER XII

Conditions in Delhi

*A -Partition Of India, The Events Leading Up To It And The Aftermath Of the Partition**

12A.1 In an interview to the Special Correspondent of the A.P.I. on December 10, 1945 published in the *Dawn* of December 12, 1945, Mr. Jinnah threw out a feeler to watch its reaction. He said therein "It is possible that there will have to be an exchange of population if it can be done on a purely voluntary basis" The idea was not acceptable to the non-Muslims of the areas which were likely to go into Pakistan. But to the Muslim League it was a matter of great urgency as it offered a complete answer to the opponents of Pakistan. The non-Muslims of the Punjab, N.W.F.P., Sind and Bengal could never consent to leave their lands, the industry and commerce that they had built up with their money and labour to "become beggars and nomads to satisfy a whim of Mr. Jinnah; nor would the Muslims of U.P., Bombay, Madras, Bihar and C.P. be willing to abandon their native soil, give up everything they owned and made life worth living and migrate to distant lands" The dream of exchanging population on voluntary basis was not possible of realisation and Muslim League had to find another way of resolving the difficulty.

12A.2 The Calcutta experiment, the Great Killing, though not successful intimidated a number of non-Muslims into leaving their homes. The experience there gained proved useful in Noakhali and Tippera (a district on borders of the State of Tripura). With better organisation Muslim League was able to strike terror into the hearts of non-Muslims, destroy their property, their self-respect and the honour of their women and converted them wholesale to Islam. This was found to be a more effective way of dealing with the minority and obviated the difficulties involved in exchange of population. There was retaliation in Bihar; the Muslims had to leave the province to seek shelter in Sind. The question of exchange arose once again to be put forward more seriously and vehemently. On November 24, 1946 Mr. Jinnah at a Press Conference at Karachi reported in the *Dawn* of November 26, 1946 said that the question of exchange should be taken up immediately. The non-Muslims all over India reacted most unfavourably but it was wholeheartedly supported by the Muslim League and a Punjab Muslim leader none other than the Nawab of Mamdot threatened that they were going to enforce it.

12A.3 Experienced and discerning administrators like Sir Evan Jenkins, the Governor of the Punjab characterised this move as forcibly driving away of Hindus from the Punjab. Against this the Punjab Muslim League leaders protested but at the same time they

pointed out the dangers of small minorities likely to be at the mercy of the majority community in the Punjab.

12A.4 Sir Feroze Khan Noon had already threatened re-enactment of the atrocities of Changez Khan and Halaqu Khan, of course, by getting that neither of them were Muslims. In the month of January 1947 the Muslims started an agitation and rehearsed "the great putsch" which would solve the question of minorities. This resulted in the composite unionist coalition Ministry going out of office in the Punjab.

12A.5 The unfounded allegation of the use of intemperate language by some non-Muslim Punjab leaders particularly Master Tara Singh became an excuse for a bloody assault on non-Muslim life and property particularly in the districts where non-Muslims were in a hopeless minority, e.g., Rawalpindi. This attack has been described as "the Rape of Rawalpindi" where in order to save their lives non-Muslims accepted Islam and in order to save their honour a large number of Hindu and Sikh women committed *johar* (self immolation); they threw themselves into wells and committed suicide after killing their female children which was the only method by which they could save their honour.

12A.6 The demand of the Sikhs was that the boundary of partition should be Chenab. Fearing thereby they may lose Lahore, the Muslims in May 1947 started stabbing and arson in the walled city of Lahore. Thus began the exodus from that ancient city which had once been the centre of the Sikh power in the Punjab. It was pathetic to see the great families and small families who had been the backbone of the Sikh-raj which was replaced by the might of the British Empire leaving the city of Lahore destitute, deprived of all their belongings and their properties, which for generations they, with hard work had collected and cherished, with fear in their eyes in an indescribable state of destitution.

12A.7 When these tales of misery, anguish and horror reached Amritsar, the Sikh community particularly and the Hindus also were roused in indignation and resentment and revenge and retaliation rose in their hearts. The rural areas of Amritsar district and the walled part of that sacred city became the scene of communal riots. In Lahore also the defence of the Hindus was taken up by the R.S.S volunteers who succeeded in saving many lives and honour of thousands of women and hit back where they could but it was a losing battle because the Muslim League volunteers had the assistance of the authorities and the Hindu Police and Hindu officials had all opted for India. But the most unexpected and astounding part of the tragedy was the failure of the Great Khalsa of Majha area of Lahore.

12A.8 When this retaliation gathered strength a two-way traffic of men, women and children "hounded out of their homes and running

npending death which they faced until they got across what became
the West Punjab-East Punjab border

12A.9 One had only to see the trains which came in with these car-stricken hounded mass of humanity, the trains were full to utlocation, people travelled on the roofs of the trains. But the people who had insisted on the exchange of population in West Punjab were not going to let this hounded humanity to leave unscathed or without getting a taste of the horrors, atrocities, inhuman treatment and degradation which was forced upon them.

12A.10. For hours trains were stopped at railway stations for no explainable reasons. Water taps were closed. In the sweltering heat of the Punjab summer non-Muslims leaving by trains were deprived of food and water, small children and infants died of thirst and starvation. According to one authentic account, fathers and mothers gave their own urine whatever little there was to their own babies to drink. Trains carrying refugees were attacked. Motor-lorries and trucks were stopped, young-girls abducted, grown up women were raped or abducted and others were killed. Those whose lives were spared were only too happy to escape with their bare life.

12A.11 The caravans that moved left decrepit old men and women by the road-side to die and nobody looked at them. The routes were littered with dead bodies, putrefying, bloated, smelling which were the prey for birds and animals of prey. It was a defeated, disheartened, grieving despoiled mass that moved out in caravans.

12A.12 When it was deliberate policy of the Muslim League and of all those who sponsored the idea of Pakistan, to drive out the minorities it would have been a little too much to expect any succour, aid or comfort from that quarter. Unfortunately the military and police escort in most cases was Muslim who hardly inspired any confidence in the refugees, who instead of protecting those who were put in their charge, could not resist the temptation of participating in the looting by its coreligionists.

12A.13 There had been several attacks on the trains carrying refugees in-West Punjab but particularly savage was the treatment meted out to these trains after the 15th August, 1947. In September the trains from Pind Dadan Khan in Jhelum district was attacked at three places. 200 women were killed or carried away. The refugee train from Wah was attacked near Wazirabad and instead of its going straight to Lahore was diverted to Sialkot. This was in September. In October the same thing happened to a train coming from Sialkot but particularly horrible was the train from Bannu which was attacked at Gujrat railway station in January 1948 resulting in massacres of non-Muslims. The same train had been attacked at Khushab and instead of being brought to Lahore via Sargodha and Lyallpur the usual and the direct route of Mari-Indus. Khushab, Sargodha, Lyallpur, Sangla Hill, Lahore was brought by a longer route of Khushab, Malakwal, Lalamusa and Gujrat, Wazirabad, Lahore. Although it was escorted by a contingent of Bihar Regi- attacked by armed Pathans and fired at, the military

replied and the firing went on till the ammunition of the military was exhausted. The mob consisting of about 3,000 armed Pathans then attacked the train. 500 people were killed. The passengers were from Bannu and belonged to a comparatively affluent class. They were looted to the last penny. This was in January 1948.

Parachinar Tragedy was result of Pakistan in action—(Hindustan Times— 28-1-1948).

12A.14 Because the non-Muslims in Parachinar were attacked by the neighbouring tribes and their houses and shops were looted, it was decided to move them to Kohat and from there to take them to India by train. It was also decided to keep them in a camp in tents under proper guard till necessary arrangements could be made to move them.

12A.15 The non-Muslims were evacuated and kept under tents but they were not given any free rations nor rations on controlled prices. Their houses were broken into and looted. When the snow began to fall the Government of India took the matter up. The Governor of N.W.F.P. ordered the breaking up of camp but the inmates refused to return to their homes and preferred to stay in tents in inhospitable weather which showed how unsafe they felt. On the night of 22nd January Parachinar camp was attacked by the tribesmen. 130 non-Muslims were killed, 50 wounded and 50 abducted. Thereafter 1.100 refugees from Parachinar were sent by train from Kohat.

12A.16 Kidnapping of young women and the treatment to which they were subjected was a sordid chapter in the history of human relations. They were taken, molested, raped, passed on from man to man, bartered, sold like cattle and those who were then subsequently rescued gave an account which would be, to put it mildly, hair-raising.

12A.17 When news of this kind of raping, abduction, looting, arson, murder and massacre reached the people of East Punjab it led to retaliation which cannot be described as a proud performance of the East Punjabis. The public in general had no faith in the boundary forces or any authority or the local authorities and the oppressed people had confidence in no one and if it was in anyone at all it was only in the topmost echelon of leaders. And thus personal letters started being sent to both the Prime Minister Jawaharlal Nehru and Sardar Patel. Some letters were to say the least importuniting for the rescue of a wife or a father or other relatives. "There were letters complaining of the indecision of the Government of India accusing the Prime Minister of India of lack of sympathy for the non-Muslims, letters charging him with enjoying the fruits of victory at the expense of Hindus of West Punjab.....", letters about relatives who were untraced.

12A.18 "Day after day, week after week, non-Muslims from West Punjab continued to pour across the border in trains, lorries, aeroplanes, bullock-carts and on foot, till, by the end of December 1947,

four millions of them had come to India. All of them had left behind their property and valuables, the majority of them had suffered bereavement; their bodies sick and wounded, their souls bruised with the shock of horror, they came to a new home. There was discomfort in the refugee camps and the future held out uncertain hopes but, at last, their lives were free from danger and the honour of their womenfolk was safe. As they crossed the boundary line and entered the Dominion of India, a cry of joy arose from their tired and almost voiceless throats with the spontaneity of a reflex action. Many of them wept with sheer relief as they uttered the salutation, "Jai Hind."

12A.19 A song which was recited at the Muslim League conference at Sultankot in Sind is illustrative of the mood that the supporters of Pakistan were in. The song has been translated thus:

"Let there be in Pakistan, the separate centre of Islam,

We shall not in Pakistan have to look at faces of non-Muslims.

The abodes of the Muslim Nation will brighten up only,

When in Pakistan there remain idolatrous thorns.

They (Hindus) whose function is to be slaves have no right to participate in Government,

Nowhere have they succeeded in governi

12A.20 "There were several attacks on trains between Jullundur and Ludhiana and between Ludhiana and Rajpura. Sikh jathas from Patiala were said to be responsible for these attacks. The authorities, at this time, were dismayed to see that there was "very little evidence of willingness on the part of the Sikhs to cry a halt." It will be remembered that, by this time, the Sikhs had become special targets of Muslim fury in West Punjab. A Sikh was not safe anywhere and was killed at sight."

12A.21 Even in Sind there were similar incidents and one such incident is recorded in a document dated 11th January, 1948 (Ex. 260) in which it is stated that a batch of 850 Hindu refugees landed at Okha on 9th January 1948. They were from among those who arrived in Karachi from Quetta by Quetta Mail and they were looted and the usual massacre, etc. followed. The document also shows the brutal manner in which the Sindhis including Sikhs were massacred. Their women were robbed even of ornaments which they were wearing on their persons, like nose rings, etc.

12A.22 Another document dated 15th January, 1948 (Ex. 260-A) from the Dy. Inspector General of Police, C.I.D., Bombay, to the District Superintendents, Deputy Inspectors General of other Ranges

shows that on 6th January 1948 there was communal rioting in Karachi wherein terrible atrocities were committed by Muslims on Hindus, Sikhs and others and the first batch of these refugees consisting of 350 Hindus landed at port Okha in Kathiawar and others were likely to follow. These refugees consisted of all classes of people from many of the provinces in India, like Maharashtraans, Punjabis, Sindhis, Kathiawaris, Marwaris, etc. These refugees, so the document says, were "craving for Muslim blood". The D.S.Ps. were asked to watch the activities of these refugees.

Conditions in Delhi before the bomb explosion

12A.23 In order to determine the adequacy of the precautions taken to protect the life of Mahatma Gandhi, two facts require scrutiny.

- (i) what were the conditions in Delhi at the time; and
- (ii) what was the information which the authorities had regarding danger to the Mahatma's life.

The former deals with environmental conditions and the latter with the knowledge of the Government of India and the Delhi Administration

The mood of the populace

12A.24 Quite a large number of refugees had come to Delhi. From the 10th January, 1948 the influx of refugees was very large and they were not very happy with what Mahatma Gandhi was saying regarding their rehabilitation. On January 13, after the refusal of the Central Government to pay 55 crores to Pakistan, he started his fast with the twin object to force the Government for the payment of 55 crores to Pakistan and for promoting better Hindu and Muslim relations. When the payment was made and leaders of communities had signed the multipoint pledge of Mahatma Gandhi, he broke his fast on January 18. On January 19, 1948 there was a Press statement of Ashutosh Lahiri, General Secretary of the Hindu Mahasabha (Ex. P.25 in the trial court) in which the attitude of Mahatma was strongly criticised and the Hindu Mahasabha disowned any acquiescence in or agreement with the multipoint pledge which Mahatma Gandhi had put forward as a pre-condition for his giving up the fast and to which both Hindu and Mohammedan leaders had put their signatures before the fast was given up. It has been stated that Lord Mountbatten at that time was putting mental pressure on Mahatma Gandhi and Pandit Nehru to create an atmosphere for Muslims to stay on and not migrate to Pakistan. This was stated by Mr J. N. Bahri, witness No. 95. He also said that they as journalists knew that Lord Mountbatten was putting pressure both for the payment of 55 crores and for improving Hindu-Muslim relations. Whatever one may say of the former the latter was a laudable object. Mr Pyarelal, witness No. 54, stated in this connection that Mahatma Gandhi undertook the fast to create an atmosphere for payment of 55 crores and for an atmosphere of cordiality and peace between Hindus and Muslims. Gandhiji did not accept the validity of the

claim of 55 crores but he based his insistence on its being morally binding. All this caused resentment among the Hindus, particularly the refugee. As Lord Mountbatten was not examined by the Commission, it expresses no opinion regarding his part.

12A.25 Pyarelal in his book "Mahatma Gandhi—The Last Phase", page 700, vol. II discusses the question of withholding of the 55 crores thus:—

12A.26 On 6th January the Mahatma discussed the question with Lord Mountbatten and asked his "frank and candid" opinion about the Government of India's decision. Lord Mountbatten said that this would be the "first dishonourable act" by the Indian Union if payment was withheld. It set Mahatma Gandhi thinking. "For that he would have to transform the overall situation and to create a new moral climate which would make it possible for the Indian Government to go beyond the strict letter of the law." Another factor, according to Pyarelal, which weighed on the mind of the Mahatma was what the Maulanas of Delhi told him on the 11th January. They said that they claim India as their motherland and they had continued to stay in Delhi even in the worst of times but their patience was exhausted and if the Congress could not guarantee their protection let them plainly say so and the Muslims would then go away and be at least spared the daily insults and possible physical violence. They could not even go to Pakistan as they had opposed the formation of Pakistan. They asked Mahatmaji, "Why not arrange a passage for us and send us to England if you cannot guarantee our safety and self-respect here."

12A.27 On the 12th January Mahatmaji made up his mind to go on fast unless the madness in Delhi ceased. The fast began from the next day.

M. S. Randhawa, Witness 18

12A.28 Mr. M. S. Randhawa, witness No. 18, who was the Deputy Commissioner of Delhi said that the refugees were in an angry mood because of the fast. To quote Mr. Randhawa:

"The situation at that time was very tense. The whole thing was in a flux. The refugees were in a very angry mood. Mahatma Gandhi had undertaken a fast. A large number of refugees used to gather outside Birla House and shouted slogans "Gandhi ko marne do" (Let Mahatma Gandhi Die). It was partly due to the fact that he insisted that Government of India should pay over to Pakistan a sum of rupees fifty-five crores. The refugees were also angry with him because they thought that Mahatma Gandhi instead of giving help to the refugees was trying to help the Muslim community. I was under the impression that this bomb had been thrown as a protest against his pro-Muslim or anti-refugee policy. It was suspected at the time that the R.S.S. and the conservative extremist Hindus were at the back of this bomb incident and also that it was a mode by which the refugees showed their resentment and indignation."

Dr. Sushila Nayar, Witness 53

12A.29 Dr. Sushila Nayar, Mahatma's Personal Physician (witness No. 53) has described the conditions before and during the fast thus: Mahatma Gandhi blamed persons who were guilty of violence and advised the majority community to behave properly towards the minority which caused a certain amount of discontent among the refugees who shouted slogans outside the Birla House. Mahatma Gandhi undertook a fast because the atmosphere became too oppressive on account of both sides exaggerating matters and the Mahatma was anxious that proper protection should be accorded to minorities here so that in Pakistan also the minorities could feel safe. He said that he could not ask Pakistan to behave until India herself behaved in a proper manner. "Evil is not weighed in golden scales." Continuing, she said:

"When Mahatmaji undertook the fast, for the first two or three days the refugees were not affected thereby. On the other hand they began shouting "Gandhiji ko marne do, ham ko ghar do". But after four or five days when Gandhiji's health deteriorated there was a complete change in the mentality of both the Hindus and the Muslims of Delhi. Long lines of persons used to come and ask Gandhiji to give up his fast; they had tears running down their cheeks. There were men, women, Hindus, Muslims, Muslim women in burqas, refugees and non-refugees. It made a tremendous impression on the whole of the Delhi populace."

12A.30 She added that the refugees were in an angry mood when the Mahatma undertook the fast. About the precautions taken she said that after the bomb there were more plain-clothes policemen round about the Birla House but she did not know if they also attended the prayer meetings. There was one policeman who said "What difference does it make if an old man dies. Why make a fuss." She added that she was told about it. She said she was not consulted about the security arrangements.

12A.31 Further, she could not say if any other precaution beyond the increase of a number of plain clothes policemen was taken. The police wanted the additional precautions of screening, i.e., to search the people coming to the prayer meeting. Of course this request was not accepted by the Mahatma.

Pyarelal, Witness 54

12A.32 Witness No. 54, Mr. Pyarelal, also has stated that after the fast had been going on for a few days there was a general demand by the people of Delhi that the Mahatma should give up his fast.

Brij Kishan Chandiwala, Witness 11

12A.33 Mr. Brij Kishan Chandiwala, witness No. 11 before Mr. Pathak said that in September, 1947, Hindu-Muslim riots were going on in Delhi and the city was under a curfew. A number of people were killed and he (Chandiwala) related the conditions to

Mahatma Gandhi. As a matter of fact, it was this gentleman who called back the Mahatma from Calcutta and, in his opinion, if the Mahatma had not come there would have been a greater slaughter in the streets of Delhi. On his coming, peace was restored. But the Hindu refugees from Pakistan were angry. On one occasion they approached Gandhiji and used hot words when Gandhiji went to Kingsway Camp. The opposition steadily grew in volume and the letters, which Mahatma received and which used to be read by Chandiwala, were full of abuses and threats. Chandiwala arranged an interview of the refugees with the Mahatma and they said unpleasant things to him to his face. On another day a big procession came to Birla House and the processionists raised the slogan "Blood for Blood". They were opposed to Gandhiji's pressure for the payment of 55 crores. A large police force was there to stop the procession at the Birla House. But at that time Pandit Nehru came out of the Birla House where he was holding a meeting with Gandhiji and others and he "checked the procession". Had he not done so, the Mahatma might have been assaulted.

12A.34 *The Times of India* dated January 15, 1948, Ex. 248, carried the story that on January 14 some people had gathered outside the gate of Birla House and said "Let Gandhi Die" and Pandit Nehru was coming out from a meeting wherein Mahatma Gandhi, Pandit Nehru, Sardar Patel and Maulana Azad took part and when he heard this he got out of his car and shouted "How dare you say those words? Come and kill me first." The demonstrators then went away..

12A.35 This report supports what Mr. Brij Kishan Chandiwala has said about the shouting of slogans by the refugees. But it does not support him when he says that if Pandit Nehru had not come they would have assaulted Mahatma Gandhi. According to the Press Report the protesters were not many. There was a large number of policemen to stop the procession and it is difficult to believe that the people could have gone into the Birla House to assault Mahatma Gandhi in the presence of the strong posse of Police. It is possible that Mr. Brij Kishan Chandiwala was greatly perturbed and apprehensive because of the slogans raised that those people would assault Mahatma Gandhi and he must have felt a sigh of relief when a few words from Pandit Nehru just drove those 30 people away.

12A.36 Another witness, Vishwanath Shah, witness No. 3 before Pathak, stated that when rupees 55 crores were given to Pakistan on the insistence of Mahatma Gandhi, there were processions and propaganda against the Mahatma in Delhi. A very hostile atmosphere was created against Gandhiji which "encouraged" young people of which the Government was aware. There used to be demonstrations outside against Gandhiji and people even threw stones but they were driven away by Congress volunteers. To this the Mahatma objected, saying "Why have you badly treated them".

12A.37 Pyarelal in his book "Mahatma Gandhi—The Last Phase" at page 711, Vol. II, has said:

"Within twenty-four hours of the commencement of the fast, the Cabinet of the Indian Union met on the lawn of Birla

ouse round Gandhiji's fasting bed to consider afresh the issue of Pakistan's share of the cash balances. But it made those who were already angry with Gandhiji for what they considered as his partiality towards the Muslims angrier still. A fanatical group among them began to organise a dark conspiracy to compass his death.

"At night some Sikhs from the West Punjab held a demonstration in front of Birla House, shouting, "Blood for Blood", "We want revenge", "Let Gandhi die". Pandit Nehru had just boarded his car to leave Birla House after meeting Gandhiji. On hearing the shouts he got down from his car and rushed out. "Who dares to shout "Let Gandhi die"? he roared. "Let him who dares repeat these words in my presence. He will have to kill me first" The demonstrators scurried away helter-skelter."

... is appears to be a more correct and balanced view of the inci ... During his Calcutta fast Mahatma was cheerful but not during his fast in Delhi. That was because, "it was comparatively easy-going in Calcutta. The task here is far more difficult. There was no refugee problem there to complicate the issue." According to Pyarelal's book, the fast had a tremendous effect on the populace. "It steadied the waverers and lent courage and strength to those who had hitherto indecisively hung back."

12A.39 He also mentioned that there were a number of telegrams of sympathy and support from Muslim leaders and Muslim organisations all over India and even abroad. A Muslim divine from Bareilly giving a *fatwa* (injunction) to his Muslim followers said:

"There is no greater friend of Musalmans than you, whether in Pakistan or Hindustan. ... My heart bleeds with yours at recent Karachi and Gujerat (Pakistan) atrocities, the massacre of innocent men, women and children, forcible conversion and the abduction of women. These are crimes against Allah for which there is no pardon."

12A.40 It ended with injunction to the Pakistan Muslims and to his followers in Hindustan that they must condemn the misdeeds of their co-religionists in Pakistan in unambiguous and emphatic terms. Even Raja Ghaznafar Ali Khan, a Pakistan Minister, in an interview lauded Mahatma Gandhi's efforts and references were made on the floor of the West Punjab Assembly (Pakistan) saying that no greater man than Mahatma Gandhi had been born in the world, and both Malik Feroz Khan Noon and Mian Mumtaz Khan Daulatana said that "his feelings for the protection of minorities are fully shared by us".

12A.41 At page 715 Pyarelal says that people woke up to their full sense of responsibility and set out organising an all out campaign to bring about a real change of heart. Even a deputation of refugees from the Frontier Province told him that they would bear no ill-will against the Muslims.

12A.41A Lord Mountbatten's Press Attache wrote in his diary: You have to live in the vicinity of a Gandhi fast to understand its pulsing power. The whole of Gandhi's life is a fascinating study in the art of influencing the masses, and judging by the success he has achieved in this mysterious domain, he must be accounted one of the greatest artists in leadership, of all time. He has a genius for acting through symbols which all can understand." (P. 190).

12A.42 At page 716, he says, "Gandhi was equally outspoken with those who were trying to make capital out of his fast to run down Sardar Patel."

12A.43 Says Pyarelal, "Unlike Gandhiji he did not suffer fools or fanatics gladly, and as an administrator he never forgot, though he was ever ready to forgive if there was genuine repentance."

12A.44 A leaflet Ex. 105 which is hand-written and is alleged to have been published at Amritsar and distributed at Alwar also is an attack on the anti-Hindu policy of Mahatma Gandhi. But the Commission is not satisfied with the authenticity of this document and does not consider it safe to rely upon it.

12A.45 Bombay Weekly Newspaper, the *National Guardian*, in its issue of January 17, 1948, under the heading "Nehru Government's Great Betrayal of India—Gandhiji's Coercion tells where Pakistan's Blackmail Fails" said "with all tall talk of not paying money to kill our nationals and the Sardar's brave words of not succumbing to bullies and blackmailers, the Nehru Government has been coerced into paying crores of rupees to Pakistan by the fast of the Mahatma". All this was demonstrative of peoples resentment over the payment of Rs. 55 crores

12A.46 The opinion of Sardar Patel about the payment of the cash balances is shown by his speech at Bombay, on 16th January 1948 (reported in "Hindustan Times" of 17th January). He said that they had handed over 55 crores in a spirit of generosity and goodwill which was admitted by the Financial Adviser of Pakistan Government and the London Economist and that they had decided to pay this money in order to relieve Gandhiji of his mental agony.

12A.47 He also referred to the plight of the refugees who were coming to India deprived of everything that they possessed "anger rules their hearts and turns their minds completely. We have to tolerate all this."

12A.48 The Delhi daily C.I.D. Report dated January 16, 1948, shows that some people thought Mahatma Gandhi's fast to be merely a political stunt in order to get India's complaint before the U.N.O. decided quickly and to get a majority in favour of India. The Government servants who had come from Pakistan were complaining that they were not able to get living accommodation in Delhi nor allowed to agitate in order to get their grievances redressed.

12A.49 Feeling against the Government was running high on account of the order of directing the payment of 55 crores to Pakistan. It was being said that the Government had surrendered to Pakistan and even the Congress workers had started showing dissatisfaction.

12A.50 C.I.D. Report dated January 19, 1948, shows that the people were greatly agitated and resented the attitude of the West Punjab Government in refusing to honour the agreement regarding rescuing of abducted women and not allowing the Liaison Officers to go into Gujrat district which was adding insult to injury, i.e., after giving of 55 crores. It was also stated that the Hindu Sabha was not willing to be a party to the Seven Point pledge given to Mahatma Gandhi. Mr. Jayaprakash Narayan said at Socialist workers' meeting that the Socialists did not want to quarrel with the Government for the time-being and advised them to remain in the Congress.

12A.51 Posters were issued by Muslims where the Deputy Commissioner and the Police were accused of disturbing the communal peace of the City and the Government was asked to replace them.

M. Munshi, Witness 82

12A.52 The evidence of Mr. K. M. Munshi, witness No. 82, is very relevant in regard to this topic. He stated that about the end of 1947 and beginning of 1948, Gandhiji became very unpopular because of his insistence upon giving of 55 crores to Pakistan. There were, besides it, other grievances arising from Partition and Hindus in general and particularly Hindus of Northern India laid the responsibility for the Partition on Mahatma Gandhi and there was a strong feeling, though unjustified, amongst the Hindus that if Mahatma Gandhi had not appeased the Muslims by conceding Pakistan the Hindus would not have had to undergo those terrible miseries to which they were subjected.

12A.53 Mr. Munshi had come to Delhi from Hyderabad two or three days before 30th January, 1948, and discussed the danger to Gandhiji with some of the members of Gandhiji's party and they were feeling very unhappy at Gandhiji's objection to the taking of necessary precautionary measures. At that time, there was a general fear that another attempt would be made on Gandhiji's life but Gandhiji had strictly forbidden any policemen being stationed at his prayer meeting so as to restrict or prevent the coming of anybody to the prayer meeting.

12A.54 The witness has given an account of Gandhiji's murder and the events of last two or three days in his book 'The End of An Era' Chapter XIV which has been marked as Ex. 151.

12A.55 Pyarelal in his book "Mahatma Gandhi—The Last Phase" Vol. II at page 457 records the state of mind of Mahatma on his birthday in 1947 which became the last. He writes:

"The occasion burnt itself on the memories of the visitors as one of the saddest in Gandhiji's life. 'What sin must I

'have committed', he remarked to the Sardar, 'that he should have kept me alive to witness all these horrors?'

"He seemed to be consumed by the feeling of helplessness in the face of the surrounding conflagration. Recorded the Sardar's daughter, Maniben, mournfully that day in her journal: "His anguish was unbearable. We had gone to him in elation; we returned home with a heavy heart"

"After the visitors had left, he had another spasm of coughing. 'I would prefer to quit this frame unless the all-healing efficacy of His name fills me', he murmured. 'The desire to live for 125 years has completely vanished as a result of this continued fratricide. I do not want to be helpless witness of it.'"

12A.56 At pages 685-686 of the same book, Pyarelal has said that the Mahatma had become irritable and that he was trying to keep it down. Suddenly he used to say, "Don't you see, I am mounted on my funeral pyre?" Sometimes he would say, "You should know it is a corpse that is telling you this". He was literally praying that God should gather him into His bosom and deliver him from the agony that the life had become. Sometimes he would say that he has become a dead weight on his colleagues and on the country and an anachronism and a mis-fit in the new era that was shaping around him and which he had done more than anyone else to shape. After independence "we are bidding fair to say good-bye to non-violence. . . . If India has no further use for Ahimsa, can she have any for me? I would not in the least be surprised if in spite of all the homage that the national leaders pay to me, they were one day to say: 'We have had enough of this old man; why does he not leave us alone?'

12A.57 At page 443 of his book, Pyarelal has described the mood of Muslim refugees who were in the Purana Qila. On the 13th September, Gandhiji visited this camp where some Muslim Leaguers, after doing all the mischief that they could, had established themselves as leaders of the refugees and were engaging, among other things, in defrauding their brethren of the rations that were being sent to feed them.

"The refugees were in a very ugly mood. As soon as Gandhiji's car entered the gate, crowds of them rushed out of their tents and surrounded it. Anti-Gandhi slogans were shouted. Someone from among the crowd violently opened the door of Gandhiji's car. One of the friends who had taken Gandhiji to the camp asked the driver to take the car out of the camp by the nearest gate. The driver pressed the pedal and the car shot forward. But Gandhiji ordered him to stop. He wanted to face the angry crowd, he said. Immediately the refugees came running up and again surrounded the car. While his companion helplessly looked on, he stepped out. The crowd closed in upon him. He asked them to assemble on the

lawn. Some sat down. Those on the fringes kept standing and, full of anger, gesticulated menacingly. Some Muslim volunteers tried to pacify them."

12A.58 Refugees narrated to him the tales of their suffering which Gandhiji heard with sympathy and promised to do all he could. Those thirsting for his blood a few moments before were now his friends and they respectfully escorted him to his car and bade him good-bye with folded hands.

"When the Sardar learnt of the incident he fumed. As Home Minister, it was his duty to ensure Gandhiji's safety. Why was he not informed in time to take security measures? He gave strict instructions to Gandhiji's staff that in future he was not to be taken out anywhere without prior notice to him."

12A.59 Mr. Purushottam Trikamdas, witness No. 15, has also stated that when he went to see Mahatmaji on or about the 4th or 5th January, 1948, he was in a very depressed mood. He said that "Sardar calls himself my 'chela', Jawaharlal calls himself by 'beta', but both of them seem to think that I am crazy and nobody listens to me" (MERI KOI SUNTA NAHIN HAI).

12A.60 The Mahatma's opposition to retaliation was expressed even on the 27th January when he in his post-prayer address, referred to the attack on Parachinar refugees and asked those assembled not to think of retaliation ("Hindustan Times" 28th January 1948).

12A.61 Ex. 135 dated 24th January, 1948, Police Intelligence Report shows that there was resentment against Gandhiji. There was a meeting of the Provincial Hindu Mahasabha in Delhi on the 18th in which one Kesho Ram made a speech and characterised Mahatma as a dictator and said that he might meet the fate of Hitler soon. Were the words meant to be prophetic?

12A.62 On January 27, 1948 (Ex. 136) another meeting of the Hindu Mahasabha Delhi was held in Connaught Place in spite of the ban wherein anti-Gandhi speeches were made. Prof. Ram Singh criticised the Government of India and Gandhiji for pro-Muslim policy; so did Mr. V. G. Deshpande who was an office bearer of the Hindu Mahasabha. According to him, the Mahatma's fast was intended to coerce the Cabinet to pay out 55 crores to Pakistan which, he said, will be used to shed Hindu blood. Nehru Government, he said, had lost public confidence and it had no right to remain in office. Speeches were made in that strain and it was even said that the best course for the Hindus was that they should turn out the Mahatma and other anti-Hindu forces to Pakistan so that they might not endanger peace of the country, and accused Maulana Azad of being a rabid Muslim. A resolution was passed rejecting the seven-point peace pledge which was Mahatma Gandhi's pre-condition for giving up his fast, condemned the payment of 55 crores to Pakistan and there were cries of 'May Madanlal Live Long', 'Long Live Hindu Nation', 'Turn Out Muslims' and 'Long Live Hindu Sangathan'.

12A.63 The most disconcerting and upsetting aspect of this meeting was the raising of these objectionable slogans which was an ugly demonstration of a very perverse and distorted vision and a condonation if not commendation, of the offences of bomb throwing and of attempted murder, which attitude of mind deserves the strongest condemnation. It is still more disconcerting to find that the Delhi Police did little to stop this meeting. Notwithstanding the exculpatory explanations offered by Inspector Ram Chand Bhatia, S.H.O., Parliament Street Police Station, by Deputy Superintendent Jaswant Singh or by District Superintendent A. N. Bhatia, the Commission is not satisfied that the meeting was not preventable or "immediate" punitive measures could not be taken against those who had transgressed the law in that brazen manner. These explanations are set out in a later part of this chapter.

N. Sahni, Witness 95

12A.64 There is another informative piece of evidence giving the conditions prevailing in and about Delhi and about the mood of the refugees. Mr. J. N. Sahni, witness No. 95, a well known journalist, who was working for the refugees also, has given a fair account of the conditions in Delhi *vis-a-vis* the refugees. He has deposed firstly in regard to the refugees from West Punjab and North West Frontier Province. He said that even before the Partition, refugees had started coming into Delhi. They were sullen and desperate. A larger number came after the Partition. They had terrible tales to tell. Unfortunately the relief was inadequate and the camps in East Punjab, e.g., Kurukshetra Camp, were poorly equipped.

12A.65 The refugees, said Mr. Sahni, were in a very angry mood because the response to their needs and to their amenities of life was poor and what infuriated them more was that India was making terrific efforts to keep back the Muslims and not doing anything for the rehabilitation of those Hindus and Sikhs who were forced to leave their homes in Pakistan.

12A.66 The inhabitants of Delhi, Mr. Sahni said, were "quiescent" but when the refugees came, communal rioting started. The Muslims in certain localities had well provided themselves with arms and ammunition, of which there were dumps in certain shops and houses. Mr. Justice G. D. Khosla in his report about the Partition matters published *sub nomine* "Stern Reckoning" has mentioned the collection of arms in certain Muslim localities since November 1946 and also that rioting started in August 1947 and continued till September 1947 and has set out the details of rioting and other disturbances in Delhi at pages 282—285.

12A.67 All this worried Mohammedan leaders particularly those who were in the Congress as also the Congress Hindus in the Cabinet. At that time Mahatma Gandhi sent a secret mission to Mr. Jinnah offering to serve the Muslim refugees in Pakistan and he had been writing to them earlier also but they were not prepared to accept his help. Mahatma Gandhi's idea was and he genuinely believed that if he served the Muslims in India, it would be possible for Hindus of the West Punjab and Frontier Province to return safely to their homes. He thought if he could save Muslims in Bihar he would be safeguarding the Hindus in Noakhali.

12A.68 During all this time, said Mr. Sahni, Lord Mountbatten was creating mental pressure on both Mahatma Gandhi and Pandit Nehru that they should do something spectacular to save the situation by making it safe for the Mohammedans to stay in India and that would be a great gesture for Pakistan to act in the same way.

12A.69 Most of the Chief Ministers, said Mr. Sahni, roundabout Delhi for some mysterious reason adopted a very unfriendly attitude and they were not prepared to take the refugees into their respective Provinces. In fact, the refugees were stopped so that they could not go even to their close relatives living in those Provinces unless they went very quietly and clandestinely. This added to the ire of the refugees and to their frustration.

12A.70 Support for this attitude is found in the testimony of two witnesses.

12A.71 Mr. G. K. Handoo, witness No. 48, has in his statement also given an instance where people were stopped at the Jamuna Bridge near Jagadhari on the opposite side of Saharanpur and the Prime Minister's intervention had to be sought to allow them to go to the U.P.

12A.72 Mr. B. B. S. Jetley, witness No. 55, when recalled said that entry of the refugees had been stopped into U.P. because four lakhs of them had already entered and dispersed themselves in two or three districts and created conditions of law and order and of sanitation, and there were large chunks of land in East Punjab which were available for the refugees which could be made available for them if their entry was prohibited. He forgot that all refugees were not agriculturists living on agriculture but they were largely city dwellers living on city avocations. The order to ban the entry of these Hindus into U.P. was, therefore, passed under Section 144 Cr. P.C. and that had the support of the Premier Mr. G. B. Pant. When Mr. Pant went to explain this matter to the Mahatma Mr. Jetley went with him. But he did not say what the Mahatma's reaction was.

12A.73 Mr. Sahni also said that Mahatma Gandhi did a great deal for the Hindus also but he did not realise the enormity of the task of rehabilitation of refugees. The resources required for the rehabilitation of such a large number of people were colossal. Mahatma asked for charity and charity did come but that was wholly inadequate. The refugees, both Hindus and Sikhs, still had faith in Mahatma Gandhi and almost worshipped him but this feeling of confidence and affection for Mahatma was marred by certain events and incidents. They were :

- (1) The blatant wooing of the Muslims by the entire Government not to leave India and to ask the people who had left India to return. The policy, according to Mr. Sahni, might have been right but the effect on the refugees was depressing. The refugees expected that by those people going away, they would be able to rehabilitate themselves in the houses left by them.

- (2) The second matter was the giving of the 55 crores for which pressure was being put on Mahatma Gandhi by Lord Mountbatten about the honour of India which was one of the reasons why Mahatma Gandhi went on fast and made Indian Cabinet reverse its previous decision in regard to that sum.
- (3) The attitude of Muslims throughout India had been such that it led to the creation of Pakistan and the feeling among the Hindus and Sikhs was and a movement had taken shape amongst them that the time had come to join together to protect their rights and liberties and it was assuming a concrete form all over India. The form taken was a Hindu Sangathan movement fostered to make India a land of the Hindus just as the Pakistan was a land of the Muslims. This movement was quite strong in Delhi and also in the Punjab, Rajasthan (Rajputana States) and in the Maharashtrian regions of the Bombay Province. It was also strong in Central India, Bengal and certain areas of U.P. Their idea was that just as Hindus had been forced out of the western part of Pakistan, so the Muslims should also go leaving India as a land of Hindus. This idea according to Mr. Sahni was creating an anti-Muslim feeling and a pro-Hindu Rashtriya movement.

12A.74 The result of all this, according to Mr. Sahni, was that the Hindus considered Mahatma Gandhi an impediment. This became very prominent in the end of 1947 and some sections of the press also became vocal in expressing dissatisfaction and decrying and condemning Gandhiji for taking a very biased and pro-Muslim attitude. Mahatma Gandhi believed that the more he tried to serve the Muslims in India the more secure would the Hindus be in Pakistan and greater would be the harmony between the two countries. But the idea of those Hindu extremists was just the opposite and they believed in tit for tat and held the opinion that the Hindus could not be safe in Pakistan which opinion the refugees fully shared.

12A.75 Mr. Sahni also said that as a consequence of these feelings, both Mahatma Gandhi and Pandit Nehru became targets of the fury of all those who thought that they were going too far in their policy of appeasement of Muslims in India and of the authorities in Pakistan, Sardar Patel and people who thought like him, i.e. Sardar Baldev Singh and Mr. Gadgil, took a more realistic view of the conditions and were not too rigid and according to Mr. Sahni took a practical view of the situation as it existed. There was loose talk of assault on Mahatma Gandhi and Pandit Nehru but not on Lord Mountbatten. Even those who were intimately connected with Pandit Nehru had some concern that proper security measures were not being taken in regard to him. Speeches were being reported from extremist Hindu platforms that Gandhiji was a kind of an impediment and sooner he died the better it would be for the country.

12A.76 Mr. Sahni reiterated that Mahatma Gandhi had undertaken the fast with the object of ~~to get his demands accepted~~ See that 55 crores were

paid to Pakistan and (2) Hindu-Muslim peace was restored and assured. The former was considered by the extremist elements to be an unworthy interference in the administration. Said Mr. Sahni,

"What we felt was that if we were paying Rs. 55 crores we should at least get some guarantee from Pakistan of fulfilment and implementation of other things under the common agreement. It appeared even to us that this was an unfair deal because it was being done without getting any such guarantee from Pakistan."

12A.77 Mr. Sahni further stated that he did hear that people like Dr. N. B. Khare made provocative speeches likely to incite people to violence and other people from Poona also were making similar kind of speeches. He also had a recollection that newspapers in Poona were reporting speeches which were exciting and inciting. Most of them were Marathi newspapers. He learnt this as a member of the Editors Conference. There were, he said, some Punjab papers also which were writing in the same strain and those matters were also reported to the Conference. It was being openly discussed in those days that there were about six lakhs of volunteers forming a part of a secret organisation to stage a coup d'etat. This organisation had secret cells in different parts of India—Punjab, Southern India, Maharashtra, etc.

12A.78 Mr. Sahni said that Mahatma Gandhi was misled by his followers who were trying to build up a persecution complex on behalf of Moslems and were giving Mahatma Gandhi a false idea of the affluence of the refugees, their misbehaviour and their living in an extravagant manner and so on. This produced in the minds of the refugees an absolute disgust and made them desperate because it was a false propaganda, and it increased their disappointment and disgust when they found that some Congress leaders were working hard to appease the Muslims absolutely ignoring the essential needs of the vast population of Hindus who had to leave their hearths and homes in West Punjab and other places and were destitute and helpless.

12A.79 In spite of all this, said Mr. Sahni, "the attitude of minds of the Hindus and the Sikhs from the Punjab.... could not forget the services which had been rendered to them whenever Hindus and Sikhs were in trouble in the Punjab—Jallianwala Bagh and Guru ka Bagh are examples—and they would rather like to convert Gandhiji and use his influence rather than kill him."

12A.80 Mr. Sahni stated that he never found any anti-refugee feeling in Pandit Nehru, neither in private talks nor otherwise, but the Hindu and Sikh refugees were impressed by the sympathetic efforts which were being made by Sardar Patel, Mr. Gadgil, Sardar Baldev Singh and people of their point of view. Pandit Nehru also was quite sympathetic towards the Hindu refugees but "the fact that along with Maulana Azad, Rafi Ahmed Kidwai and other Muslim colleagues he worked very hard and spared neither money nor time in discouraging Muslim refugees from leaving for Pakistan, preserving their rights to their properties and so forth, created a sense

of hostility among refugees towards him since the refugees genuinely felt that if they had been thrown out of Pakistan, it should be natural for at least an equal number of Muslims to be allowed to migrate, even though there was no proportion between the millions of wealth Hindu community had left behind and the poorer Muslim community was expected to leave if they migrated. When special police was appointed to preserve their rights even for this property and strong measures were taken including shooting where Hindu refugees were concerned who tried to enter these properties, the sense of resentment became almost blind."

12A.81 Mahatma Gandhi, said Mr. Sahni, "outcongressed the Congress" in appeasing the Muslims and Pakistan. Refugees who came from Western Punjab and N.W.F.P. considered that they were coming to their homeland. But they were treated as unwanted people because the idea of Mahatma Gandhi was that they should return to their original homes. Unfortunately this idea was echoed by lesser leaders who took their cue from the Mahatma and this made the Government very unpopular among the refugees.

12A.82 Mr. Sahni's evidence that Gandhiji sent a secret message indicating that he wanted to go to Pakistan is supported by Pyarelal in his book "Mahatma Gandhi—The Last Phase", Vol. II at page 732. where he has stated that Gandhiji asked him (Pyarelal) to go to Zahid Hussain and ask him whether they would like him to go to Pakistan. But Pakistan was not quite satisfied as to the conduct of the authorities on the Indian side and so reply of Zahid Hussain was, "No, not yet.....but I hope that conditions will change for the better sufficiently before long".

12A.83 The witness's attention was drawn to Pyarelal's "The Last Phase" second volume at page 431 in paragraph 4 but Mr. Sahni's reply was that at no time were the streets of Delhi littered with dead bodies of Hindus or Muslims but there was lot of rioting and killing in certain areas of the old city and the victims were not only Muslims but also Hindus. Continuing Mr. Sahni said that killing in East Punjab was retaliatory in its concept and was not started there.

12A.84 He said that serious differences between Maulana Azad and Sardar Patel existed since 1940. Sardar Patel incurred unpopularity amongst Muslims which started quite early and the matter became worse when Mr. Jinnah came into the limelight. There was talk all the time in the Government for banning communal bodies like R.S.S., Muslim League and the Razakars. There were two groups in the Cabinet, one led by Pandit Nehru and the other by Sardar Patel. Sardar Patel wanted to exploit the R.S.S. in order to get the support of the Hindus just as Maulana Azad, Rajaji and Pandit Nehru wanted to get the support of the Muslims. Due to these differences Sardar Patel threatened to resign not only when the Mahatma undertook the fast but before also. Said Mr. Sahni: "Sardar Patel was very loyal to Mahatma Gandhi and his resignation was not because he had any differences with him (Mahatma Gandhi) but because the Sardar had said „at if he had lost Gandhiji's confidence he would resign." Mr. K'daval drew the attention of Mr. Sahni to page 221 of Mulana Azad's book "India Wins

Freedom" where there is a portion that "Gandhiji should be neutralised." Mr. Sahni said that "appears to be a pure concoction" and that the manner in which the whole paragraph 1 at page 221 had been written in regard to the Sardar was tendentious.

12A.85 Mr. Sahni's attention was then drawn to page 223 of the book as follows :

"Q. Now I draw your attention to Maulana Azad's book, 'India Wins Freedom'—page 223—wherein he has said that Jayaprakash Narayan had accused Sardar Patel that the Home Minister of the Government of India could not escape the responsibility of the assassination of Mahatma Gandhi.

A. I do not remember exactly these words. But I do remember that there was quite a feeling in responsible circles that Government could not escape the responsibility for not having taken proper precautions to avert this tragedy especially after the bomb incident."

12A.86 Mr. Sahni's statement has been analysed at length because it throws a flood of light on the conditions prevailing about the time Mahatma Gandhi was assassinated. He has given a very clear view of the arrival of the refugees, their hopes and expectations, their frustrations and disappointment at the reception they got in what they thought was their "homeland". They had respect and affection for Mahatma Gandhi but this was marred by the attitude of the Congress and Gandhiji's attitude towards the Muslims and their neglect of the needs and aspirations of the Hindus who arrived after having waded through blood, slaughter, repine, rapings and abduction of their women.

12A.87 He has also deposed to the moral pressure of the Governor General that Indian Government should prevent Muslims migrating to Pakistan and that 55 crores should be paid to Pakistan as non-payment would tarnish the honour of India. He also stated that the Hindu and Sikh refugees were not for killing Gandhiji but to convert Gandhiji from his over-zeal for the Muslims.

12A.88 He then deposed to the violent speeches and writings in Marathi press in Maharastrian part of Bombay. But he stated there were similar writings in the Punjab also.

12A.89 He stated that there was a movement led by Golwalkar at Nagpur and Bhapatkar at Poona to stage a coup d'etat to take over the Government of India after killing the leaders. There were behind this movement some princes and chieftains like Jaisalmer, Jodhpur, Alwar, Bharatpur, Baroda and Bhopal. And Mahatma's murder was considered as the first step in that direction.

12A.90 He has also deposed about the internal differences in the Cabinet and in the Congress leadership—particularly between Sardar Patel and Maulana Azad and between Pandit Nehru and Sardar Patel. As a matter of fact, Sardar Patel offered to resign as he had lost the confidence of the Mahatma to whom he was devoted.

12A.91 Mr. Sahni also stated that the Government should have had and as a matter of fact did have previous knowledge of the danger to Mahatma's life and a responsible section blamed the Government for negligence and neglect.

Master Tara Singh

12A.92 There was a meeting of the All India States Hindu Mahasabha at Bombay on 29th, 30th November and 1st December, 1947 (Ex. 275-A). One of the speakers at the meeting of 30th Nov. was Master Tara Singh, the Akali leader. He made a spirited speech saying that hundreds and thousands of Sikhs were killed in Punjab by Muslims and still the Government was protecting the interests of Muslims while Hindu and Sikh refugees were dying of cold in Delhi. Gandhiji had no feelings for them. He cared more for the Muslims and he was requesting them not to leave India. He said that the English had left the eternal enmity between Hindus and Muslims.....Mr. Jinnah had said that as long as Islam remained they would not allow a single Sikh to live in Pakistan. He (Master Tara Singh) retorted that as long as Hindu Dharma lived, they "shall not allow a single Muslim to live (loud cheers)". Nowadays, he said, many Muslims were calling themselves nationalists but no Musalman could ever be a true Hind-loving man. He would always be a Muslim at heart although he might pretend to be a nationalist. He added that they would allow all religions to continue to live in India but they could not allow "their necks to be cut by Musalmans". He wanted all Musalmans to be sent to Pakistan.

12A.93 Mr. Savarkar also at that meeting drew the attention of the public to the danger from Muslims who were joining the Congress. "How could a Muslim Leaguer become a nationalist overnight." The Musalmans wanted to create another Pakistan in India. He said that Rajajis were their next enemy and that Congress' repressive policy towards the Hindus would rouse "Hindutva" in the hearts of the masses.

12A.94 This evidence shows that:

- (1) The partition brought into Delhi a large number of Hindu and Sikh refugees who had to emigrate from Pakistan both before and after the partition.
- (2) They came to India with great hopes of welcome and rehabilitation but the attitude of Congressmen and of Mahatma Gandhi disappointed them and they were extremely angry, frustrated and exasperated.
- (3) Although they had full faith in Gandhiji but this faith was largely eroded by Mahatma's solicitude for the Moslems who had brought about the partition and the advice to them to go back to their homes made them angrier.
- (4) Even with all this anger and anguish, their attitude was not one of violence towards the Mahatma even though they were raising all kinds of slogans expressing their extreme disappointment and dolour and soreness.
- (5) There was amongst a large number of Hindus, particularly the Hindu Mahasabha, a strong feeling against Mr. Gandhi

for his fast to coerce the payment of 55 crores and ap-
peasement of Moslems, and neglect of dishonoured, dis-
heartened, pillaged, robbed and homeless Hindus—the re-
fugees from Pakistan.

- (6) Besides this there were riotous scenes between religious communities in Delhi and its environs which led to murders on the streets of old Delhi.
- (7) There was moral pressure from Lord Mountbatten and the complaints of Maulanas which made the Mahatma resort to the fast. This made the Hindus angrier still.
- (8) The extreme Hindu elements of the South particularly of Poona compendiously called Savarkarites became more and more infuriated against the Mahatma and the more extreme elements from amongst them were led to the extreme step of personal violence against the Mahatma.
- (9) There was a split in the Central Cabinet in which Sardar Patel was on one side and Pandit Nehru and Maulana Azad on the other; so much so that it reached the stage of Sardar Patel's resignation sent to the Mahatma because Sardar thought that he had lost the Mahatma's confidence.
- (10) Mahatma Gandhi's presence and fast did restore communal peace in Delhi but the hearts of some of the extreme Savarkarites were bent on Mahatma's removal by violence.
- (11) The causes which led to the murder of the Mahatma was the Congress appeasement of Moslems, neglect of Hindu refugees, his going on fast and giving of 55 crores.

B—What was Happening in Delhi After The Bomb Was Thrown

12B.1 There are weekly intelligence abstracts of Delhi Police and Daily C.I.D. reports of Delhi Police showing the activities of various political bodies in Delhi.

12B.2 Ex. 135 dated January 24, 1948, is the weekly intelligence abstract of Delhi Police. It mentioned under the heading 'general' about the relief which people had felt at the giving up of the fast by Mahatma Gandhi but the orthodox Hindu sections declined to be a party to the seven point peace pledge. The explosion at Birla House was considered to be the index of seething unrest prevailing amongst the masses against the Gandhian ideology and an immediate revision of the Government's policy towards the Muslims was demanded.

12B.3 Under the heading *Hindu Affairs* an account of the meeting held on January 18, 1948 is given. At the meeting were present the late Dr. Sir Gokal Chand Narang, a former Minister of the Punjab, Professor Ram Singh, L. C. Rai, Desh Bandhu Gupta, Ram Saran of Lahore and Kesho Ram. The meeting expressed indignation over the payment of 55 crores to Pakistan. Dr. Gokal Chand described Mahatma Gandhi's fast to be helpful to the Muslims to be

able to get more value for their property and that the Mahatmaji was playing into the hands of Maulana Azad to help Pakistan. Professor Ram Singh said that the fast proved helpful in ridiculing the Hindus and Sikhs all over the world. Kesho Ram characterised Mahatma Gandhi as a dictator and said that he might meet the fate of Hitler soon. (Italics are by the Commission.)

12B.4 Under the Sikh Affairs, there is an account of meeting at which one of the speakers said that the Muslims could never be loyal to India.

12B.5 Under the heading 'Muslims', an account is given of two meetings on the 19th and 23rd January recognising the selfless services of Mahatma Gandhi.

12B.6 At the Congress meetings, emphasis was laid on maintaining communal harmony and Mr. Brahm Prakash denounced the activities of the R.S.S.

12B.7 The socialists criticised the Deputy Prime Minister for being anti-socialist.

12B.8 Under the heading 'Miscellaneous' the incident of Madanlal causing an explosion at the time of the prayer meeting is mentioned. It is also stated that nobody was injured and the accused was arrested red-handed. This appears to be tone down account of Madanlal episode, almost innocuous.

12B.9 In Ex. 136, which is another abstract of intelligence of Delhi Police and is dated January 31, 1948, under the heading 'general' reference is made to the dastardly murder of Mahatma Gandhi which had caused indignation amongst the public excepting a small section of the orthodox Hindus who were feeling jubilant over it. (Italics are by the Commission.)

12B.10 Under the heading 'Hindu Affairs', it was stated that the orthodox Hindus were criticising the Congress for their policy of appeasement. V. G. Deshpande, Mahant Digvijay Nath and Professor Ram Singh at a meeting held on 27th at the Connaught Place under the auspices of the Delhi Provincial Hindu Sabha said that Mahatma Gandhi's attitude had strengthened the hands of Pakistanis. They criticised the communal policy of the Government of India and the measures taken by the Mahatma to coerce Indian Cabinet to pay 55 crores to Pakistan. Mahant Digvijay Nath exhorted the gathering to turn out Mahatma Gandhi and other anti-Hindu elements. Professor Ram Singh also opposed the Mahatma's policies. Resolutions were passed condemning payment of 55 crores and in regard to Kashmir. Shouts of 'Long Live Madanlal' were raised. Besides this, there were other slogans. The Hindu Mahasabha condemned the fast of Mahatma Gandhi, the payment of 55 crores, the seven point peace pledge and those members of the Hindu Mahasabha who had signed the peace pledge.

12B.11 The socialists had decided to mobilise public opinion in support of a demand for a new Cabinet. Mr. J. P Narayan at a

private meeting held on the 31st, accused the police for inadequate arrangements culminating in the assassination of Gandhiji and they had therefore decided to carry on propaganda for suppression of communalism.

12B.12 The C.I.D. report, dated January 27, 1948, Ex. 137, also gives an account of the meeting which was held on the 27th under the auspices of the Delhi Provincial Hindu Sabha to which reference has already been made in a previous document, Ex. 136. In this document the proceedings are described at a greater length. It emphasised the raising of the slogan "Madanlal Long Live"

12B.13 After the meeting (of 27th January) was held, the Chief Commissioner, Sahibzada Khurshid, in a confidential communication, Ex. 143(1) dated January 30, 1948 pointed out to the D.I.G. that the Deputy Commissioner had said that he had not given any permission for the meeting to be held and he would like to know as to how the meeting was allowed to be held. If the police did not know that such a meeting was to be held then the intelligence was extremely bad and the Superintendent of Police is really unfit to hold this job and if the police knew that the meeting was going to be held and still they did not take any action to prevent it, the police officers were guilty of gross dereliction of duty. The Chief Commissioner wanted to have a report in regard to the matter so that he could take the matter up with the Ministry of Home Affairs.

12B.14 The D.I.G. had recommended the detention of Mr. V. G. Deshpande and Prof. Ram Singh, two Mahasabha leaders who had participated in the meeting of the 27th January, but the Chief Commissioner considered one month's detention inadequate and his opinion was that people should be prosecuted for defiance of orders.

12B.15 On February 3, 1948, (Ex. 143) Mr. R. N. Bannerjee wrote to the Chief Commissioner saying that Government agreed that a meeting in defiance of the orders under section 144 should not have been allowed to be held and advised that persons guilty of breach of the prohibitory order should be prosecuted.

12B.16 It appears that the explanation was called of the Superintendent of Police, New Delhi, and of Deputy Superintendent Jaswant Singh. Their respective explanations are Exs. 82 dated 11th February 1948 and 83 also of the same date.

12B.17 The explanation of Dy. Supdt. Jaswant Singh was that the Inspector incharge of Parliament Street Police Station had told him that there was no information about the meeting and he heard about it at 4-30 p.m. and reached the place with a guard and on inquiry the Hindu Mahasabha people said that they had obtained permission of the District Magistrate which was later on found to be incorrect. As the meeting was in progress and large number of audience was present, it was considered inadvisable to disperse the meeting hence no action was taken and action was 'now' being taken under section 188 I.P.C. i.e. prosecutions were to be started. The report of Police Superintendent A. N. Bhatia, Ex. 82, was on similar lines and it added that the Hindu Mahasabha people had stated that the permission had been applied for and obtained. When the police

invited on being shown the permission, the Hindu Mahasabha people said that it would be shown shortly but no permission was shown. In the meantime the audience had swelled to more than two thousand and necessary precautions were taken to prevent any breach of peace but in view of the crowd, it was thought inadvisable to disperse the meeting. The explanation further said that the application to hold the meeting was presented by the Delhi Provincial Hindu Mahasabha on the 26th of January which was received by the police after the meeting had been held, and that those who are guilty of breach of the order would be prosecuted under the law. The explanations of Superintendent Bhatia and of Dy. Superintendent Jaswant Singh, were forwarded to the Chief Commissioner by the D.I.G., Mr. D. W. Mehra, who added a note Ex. 143(3) dated February 15, 1948 that the application had been forwarded by the District Magistrate to him and his (D.I.G.'s) reply was that permission might be given if the Hindu Mahasabha gave an undertaking to be moderate in their speeches, which indeed is an astonishing rider by a D.I.G. who should have known the conditions in Delhi better. The record does not show what had happened to the application but it was received in the D.I.G.'s office on 29th of January after the meeting had been held.

12B.18 Mr. Mehra pointed out that the Superintendent of Police had no intimation of the meeting excepting on the 27th January at 4-30 p.m. when a number of people were seen at the place. The Parliament Street Police officer reached the spot with a small posse of police and was assured by the Mahasabha leaders that the permission of the District Magistrate had been obtained which was clearly false and when the Inspector insisted on showing the permission, it was not produced. By that time the crowd had become two thousand and it was inadvisable to disperse the crowd. He added further, as an excuse, that a number of meetings had been held for the purposes of preaching communal unity so as to enable Mahatma Gandhi to break his fast—implication being that the other meetings having been held without permission why not this one. He added that in his opinion, New Delhi Police was guilty of error of judgement and necessary action would be taken against the officer concerned and that a case had been registered under section 19 of the Punjab Public Safety Act against the conveners.

12B.19 Ex. 143(4) is a letter by Mr. Bannerjee to the Chief Commissioner dated February 17, 1948, in which he asked whether the meeting of Mr. Jayaprakash Narayan in Connaught Place on February 4 was in defiance of the orders under section 144 and if so, it showed that the police were either not vigilant or connived at such breaches of the law and Government wanted that this laxity should be put down strongly. It also added that the slogans "Long Live Madanlal" which were shouted at the 27th January meeting should have been brought to the notice of the Government immediately; and that effective arrangements should be made for full reporting of objectionable speeches which should be scrutinised by the District Magistrate and by the Chief Commissioner and forwarded to the Home Ministry.

12B.20 Ex. 143(5) dated 23rd February, 1948, is another letter by Mr. Bannerjee to the Chief Commissioner, regarding the defiance

of the Governmental prohi itory order and the holding of the meeting on the 27th. It mentioned that ordinarily the District Magistrate should have refused the application for holding the meeting immediately and the police should have been informed of the District Magistrate's order. It was to be noted that atmosphere following the bomb outrage at the Birla House on the 20th January was certainly surcharged and it was difficult to follow why there should have been any hesitation in rejecting the application for holding the meeting. To this the Chief Commissioner replied on 11th March, 1948, Ex. 143(6), in which it was said that condolence meetings were being held in connection with the death of Mahatma Gandhi and that when the meeting of the 27th had started, it was difficult to disperse it and it also said that Mehra was taking disciplinary action against the police officers who failed to do their duty in not dispersing the meeting.

12B.21 There is a letter dated March 11, 1948, Ex. 143(8) from the Chief Commissioner to Mr. Bannerjee in which it is stated that Mehra acted unwisely in suggesting that permission should be given if the leaders gave an undertaking not to make intemperate speeches. The letter also mentioned the letter of the Chief Commissioner to Mehra that the meeting should have been dispersed and it also mentioned that disciplinary action was being taken against those officers. It suggested that Randhawa may be told that he acted indiscreetly in not rejecting the application for meeting forthwith. Mr. Randhawa on March 8, 1948, Ex. 143(9), gave his explanation referring to what the D.I.G. had advised him and added that no undertaking was given and no permission was granted, and that it was the duty of the Superintendent of Police, New Delhi to have satisfied himself whether any permission had been granted.

12B.22 On March 23, 1948, Ex. 143(11) the Government of India expressed its disapproval of the action of Mr. Randhawa who in its opinion acted indiscreetly by not rejecting the application forthwith.

12B.23 The Commission is of the opinion that the opinion of the Chief Commissioner was right and the meeting should not have been allowed to be held. It is difficult to accept the excuse that the police came to know about the proposed meeting at 4-30 P.M. when people began gathering. Public meetings are not called at the spur of the moment and this one had been applied for a day earlier and must have been advertised earlier. It is demonstrative of police incompetence or lethargy if not complacence.

12B.24 Ex. 143(12) dated 9th February, 1948 is the Chief Commissioner's fortnightly report for the fortnight ending 2nd half of January, 1948. It is more or less reiteration of what is already contained in the police fortnightly reports.

12B.25 On January 21, 1948 when Mr. Sahni attended the prayer meeting, he found security men there but he could not say how many they were but in his opinion in a gathering like that anything could have happened unless everyone who went there was checked. The Mahatma, he said, was not afraid of death and could stand in

the line of the trajectory of a bullet if it was directed against him. This he did at Calcutta with a lantern in hand when he was threatened with death.

12B.26 The Commission might add that one of the greatest and most well deserved tributes paid to the Mahatma was by the late Hon'ble Dr. Khan Sahib, Premier of the N.W.F.P. who said in a speech at Peshawar that the bravest man he had met was Mahatma Gandhi who was never afraid of death and was never afraid of doing what he thought was right irrespective of its danger to his life.

C—Political Conditions in Delhi

12C.1 According to Miss Maniben Patel's diary, Ex. 273, the relations between Pandit Nehru and Sardar Patel and Maulana Azad were not happy but after the murder of Mahatma Gandhi Mr. Nehru wrote a confidential letter dated 4th February 1948 saying that now that Mahatma Gandhi was dead, they should work in co-operation. On 24th February 1948 Maulana Azad came and said "Gone is gone, all should work together"....."Sardar said that neither Maulana nor Jawaharlal wanted him. He will remain outside. Maulana did not refute this". On 25th February 1948 Jayaprakash Narayan met G. D. Birla and said to him that there were differences between Jawaharlalji and Sardar. Jawaharlalji wanted Mahajan to go from Kashmir Diwanship and Sardar did not want this.

12C.2 On March 2, 1948 the entry is rather revealing:

"Devdasbhai came at 8-30 P.M.

.... Sardar talked: "I have never talked to you. But there were efforts to drop me out since three months before Gandhi's death. Even socialists, Maulana were involved in it. Bapoo (Gandhiji) said to me at that time, "You both are unable to cope up with each other and there are no chances of it being so even in future. One of the two should be taken in. Looking to your popularity at present you should be raised". I said "No" and added that this was a useless talk. Jawaharlaljee is younger than I. He enjoys an international fame and moreover these people are propagating that I am bent upon turning them out. Such a step will only confirm their propaganda.

"Once Jawaharlal had gathered four or five Maulanas before Bapoojee (Gandhiji) including Maulana Hafiz-ul-Rahman. Hafiz-ul-Rahman started talking tall. I said, "Tell me in specific terms and I shall search". I will change people if something is proved. But I shall not remove anybody on the basis of vague charges. In fact their real intention was to remove Randhawa. Even Bapoojee (Gandhiji) had said that to talk to remove the Chief Commissioner is a useless talk....and if there is something more then give in writing to Sardar.

"Then there was a storm in Ajmer. H. V. Iyengar was sent direct without consulting me. Then I wrote to them that such interference by sending officers directly without consulting me is not proper. Upon this he wrote, "I cannot abdicate my functions?" All this was going on while Bapoo's fast came in between. Those people had decided to take in Jayaprakash removing me.

"This 55 crores episode pinched me much. This 55 crores was paid and Bapoojee's (Gandhiji's) murder was a result of this.

"I was present at the last meals (before taking to fast). While taking meals the issue came up. I said the Viceroy had a talk with you regarding 55 crore affair and told that it was dishonourable. Then he should have told this to me.

"Jawaharlaljee said in the Assembly, "We are not going to provide sinews of war". I made a statement in the Assembly only on the next day.

"I went to the Viceroy from Bapoojee, and asked him that he told Bapoo (Gandhiji) that it was dishonourable. You have thus let down the Cabinet. Sardar showed all the papers to Mountbatten. Later on he apologised. Panditji said it is 'petty-fogging'. I said in the Cabinet that we should agree to pay 55 crores. But I am to stay no longer. I am under intoxication either of age or of power. Therefore I do not want to stay in the Cabinet any longer.

"Later on I wrote a letter to Bapoojee on the next day before going to Bombay that I should be relieved. Even Maulana does not want me.

"I had talks with Gandhiji even on the last day. At that time Bapoojee told me that it is not possible to pull on with either of you. Both of you should remain. Tomorrow we shall clarify everything when we meet.

"Jawaharlaljee wrote a letter to me two or three days after returning from Rajghat. The letter was a nice letter saying that 'gone is gone' and we should work together forgetting the past. I too wrote to him a good letter.

"But on the other hand Jayaprakash started attacking in open Public Meeting. There Achyut declared 'today it is high time that Jayaprakash should be taken in after removing Sardar'.

"Later on Jawaharlaljee scolded Jayaprakash in the Party meeting. But he did not want that this should come in the newspapers. Therefore issue contradiction in newspapers.

"My Lucknow speech was not relished by Hafiz-ul-Rahman. He twisted that in his newspaper, and attacked it strongly.

"Maulana came to me in office with a letter of appointment three or four days after this and asked me to forget the past and work in a team spirit. I told him that he and Jawaharlaljee had decided to remove me. But he did not contradict it.

"Your Brajkrishan and Aruna are also in league.

"Now Jayaprakash has started attacking me in Bombay and Soorat."

12C.3 On March 5, 1948 Sardar got a heart attack and the entry on the 6th March was "Sardar was affected by propaganda against him. His eyes were full of tears".

12C.4 The *Times of India* dated 18th February, 1948, Ex. 242, reported a speech of Jayaprakash Narayan at Patna on February 15 where he said that he was not a believer in fate and was convinced that if the prominent Congress Ministers had not patronised and attended R.S.S. rallies and had warned the youth of the country really against joining the organisation....Mahatma Gandhi would never have been taken away. He also accused the officials of attempting to blanket the criminal and sabotage any effort made to unearth the conspiracy and added if he desired he would have got any portfolio and he was not saying all that because he wanted a Cabinet post.

12C.5 It appears that the Ministry of Home Affairs took objection to the meeting held on 4th February, 1948 which was addressed by Mr. Jayaprakash Narayan. It said that it was clear that the police were either insufficiently energetic or were conniving at it. This was most reprehensible and strong warning should be given to the local administration not to permit such defiance of prohibitory orders. This communication was under the signatures of Mr. V. Shankar and is dated February 6, 1948.

12C.6 According to the report in *Bombay Chronicle* of February 4, 1948, Ex. 241, Mr. Jayaprakash Narayan at a press conference on Mahatma Gandhi's death said:

"We are prepared to take up any responsibility to deal with this crisis—any kind of responsibility whether in the Working Committee of the Congress or in the Government or anywhere else."

12C.7 Some socialist leaders like Mr. Jayaprakash Narayan, Dr. Ram Manohar Lohia and Mrs. Kamaladevi Chattopadhyaya issued a statement at a press conference in which they said that "the assassin was not one person but there was a wide conspiracy and organisation behind it. They laid blame on the Hindu Mahasabha, R.S.S. and the Muslim League and such like bodies for the assassination of Mahatma Gandhi. They accused the Government of not protecting the Mahatma against a 'prowling assassin'. They then asked for re-constitution of the Government and demanded that the Home Ministry must be entrusted to a person who will have no other portfolio and who will be able to curb the cult and organisations of 11-259 HA.

communal hate and there should be no place for communalists in the reconstituted government and, in particular, the Home Minister must push through at top-speed the programme of purifying Government services of all communal elements and of educating them into a national citizenship".

12C.8 Mr. Jayaprakash Narayan then said that a man of 74 had departments of which even a man of 30 would probably find it difficult to bear the burden. He said that there was too much burden on the Home Minister but added as a suffix that he was not censuring him.

12C.9 According to the *Times of India*, dated February 18, 1948, Ex. 242, Mr. Jayaprakash Narayan said that the people should not distrust the campaign that he had undertaken to draw pointed attention to the weakness of the Central administration:

"He had nothing to benefit personally, he said, from a frank and free criticism and an over-all estimation of the events leading up to Mahatma Gandhi's assassination. He was no believer in fate and was convinced that, if prominent Congress Ministers had not patronised and attended R.S.S. rallies and had warned the youth of the country clearly against joining the organisation and provided other suitable outlets for their energies, Mahatma Gandhi would never have been taken away from us when we most needed him."

"Even after the bomb was thrown at him during the prayer meeting no strong action was taken, but instead attempts were made to blanket the criminals by officials within the administration, who sabotaged any effort that might have been made to unearth the conspiracy."

12C.10 Mr. Jayaprakash Narayan then said that it was wrong that he desired a Cabinet portfolio which he had refused several times. He said that he was also taunted for having exaggerated the differences between Pandit Nehru and Sardar Patel but he had only mentioned them with the intention of clearing the atmosphere of rumours. He had ideological differences with Sardar Patel but he used to meet him quite often.

12C.11 He criticised the Government for having spokesmen of big businessmen included in the Cabinet. He wanted the communalists and communal saboteurs to be replaced by democratic minded nationalists.

12C.12 In the "Bombay Chronicle" of February 28, 1948, Ex. 243, is given a report of a speech of Mr. Jayaprakash Narayan at Bombay where he demanded the resignation of Dr. Shyama Prasad Mookerjee, Mr. R. K. Shanmukham Chetty, Sardar Baldev Singh and Mr. C. H. Bhabha. He blamed the Central Cabinet for encouraging communal organisations in the country which resulted in Gandhiji's murder and demanded the banning of communal organisations. He said that he did not demand that the socialists should be included in the Cabinet but there were a number of nationalists who could be

there and the portfolio of Information and Broadcasting should be separated from that of Home otherwise it will result in dictatorship. He said that he was not against Sardar but he wanted a man who was free from communalism to be incharge of Home Department.

12C.13 This was a strong condemnation of Sardar Patel with charge of communalism added to other charges.

12C.14 Miss Maniben Patel deposed before the Commission that Mr. Jayaprakash Narayan and the Socialists were anxious to have Sardar Patel removed.

12C.15 This evidence shows that two parties, the Hindu Mahasabha and the Socialists had held meetings in defiance of the prohibitory order under S. 144 Cr. P.C. The former criticised the Congress for pandering to the Muslims and condemned the giving of Rs. 55 crores at the instance of Mahatma Gandhi and also criticised him for helping the Muslims. The latter were after Sardar Patel's head and wanted him and the non-Congress elements in the Cabinet to make an exit. But both the Hindu Mahasabhaites and the Jayaprakash Narayan socialists were endeavouring to achieve their objective by defiance of the prohibitory order, thereby showing little regard for legal processes.

12C.16 The Commission is not called upon to pronounce on the propriety or otherwise of the two opposite views expressed, but it cannot help remarking that meetings in defiance of the prohibitory orders showed an utter lack of regard for lawful orders promulgated and the shouts of "MADANLAL ZINDABAD" (Long Live Madanlal) showed a lamentable lapse on the part of the conveners of the Hindu Mahasabha meeting of the 27th January and comparison of Mahatma Gandhi to Hitler with prediction of meeting a similar fate cannot be termed political innocuousness but clearly showed violent illwill.

12C.17 The protective measures and security arrangements at Birla House have been set out in this chapter and many suggestions were made as to what should have been done. What was done was the increase in the number of policemen stationed at Birla House and the deployment of plain clothes policemen in Birla House for the purposes of watching persons attending the prayer meetings. By witnesses who should know, like Mr. M. K. Sinha, Mr. B. B. S. Jetley and Mr. G. K. Handoo who were senior police officers, these arrangements have been termed inadequate and a pattern of protective measures was suggested by Mr. G. K. Handoo in his statement. As has been said at another place, it would be highly speculative to say that those measures would have been sufficient to give proper protection.

12C.18 The Commission has set out the complexity of the problem, the fearlessness and utter disregard for his own life by Mahatma Gandhi and the genuine desire of people to come to his prayer meeting not only to have a darshan of the Mahatma but also

to touch his feet for achieving religious merit. In these circumstances, to devise any foolproof means of protection might have been very difficult but, in the opinion of the Commission, what was suggested in his statement by Mr. Handoo was worth trying and because its success was a matter of speculation was no valid reason for not attempting it and it was a mistake not to have tried it.

12C.19 Further, the evidence of police witnesses that Bombay police from Poona should have been called, is based on good commonsense and the Commission is of the view that that should also have been done although according to Mr. D. W. Mehra, witness No. 23, and Mr. U. H. Rana, witness No. 3, both D.I.Gs., it would have been ineffectual. With this view the Commission does not agree. Efficacious or not may be conjectural and was in the lap of gods but it was one of the precautions which ordinary prudence required that it should have been taken.

12C.20 The holding of meetings or allowing meetings to be held, which were in contravention of prohibitory orders, shows how little regard political parties including the Hindu Mahasabha and the Socialists had for lawfully promulgated orders but meeting of the Hindu Mahasabha which was held on the 27th January showed how ineffective the police itself was. It either did not know that permission had not been obtained by the sponsors of the meeting or it did not care. In either case, one cannot compliment it on its efficiency.

12C.21 The evidence of Mr. Bannerjee shows that the Administration was not at its best after the Partition and many things which ordinarily should have happened did not happen, like Weekly Conferences. So also important events, such as the attempted murder of Mahatma Gandhi on the 20th January, was reported neither to the District Magistrate nor to the Home Secretary nor does it appear that either of them tried to get any reports.

12C.22 It would be fair to add that the conditions in Delhi from after the Partition right upto the time the fast was undertaken were most disturbed and disturbing. There were Hindu-Muslim riots in the old city and there were disturbances even in the area round about the city. According to Mr. V. Shankar, witness No. 10, the time of the District Magistrate was mostly taken up with the law and order problems, and Mr. M. S. Randhawa who was then the District Magistrate, has also emphasised this aspect of the state of affairs in the Capital. When the statement of Mr. V. Shankar was read out to him he agreed with it and added:

“ I would like to add that a number of murders were taking place in the city due to communal tensions. As a matter of fact when I took charge of the District and I was counting the treasury every ten minutes I would get a message that somebody or other was murdered in the city. That shows how grave the situation was. The situation was so grave and dangerous that when I went out in the evening on my rounds I was never sure that I would get back home alive or uninjured.”

12C.23 This shows that not only the police administration was disorganised at the time due to the Partition and communal disturbances but even the civil administration of the District had a tremendous burden put upon it to keep law and order in the city as well as areas round the city. The conditions were so disturbed that two officers were killed, one of them was a member of the Indian Civil Service who was a Special Magistrate in Delhi, and the other an army officer. Coincidentally they were both named Mishra.

12C.24 The R.S.S. has been discussed in a separate chapter along with the Hindu Mahasabha and Hindu Rashtra Dal but Mr. Banerjee's evidence in regard to this organisation and also that of Mr. Morarji Desai and other witnesses had again been given here because, in the opinion of the Commission, that is part of the general conditions prevailing in Delhi. The evidence of Mr. R. N. Bannerjee is that the R.S.S. as a body were not responsible for the bomb throwing or for the murder of Mahatma Gandhi nor were the conspirators acting in their capacity as members of the organisation. As a matter of fact, the principal accused who have been shown to be members of the Hindu Mahasabha belonged to the Rashtra Dal organisation which was a distinct Savarkarite organisation. It has not been proved that they were members of the R.S.S. which shows that they were believers in a more violent form of activities than mere parades, rallies, physical exercises and even shooting practices.

12C.25 There is no proof that any of the ministers or any of the officers of the Government were patronising or attending R.S.S. rallies and this charge made against them, on the evidence which has been put before the Commission, is not established. Commission is not concerned with the demand for resignation of non-Congress leaders of India who had been drafted by the consent of all parties into the Central Cabinet after independence was achieved, the object being to have a national Government rather than merely a party Government.

12C.26 The political conditions were not quite happy. There was want of cordiality between Pandit Nehru and Sardar Patel and between Sardar Patel and Maulana Azad. As a matter of fact, Sardar Patel and Maulana Azad had not been getting on well with each other since 1940 and perhaps from earlier days.

12C.27 And Rafisaheb also had his differences with Sardar Patel, and this cleavage in the Cabinet some time became very serious so much so that Sardar Patel sent in his resignation to Mahatma Gandhi requesting him to let him get out of the Cabinet. The seriousness of these differences has been brought out in Pyarelal's book "Mahatma Gandhi—The Last Phase" Vol. II at page 721 and also in Miss Maniben Patel's diary of January 25, 1948 and of March 2, 1948 where a fuller account is given showing what moves were being made and how the cleavage was widening. These differences were partly patched up after the assassination of Mahatma Gandhi. This shows that the Cabinet was divided on some vital matters. Mr. J. N. Sahni has stated that Sardar did not want to lose the sympathy of the Hindus because the other party were trying to get assistance of the Muslims. That may be representative of the different approach to national

problems the propriety of which is not for the Commission to judge but it only proves that there were differences in the Cabinet at the time which were a continuation of differences in the Congress itself and its Working Committee.

12C.28 The Socialists for some reason did not like Sardar Patel whose pragmatic approach to problems was not to their liking. Sardar Patel, Sardar Baldev Singh and Mr. N. V. Gadgil and people of that way of thinking had serious differences with the other section of the Cabinet, Pandit Nehru and Maulana Azad and Rafi Ahmad Kidwai. One of the reasons of this cleavage appears to have been the handling of Kashmir affairs and another the anxiety on the part of the former not to lose the sympathy of the Hindus and Sikhs in general and particularly of the refugees who had come from Pakistan and the insistence of the latter to keep the sympathies of the Muslims in India by not allowing the refugees to oust them from their homes. By itself it might have been a laudable objective but in the conditions that were then prevalent, the refugees were not prepared to accept the propriety of that logic or its reasonableness. They could not see why the very people whose approach to Pakistan had made them homeless and had exposed them to indignities of all kinds should get the best of both the worlds and they, whose sacrifices had made it possible for India to achieve independence, should be treated as undesirable outsiders if not aliens.

12C.29 Commission does not accept the view that Prime Minister Nehru or any of the ministers were against or unsympathetic to the incoming refugees from Pakistan and the evidence given by Mr. J. N. Sahni on this point correctly represents the state of mind of Mr. Nehru but that was not what the refugees believed; and when Mahatma Gandhi also made post prayer speeches indicative of want of sympathy for them it exasperated them against Mahatma Gandhi because for them Congress was Mahatma Gandhi and Mahatma Gandhi was Congress. They got still more exasperated when they came to know that the Mahatma wanted them to go back to their homes which they were not prepared to do under any circumstance whatever be the sacrifice required. They knew exactly what had happened to them and they anticipated no different treatment at the hand of the Pakistan authorities and people. The doings of the mujahids, the Razakars, the Khaksars and the League volunteers and the attitude of the officials and others did not predicate a pleasant welcome for them and, therefore, they insisted that the Muslims should go to their homeland as they had come to theirs. Whether this attitude of mind was right or wrong is not for this Commission to decide but this was the attitude of the refugees, which got further exasperated by the fast of Mahatma Gandhi and the giving of the 55 crores to Pakistan which, in the opinion of Hindus, was an atrocious thing to do because that money was not only likely but sure to be used for the purpose of fighting against the Indian Army which had been sent to protect the indefensible Kashmir at a time when there was nothing to stop the onrush of Pakistani army to forcibly capture the fair valley of Kashmir except the bravery of the Indian Jawan.

D—Statement of Officers of The Home Ministry

12D.1 The Commission proposes to give a fuller account from the statements of principal witnesses who at the time were connected with the Home Ministry. Those witnesses were Mr. V. Shankar, I.C.S., Private Secretary of Sardar Patel, Mr. R. N. Bannerjee, I.C.S., Secretary of the Ministry of Home Affairs, Miss Maniben Patel, M.P. daughter of Sardar Patel.

Mr. V. Shankar, Wit. 1(P), Wit. 10(K)

12D.2 Mr. V. Shankar, I.C.S., witness No. 10, was at the relevant time Private Secretary to the Home Minister. He was witness No. 1 before Mr. Pathak. He stated that from the intelligence reports as well as from the discussions between the Bombay Premier and the Home Minister, the Sardar knew "that there was a move to assassinate Mahatma Gandhi and also that perhaps the centre of that movement was at Poona", but the witness did not know about any particular individual who had given that information. At that time there were rumours and suspicions of a vague nature but the bomb incident was the first concrete piece of evidence on which action could be taken.

12D.3 Sardar Patel's *modus operandi* in dealing with cases of this kind was this. He used to hold personal discussions with Intelligence people in Delhi and Intelligence authorities in the Provinces and also with Premiers and Home Ministers of those Provinces. Also when he visited the Provinces he used to discuss these matters generally with the Premiers and Home Ministers concerned. The main executive agency was the Provincial Governments but the Sardar used to give them advice where the Intelligence Bureau could be of assistance.

12D.4 At the time of the bomb incident the Sardar was at Ahmedabad. There he met Mr. Kher and Mr. Morarji Desai. In paragraph 7 he stated that so far as the conspiracy was concerned the action used to be taken by the Government of Bombay either on their own initiative or on seeking instructions or on getting instructions from the Sardar. There was a close contact between the Central Intelligence and the Bombay Special Police and the D.I.B. used to seek instructions from the Sardar where necessary. He said: "The general line, as far as I remember, in this case was to investigate the truth or otherwise of any information that was coming to the notice either of the Government of India or of the Government of Bombay and to pursue or drop it, as the case may be, on the completion of the investigation. I know that during this period all sort of rumours were prevailing and naturally the police had to screen the information that came to their notice and took action when it was warranted."

12D.5 The general instructions were that the suspects "should be particularly kept under watch" and the first concrete evidence on the basis of which any effective action could be taken was the confessional statement of Madanlal. Before that there were only rumours. The Sardar, Mr. Kher and Mr. Morarji Desai knew that there was a conspiracy but not as to who was in it. Even a man like Mr. N. C. Kelkar was being mentioned.

12D.6 Details of the measures taken for the protection of Gandhiji were stated in reply to a question by Mr. Ananthasayanan Ayyangar in the Constituent Assembly, Ex. 142. They consisted in increasing the strength of the police at Birla House and a request by police to search every visitor who went to the prayer meeting. The Sardar said that he himself pleaded with Mahatma Gandhi to allow the police to do its duty by searching the visitors but the Mahatma did not agree saying that his life was in the hands of God and if he had to die no precaution would save him.

12D.7 In reply to supplementary questions Sardar said that it was inadvisable to disclose all the facts under investigation but he could say that an officer was sent to Bombay immediately after the arrest of Madanlal who took a copy of his statement to the Bombay C.I.D. As a result of their discussion it was thought expedient that some persons might be arrested but it was inadvisable to arrest them all immediately as that would give a hint to the other conspirators who would thus go underground. "Therefore, both the Bombay Police and the Delhi C.I.D. after consultation, came to the conclusion that the conspiracy should be pursued and a little more time might be taken. It is also true that they were on the track of these people, but they were not all in Bombay."

12D.8 A further question was put whether it was not possible for the Delhi C.I.D. to procure photographs of the assassins from Bombay and whether it was not correct that the persons arrested (Madanlal) had given out the name of the assassin to be and whether those photographs could be supplied to the police in order to identify the assassin and arrest him in time. The reply to this question was that the Delhi Police did, in pursuance of the information received, try to trace these people but they were not all in one place and it was not possible to take photographs of the people who were not in Bombay. When asked if the Bombay Police had informed the Government that a desperate chapter had left Bombay in pursuance of the conspiracy, the answer was in the negative.

12D.9 As far as the witness's recollection went, Government knew of the existence of a set of people who felt that the tragedy which had overtaken the Hindus and Sikhs of Punjab and Hindus of Bengal had its root in the partition of the country which was a consequence of the appeasement policy of Muslims followed by the Congress for a number of years the main inspiration of which was Gandhiji. According to the witness, the Kesari school of thought in Poona was openly expressing this view and that was the view of some of the refugees who were in Delhi and East Punjab and in this there was a certain amount of political and religious rivalry involved. It had not assumed such a serious form which could have culminated in political assassination until after Gandhiji's fast. The atmosphere thereafter was surcharged with hatred of Pakistan which was augmented by what happened in Kashmir. The main issue engaging public attention at the time was that of Kashmir and the plight of refugees from both wings of Pakistan. They interrupted Ghandhiji's prayers, protested against his philosophy and

methods, his helping the cause of Muslims in India which went to the extent of preventing even those who wanted to go to Pakistan from doing so. The view held by Hindus and Sikhs from West Pakistan was that the Muslims should be sent away which was contrary to the policy of the Government of India or the views and wishes of Gandhiji himself. The Sardar realised that because of Gandhiji's refusal to allow security precautions being taken it would not be possible to safeguard his life. But the matters were aggravated by the payment of Rs. 55 crores to Pakistan which, according to the witness, was insisted upon by Gandhiji at the persuasion of Lord Mountbatten that it was a moral obligation.

12D.10 According to the witness, the police did not get any concrete or tangible evidence about the conspiracy until they got the confessional statement after which both the Intelligence Bureau and the Bombay Police were on the trail of those whose names had been mentioned by Madanlal. "Special groups of people were sent to trace them out from their reported places of refuge but they evaded police parties. I also know that a special watch was kept at possible points of entry into Delhi. As far as my recollection goes, Shri Nathuram Godse himself said that he was cognisant of these activities of the police and took successfully the precaution to avoid them". There were difficulties in detecting anyone because of the overcrowding at the railway station. The difficulty was highlighted by the fact that one Suryadev one of the conspirators had remained undetected for years after the murder.

12D.11 The actual investigation was entrusted to the Bombay Police but the officers of the Intelligence branch were asked to help them. As far as the witness could remember, Madanlal was locked up in Delhi, perhaps in Red Fort and it was there that he gave the information which he did. This impression of Mr. Shankar was erroneous.

12D.12 Mr. Shankar was examined by this Commission on April 10, 1967. He did not know anything about Ketkar's giving information through Balukaka Kanitkar but there was information of the existence of a hostile camp at Poona known as the Kesari school which was against Gandhiji and Savarkar was its inspiration. But their activities were watched by the Bombay Special Branch which since the British days used to deal with political matters and it was not the ordinary C.I.D. The witness said that the Sardar must have seen the statement of Madanlal made on the 25th January. Even earlier, a gist of the statements of Madanlal made from time to time were conveyed to him by the D.I.B. and the witness distinctly remembered that the Sardar had ordered to keep persons mentioned by Madanlal under surveillance.

12D.13 After Madanlal incident the Sardar tried to get Gandhiji's consent to plain-clothes policemen shadowing him during his journey from the room in Birla House to the place of the prayer meeting but he would not agree; however he had no objection to the tightening of the security measures in other respects in accordance with what has been stated above. The witness could not say

what actual action was taken by the police to ensure that those who could recognise Godse were posted at strategic points of access to the prayer ground. The District Magistrate was at the time a busy person and he could not keep in touch with the detailed developments in important cases of crime in his charge.

12D.14 In cross-examination by Mr. Vaidya, Mr. Shankar said that Mr. Morarji Desai or Mr. Kher used to tell the Home Minister on the telephone, or orally if the Sardar happened to be in Bombay, about important developments in the province. This also applied to the developments in regard to "this case". The witness did not know anything about Ketkar or Kanitkar. He did not have any recollection of the information about the conspiracy given by Mr. Morarji Desai to the Sardar nor did he have any recollection about Prof. Jain.

12D.15 The statements which were put by the witness before the Sardar are more detailed than Ex. 5. He could not recollect having seen the detailed statement of Madanlal but a report of the statement was received by the Sardar at that time. The witness could not remember when he was shown the short statement Ex. 5 and the long statement annexure IV (which is really Ex. 1, but has been wrongly recorded as Ex. 6) whether these were the statements which were received by the Sardar. He could not say what steps the Sardar took after the report was submitted to him. The Sardar used to get from the officers concerned what steps they proposed to take and then he would indicate his own mind. The reason why the investigation was handed over to the Bombay Police was that the main conspiracy was planned there.

12D.16 The statement of Mr. Shankar shows that—

- (1) The discussion between the Bombay Premier and the Home Minister indicated that there was a "move to assassinate Mahatma Gandhi and the centre of that movement was Poona".
- (2) The Sardar used to discuss this matter with the Intelligence officers at Delhi and in the Provinces and also with the Premiers and Home Ministers of the Provinces whenever he visited them or they came to Delhi.
- (3) When the bomb was thrown, the Sardar was at Ahmedabad. There Mr. Kher and Mr. Morarji Desai met him.
- (4) Action in regard to the conspiracy was left to be taken by the Government of Bombay but the general instructions were that the suspects should be kept under surveillance.
- (5) Although there were rumours previously, it was after the bomb was thrown that there was definite information about the conspiracy to murder Mahatma Gandhi upon which any concrete action could be taken.
- (6) As a result of the bomb throwing, the police at House were strengthened.

- (7) Government was aware of the existence of a number of people who felt that the tragedy which had overtaken the Hindus of the Punjab and Bengal was a consequence of the appeasement policy of the Congress of which the inspiration came from Gandhiji. The feelings against Gandhiji's assumed serious form after Gandhiji's fast and thereafter the atmosphere was surcharged with hatred of Pakistan.
- (8) The Hindus and Sikhs insisted that the Mohammedans should be sent away from Delhi. The matters were aggravated when the 55 crores were paid at the persuasion of Lord Mountbatten who said it was a moral obligation.
- (9) After some tangible evidence of the conspiracy had been obtained from Madanlal's statement, the Intelligence Bureau and the Bombay Police were on the trail of those mentioned by Madanlal and special groups of people were sent to trace them from their haunts and even Nathuram Godse was aware of this activity but he managed to successfully evade it.
- (10) The actual investigation was entrusted to the Bombay Police but officers of the Intelligence Branch were asked to help him.
- (11) As far as the witness knew, Madanlal was kept in the Red Fort where he made his confessional statement. (This appears to be erroneous because the police case diaries and all the evidence produced before the Commission show that Madanlal was kept in Civil Lines Police Station and it was there that he was interviewed by Mehta Puran Chand.)
- (12) Mr. Shankar did not know anything about Ketkar or Kanitkar nor about the information which Mr. Morarji Desai gave to the Sardar nor about Professor Jain.
- (13) Statements of Madanlal were shown to the Sardar but the witness does not seem to be clear as to which statement was shown. He stated that the statement shown was more detailed than Ex. 5, but whether it was Ex. 1., i.e. the fuller statement of Madanlal, or Ex. 6, the statement made by Madanlal on the 1st day, the witness could not say.

Mr. R. N. Bannerjee, Wit. 19

12D.17 Mr. R. N. Banerjee, I.C.S. (retired) who was the Home Secretary of the Central Government at the time was examined by Mr. Pathak on January 22, 1966. In that statement he has given an account of what happened on January 30, 1948 and on the consecutive few days. His statement is this: he did not know of the conspiracy to murder Mahatma Gandhi prior to 30th January and the first he came to know about the conspiracy was on the 31st after the cremation, when a meeting of some of highest of the land was held and it was there disclosed that there was a conspiracy to murder the Mahatma. Normally the Police should have informed him about the

recollect but what was read out gave more particulars about the Bombay haunts and "PHIR AYEGA".

12D.20 Sanjivi had stated at the conference held at Home Minister's house that he had sent the full confessional statement made by Madanlal, the substance of which was that Apte and Godse must have gone back to their 2 or 3 haunts in Bombay.

12D.21 The witness then said that when the bomb was thrown at Birla House the District Magistrate should have taken more active interest in the matter and found out what was happening and it was not only the District Magistrate but everybody from Home Minister downwards should have taken more interest.

12D.21A He then stated that the Police had been depleted and there was no proper organisation and even magisterial organisation was defective so much so that the ordinary meetings which used to be held between the Home Secretary, the D.I.B., the Chief Commissioner, Deputy Commissioner and Senior Superintendent of Police of Delhi and one or two Magistrates where the matters connected with administration were discussed also could not be held regularly. It was really the breakdown and the weakness of the administration and want of proper cooperation between the Police and the Administration which led to this laxity on the part of individual officers and to the catastrophe.

12D.22 Asked as to what should have been done if information was given to Bombay Government as early as July 1947 that Mahatma Gandhi's life had been threatened, Mr. Bannerjee said that the Government should have ordered to keep those persons under surveillance and should have also informed the Delhi Police about the matter and proper and adequate measures should have been taken to stop any harm coming to Mahatma Gandhi.

12D.23 He also said that on Professor Jain's information, proper directions should have been given to the Secretary or the head of the Police and he should have been asked to submit his report within a short but specified time and the progress of the investigation should have been watched and more interest taken as to what the Police were doing. When asked if the Bombay Home Minister was right in giving instructions to Mr. Nagarvala, Mr. Bannerjee said that he did what he should have done, leaving the matter in the competent hands of an officer of the ability of Mr. Nagarvala in whom both M/s Kher and Morarji Desai had full confidence. Mr. Kher, when told at the meeting of the 31st that nothing was done by Bombay Police even when the officers of the Delhi Police were sent, was very sceptical and put a call through to Bombay but could not get Nagarvala. This is supported by the Diary of Miss Maniben Patel. A call was put through to Bombay but she could not say what happened.

12D.24 Mr. Bannerjee was asked as to why after the bomb explosion he himself did not think it necessary to ask the Police what they were doing, his reply was that the Ministry had just come into being and he must have prepared a note in regard to the matter but

he could not say exactly what he wrote as the record was not before him but it was correct that they relied upon the efficiency of the Police which proved a mistake.

12D.25 Mr. Mehra who used to see him never mentioned to him about the conspiracy. He again repeated that the Delhi Police should have called the Bombay Police to see that no suspicious persons from Maharashtra got anywhere near Mahatma Gandhi. He was then cross-examined by Mr. Vaidya and he stated that they did not know about the conspiracy, nor was it mentioned to them before the meeting of January 31; "it came to us like a bolt from the blue". He repeated that he came to know about the conspiracy for the first time on January 31, 1948. No statement of Madan Lal went to Sardar Patel through him and if Mr. Shankar had stated before the Commission that any names had been mentioned, that might be correct. Loose practice had developed and everything did not go through the Secretary as the rules of the conventions required. The meeting, he reiterated, was held after the cremation when everybody was in a mournful mood.

12D.26 At the meeting Sanjevi was asked by the Sardar what had happened. He replied by making the allegation that the names had been sent to Bombay but nothing was done there and this he emphasised at that meeting. He was asked about the meeting of the 1st February and he said if it was an official meeting he must have been present. A high-powered body meeting on February 1 was formed to take decision as to what should be done for the future. He could not remember if Sanjevi's explanation was called. No copies of Police diaries were sent to the witness, nor could they have been sent to the Governor General, except through the Secretariat which was the normal practice. He said: "I feel it very difficult to be able to reconcile this statement of the Superintendent of Police, C.I.D. with the scene that I recall of the meeting of the 31st January, 1948, at which everybody was in extreme anguish and was surprised to hear that there was a conspiracy and the names of the conspirators were disclosed in the statement of Madan Lal." No complaint was made by Mr. Sanjevi or Mr. Mehra to witness about the conduct of the Bombay Police concerning the investigation.

12D.27 Cross-examined by Mr. Chawla, Mr. Bannerjee said that he took the bomb thrown as an abortive attempt to assassinate Mahatma Gandhi.

12D.28 Mr. Banerjee was recalled and was again examined by the Commission. He was asked what the responsibility of the Ministers was if they got the kind of information which Mr. Morarji Desai got. He replied that such information should ordinarily have been passed on to the Secretary asking him to take necessary precautions. Asked if there were any rules, he said there were Rules of Business of Government which contemplated that the Minister incharge should normally act through the Secretary but the Congress Party had taken office on September 2, 1946 and the prescribed procedure was not always seriously followed.

12F.9 After the bomb it was said that it was just a prank but the Mahatma said that he did not think so. A significant part of her statement was, "We could not find out if there was a plot. Nor did we have the time to look into it. The programme in Gandhiji's camp was such that everyone of us was busy practically every minute and had to do the task that had been allotted to us."

12F.10 She did not know if any precautions beyond the increase in plain clothes policemen and request of the police to search the people who came to the prayer meeting were taken.

12F.11 The arrangements made at Gandhi meetings were not like those now made for the Prime Minister. But Gandhiji believed in God and in His great mercy. She did not know that Madanlal had been arrested and had made a statement nor what he had stated.

12F.12 Mr. Pyarelal, witness No. 54 was the Secretary of the Mahatma. When the Mahatma learnt about the bomb he at once said that there was a conspiracy to murder him. Previous to that he thought that it was just military practice.

12F.13 They had not time to find out who the conspirators were. Circumstances were changing so fast that there was no time to keep pace with them. One had to perform one's duties which were assigned and every minute was taken up.

12F.14 He knew that Madanlal had been arrested and Gandhiji said that he (Madanlal) should not be harassed. The ashramites had a feeling that Mahatma Gandhi bore a charmed life, and God would protect him as long as he was wanted and if He did not want him to serve the Nation any longer He would call him back. He came to know about the persons behind the conspiracy after the case went into court. He himself was not consulted about the security measures.

12F.15 Mahatmaji was convinced that there was a conspiracy but he did not know its extent or its nature. The witness had never been able to reconcile himself to the failure of the Police to trace the people mentioned by Madanlal. Either it was inefficiency or there was lack of will. Threatening letters came to the Mahatma but they were not handed over to the Police.

Miss Manuben Gandhi, Witness 99

12F.16 Miss Manuben Gandhi, witness No. 99, stated that they had no knowledge of danger to the Mahatma's life till after the bomb was thrown and they drew that inference after that incident and when they mentioned to the Mahatma about the danger to his life he just laughed and said if the God wished him to live he will live.

12F.17 The members of the Mahatma's party did feel that there was danger for about two or three days after the bomb incident but after that everybody thought it was all right. Mahatma did not agree to special protection and he only allowed guard to be put there to satisfy the Sardar. He believed in protection of God. She also said that Mahatmaji's reaction to search of visitors was that he would have rather died than allowed it.

12F.18 This evidence does not show that the inmates of the Birla House and those who were round about the Mahatma were quite alive to the danger to his life so much so that one of them even did not know whether Madanlal had been arrested or not, or whether it was one man who was arrested or more than one man, and they never found out if he had made any statement or what statement he had made. As far as they are concerned, they took no precautions of any kind to protect the Mahatma.

12F.19 The fatalist view is that it is difficult to protect if God does not will it but that is no reason why no proper precautions should have been taken by the Mahatma's followers. Mr. Brij Krishan Chandiwal has stated that they used to form a ring round him when he went to the prayer ground, and that there used to be persons who used to keep a watch in front of the row of persons through which he passed. He has also stated that on the fatal day he was late and was walking fast and they did not think it necessary to have people in front or at the back. Why that was so is not clear or even discernible. The other inmates of the Birla House were sweetly oblivious to the danger to the life of the Mahatma. They had not time to think about anything else except the task that was allotted to them. That might be an esteemable way of working but it is no credit to them if they did not even move their little finger to do something for the protection of the Mahatma.

12F.20 Those who have experience of conducting Mahatma's meetings or meetings of other Congress leaders in days when there was no question of danger to their lives when people used to topple one over the other just to touch the Mahatma's feet, when women particularly used to think it an act of devotion and piety to do so, the precautionary measures for the protection of the Mahatma or those leaders not against danger of violence to their person but the danger of their being trampled upon by lakhs of people who came to their meetings was never lost sight of. Volunteers would flank on all sides of the Mahatma and all other leaders whenever they went to a public meeting and strong men amongst the volunteers used to be put round them to see that their passage was smooth. If that simple precaution had been taken it is impossible to imagine that anybody could have jumped in front of the Mahatma, almost prostrated and shot him dead.

12F.21 It is no justification to say that they had been told that the Police would look after the Mahatma. The statements which they themselves have made show that the Mahatma was averse to the Police protecting him. One witness has even said that the Police had to hide themselves behind bushes. If that was the attitude of mind of the Mahatma, how did these worthy followers of the Mahatma expect to protect him. Four or five people flanking the Mahatma on all sides might have been a sufficient protection at prayer meetings.

12F.22 Assuming though not deciding that the Police was negligent, extremely negligent, even inefficient, this simple precaution should in any case have been taken if for nothing else to prevent the people who were over-zealous and the over-affectionate and the over-curious people coming so near him as to stop the progress of
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his march to the prayer meeting if not for anything more sinister. It is still more surprising that even the Congress volunteers were told that it was no longer necessary for them to look after the safety of the Mahatma which in the opinion of the Commission was a serious lapse on the part of those who were looking after the Mahatma and to his ordinary safety.

12F.23 It was also a mistake on the part of those who were managing his prayer meetings to allow people to stand on both sides of the passage along which the Mahatma had to pass to go to the prayer meeting. The proper thing to do would have been to station Congress volunteers on either side to prevent people coming too near him.

12F.24 Commission would like to emphasise that mere stationing of Congress volunteers without a melange of efficient plain-clothes policemen supported by spotters and watchers might not have been sufficient. But all the same a phalanx of Congress volunteers on either side of the passage would have been a protection though perhaps not as good as the ones suggested by Mr. G. K. Handoo and Mr. M. K. Sinha and Mr. B. B. S. Jetley more particularly Mr. Handoo.

12F.25 From amongst those who were in the party of Mahatma Gandhi or in his party four witnesses have been examined: Mr. Brij Krishan Chandiwala who was witness No. 2, before Mr. Pathak and now witness No. 11; Dr. Sushila Nayar, witness No. 53; Mr. Pyarelal, her brother and the Mahatma's Secretary, witness No. 54; and Mahatma Gandhi's brother's grand daughter Miss Manuben Gandhi, witness No. 99.

Brij Krishan Chandiwala, Witness 11

12F.26 Witness No. 11 Mr. Brij Krishan Chandiwala before Mr. Pathak deposed to the disturbance in Delhi in September, 1947, Hindu-Muslim riots were going on in Delhi, as a result of which, many persons were killed and a curfew was imposed. This witness used to inform Gandhiji of the conditions in the city. Some people thought that Muslims would have been killed but for Gandhiji. The refugees from Pakistan were very angry with the Mahatma. They opposed him and used "hot words" when he went to Kingsway Camp. This opposition steadily grew and the letters received were full of abuses and threats and many refugees used to call him names to his face when they came to interview him. One evening there was a procession which converged on Birla House shouting slogans like "Khoon ka Badla Khoon se lenge". (We shall avenge bloodshed by bloodshed). They were opposed to the payment of 55 crores to Pakistan and accused Gandhiji of having forced the Government to pay. There was a large Police force at Birla House to check the procession and if Pandit Jawaharlal had not come Gandhiji would have been attacked. Thereafter Police force was posted at Birla House; thus showing that the stationing of the police was a consequence of this attack and not the information given by Mr. Morarji Desai to the Sardar.

12F.27 A very large number of people used to attend Gandhiji's prayer meetings and they were opposed to the recital of the Quran there but later on the opposition became feebler.

12F.28 The conditions in Delhi had become fairly peaceful on Gandhiji's arrival but the Maulanas who used to come and see him were not satisfied. Thereafter the Mahatma undertook a fast and then the people promised to abide by the conditions put forward by him for breaking the fast.

12F.29 The people had not shed communal hatred and that is why a hand-grenade burst with a big bang after the Mahatma finished his prayers on 20th January and he had a narrow escape. 2 or 3 persons were arrested and "we became more vigilant and took great care about Gandhiji". 3 or 4 days after a Police officer came and informed the witness that the bomb thrown was as a result of a conspiracy to murder Gandhiji, and that the names of 9 persons, who were involved in it, had come to their knowledge but he could not name the officer.

12F.30 The witness was under the impression that the Police would arrest those persons and there was no cause of fear. That very night the witness told Gandhiji about what the Policeman had said and Gandhiji was of the opinion that it was a conspiracy to kill him. The Police force at the Birla House was strengthened thereafter. After the murder of Mahatma Gandhi the witness came to know that Sardar Patel had asked for search of every person coming to the prayer meeting. The witness was under the impression that when the Police had come to know about the names of the people involved in the conspiracy they would be arrested and there was no longer any danger. "I could never imagine that the Police would be so careless even after knowing about the conspiracy and the conspirators that Gandhiji was to be murdered. I did not try to know about the arrangements made by the Police to arrest the conspirators because I know that Sardar Patel will not be slack about protection of Gandhiji. I cannot say that arrangements were made by Sardar Patel."

12F.31 Mr. Chandiwala was recalled by this Commission on April 10, 1967. He stated that the incident of the procession was before the bomb was thrown and even by that time the conditions were not normal because of the reasons the witness had already given in his previous statement. They all knew that the Home Minister was very anxious about the safety of Gandhiji and they were certain that he and his Government would do everything to protect the Mahatma's life. They did not do anything because they knew that the Police was looking into the matter. When the Police told him about 9 persons who were involved in the throwing of the bomb and that they knew their names, the witness became quite satisfied and confident about the measures which Government would take and for that reason in the camp they did not "follow the action which the Government was taking".

12F.32 The Mahatma's faith in God was so strong that when the Mahatma went to the Frontier Province in 1938 an armed guard of *Khudai Khidmatgar* was put at Utmanzai but Gandhiji had the guards removed. In the opinion of the Commission this part of the statement must be based on dimming of memory, because the *Khudai*

Khidmatgar were unarmed and in the then Frontier Province they could not have been allowed to carry arms, unless the witness meant lathis which they might have been carrying, but the Commission cannot be sure.

12F.33 The witness added that the Congress volunteers at Birla House were not alerted because they all did not think that anything serious would happen. They were under the impression that after what had happened on the 20th nothing untoward would be allowed to happen.

12F.34 There used to be a cordon round Mahatma Gandhi when he walked from Birla House to the prayer meeting but on January 30, he was late and he walked very fast and it was not considered necessary to have people in front as well as at the back. Nobody could imagine that any one would suddenly jump up from the crowd and fire in such a short time. At the time of the firing the witness was in front and Gandhiji was following him. He was 5 or 6 paces in front and suddenly a man got up and fired at Gandhiji.

12F.35 The witness was not aware of the identity of the persons responsible for throwing the bomb and they were not suspecting persons from Poona, because he and those round about Mahatma Gandhi could never imagine that Poona people would commit such an outrage. The witness never found out who were at the back of Madanlal nor could he remember anybody else doing it. He could not remember if the newspapers gave the identity or the description of the persons who were responsible for the outrage.

12F.36 The witness did not know anything about Ketkar, Balukaka Kanitkar or Professor Jain or about any information given by them regarding Gandhiji's life being in danger. At no stage did they know that a conspiracy was being hatched in Poona, or in the province of Bombay to murder Mahatma Gandhi. When the witness talked to Mahatmaji about what the Police had told him the Mahatma said "Yes, there is a conspiracy. I believe so." But the witness never asked him how he knew.

12F.37 As large crowds came to the prayer meeting it was not possible for the Police standing outside Birla House to find out about athuram Godse. Besides, quite a number of people used to come in deputation to see Mahatmaji.

12F.38 The witness said that once a youngman came to him in an agitated mood and he said he wanted to see Mahatmaji and if he was not allowed to do so the witness would be sorry for it. He could not say who he was; it might be that the man wanted to tell Gandhiji that his life was in danger or he might have become a murderer himself. The witness reiterated that he could not imagine that the Police would become so careless as not to protect Gandhiji.

12F.39 The witness was cross-examined by Mr. Vaidya. When asked whether Delhi Police was inclined towards R.S.S., he said they might have been in favour of Hindus but not inclined towards R.S.S.

He could not say whether top Policemen used to visit the Police tent outside Birla House but they used to be present at the prayer meetings. The witness was not concerned with what the Police did excepting stopping people from coming in or searching them. There were Police in the compound of Birla House. But he was not aware about the plain-clothes Policemen armed with revolvers being present at the prayer meetings. Gandhiji refused to allow the people being searched.

12F.40 This witness's statement shows that—

(1) There was considerable communal tension in Delhi; people were opposed to giving of protection to Muslims or the giving of 55 crores to Pakistan.

(2) The people round about Mahatma Gandhi did not realise the danger to the life of the Mahatma and they had full confidence in the Police doing the right thing.

(3) There used to be a cordon round the Mahatma when he walked to the prayer meeting; but on the fateful day there was none because the Mahatma was late and they thought it was not necessary to have people in front and behind him.

12F.41 The statement of this witness does not show that the inmates of Gandhiji's camp realised the danger to Mahatma Gandhi's life. It also appears that they were not getting correct information which is shown by the witness saying that two or three persons were arrested on the 20th and that later on a policeman had told them that names of nine persons had been ascertained and they were being traced.

Dr. Sushila Nayar, Witness 53

12F.42 The next witness in this series is Dr. Sushila Nayar, witness No. 53. Being Mahatmaji's medical adviser, this witness was close to him and knew most of the things that were happening in the Mahatma's camp. She has deposed in regard to Panchgani incident saying that some people did come and create trouble at the prayer meeting but she could not say if Nathuram Godse was one of them. But they were the same group of Hindu Mahasabha workers who were subsequently responsible for his assassination. Those demonstrators waived black flags but she could not say what happened later.

12F.43 In 1946 when the talks were going on between Mr. Jinnah and the Mahatma, some young men of whom one was Nathuram Godse and another was Thatte, came to Sevagram and objected to Mahatma's talks with Mr. Jinnah. These people stopped Mahatma Gandhi when he was coming out of the enclosure but they were removed by the ashramites from his path. One of them—the witness could not say whether it was Godse or Thatte—had a long sharp knife in his pocket but nobody in the ashram could imagine that anybody would do harm to Mahatma Gandhi. The fatalistic attitude in the camp was that as long as God wanted the Mahatma to serve

the country, he will. But according to this witness, there was no deliberate lack of alertness or negligence on the part of the authorities.

12F.44 After the Partition, the Mahatma tried his level best for communal peace and protection of minorities wherever they were. He went to Noakhali then came to Bihar and then returned to Delhi. He blamed persons who were guilty of violence and advised the majority community to behave properly towards the minority which caused discontent amongst the refugees who used to shout slogans outside Birla House.

12F.45 In January 1948, the Mahatma went on fast because communal feelings had become too oppressive for him and he was anxious that minorities should be given proper protection saying that "evil was not weighed in golden scales". After four or five days of the fast, the Mahatma's health began to deteriorate. There was a change in the mentality of Hindus and Muslims of Delhi.

12F.46 Before the bomb incident, they never felt that Mahatma Gandhi's life was in danger although there were rumours that Mahatma Gandhi's life was in danger and plain-clothes policemen were stationed which the Mahatma did not like. After the 18th January when he gave up his fast, the Mahatma was too weak to attend the prayer meetings and he was carried in a chair. He addressed the meeting although his voice was very feeble.

12F.47 After the bomb was thrown, somebody said it was just a prank but the Mahatma said he did not think so. The police thereafter wanted to search everybody coming to the prayer meeting but the Mahatma objected. The prayer meetings became bigger and bigger and people were let in without interruption. She could not say anything about the talks between Mahatma Gandhi and the late Balasahib Kher on 28th January because then she was in Bahawalpur.

12F.48 There was a big difference of opinion between Gandhiji and the Sardar regarding the payment of 50 crores to Pakistan. The Sardar could not see Gandhiji at the time of the fast because he had to go out of Delhi on account of a previous engagement.

12F.49 Hindus were angry with Mahatma Gandhi for many reasons:

- (1) He did not allow retaliation against Muslims.
- (2) He did not allow the Muslims to be squeezed out of their houses.
- (3) He admonished the Hindus in India as he did the Muslims in Pakistan.
- (4) He insisted on payment of 50 crores.

12F.50 In cross-examination by Mr. Vaidya, the witness said that the Mahatma knew that the bomb was in furtherance of a conspiracy but did not know who the conspirators were. When she praised the

R.S.S. workers for the work they had done at the Wah Camp (this was near Rawalpindi), the Mahatma did not agree and said she did not know them. They were like "Black Shirts", Nazis or fascists.

12F.51 She added that they could not find out if there was a plot nor did they have time to look to those things because the programme in Gandhiji's camp was very tight. There was a *sardarji* who said "What difference does it make if an old man dies. Why make such a fuss." He was a Sikh constable. But this story she heard from some one.

12F.52 When the bomb incident took place, she was sitting next to Gandhiji. She was not examined by the Police. At first, Gandhiji thought that it was military practice but it was subsequently that they saw smoke and somebody said that a bomb had been thrown. She was not aware of any precautions taken beyond the increase in the number of policemen.

12F.53 On cross-examination by Mr. Chawla, the witness said that she did not know about the arrest of Madanlal nor about any statement made by him. She said she would not be surprised if allegations about some policemen being pro-R.S.S. were made.

12F.54 In those days, communal poison had gone very deep and nobody knew who was harbouring whom and what kind of a person he was. Security arrangements like the ones which are made for the Prime Minister were not made for Mahatma Gandhi and she added that people like Mahatma Gandhi believed in God and His mercy and did not think any further security was necessary.

Mr. Pyarelal, Witness 54

12F.55 Mr. Pyarelal who was Secretary of the Mahatma from 1920 right up to the time of his death, has written a book "Mahatma Gandhi—The Last Phase" in 2 volumes. The facts stated therein, he said, were correct and authentic according to his belief. The Mahatma was opposed to the Partition because he said "You shall have to divide my body before you divide India".

12F.56 Sardar Patel did say that Muslims could stay in India and they will get protection but they could not have divided loyalties. Mahatma Gandhi exhorted the Muslims to condemn the abduction of Hindu women and that those Hindu women should be restored and asked the Muslims to make a public statement that those women should be restored to their families but no organised Muslim society issued any such appeal as far as the witness could remember, but individuals might have done so. The Mahatma constantly said "Don't you see I am mounted on my funeral pyre" and that although nobody believed that independence could be won by non-violence, after the attainment of independence people were saying good-bye to non-violence. Mahatma Gandhi said he would not be surprised if in spite of all the homage paid to him by the leaders, they would say one day "we have had enough of this old man; why does not he leave us alone?" This was in connection with the general fall of standards

which had come in Congress ranks and growing corruption which Mahatma Gandhi found in Congressmen and their deviation from the path of non-violence. He undertook a fast to make India pay 55 crores and he also wanted an atmosphere of cordiality and peace between Hindus and Muslims.

12F.57 In September 1944, Godse and Thatte and some other persons came to Sevagram to prevent Mahatma Gandhi from going to Bombay to meet Mr. Jinnah. They were subsequently arrested by the Police and a knife was found on one of them. In his first volume, he had recorded the conversation between the persons arrested and the police and the persons arrested said that he would become martyr when he will assassinate Mahatma Gandhi. He went further and said that a jamadar would be quite enough and the jamadar referred to was Nathuram Godse.

12F.58 When the bomb was burst, Mahatma Gandhi did not realise that it was a bomb. He thought that it was a military practice and those in the camp also did not realise its significance. When Mahatma Gandhi learnt about the bomb, he at once realised that there was a conspiracy to murder him. After the bomb was thrown, no names were mentioned except that of Madanlal. When the witness was going about in the refugee camps, he heard a rumour that an attempt would be made on the life of the Congress leaders, including Mahatma Gandhi and Pandit Nehru. This he was told by Hans Raj Wireless. He informed the Deputy Commissioner, Mr. Randhawa, of this between the 13th and 18th January but he could not say if anything was done. The witness had this feeling that people opposed to the Mahatma might commit such an offence. He never told the Mahatma what he had learnt.

12F.59 In 1934 there was an attempt to murder Mahatma Gandhi by throwing a bomb when he visited Poona in connection with anti-untouchability campaign. By 1947, the anti-Gandhi people had invented a technique of making the pictures of Congress leaders as their shooting targets.

12F.60 The witness could not say what names were given to Balasahib Kher or were passed on to Sardar Patel. Sardar Patel came to Gandhiji and told him about the conspiracy and Sardar wanted stricter measures but Gandhiji would not agree.

12F.61 The witness never saw the statement of Madanlal. If it was in the newspapers, he had no recollection of it. Those who were around Mahatma Gandhi never believed that he would be murdered. But things were moving very fast and "we could not anticipate what was going to happen next".

12F.62 The witness had a feeling that the police were infiltrated by anti-Gandhi and pro-R.S.S. elements and there was nothing very surprising as a considerable number of Delhi Police officers were themselves the victims of Muslim highhandedness in West Punjab and the Frontier Province. The witness also repeated what the previous witness has said about a Sikh policeman shouting about the fuss being made over the death of an old man.

12F.63 The conditions then were so extraordinary that it would be difficult for anyone to say what steps should have been taken except that one should have expected greater efforts to arrest the conspirators and preventing them from achieving their end.

12F.64 The witness had no recollection of 'People's Age' saying in August 1947 that there was a conspiracy to kill Mahatma Gandhi and that the Deputy Commissioner and the Police were pro-R.S.S.

12F.65 The witness could not say anything about the interview between Mahatma Gandhi and Balasahib Kher as he himself was not present at the interview.

12F.66 Cross-examined by Mr. Vaidya, he said that he did not know Balukaika Kanitkar personally but he (Balukaka) used to write long letters to Mahatma Gandhi which the witness read out to the Mahatma.

12F.67 Sardar Patel had told witness that he went to Gandhiji and conveyed the information of a dangerous conspiracy against his life and that he (the Sardar) should be allowed to take security measures, e.g., search of persons going to the prayer meetings and stationing of armed guard at the prayer meeting.

12F.68 The witness said he did not think that Mahatma Gandhi had any conscious premonition of impending death.

12F.69 On further cross-examination the witness said that there was no time to find out about what the conspiracy was and who the conspirators were. They had to perform their duties assigned to them.

12F.70 The witness knew that Madanlal was arrested and Gandhiji said that he should not be harassed by the police. "Somehow or the other we had the feeling that Mahatma Gandhi had a charm and nothing would happen to him and he himself said that God will protect him as long we he was wanted....."

12F.71 *The witness came to know about the conspirators after the case went into the court.* He knew nothing about what the police did. Gandhiji's attitude was not to interfere with the performance of their duties by the police but he did not want them to behave in a highhanded manner. (Italics by Commission).

12F.72 Cross-examined by Mr. Chawla, the witness said that the Mahatma was convinced that there was a conspiracy but of its extent he did not know.

12F.73 "I have never been able to reconcile myself to the failure of the police to trace the people who were mentioned in Madanlal's statement. Either it was sheer inefficiency or lack of will to do the right thing."

12F.74 Threatening letters did come to the Mahatma but they were not handed over to the police and sometimes they were not even mentioned.

Vishwanath Shah, Witness 3(P)

12F.75 Another witness whose testimony may be discussed at this stage is witness No. 3, Vishwanath Shah, before Mr. Pathak. He said that after the 55 crores were given to Pakistan under the instructions of Gandhiji, there were processions and propaganda against the Mahatma in Delhi and the atmosphere was against the Mahatma of which the Government was aware.

12F.76 Thatte with others came to demonstrate against Mahatma Gandhi and the police knew about it. The demonstrators also threw stones but the Congress volunteers drove away the demonstrators. The Mahatma objected to this and asked "why had we badly treated them?" Thereafter the Mahatma left for Noakhali.

12F.77 After his return from Noakhali, Brij Krishanji had directed the volunteers to look after the protection of Gandhiji in Birla House and afterwards he said that the police would do it and the volunteers were no longer necessary. Some volunteers of the Seva Dal used to be present at the prayer meeting. A woman in Birla House told the witness that some persons used to roam about the Birla House whom she suspected. She was the wife of a driver. The witness told the police about this. The woman identified Madanlal Pahwa and said that he and his companions used to roam about Birla House.

12F.78 The witness was present when Gandhiji was shot and so were plainclothes policemen. The number of police personnel had been increased after the bomb was thrown.

Manuben Gandhi, Witness 99

12F.79 The fourth witness in this group is witness No. 99, Manuben Gandhi, who is the grand daughter of Mahatma's brother. She stated that since 1945 nobody felt nor was it ever mentioned that Mahatma's life was in danger nor did Mahatma feel any danger. In the month of January 1948 a number of refugees used to interview the Mahatma and complained to him that they had lost everything, and that they had been brutally treated by the Pakistanis. "What was there to do, they sought Mahatma's protection." Old women said to him that whatever had happened the responsibility was his because they knew nobody else excepting him, not even Nehru. But they always said this in a prayerful mood. Till the bomb was thrown nobody knew that there was danger to the Mahatma's life but from that incident they began to draw this inference. When they mentioned to the Mahatma about the danger to his life, he just laughed and he said "If God wishes that I should live I shall live and if He does not wish me to live then He would take me away". After the bomb was thrown Lady Mountbatten came to congratulate the Mahatma and the Ministers also kept coming and going. The Mahatma said to Lady Mountbatten, "On this occasion I have shown no bravery. If somebody fired at me point-blank and I faced his bullet with a smile, repeating the name of Rama in my heart, I should indeed be deserving of congratulations." The Mahatma was

being asked to permit special protection for him but he would have none of it.

12F.80 During his fast a number of people visited him including Maulana Hifzul Rehman. He was a frequent visitor and made Mahatma miserable by pouring in to his ears stories of miseries of Muslim population. The Mahatma said to him "You protect the Hindus and I shall protect the Muslims."

12F.81 The members of the Mahatma's party did feel danger for 2 or 3 days after the bomb was thrown; but after that everybody thought that it was alright.

12F.82 The most important part of this witness's statement is her deposition about the visit of Nathuram Godse on January 30, 1948. At about noon Nathuram Godse came to Birla House. Nobody stopped him coming because people used to come like that "and we did not think that it was anybody special who had come". There was nothing special about it because people used to come to see the places where the Mahatma lived, slept or had his meals. Nathuram also came there. He must have come by the back door; quite a number of people used to do so to have *darshan*, i.e., to pay homage, and nobody stopped them. The Mahatma at the time when Nathuram came was sleeping outside in the sun and if he wanted he could have shot him there. She was certain that it was Nathuram Godse who came because when he fired the fatal shots she was present and she recognised him to be the same person who had come on that day. Her feeling was that when he came at noon he was overawed by the very presence of the Mahatma.

12F.83 This fact of Nathuram Godse coming to Birla House on the 30th is not mentioned in her book, "Last Glimpse of Bapuji" Ex. 246. The events of the 30th January, 1948, are given in that book in Chapter 31 from page 300 to 315, but this important fact is not there. She was examined by the Police on January 30, after the murder but in that statement also this fact is not mentioned. This was an incident of such importance that one would have expected its mention at that stage. Her attention was drawn to that statement, Ex. 248. Her reply was that nobody asked her at that time and there was hardly any time to mention anything. But she has, in an article in "The Blitz", Ex. 245, which was its Republic Day number of 1969, stated this fact about Nathuram and before the Commission she stated on oath that what was contained therein was correct. She had also said in the article that she had related this matter to both Pandit Nehru and Sardar Patel, but on the 31st January. They are both dead and there is no means of checking this statement.

12F.84 When asked whether the Mahatma himself felt that his life was in danger, her reply was that she could not say anything; the Mahatma never said anything. He was a firm believer in God and never felt any danger. When asked whether Mahatma had any premonition of his death, her reply was that they never felt that he had any premonition but after his death they realised that he did have

some premonition, but he never said
he murdered

12F.85 She was asked whether the Mahatma was miserable about what was happening around him, her answer was "Yes". When asked whether Mahatma was unhappy because of what was happening in the country or because of the consequences of the partition, her answer was "because of both; both these affected him." She was asked whether Mahatma was unhappy because the Government was misbehaving or the people were misbehaving or both were misbehaving; her answer again was: "because of both."

12F.86 Sardar Patel had asked permission to search the people who were coming to the prayer meeting but the Mahatma refused saying that it would mean that he had no faith in God.

12F.87 It appeared to the Mahatma that he was the only believer in non-violence. She then produced her book where events from December 1947 to the day of immersion of his ashes into the Triveni are given. This is Ex. 246.

12F.88 She was asked if Mahatma used to receive threatening letters in January, 1948, her reply was in the affirmative.

12F.89 She stated that she was surprised, rather annoyed to see the same man stopping the Mahatma because he had been there in the morning, but she did not think that there was any danger from the man because he had folded both his hands and she thought he was going to pay respects to the Mahatma. Nathuram Godse in his statement in court had stated he had his revolver in his folded hands. If that is so, it is surprising why nobody spotted it in the audience not even those leading the procession.

12F.90 She was asked what the Mahatma would have done if the people going to the prayer meetings were searched, her reply was that he would rather have died than allowed that kind of thing.

12F.91 Manuben is rather an important witness. She was closely related to the Mahatma and was closely associated with him. She was one of the two girls who used to conduct him to the prayer meetings and was in front of the Mahatma at the time of the murder. And when she makes a statement, no doubt after 21 years, that Nathuram Godse came to Birla House unchecked and was shown the places where Mahatma slept, worked and had his meals and actually saw him sleeping in the grounds, the Commission should be reluctant to disregard it. But at the same time, even her statement has to be carefully weighed in the scales. If there are any lacunae serious or otherwise which the Commission must take into account, then it should do so; and apply the principle of care and caution in the assessment of all evidence, particularly as that of this witness. There are in this case many lacunae:

(1) This statement was never made by this lady anywhere before although she could have done it at the earliest opportunity on the 30th January when she was examined by the police after the murder.

(2) She has said that she mentioned this fact to Pandit Nehru and Sardar Patel the next day, but neither of these facts are mentioned in her book published in 1962 but written before September 12, 1961.

(3) The fact that Nathuram Godse came to the Birla House on the 30th at noon time was so important that in the course of ordinary events it should have been mentioned in her book which was written at a time when she had more time to think and which, according to her, is based on her diary giving a record of the events as they happened.

(4) She has said in the preface "In this book I have mainly given a day-to-day account of Bapu's life up to the great event of his departure from this world". In the context it was and should have been treated as a great event.

(5) The statement of Nathuram in court shows how determined he was to put an end to the life of the Mahatma. And it is rather difficult to believe that with those feelings in his heart which are disclosed in his written statement in court, he should have let that opportunity go. He had no compunction at the evening prayer time; it is difficult to find any reason for his having it at noon. A determined assassin does not go for darshans of his victims even if they happen to be Gandhis. The Commission is not overlooking the fact that it had been decided as Godse's statement shows that he should surrender after shooting.

(6) This witness had all the earnestness, and moral faith and simplicity which characterised the Mahatma's camp but that is no safeguard against mistaken identities or *lapsus memoriae*.

12F.92 Judged in the light of probabilities and taking into consideration both the position of the witness, her background and training in Gandhian ways and keeping in view the proper approach to important facts deposed to by important witnesses such as this one is, the Commission feels it inexpedient to act on this piece of evidence, that a man who was bent upon murdering Mahatma Gandhi should have come to Birla House, should have had an opportunity of murdering him and also almost certain escaping, would not take that opportunity but would return to commit the murder in the midst of a large crowd where there was every possibility of his attempt failing and his plan going awry and little or no possibility of his escaping. In the circumstances, it would be proper not to take this piece of evidence into consideration for or against the matters in controversy and treat this episode as "unproven".

12F.93 If this piece of evidence is accepted, it would be a sad commentary on the security measures taken for the protection of Mahatma Gandhi particularly after the bomb incident. If anybody could walk in then the stationing of the police or deployment of plainclothes policemen or employing a platoon or even a company of the Army was meaningless and security arrangements illusory.

12F.94 It may also be mentioned that neither in his statement made to the Bombay Police which is detailed nor in his statement before the Court did Nathuram Godse mention anything about his visiting the Birla House on the 30th or going to the place where the Mahatma was sleeping.

12F.95 In his statement to the Bombay Police he has given an account of his movements which is detailed with no attempt at hiding anything *qua* himself. He says that they visited the prayer meeting on the evening of the 18th. On the evening of the 19th all of them, including Madanial, went to Birla House where the prayer meeting was in progress. The Police statement contains the day-to-day account of what they were doing but there is nothing to show that Nathuram Godse was anywhere near Birla House on the morning of the fateful day. In his Police statement he said that on the morning of the 30th they went to Birla Mandir and from there they went to a jungle behind the Birla Mandir where shots were fired and it was decided that Nathuram Godse should do the shooting and then surrender to the Police; the hand-grenade etc. were not needed and therefore they were buried, after having been made harmless and out of gear.

12F.96 The evidence of these four important inmates of the Gandhi camp at Birla House show that—

(1) There was some kind of information of danger to Gandhiji's life although the evidence is not consistent on this point; but no particular precautions were taken beyond increasing the Delhi Police and policemen. The inmates had their set tasks and they had no time to do anything about the threatened danger—were probably as fatalistic as the Mahatma himself. Or as two of them, Mr. Brij Krishan Chandiwal and Miss Manuben have stated, they were sure the police would look after the safety.

(2) Sardar Patel did want to get the people coming to the prayer meeting searched but the Mahatma would not agree.

(3) The Mahatma came to realise that the Congress was paying lip sympathy to non-violence and he was considered as a burden.

(4) The Mahatma was distressed over the events which had overtaken the country, over the consequences of the partition and because of the conditions into which the body politic due to not subserving the high moral standard set by the Mahatma had fallen.

(5) Godse and Thatte had attacked Mahatma Gandhi in September 1944 also and that at Sevagram during the Gandhi-Jinnah *pourparlers*.

(6) A group of Maharashtrians had made a black flag demonstration at Panchgani.

(7) The Mahatma did realise that the bomb was a part of a conspiracy to kill him.

(8) There was a feeling of antagonism against the Mahatma and Pandit Nehru in the Refugee Camps also.

(9) The inmates knew nothing about Balukaka's warning.

(10) Mr. Pyarelal whose power of observation and exactness is shown by the clarity of the narrative in his book, felt that in the Delhi Police there was infiltration of anti-Gandhi feelings and of pro-R.S.S. elements.

(11) Balukaka though not known personally to Mr. Pyarelal carried on correspondence with the Mahatma.

(12) The inmates of Gandhiji's Camp were so engrossed in their respective chores allotted to them and the schedule was so "tight" that they had no time to think about impending danger and were wholly heedless towards any danger to the Mahatma's life.

(13) The way the procession to the prayer meeting was formed with people in front and at the back of the Mahatma with a little more vigilance on the part of the aides the approaching of Nathuram Godse so near as to shoot point blank would not have been possible.

G—Measures Taken To Protect Mahatma Gandhi

12G.1 This heading may be divided into two sub-heads: (i) before the bomb incident, and (ii) after the bomb incident. In this connection reference may be made to two notes submitted by Mr. D. W. Mehra, D.I.G., Delhi, on the subject of security measures taken. In point of time the first is Ex. 10 dated February 1, 1949, which is annexure VI to Mr. Sanjevi's note Ex. 7, and the second is Ex. 134 submitted to the Ministry of Home Affairs also by Mr. D. W. Mehra on February 7, 1948.

12G.2 Ex. 10 shows that after the arrival of Mahatma Gandhi in September 1947 a guard of one Head-Constable and four Foot Constables were posted at the Birla House. Their main duty was to see that mobs did not gather inside or in the vicinity of Birla House so as to become a source of annoyance to Gandhiji and also to deal with people who objected to the reciting of the Quran at Gandhiji's prayer meetings. Mr. Brij Krishan Chandiwala's evidence shows that whenever there was apprehension of a large crowd making a demonstration, a posse of police was sent to Birla House to control them. According to P.W. 116 Sub-Inspector Dasondha Singh of the Tughlaq Road Police Station, who was a witness at the trial, ordinarily there used to be one Head Constable and one Foot Constable in the prayer grounds. There were at the main gate of the Birla House one Head Constable and four Constables. They were to maintain law and order in the prayer grounds.

12G.3 After the bomb incident, the number of policemen was increased and a larger force was stationed at the Birla House. Ex. 10 also shows that after the bomb incident the number of policemen was immediately increased to one Assistant Sub-Inspector, two Head Constables and sixteen Foot Constables. In addition to this, there were plain-clothes policemen, one Sub-Inspector, four Head Constables and two Foot Constables who were all armed with revolvers. Three plain-clothes men were stationed on the path leading from Birla House to the place where prayer meetings were held, and

a small detachment of troops for moving patrol all round the compound was also stationed. The instructions to the police on duty were to watch people as they came in to the prayer meetings and to interrogate suspicious looking persons. The uniformed police and plain-clothes section were asked to patrol the grounds of the Birla House and its immediate vicinity so as to spot suspicious looking persons lurking about the place. The Superintendent of Police, New Delhi, Mr. Bhatia, immediately after the bomb outrage interviewed Mr. Brij Krishan Chandiwala, witness No. 11, who was one of the important members of the Mahatma's party at the Birla House and he told him that a more strict supervision over the visitors was required and suggested that the police on duty should search suspicious looking persons. To this suggestion he did not agree, saying that Bapu would not tolerate it, and this very reply was repeated to the D.I.G. on January 21 when he made a similar request to Mr. Chandiwala.

12G.4 It may be added that according to Mr. Morarji Desai and other witnesses Sardar Patel had also put forward this proposal of screening in September 1947 when the Mahatma returned from Calcutta but the reply was equally an emphatic 'No'. The D.I.G. also saw Gandhiji and suggested stricter screening of visitors but Gandhiji would have none of it, saying in his characteristic way that his life was in the hands of God and if he had to die nothing would save him and that as long as God wills that he should serve the people, he will; and when God wills otherwise He will take him away. A report of this was made to the Inspector General and it was decided that short of searching persons going to the prayer meetings, all possible steps should be taken by the police on duty to ensure Gandhiji's safety. The exact boundaries of this precaution were not delimited or delineated.

12G.5 In addition to this, the Superintendent of Police, New Delhi was to be present as far as possible at the prayer meetings. The D.I.G. himself also started attending the prayer meetings but he fell ill on the 24th; and on the fateful day the Superintendent of Police, New Delhi, could not be present as he had another important appointment in connection with the threatened strike of some workers of the Central P.W.D. It is difficult to imagine anything more important than the protection of the Mahatma's life, but evidently the Delhi Police thought differently. In the second document Ex. 134 the same arrangements made after the bomb incident as given in Ex. 10 have been set out. In addition, it was stated that a military patrol of two N.C.O.s and twelve men was deployed in order to stop unauthorised persons going in. In paragraph 5 of this document, Mr. Mehra has set out a short account of how the murder was committed. Ex. 134 was a note prepared for the purposes of a starred question in the Constituent Assembly by Mr. Damodar Swarup Seth, notice of which was given but was most probably withdrawn.

12G.6 There is also another note of Mr. Mehra which was sent to Mr. Banerjee in the second half of March 1948. That is Ex. 44. In-

it was stated that the Sub-Inspector of C.I.D. was in the immediate vicinity of the place where Mahatmaji was shot and the plainclothes men and some uniformed police were also among the crowd. A uniformed guard was present on the main gate and two stablers at the back of the house where the bomb had exploded.

12G.7 Mr. Mehra was personally present with Gandhiji when the latter started his fast and Gandhiji talked to him about the steps to be taken to improve Hindu-Muslim relations. Because of the mental anxiety on account of Gandhiji's fast and four months of constant arduous labour Mr. Mehra fell ill with an attack of influenza on 10th January 1948 and was in bed for 4 days. In spite of that he went to Mahatmaji on 21st January and he resolved to attend all his prayer meetings which he did and also watched to find out if there were any suspicious looking persons. He continued to attend the prayer meetings but he again fell ill on the 24th and went to Birla House on the 30th when the great tragedy had taken place.

12G.8 It had also been decided that the Superintendent of Police A. N. Bhatia should personally attend Mahatma Gandhi's meetings and he continued to do so but on the fateful day he was also absent due to the threatened strike of the C.P.W.D.

12G.9 Mr. Mehra stated that it was impossible for anyone to have stopped the tragedy considering Mahatmaji's aversion to placing any restraint on people coming to his prayer meetings.

12G.10 The note ended with pointing out the difficulties which they were meeting in trying to protect the persons of the Prime Minister and the Deputy Prime Minister. He attached a copy of the letter which the Prime Minister had written to him objecting to the restrictions which have been placed on him. This shows that these leaders who had struggled against the British rule for so long were not prepared to believe that the very people whom they had served and led to victory and whose confidence and affection they had won, were going to injure them.

12G.11 Mr. Vishwanath Shah, witness No. 3 before Mr. Pathak, who was the head of the Congress volunteers at Bhangi Colony and at the Birla House said that before his departure to Noakhali Gandhiji used to stay in the Bhangi Colony where protection arrangements were made by 300 Congress volunteers. But after he returned from there, he stayed in Birla House. Mr. Brij Krishan Chandiwala had directed the volunteers to look after the safety of Gandhiji but afterwards he said that the protection would be in the hands of the police and the volunteers were no longer required. Still the Seva Dal used to be present at the time of the prayers. One of the women inmates of the Birla House, the wife of a driver, told him that some suspicious looking persons were roaming about the Birla House. This information was conveyed to the police and that woman identified Madanlal after the bomb explosion and said that he and his companions were the suspicious looking persons. That Godse, Apte and Karkare, etc. were reconnoitring the place was stated by them in their statements as accused before the Trial Court. Shah added

that plain clothes policemen used to be present at the prayer meetings and after the bomb explosion the number of policemen was increased.

12G.12 In answer to question No. 8, of interrogative questionnaire issued by the Commission, the Delhi Inspector General of Police in his affidavit dated April 12, 1968 set out the steps that the police took to protect Mahatma Gandhi which were as follows:

"....According to letter No. 1547-C & T 27-29 dated 7th February, 1948 from the then D.I.G., Delhi to the Deputy Secretary to the Government of India, Ministry of Home Affairs, on the subject of draft reply to Starred Question No. 12, put up by Shri Damodar Swarup Seth, the police guard of 1 H.C and 4 Constables already on duty in the Birla House was increased to 1 ASI, 2 HCs, and 16 Constables immediately following the bomb outrage on 20-1-1948. In addition, plain clothes staff of 1 S.I., 4 HCs and 2 Constables (all armed) was detailed for duty at the Birla House. The police on duty had full instructions to watch people as they went in and to interrogate suspicious persons. The uniformed and plain clothes sections were also directed to patrol the ground of Birla House and its immediate vicinity to ensure that no suspicious persons lurked about the place. The Superintendent of Police, New Delhi also met Shri B. K. Chandiwala, Secretary, and other members of "Mahatma Ji's entourage" and suggested that in view of the bomb episode a very strict supervision over visitors to the prayer meetings was necessary and that the police on duty should be permitted to search all suspicious persons. This was, however, not accepted. The D.I.G. Delhi also met Shri Chandiwala and Gandhi Ji himself and suggested stricter screening of visitors to the prayer meetings. Gandhi Ji, however, did not accept the suggestion and said that his life was in the hands of God and that if he had to die no precautions could save him. It was, thereafter, decided that short of searching all persons going to the prayer meetings, all possible steps should be taken by the police on duty to ensure Gandhi Ji's safety. Accordingly, instructions were also issued to the police officers on duty at the Birla House. In addition to the police arrangements, a military patrol of 2 N.C.O.s and 12 men were also on duty at Birla House to stop unauthorised ingress. A copy of this letter is enclosed as appendix 'A'.

"There is another letter No. 294-SP/S dated 29-5-48 from Shri Rikhi Kesh, the then S.P./CID on Special Duty at Red Fort, Delhi, according to which, after the bomb explosion, the guard of 1 H.C. and 4 constables was supplemented by 2 ASIs, 1 H.C. and 4 Constables from the local police and 2 HCs and 12 Constables from the Police Lines, out of which 1 A.S.I., 1 H.C. and 8 Constables were detailed in the prayer meeting. In addition 1 S.I., 4 H.Cs. and 2 armed constables were detailed in plain clothes. Out of the 8 uniformed constables, 4 were armed with lathis and 4 with rifles. The armed constables took their position at different corners along the

prayer platform. Plain clothes men were scattered at different places among the gathering while 1 S.I. and 1 H.C. always walked with Mahatma Ji from Birla House to the prayer platform and back. The two men always took their post as close to Mahatma Ji as possible. A copy of this letter is enclosed *vide Appendix 'B'*."

12G.13 In answer to question No. 18 which was i
terms:

"It has also been stated that the co-conspirators of Madan Lal Pahwa flew from Bombay by air and were noticed and subsequently identified in Court by air staff. Was any special police stationed at airports in Bombay and in Delhi to arrest the persons who were co-conspirators of Madan Lal Pahwa and whose descriptions had been given in the confessional statement of Madan Lal?"

the Inspector General of Police, Delhi,
answer:—

"The steps taken are detailed in the unsigned note of S.P./CID copy of which is appended 'E' which is part of file No. 2/Terr/146."

12G.14 This document is a copy of another copy which itself is undated and is unsigned. It purports to be a copy of an unsigned note of the Superintendent of Police, C.I.D., Delhi, and has been discussed in the Chapter dealing with Ex. 5-A. The Commission is unable to find much or any help from this document.

12G.15 Mr. M. M. L. Hooja, witness No. 59, stated that in December 1947 and January 1948 there was a shortage of police personnel because the Muslim officers and men had gone away to Pakistan and what remained was inadequate. The fact that Mahatma Gandhi did not allow search of persons going to his prayer meetings put limitations on the efficacy and efficiency of the precautionary measures taken by the police.

12G.16 He was asked what steps the Home Minister should have taken when he got information of a conspiracy like that of Mahatma Gandhi case, he replied that he could not answer that question. It would depend on the personality of the Home Minister.

12G.17 Mr. M. S. Randhawa, witness No. 18, has also stated that "On account of the departure of Muslim police to Pakistan in very large numbers, the police organisation in Delhi was seriously depleted and policemen had to be hastily recruited from the rural area to fill the gap. They were not trained properly".

12G.18 At pages 437 and 438 of book "Mahatma Gandhi—The Last Phase", Vol. II, Pyarelal has stated—

"The bulk of the police force of Delhi was Muslim. A number of them, with their uniforms and arms, had deserted. The loyalty of the rest was doubtful. Sardar Patel had to wire

12D.29 Sardar Patel, for instance, passed orders directly to Mr Sanjevi without their going through the Secretary; then he informed the Secretary or the Secretary came to know later.

12D.30 Mr. Bannerjee was again recalled on April 26, 1968, and was examined regarding certain Home Ministry files and particularly that relating to the interview allowed in the case of Madanlal to Mr. Puran Chand Mehta, Advocate. This has been marked Ex. 140, and is dated 5th February, 1948. This was followed by another letter to the Chief Commissioner, Ex. 140(3) where the matter of interview of accused by counsel was again referred to and it was stated that it was one of the important duties and functions of the District Magistrate to keep himself informed of the progress of investigation into a case of this kind (i.e. a case connected with Mahatma Gandhi) and it was not quite clear why Randhawa had not asked the District Superintendent of Police to report to him. It was not just enough for Randhawa to say that had all the details been given to him he would have rejected the application for interview.

12D.31 Mr. Bannerjee again stated that the first time it was brought to the notice of the higher authorities that there was a conspiracy was at the meeting which was held after the cremation, and that the whole thing had been kept by the Police to themselves. Sanjevi had not informed witness although their relations were quite friendly. The Home Secretariat, he said, had not taken action because it had no information about the conspiracy and the information came to it like a bomb-shell. Ex. 140(5) dated February 27, 1948 shows that the witness was not being kept in touch with the investigation into the murder case and he asked Sanjevi to keep him in touch and do so at personal meetings "and I did write to him about it". He was asked why the Home Minister who was interested in the progress of the investigation of the murder case did not show any interest in the bomb case, his reply was: "My assessment of that is that they did not take the case so seriously then and they trusted the high police officials who were in-charge of the investigation and they were under the impression that such high police officials would do their duty."

12D.32 Regarding the R.S.S. the witness said that they were not responsible for the bomb throwing as such and in his opinion the conspirators were not acting as members of the R.S.S.; but some of the activities of that body were anti-social and objectionable and the Government felt guilty after the 30th January for not having taken precautionary measures against that association. He also complained that when decisions were taken in regard to the banning of R.S.S., the news leaked out and appeared in the Press the next morning and thus the tall-poppies of R.S.S. went underground in the early forenoon of the 1st February. To a question about the keeping in touch with investigation of offences, the witness said that ordinarily it could not be part of the functions of the Secretariat or the Minister to take an active part in Police Administration. In Mahatma Gandhi's case the Minister and the Secretariat started issuing directives to the Police and the Magistracy because it realised that the Police had not functioned properly. He said: "The long and short of it is that in

spite of the information that was received on the night of the 20th and 21st from Madanlal, nothing was done for three or four days and even after that nothing effective was done." In his opinion Ministry and the Secretariat should have functioned, i.e. started taking interest as soon as it came to know that there was default on the part of the Police.

12D.33 According to the witness, there were three acts of omission in the case: (1) the Bombay Police did not take any action for three or four days after they got the information; (2) the Delhi Police did not remind the Bombay Police or did not ask them what they were doing; (3) the Delhi Police did not requisition a few members of the Bombay Police to come and keep watch on Gandhiji's residence as was the well-recognised convention in dealing with inter-provincial crime in those days. Apte and Godse had some kind of a history and the Bombay Police should have known about it and had they been brought to Delhi they would have nabbed them or they would not have dared to come to Delhi.

12D.34 He was then cross-examined. In his cross-examination, the witness said that his own reaction was that the bomb thrown was the act of an individual fanatic but he could not recollect that it occurred to him that there were others associated with him but he never thought that there was a conspiracy of the kind which it turned out to be. He did think that the bomb case was a serious matter but he did not interfere because the matter was left in the hands of high police officials, the highest in the land; and he had a right to think that they would do their duty in a proper manner; and Mr. Sanjevi was considered a very clever Police Officer in his province. Mr. Sanjevi never told him anything and it was really the procedure which made it difficult to ask Sanjevi as to the progress of the investigation.

12D.35 As far as the witness could remember, at the meeting of 31st, two Bombay haunts of Godse and Apte were mentioned. In regard to his statement of sharing of blame between Police of Bombay and Delhi, he was again cross-examined by Mr. Kotwal and his reply was that Bombay were blameworthy because after having received the information about the two or three haunts of Godse and Apte they did nothing to nab them, and they did not get into contact with Delhi Police, did not tell them what they were doing, did not send Bombay Police to further interrogate Madanlal. When his attention was drawn to his previous statement he said that if he had known what was contained in the statement of Madanlal, he would have rung up the Chief Secretary of Bombay and would have asked what was happening and would not have allowed the matter to rest as it did.

12D.36 Mr. Bannerjee's evidence when summarised comes to this: (1) That as far as he was concerned he did not know that there was any conspiracy to murder Mahatma Gandhi, that for the first time they came to know about it on 31st January 1948 when a meeting was held at the house of the Home Minister after the cremation. (2) That there was a convention of Police of one Province being sent to another to help in investigation of offences committed

for reliable Gurkha police from West Bengal. A contingent of 250 constables with some sub-inspectors of police was sent by the Chief Minister of the Central Province in response to an urgent message from him. There were rumours of a coup d'état on the part of the Muslims to seize the administration. Searches of Muslim houses by the police had revealed dumps of bombs, arms and ammunition. Sten guns, Bren guns, mortars, and wireless transmitter sets were seized and secret miniature factories for the manufacture of the same, were uncovered. In explanation the Muslims alleged that arms were planted by their enemies in deserted Muslim houses. That was not unlikely in some cases. But in a number of places rifles, Sten guns and mortars were actually used by the Muslims in pitched fights."

12G.19 Dr. Sushila Nayar's statement Ex. 94 dated January 5, 1968 shows that on hearing of rumours of the possibility of an attempt on the life of Mahatma Gandhi the police posted plain clothes policemen but their desire to search the visitors was not agreed to by the Mahatma.

12G.20 She also mentioned that when Gandhi-Jinnah talks were going on, some angry youngmen came to Sevagram and objected to Mahatma having talks with Jinnah. They were removed from his pathway by the Ashramites. Later she learnt that one of them had a long knife on him and that Godse was one of those young men.

12G.21 The Ashramites had however come to believe that no harm could be done to the Mahatma by anyone. That was the evidence of Mr. Brij Krishan Chandiwala also.

12G.22 Commission would like to observe that the police report of the incident does not support Godse's participation in that demonstration but it was staged by the determined anti-Gandhite the intrepid L. G. Thatte supported by some Bengali anti-Gandhites.

12G.23 Mr. M. K. Sinha when asked about the action which should have been taken after the statement of Madanlal said :

"I still think that if adequate and prompt action had been taken to locate the persons described in Madanlal's statement, then the assassination should have been prevented. I had heard rumours when I was here that whispers about the conspiracy were current in Bombay and were even known to officials."

12G.24 Mr. V. Shankar, witness No. 10, has stated that the Sardar asked Mr. Sanjevi to watch the persons mentioned by Madanlal. The *modus operandi* of the Sardar in regard to this conspiracy was stated by Mr. Shankar before Mr. Pathak thus:

As far as this particular conspiracy was concerned, the action "used to be taken by the Bombay Government either on their own initiative or on seeking instructions or on getting instructions from Sardar Patel." But there was a close contact between the Bombay

Premier and the Sardar and the liaison between the Central Intelligence and the Bombay Special Police was maintained by the Directorate of Intelligence Bureau.

"The general line, as far as I remember in this case was to investigate the truth or otherwise of any information that was coming to the notice either of the Government of India or of the Government of Bombay and to pursue or drop it as the case may be, on the completion of the investigation.all sorts of rumours prevailing and naturally the police had to screen the information that came to their notice and took action when it was warranted."

12G.25 In his statement regarding police arrangements, Mr. V. Shankar reiterated what was stated by Sardar Patel in the Constituent Assembly in reply to Mr. Ananthasayanan Ayyangar's question on February 6, 1948. He also stated that when Mahatma Gandhi was requested to allow the search of visitors, he was adamant in his opposition to it, although he had no objection to the tightening of security measures in other respects. He could not say whether any persons were posted at strategic points of access to the prayer meeting to identify persons who could likely be Mahatma's assailants but the Sardar, he said, had told Mr. Sanjevi to keep persons mentioned by Madanlal under "surveillance".

12G.26 Mr. Shankar also stated that the police did not get any tangible evidence of any conspiracy till after the confessional statement of Madanlal and after that the Intelligence Bureau and the Bombay police were hot on the trail of the persons mentioned therein and a special watch was kept at possible points of entry into Delhi but the difficulty of detecting them at the railway stations was that the railway stations were overcrowded. So much so that one of the conspirators, Surya Dev, remained undetected for years after the murder.

12G.27 Mr. Banerjee's statement was that it was not for the Minister to supervise prosecutions personally but Sardar Patel, although he did not take much interest in the investigation after the Bomb Case, took a great deal of interest after the murder. Mr. Bannerjee also said that if the Inspector General of Police, who was the Director of Intelligence Bureau, was entrusted by Government with the investigation of a case, it would not be Government's function to scrutinise the investigation. Neither the Minister nor the Secretary need do anything further. But in this particular case, after the murder the Home Secretary i.e., himself took over the superintendence of the investigation i.e., choosing of the police to investigate was taken over by the "Home Secretariat" and that is what they should have done after the Bomb Case also. The records of the Home Office, he said, would show how meticulous was the control which the Home Secretary exercised over these matters.

12G.28 Miss Maniben Patel stated that the Sardar pleaded with Mahatma Gandhi against the payment of 55 crores and told him that the payment would not be appreciated by our own people and the money will be misused by Pakistan and he also pleaded with Mahatma Gandhi against his undertaking the fast but the Mahatma did

not agree. He also wanted the police to search the visitors to the prayer meetings but Mahatma did not agree. According to her, the Sardar took all the precautions that he possibly could take.

12B.29 According to Mr. R. N. Banerjee, what Sanjevi should have done was to get the Bombay Police over and the proper time to take precautions was after the bomb was thrown. Bombay Police should have been brought over to identify the persons from Maha rashtrian areas of Bombay. Even if the Mahatma was not agreeable, the check could have been more vigorous and the matter should have been proceeded with more vigorously and the police should have been alert after Mehta Puranchand's interview with Madan lal and the Police should have known that Madanlal had sympathisers outside and they were in Delhi also.

12G.30 As witness No. 17 before Mr. Pathak, Mr. Banerjee stated that the fault of the Delhi Police was that they did not remind the Bombay Police as to whatever information it had sent to them and the fault of Bombay Police was that they did not send any police to Delhi for the purpose of identification.

12G.31 Examined before this Commission, Mr. Bannerjee deposited to certain important matters which might be enumerated thus

- (1) If any information was given by Professor Jain, then proper directions should have been given by the Bombay Government and conducted through the Secretary to the Head of the Police and he should have been asked to submit his report within a short but specific time and more interest should have been taken in what the police was doing.
- (2) It was not the duty of the Minister to be directing investigation or keeping a watch over how investigation was going on. If the Minister had full confidence in a high police official and directions were given to him that would be sufficient. "Leaving the matter into the hands of Mr. Nagarvala was sufficient if the Government had confidence in him." He added that in those days the Government relied on the efficiency of the police which in the case of Mahatma Gandhi may have proved to be a mistake.
- (3) If the Bombay Government had been informed as early as July 1947 that any person or set of persons had threatened the life of Mahatma Gandhi, then that Government should have ordered its police to keep those persons under watch. It should also have informed Delhi Police and adequate measures should have been taken to stop any harm coming to the Mahatma.
- (4) According to Mr. R. N. Bannerjee, the three acts of omission in this case were—
 - (a) The Bombay Police did not take action for three or four days after they got the information.
 - (b) The Delhi Police did not remind them or even enquire from them as to what they were doing.

- (c) The Delhi Police did not requisition a few Bombay policemen to come and keep watch on Gandhiji's residence as was the well recognised convention in dealing with interprovincial crimes in those days. Such a convention was denied by Mr. Rajadhyaksha now I.G.P., Bombay. And Commission has been unable to find any corroborative proof from official records.
- (5) The Bombay Police was to be blamed because after they had received information about two or three haunts of Godse and Apte, they did nothing to nab them. (Statement of Madanlal does not support the giving of these names or their haunts.) And further they never told the Central Government or the Delhi Police what they were doing nor did they send Bombay policemen to further interrogate Madanlal. Bombay police deny any responsibility for sending *suo motu* their police to interrogate Madanlal.

Had he himself known anything about it—according to his statement, he came to know about the conspiracy after Mahatma's cremation—he would have kept on asking the Chief Secretary of Bombay as to what the Bombay Police was doing.

- (6) It was on January 31, 1948, when an emergency meeting was held after Mahatma's funeral, that it came to be disclosed that there was a conspiracy to murder Mahatma Gandhi and that Madanlal had made a confessional statement disclosing who some of his co-conspirators were. At that meeting the Sardar asked Sanjevi as to what had happened and his reply was that names had been sent to Bombay Police but they did nothing. But added Mr. Bannerjee that neither Sanjevi nor Mehra had ever complained to him regarding the inaction of the Bombay Police. It was at that meeting that Mr. Sanjevi had stated that he had sent to Bombay the confessional statement of Mandanlal the substance of which was that Apte and Godse must have gone back to one or the other of their two or three haunts in Bombay.
- (7) The Director of Intelligence Bureau and Mr. D. W. Mehra, Dy. I.G.P., Delhi were quarrelling amongst each other and the District Magistrate failed in his duty. The police should have known that Madanlal had sympathisers outside after Mehta Puran Chand had interviewed Madanlal.
- (8) Mr. Bannerjee said that even under the prevailing practice, Mr. Sanjevi should have discussed with him the bomb case but unfortunately the first time a copy of the statement of Madanlal was placed before him was at the meeting after Mahatma's funeral. Mr. Bannerjee himself had no detailed information regarding the grave offence of Madanlal before the meeting and it was for that reason that the Home Secretariat remained inactive.

(9) When Mr. Bannerjee was recalled, he said that the office of the Inspector General of Police and Director, Intelligence Bureau were held by selected members of the police force for which special qualifications were required and, therefore, it could not ordinarily be said to be a part of the functions of the Minister or the Secretary to take active part in police administration and it was for the police to make proper investigation and keep the Government informed of what it was doing.

12G.32 When recalled Mr. R. N. Bannerjee stated that the news of the bomb explosion reached him Delhi the same evening when the bomb exploded and it was in the newspapers the next morning. His own reaction was, that it was an act of an individual fanatic and it never occurred to him that there was anybody behind it, although he did see in the newspapers that Madanlal's companions had escaped. He never thought that there was a conspiracy of the kind it turned out to be. Although they thought that the bomb was serious matter, he did not interfere in the investigation, because it had been left in the hands of a very senior and high police officer who had come from Madras with high professional reputation.

12G.33 It appears that even after the murder Mr. Bannerjee had not kept himself in touch with the investigation of the case nor its progress. In his letter, Ex. 140(5), to the D.I.B. dated February 27, 1948 which was after 28 days of the murder, he said that he knew nothing about it as he had not kept in touch with the investigation. He had to write to the D.I.B. that the Ministry should be kept informed of the progress of the investigation and he wanted the progress to be discussed with him orally.

12G.34 Said Mr. Bannerjee: "The long and short of it is that in spite of the information that was received on the night between the 20th and 21st from Madanlal, nothing was done for three or four days and even after that nothing effective was done." Mr. Bannerjee added: "It may be said that it was really the procedure, the working of the Home Ministry which made it difficult for me to question Sanjevi in regard to the progress of the investigation". This passage from his evidence shows that there was something wrong in the working of the Home Ministry which had made the king-pin of the Ministry, that is, Home Secretary, rather ineffective. If the Home Secretary could not question Mr. Sanjevi in regard to the progress of the investigation it is difficult to imagine anybody else doing so.

12G.35 It is unnecessary to add that Mr. Bannerjee has found fault both with the Bombay Police as well as Mr. Sanjevi for not making full use of the information which they had received from the statement of Madanlal.

12G.36 A photostat copy of page 3 of the *Hindustan Times* dated January 28, 1948 has been produced before the Commission Ex. 106-C. When read with the news contained on that page it shows that Gandhiji attended the Urs at the tomb of Khwaja Kutub-ud-din near Mehrauli on the 27th. There are two pictures, one showing Gandhiji addressing the gathering and the other Gandhiji and party

PARACHINAR TRAGEDY WAS RESULT OF PAKISTAN INACTIONS

The recent tragedy at Parachinar (in Kurram Agency) has a background which it is necessary that the public should know, says a Press note issued by the Ministry of Relief and Rehabilitation.

Evacuation of non-Muslims from Parachinar became an important issue at the end of October last when non-Muslims of that town were attacked by neighbouring tribes and about 40 to 50 shops were looted and some burnt. A representation was made to the provincial authorities stressing the need for immediate evacuation of non-Muslims from Parachinar and the surrounding areas and the local authorities agreed that they should be brought down to Kohat from where they would move by train.

Until such time as the necessary arrangements for evacuation could be completed, it was decided that the non-Muslims should be collected in a camp under strict proper guard. In this camp, they were not allowed to go outside and free rations or rations at controlled prices so that they had to buy their necessities at prohibitive prices. They were stripped of all arms and ammunition while their houses were broken into and looted.

Some time later, the local authorities agreed to move about 1,400 of the refugees to Amanullah Port 10 miles to the south - a warmer and safer place than Parachinar. Actually, however, this move was not effected on the ground that it involved an elaborate protection of route.

The position continued unchanged till snow began to fall. The Government of India then took up the matter again with the Government of Pakistan and the Governor of the N.W.F.P. visited Parachinar and ordered the breaking up of the camp. The inmates of the camp, however, refused to return to their homes which had been looted and where they had no safety whatsoever.

Government, thereupon, took up the matter once again with the Government of Pakistan and emphasized the urgent need for evacuation of non-Muslims from Parachinar. On a fortnight the Government of Pakistan replied that a large majority of non-Muslims in the Agency tract were anxious to stay in their homes and that there was no great danger. Furthermore, it was stated that there was adequate protection in Parachinar, while the rural areas was homogeneous.

This was the first week of January. Government were unable to accept this view. The fact that these people had refused to return to their homes and continued to live in the inhospitable camp was a clear indica-

Wandhiji Attends Mehrauli 'Urs'

(By Our Staff Correspondent)

Mohammed Gandhi visited the tomb of Baba Ali, Baba-e-Kalabuddin Bahar at Mehrauli yesterday morning, when the Urs is being celebrated. Nearly 10,000 people, mostly Muslims, were seen here.

Gandhi was received by the Gurdwara Committee of Delhi. Mr. Hamid Ahmad Khan, chairman, his son and successor and Akbar Khan, who was shown round the huge building where the tomb is located and was informed of the history of the saint.

A representative of the Muslim Sangha, Moulana Ghulam Ali, said after the Urs at the tomb of the Ursi at the Darbar of Hazrat Shahzada Chishti said that Hazrat's love of Muslims had been tested to the bone. Almer durbar, the most important dargah in the country, was situated near the shrine of Hazrat Shahzada Chishti. Moulana Ahmad Sozai, said that Muslims were grateful to Gandhi for creating an atmosphere in which they were able to celebrate the Urs.

Gandhi said that both Muslims and Hindus must purify their hearts and let us pray that we may be relieved of the curse of Hindu-Muslim enmity. He also deplored the massacre of Hindus in a village called Para Chini in the N.W.F.P. recently. He stressed Patience and said that such incidents really made him sad.

Maulana Ghulam Rehman, General Secretary, All India Muslim League, said that Sikhs at Para Chini, who appealed to Pakistani leaders to take a lesson from the spirit of communal goodwill shown by people of Delhi. They should also follow the Government of India in working actively for communal harmony.

There was buzz by the Sikhs inside the Gurudwara after Gandhi left. The action was greatly appreciated by the Muslim.

The function ended with a grand inter-communal party given by Lala Kishan Chand Gupta. People from all communities participated in the function. Speeches stressing the need of communal harmony were delivered by leaders of different communities.

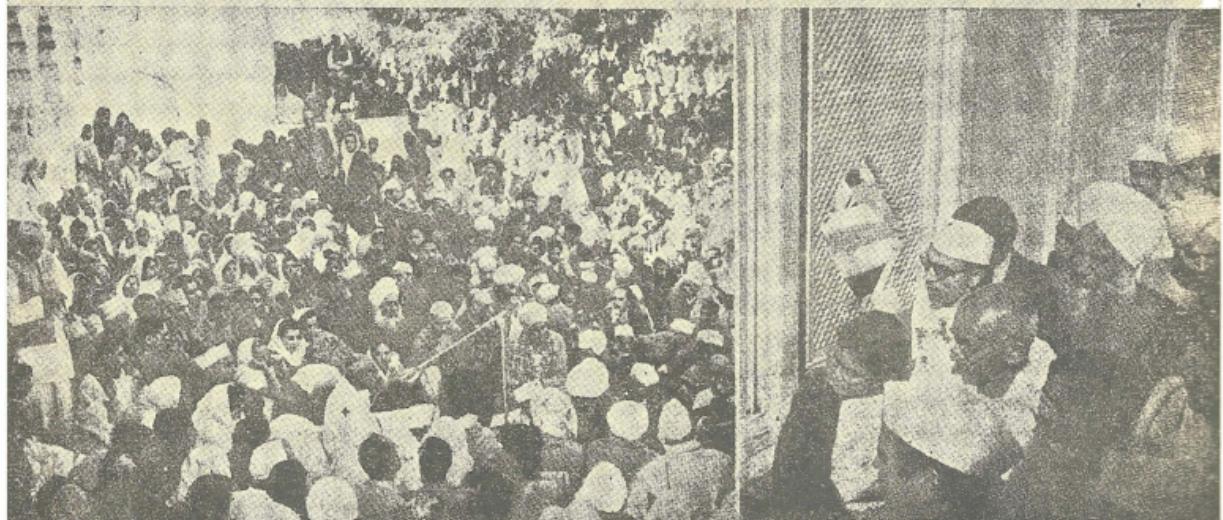
GANDHII'S VISITORS

(By Our Staff Correspondent)

Sardar Vallabhbhai Patel, Deputy Minister, Mr. Narottam Das Bhagat, Minister for Food; Maulana Abdul Karim Azad, Minister for Education; Dr. Mahatir Khanum of Vizianagram and Sardar Pratap Singh called on Mahatma Gandhi yesterday.

Photostat copy of the *Hindustan Times*, dated the 28th January, 1948 containing an account of the Mahatma's visit to the shrine of Khwaja Qutub-ud-din near Mehrauli. (Para. No. 12G.37)

THE HINDUSTAN TIMES, WEDNESDAY, JANUARY 28, 1948.



Mahatma Gandhi attended the Urs at the tomb of Khwaja Kutubud-din Bakhtiar near Mehrauli yesterday. Picture on left shows Gandhiji addressing the gathering at the tomb. Right: Gandhiji and party outside the inner entrance of the shrine.

Photostat copy (two pictures in one) of *Hindustan Times*, dated 28th January, 1948 showing Mahatma Gandhi.
(a) addressing a meeting, and (b) with the party outside the inner entrance of the shrine of
Khwaja Qutub-ud-din, Mehrauli. (Para. No. 12G.38)

outside the inner entrance of the shrine. This document is important as showing that in spite of the bomb explosion the Mahatma was going to public meetings and the photograph shows that he was in close proximity to the public which was hardly helpful in taking any protective measures.

12G.37 This is a puzzling piece of evidence. On the one hand evidence shows that protective measures, leaving out the question whether they were adequate or not, were being taken for the protection of Mahatma Gandhi at Birla House, some police had been stationed and plain-clothes policemen deployed; instructions had been given to keep a look out for suspicious-looking persons whatever that expression may imply. But this photograph and the account of it in the *Hindustan Times* of the 28th January shows that the Mahatma, unmindful of the threats, which had been received and of the dangers to which he was exposed was going about amongst the populace irrespective of who they were. This photograph shows the Mahatma at the Urs of a Mohammedan Saint. He is surrounded by a large crowd and is sitting amongst them and probably addressing them. This piece of evidence proves that the Mahatma was unmindful of his own safety and was prepared to go into any crowds where he thought he should go or was taken. At a previous page the mood of the Mohammedan residents of Delhi has been set out. The mood of the Hindu and Sikh refugees has also been given. The Mahatma seems to have cut across dangers from both and was prepared to brave them and even to expose himself to the hazards and the dangers which a visit to a place like the Tomb of Khwaja Kutub-ud-din Bukhtiyar at Mehrauli would have exposed him. Some time one wonders if any protective measure, which ingenuity would devise, could have been sufficient but it does show this that the Mahatma's faith in the Almighty was in super abundance.

12G.38 The photostat copy is attached hereto showing how unconcernedly the Mahatma was going about amongst the people and in how close proximity was he to them.

12G.39 Or does it show that the Mahatma was safer in the Shrine of a Saint even though he was a Mohammedan Saint than he was at his residence at Birla House under the protection of the Police whether in uniform or in plain clothes.

H—Adequacy of Measures

12H.1 It was submitted that in view of the evidence of intense feeling against Mahatma Gandhi and angry attitude and conduct of the refugees and there was a large number of them in Delhi and that the Hindu Mahasabha and the R.S.S. were using this intense feeling for their own purposes. the security arrangements as set out in these documents were wholly inadequate, more so because when on January 13, 1948 the Mahatma went on fast to force the payment of 55 crores of rupees to Pakistan, the feelings against him were further intensified as shown by the slogans which were shouted during the fast, "MARTA HAI TO MARNE DO" (IF HE WANTS

TO DIE, LET HIM DIE). In these circumstances it is rightly submitted that more attention should have been devoted to security and the crowds should have been kept at a little distance from the Mahatma.

12H.2 Mr. D. W. Mehra, witness No. 23, stated that if orders had been given to search suspicious looking persons it would have annoyed Gandhiji and he would have left Delhi. Gandhiji had said so. Mr. Mehra was asked what suspicious looking persons would be like. The reply was, "it would depend upon the person on duty to make up his mind" in this respect. He did not know if instructions had been given to the police to watch persons from Bombay side coming to Gandhiji's prayer meeting or coming to Birla House. When asked if he had given any special order to any police officer for watching people from Bombay-side, his reply was that he did not do so because Mr. Sanjevi was incharge and it was Mr. Sanjevi who was looking into the entire matter. He himself did not make any suggestion to Mr. Sanjevi in this respect.

12H.3 He was asked whether the Poona Police, if called in, would have been able to spot or stop the persons who subsequently murdered Gandhiji, his reply was that he would not be able to answer the question. It was possible that they (Poona Police) might have or might not have been able to do so.

12H.4 Mr. G. K. Handoo, witness No. 48, stated that as the Hindu Mahasabha was influential all over the country and the Partition had produced communal feelings, he would, if he had been incharge of security, have got C.I.D. policemen from all the Provinces where Hindu Mahasabha was strong and he would have stationed them on a special look-out in the prayer meetings.

12H.5 Miss Maniben Patel, witness No. 79, said "I know this that my father argued with Gandhiji, talked to him to have proper protection and allow him (Sardar Patel) to order the search of persons who came to his prayer meetings. The Police officers also talked to Gandhiji, but Gandhiji would not have any of it". He said he would stop his prayer meetings rather allow this kind of thing.

12H.6 Mr. Morarji Desai in his statement in the Bombay Legislative Assembly (in Ex. 232) said that the only way that Mahatmaji could be protected was by searching people; but to put it into operation the Mahatma had to be consulted, otherwise he would have left Delhi.

12H.7 Mr. Purushottam Trikamdas, witness No. 15, stated that Mahatmaji should not have been asked about the search, because it was the duty of Government and the Police to protect him. He blamed Government for having taken a lackadaisical attitude in the matter.

12H.8 Mr. J. P. Narayan agreed with Mr. Purushottam's views and was of the opinion that it was not necessary to ask Gandhiji. The failure of the Police to spot the conspirator would thereby have been rectified. Government should have taken the odium.

12H.9 In Pyarelal's book "Mahatma Gandhi—The Last Phase" Vol. II, it is said that Sardar Patel wanted Gandhiji to go away from Delhi and he was to leave Delhi in one or two days' time. This was in order to spare him from the complaints of the Muslims. At another place, he has said that Gandhiji was to leave for Wardha on February 2, 1948. This is supported by Mr. N. V. Gadgil's article, Ex. 103.

12H.10 Dr. M. S. Randhawa (witness No. 18) stated that if he had known about the conspiracy to murder Mahatmaji, he would have insisted on a meeting at a higher level to be called by Home Minister and that he would have stopped the prayer meeting whether Mahatmaji liked it or not, because his life was more important. Dr. Randhawa had said, "I personally had a great respect for him as a leader". He added that he would have controlled the people coming to the prayer meeting.

12H.11. On 30th January, 1948 Police Superintendent A. N. Bhatia was absent. Assistant Sub-Inspector Amar Nath came on duty at 4:30 p.m. The statement of Raghunath Naik P.W. 76 in Court, who was a gardener, shows that the assailant was caught hold of by him, by an army man and 2 police constables showing that the Police was present at that time.

12H.12 In the Constituent Assembly on February 6, 1948, Sardar Patel in reply to a question by Mr. Ananthasayam Ayyangar gave details of the protective precautions taken at Birla House and the protection afforded for Mahatma Gandhi's safety. They were patterned on the lines indicated in Ex. 10. There Sardar Patel also said that he himself pleaded with Gandhiji for allowing the Police to do their duty in regard to protection, but he was unsuccessful. The police considered that in order to make the protection effective, they should search every visitor to the prayer meeting. Sardar Patel also asked Gandhiji about it but Gandhiji did not agree to it.

12H.13 When carefully analysed this evidence shows that the police considered the search of visitors to the prayer meetings the only method and means of protecting the Mahatma but to that the Mahatma whose faith in God was unbounded and unlimited was not agreeable. His presence at the Urs of a Mohammedan Saint Kutubuddin Bakhtiyar at Mehrauli shows how unmindful he was of any warning about danger to his life or how he could be amongst crowds leaving his life and fate in the hands of their good sense and in Almighty's protecting hand. A clear picture of his visit is given in the photograph which has been attached. No other method was suggested by the police and because of the Mahatma's strong objection to the remedy it could not be adopted. Witnesses have stated that Mahatma's objection should have been disregarded but it appears that they have ignored, perhaps unconsciously, the strong personality that the Mahatma was and it is unimaginable that anything could be done without his knowing it and against his wishes and in this matter it would have been a challenge to his faith in the protective hand of God if the police had persisted in searching or screening.

12H.14 Commission does not agree that Mahatma's wishes or views as to prayer meeting being free to all could be ignored or treated unceremoniously. If he objected to the search, that was the end of that protective measure and other modes had to be suggested and devised by the Police.

12H.15 All the witnesses who have appeared before the Commission and the statements made by Sardar Patel in the Constituent Assembly and the evidence of Mr. Morarji Desai show that the only method of protection which was advised at the time was the search of visitors to the prayer meetings to which Mahatma had taken strong objection. But it appears that the police advisers did not suggest any other method of giving protection to the Mahatma.

12H.16 One method of protection has been suggested by Mr. Banerjee, witness No. 19, and other witnesses from Bombay and Delhi that the Bombay police should have been called in so as to identify any Maharashtrian, who could have been a suspect, for being spotted out by watchers from that part of the country. Mr. Kamte, witness No. 4, had also suggested in his letter to Mr. Rana that Poona police should have at once been sent to Delhi to protect Mahatma Gandhi and that appears to be a very sound suggestion because the Commission finds that soon after the murder 4 police officers of various ranks were flown from Poona to Delhi for the protection of the Ministers. One fails to see why this protection was not sought at the earliest opportunity when according to the Delhi police Madanlal had disclosed that his companions were Maharashtrians and one of them was a Poona editor of an avowed and blatant anti-Congress and anti-Gandhi paper, the *Hindu Rashtra* and the defunct *Agrani*. Commission is assuming without deciding the claim of the Delhi police about the disclosure of the *Agrani* on the very first day by Madanlal.

12H.17 Mr. J. N. Sahni, witness No. 95, stated that after the murder of Mahatma Gandhi the Government of India became very alert and for the protection of Ministers Mr. B. B. S. Jetley and Mr. G. K. Handoo were called in from U.P. to take charge of security of the Ministers. Mr. Jetley when recalled by the Commission said that he was not called in for the purpose to Delhi but Mr. G. K. Handoo was. Mr. Handoo, when recalled, admitted that he was brought to Delhi after the murder and posted as Deputy Director of Intelligence under the Ministry of Home Affairs from the first week of March, 1948. Mr. M. K. Sinha, Deputy Director, Intelligence Bureau, has stated that he was put in charge of the Security of the Prime Minister and Sardar Patel after the murder.

12H.18 Mr. B. B. S. Jetley was questioned by the Commission as to how the Viceroys used to be guarded when they went to a district or into a Police Range. He replied that the local police was not able to cope with the arrangements and plain-clothes and uniformed police had to be imported and deployed at all strategic points and the place where he was staying had to be heavily guarded. He also said that there were high senior police officers around the Viceroy when he walked. They used to guard the person of Viceroy even by inducting some policemen as his domestic servants at a

place where he would stay. He also said that he went to Mahatma Gandhi and showed him the weapons which he had seized from the U.S.S. and told the Home Minister that something serious might happen from the R.S.S. What he meant was not particularly something happening to Mahatma Gandhi but even to the Central Ministers like Mr. Jawaharlal Nehru and Sardar Patel.

G. K. Handoo

12H.19 Another witness who has given valuable evidence in regard to the security measures is Mr. G. K. Handoo who was in charge of security arrangements of the Prime Minister Mr. Jawaharlal Nehru soon after the murder of Mahatma Gandhi. He said that he was brought in after the murder expressly for the purpose of organising a security section in the Intelligence Bureau for both V.I.P.s. as also for the border. He was put in charge of security of the Prime Minister. The V.I.P.s. were categorised and as Prime Minister was the head of the Government, he (Handoo) was put in charge of his security and various other officers were put in charge of other Ministers. When asked what kind of security measures he took in such cases he said that was a very wide question and would require giving of information which was Top Secret but in camera he could produce a whole blueprint.

12H.20 The security arrangements, he said, are so arranged that the Prime Minister is never within 25 yards of the range of an assailant with a revolver or a pistol. There are two rings around the V.I.P., one the inner ring and the other outer ring, the former is within 2-3 yards from the V.I.P. and the latter about 25 yards away from the V.I.P. This is what usually happens. There is no physical search of persons coming to the V.I.P. unless one of the spotters is suspicious in which case a physical search is at once conducted. There were reports that other members of the Godse group were likely to attack the Prime Minister and also the Home Minister and the life of the other two ministers Maulana Azad and Mr. Rafi Ahmed Kidwai was also in danger.

12H.20A The statement of Mr. Handoo that Godse admitted to him that their next target would have been Prime Minister Nehru and the statement of Mr. J. N. Sahni that Nehru's life was also in danger find corroboration from an anonymous letter in Hindi to Godse while he was in police custody at Delhi. It bore the post-mark of Bara Bazar, Calcutta, no doubt, of a date after the murder. It is in the Intelligence Bureau file Ex. 224A at pp. 77-78. It praises Godse for having murdered Mahatma Gandhi and it is strongly anti-Nehru who was therein dubbed as a "crusher of the Hindu community". It ended "May God, Jawaharlal Nehru finish."

12H.20B All this shows that there was a school of thought which was prepared to go to the extent of indulging in political assassination to achieve their political and communal objectives. Fortunately after the murder high ranking police officers who knew something about security and were themselves active and alert were called in and the danger to the Cabinet Ministers was thus averted.

12H.21 When asked what precautions he would have taken to protect a likely victim if he had been told that the conspirators were

from Bombay, Mr. Handoo replied that he would at once get into touch with the C.I.D. authorities at Bombay and request them to send immediately a complete list of all such terrorists who could be associated with the commission of such a crime. He would also have asked them to send their very best spotters out of their C.I.D. staff who would easily be able to identify those terrorists whose lot he would have got by that time. He added that the provincial C.I.D. must have a list of all such persons who are likely to commit offences of a violent nature.

12H.22 As far as Godse's group is concerned, there is no evidence before the Commission that the Poona or Bombay police knew them as potential murderers. Their activities are shown as Savarkarite and some were potentially dangerous. That could hardly be synonymous with political assassination of people like Mahatma Gandhi.

12H.23 He was asked what arrangements should have been made after the bomb was thrown at the Birla House, his reply was that protections of the nature given in the blueprint should have been given i.e. an inner ring and an outer ring should have been formed along with the spotters, searchers from Bombay Province for identifying any likely assailants. When asked what he would do in the case of Mahatma Gandhi who would have gone on fast, he said why should he (Mahatma) have known anything about it. The police would have come from Bombay. The inner and outer rings would have been dressed exactly like Congress volunteers who would be around Mahatma and spotters could have been dressed as Malis and other domestic servants and nobody would have known about it. He also said that he would have made arrangements for a watch to be kept at railway stations, the air terminals, terminal routes, dharamsalas and other places where people are likely to come and stay.

12H.24 He was asked to send a note on Security which he has been kind enough to send and which is marked Ex. 281. He has divided Security into two parts; Physical Security Measures and Internal Security Measures. The physical security measures suggested by him are no different from what was taken in the case of Mahatma Gandhi but the internal security measures, he said, must be unobtrusive and carefully planned the element of surprise always being introduced to avoid their getting known and thus becoming ineffective. He has also described in his note how rooms of the V.I.P. and the servants and stenographers and the mail received by V.I.P. are scrutinised. That might not have been possible in the case of the Mahatma. But what he has said about the spotters is important. He has described how spotters are employed and what they are supposed to do. But the important part which may apply to a person like Mahatma Gandhi is that three specially selected armed plain-clothes police officers should always "cover" the V.I.P. and to do this they have to merge into the background provided by the V.I.P. They should appear as personal staff and carefully behave as such, their integrity and loyalty should be above board.

12H.25 With regard to the Mahatma he said as follows:

"In the case of Mahatma Gandhi and his security—it appears that no well-defined or carefully planned security measures whether physical or internal had been made by the

elhi Police or Intelligence Bureau. Admittedly the main responsibility for asking for detailed and careful security measures to be instituted was by the Congress party—but if they failed to judge the seriousness and danger of the situation—it was undoubtedly the business of the Delhi Police or the Intelligence Bureau to do so—particularly after the exploding of the gun-cotton slab by Madan Lal on 20th January 1948 at Gandhiji's prayer meeting. Further—in view of Madan Lal's statement made soon after the incident—it became imperative for the Delhi Police to immediately wireless Bombay and Poona (the I.G. Police Bombay and the D.I.G., C.I.D. Poona) to send over immediately a plain-clothes squad of intelligent and knowledgeable police officers who would help in identifying the Maharatta youths who had conspired to kill Gandhiji.

"What again is most unfortunate—is the fact that the Bombay Police in spite of the knowledge they had of the danger to Gandhiji's life and even after Madanlal's arrest—failed to offer sending their knowledgeable plain-clothes staff to help in identifying any of the Maharatta youth who had been described by Madanlal. If the Bombay or Poona Policemen had arrived—and if they had been utilised by the Delhi Police properly and carefully in batches at the Railway Stations, Hotels, Dharmshalas, and Political party Head Quarters as also at the entrances and exits of Birla House and the actual prayer meeting, it would possibly have made it much more difficult for the assassin to succeed and after all security is never fool-proof but is always an intelligence and strenuous attempt to make it more and more difficult for the assassin."

12H.26 The Commission is not oblivious of the fact that a strong-minded person like the Mahatma was not easily amenable to this kind of protection and any obtrusive interference with his way of life or with his entry into the prayer ground or exist therefrom would have been promptly resented by him. But as has been pointed out by Mr. Handoo, it should have been possible to do the whole thing in such an unobtrusive manner and use police watchers and spotters as domestic servants like Malis, etc., which would have been much greater protection than any other which short of a search could have provided.

12H.27 No one can be sure that even this precaution would have been sufficient to protect the Mahatma because it has been noticed in cases like murders of high dignitaries in other parts of the world that in spite of every precaution mishaps do happen. Besides the Commission is not sure of the Mahatma's reaction to the sudden appearance at Birla House of Marathi-speaking "Malis and domestics". Could the operation have remained unobtrusive from the Mahatma's observant eye? There can be no guarantee against mishaps and calculated crime but it is the duty of those looking after the security of a V.I.P. to minimise the chances of such mishaps. Whether in spite of this protection a determined man like Godse would have

succeeded or not is in the realm of conjectures and no one can answer that question. But it was worth trying to provide the kind of protection which Mr. Handoo and others have suggested and it should have been possible for high ranking policemen to have been brought into Birla House and such means of protection devised which would have minimised the risk without at the same time giving unnecessary offence of Mahatma's susceptibilities.

12H.28 In this connection the Commission must refer to the statement of Dr. Sushila Nayar, witness No. 53, who said that Mahatma Gandhi was not particularly fond of security and security police, who had even to hide themselves behind bushes when the Mahatma went to the prayer-meetings. There is, however, other evidence to show that short of searching the Mahatma was not averse to other security arrangements. This hiding of plain-clothes police behind the bushes which has been deposed to by Dr. Sushila Nayar is explainable by the desire of those plain-clothes policemen to be unobtrusive and not necessarily due to Mahatma's objections to their presence. If Mahatma Gandhi did not object to the D.I.G. Mehra's presence or to the presence of Supdt. Amar Nath Bhatia, it is doubtful that he would have objected to others but that is again conjectural.

12H.29 Mr. M. K. Sinha, witness No. 44, has also stated that he would have called over the Bombay police to act as watchers and suggested that they should have a ring round the Mahatma.

12H.30 Thus, these police witnesses, Mr. Jetley, Mr. Handoo and Mr. Sinha, particularly Mr. Handoo, have suggested that Mahatma Gandhi should have been flanked, rather surrounded by a ring of armed police officers disguised, as and dressed in uniform of Congress volunteers. The whole thing, according to them, would have been unobtrusive because the police officers would either, have been dressed as domestic servants or as Congress volunteers. All this is all right and would work in the case of a person who is prepared to be under such protection as indeed it has been seen in the case of the Prime Minister Nehru addressing public meetings in various State capitals or even in Delhi. But the difference in the case of Mahatma Gandhi was this: Mahatma Gandhi was not only a political leader, a great politician and an eminent and wise statesman but also a Saint. His detractors in England ironically called him a 'Naked Fakir', in the erstwhile Frontier Province the people called him 'Malang Baba', in the North and South Western districts of the Punjab he was called a 'Sain Baba' and in the Capital of the Punjab he was called "Langotiwala" to which was added "teri sada hi jai" (may you always have victory), showing that they considered him not merely a Congress leader but a 'Sain' or a Saint as well. People touched his feet for religious merit and as a religious duty. Whenever he went to Lahore or the erstwhile Frontier Province it used to be an almost impossible task to keep the multitudes away from him. On one occasion at the Lahore Railway Station it took the volunteers in charge of reception over an hour to take him out from his compartment to a waiting motor car which was standing in the porch of the railway station and the distance was not more than 25 yards and the train was consequently considerably delayed. And the volunteers were big sturdy

men. Wherever he went crowds wanted to have his "darshan and deedar" and to pay obeisance to him. Whether it was at Abbotabad in the heart of non-Pathan frontier district or it was in Peshwar the centre of the Pathans, or Lahore the centre of the Punjabis, the milling crowds wanted to come and touch his feet and howsoever much the Congress volunteers or the Red Shirt volunteers tried to protect him from these affectionate and respectful attentions of the crowds, they could not always succeed because people wanted to pay homage to him by touching his feet and thus to get religious merit and this was so in the case of men or women, Pathans or Pathanis, Hindus or Hindwanis (Hindu women) including Sikhs and Sikhnis.

12H.31 And the Mahatma was a firm believer in God unafraid of death because he firmly believed that "as long as God wills that he should serve the people, he will, and when God wills it otherwise, nothing will save him". In such circumstances it was not quite easy to have a ring of volunteers or officers around him because it was noticed many a time that ring of even strong, sturdy and hefty Pathans or tall stalwart Punjabis broke down when the milling crowds pushed forward to pay their homage to the unique leader that Mahatma Gandhi was, a combination of saintliness, of foresighted statesmanship and a very astute politician.

12H.32 It has been suggested that crowds should have been kept away from him and that they should not have been allowed to come anywhere within 20 yards of him. It was worthwhile trying but whether such a thing could have been possible or not it is not easy to say. The Mahatma was a powerful magnet for the crowds. The crowds did not only come to hear him but they also wanted to pay homage to him and, therefore, the solution suggested by these able police officers was easy to suggest but perhaps difficult to put into operation.

12H.33 Commission is fully alive to these difficulties because there is no Indian who has had anything to do with public life, and particularly with the Mahatma, who has not himself witnessed these scenes of great enthusiasm, of great respect and homage of the Mahatma and who has not himself been hustled by the crowds. At the same time one cannot lose sight of the danger which was portended by the blasting of the bomb and the information which had been received before the bomb and what was disclosed by Madanlal and Prof. Jain after the bomb. Even though the Mahatma was a man of very strong will and very strong minded and not easily amenable to the kind of protection suggested, yet in the opinion of the Commission and in spite of what has been written above and was common knowledge in regard to the Mahatma's way of life, this unobtrusive method of giving protection to the Mahatma was worth trying and should have been given a trial. It could have been equally efficacious as a search and perhaps less annoying and less obtrusive and less objectionable to the Mahatma.

12H.34 Plain-clothes policemen in disguise flanking the Mahatma and a ring of genuine Congress volunteers around him could have given him some protection and should have been tried. People like

Vishwanath Shah, witness No. 3, before Mr. Pathak, if asked to put their volunteers around Mahatma might have prevented sudden appearance of Godse in front of the Mahatma and would thus not have given him an opportunity to shoot point blank at him. There is a song "What will be will be". Perhaps it is true; but such pure fatalism cannot be allowed in the functioning of Governmental duties and whatever is feasible must be put into operation irrespective of its ultimate success or failure.

12H.35 No one can be sure that even if this precaution could have protected the Mahatma or would have been sufficient for the purpose because it has been noticed that in other countries in spite of the elaborate arrangements and precautions taken, mishaps have happened.

12H.36 Commission would also wish to emphasise that some element of opposition to Mahatma Gandhi had been created by his latest politics and manifestation of danger had come in the form of the bomb explosion. Therefore, in spite of what its result would have been, precautions as suggested by these knowledgeable officers were eminently called for.

12H.37 One more defect which the Commission has noticed is this: A Sub-Inspector was put in-charge of the plain-clothes policemen whereas in the case of V.I.Ps. officers of a much higher rank are employed. It is not merely the humbler rank which the Commission has taken into account, but also the fact that the Sub-Inspectors could not be so well trained in protective duties as were officers who were brought in later for protective duties of the Central Ministers, whose life, in the opinion of the Commission was, from the point of view of national security and country's stability of the greatest importance and they well deserved the strictest police vigilance and protection, in spite of their personal distaste of and horror against such protection.

I. Causes of Murder of Mahatma Gandhi

12I.1 The very reservation of the decision about payment of 55 crores to Pakistan has been stressed by witnesses to be a major reason of the murder of Mahatma Gandhi. On January 9, 1948, the Cabinet decided not to pay 55 crores to Pakistan Government. On January 13, Mahatma Gandhi went on fast. On January 14 there was a Cabinet meeting and the decision not to pay was reversed. Mahatma Gandhi characterised the decision of the Union Government as a unique action, and Pyarelal in his book "Mahatma Gandhi, The Last Phase" Vol. II at page 719 has said "What then was the motive behind the Union Government's decision? he (the Mahatma) asked. "It was my fast. It changed the whole outlook. Without the fast, they could not go beyond what the law permitted and required them to do.....There is a homely maxim of law which has been in practice for centuries in England that when common law seems to fail, equity comes to the rescue". At an earlier page it is stated that Gandhiji was asked whether his fast would not have the effect of

over-shadowing the Gujurat refugee train massacre and the Karachi riots. "Gandhiji answered that he had rehearsed to himself that possibility but he was not in the habit of allowing himself to be deflected from the pursuit of truth by such considerations."

12I.2 Mahatma Gandhi while breaking the fast said: "I embarked on the fast in the name of Truth whose familiar name is God..... With that same name on my lips I have broken the fast". (See Gandhiji's Delhi Diary pages 351-352).

12I.3 Soon after the money was paid to Pakistan, Mr. N. V. Gadgil went to Maharashtra on a tour. He observed that many people there did not like "Gandhiji's behaviour". When he came back, he met Gandhiji and repeated to him that he had told the people that they had purchased Gandhiji's life for 55 crores of rupees, a cheap bargain. In his article Ex. 103 at page 116 he adds: "Little did I then realise that this invaluable thing, (Gandhiji's life) was soon to leave us". According to him, it was this payment which resulted in the bomb outrage.

12I.4 Mr. Rajagopalachari in his book 'Gandhiji's Teachings and Philosophy' has mentioned that Sardar Vallabhai Patel casually remarked to him that the payment of 50 crores to Pakistan insisted upon by Gandhiji had resulted in his assassination. Sardar Vallabhbhai Patel felt that the conspiracy to kill Gandhiji was due to Hindu anger against him on account of his advice to pay a huge sum of 50 crores when Pakistan was organising and carrying out the wicked military campaign against India. This was considered to be inexcuseable by a small militant anti-Gandhi Maharashtrian group as a climax of Gandhiji's disservice to the nation and decided to put an end to his life and they thought that there was no other way out excepting his assassination.

12I.5 Mr. Rajagopalachari had added that whether the assassination was due to the payment of 50 crores or it may not be the result of a more ancient grudge but Gandhiji insisted that India should carry out its agreement and not start its career of independence by breaking promises. According to him, if 50 crores had not been paid, India would have lost moral power, Gandhiji would have died of a broken heart instead of by a Hindu's revolver, 50 crores given away saved India's moral status and added to it.

12I.6 But India was left with the ignominy of dimming the light which led her to freedom.

12I.7 According to Mr. Purushottam Trikamdas, witness No. 15, the causes of the murder of Mahatma Gandhi were his befriending the Muslims, his peace mission to Calcutta and then to Noakhali, his insistence on paying Rs. 55 crores to Pakistan (it was enforced through the fast), and the attitude of the Hindu Mahasabha towards Gandhiji.

12I.8 The Hindus and the Sikhs from the Punjab and N.W.F.P. when they came to Delhi or East Punjab or West U.P. considered

that they were coming to their homeland and they had a feeling that they were being treated as unwanted people because Mahatma Gandhiji's feeling was that they should return to their homes, and more resentment was caused when lesser leaders started taking their cue from the Mahatma and echoed the idea in loudspeaker volume. All this made Mahatma Gandhi more unpopular.

12I.9 These were the feelings of the refugees but the Hindus in general and particularly the member of the Hindu Mahasabha had resented the policy of appeasement of Muslims of Mahatma Gandhi which in their opinion had resulted in partition and they were of the opinion that the architect of this was none other than Mahatma Gandhi. They strongly resented the payment of 55 crores for which the Mahatma went on fast and the other conditions which the Mahatma had imposed for breaking the fast so much so that the Hindu Mahasabha leader, Mr. Ashutosh Lahiri, repudiated the concurrence of the Hindus to the 7 Point Pledge which had been signed by the leaders of several communities including the Hindus.

12I.10 The refugees backed by the Hindu Mahasabha in Delhi were angry and vociferously showed their anger by processions and slogans but theirs was only a vocal protest. The Savarkarite Maharashtrians in Poona became more exasperated and more desperate and were less considerate. They had come to the conclusion, as Gopal Godse's statement has shown, that nothing less than removal of the Mahatma from the scene would save the Hindu and Hindutva and being followers of a different philosophy they decided to put that philosophy of political assassination into practice and they conspired to murder Mahatma Gandhi. In their second attempt they succeeded in achieving their objective, although their first attempt proved abortive. He has gone so far in his deposition that even the arrest of Nathuram Godse and Apte and their confederates would not have saved Gandhi's life showing the intensity of anti-Gandhi feelings in their group and the extent of the conspiracy.

12I.11 Mr. J. N. Sahni has stated that the Hindu and Sikh refugees from the Punjab had full faith in Mahatma Gandhi and almost worshipped him but this faith was eroded by certain happenings:

- (i) The blatant wooing of the Muslims by the entire Government not to leave India and asking those who had left to return. Whether the policy was right or wrong, perhaps it was right, the refugees did not like it because they thought that, if the Mohammedans emigrated, they would be able to rehabilitate themselves in the houses and shops left by those emigrating Mohammedans.
- (ii) The insistence of Mahatma Gandhi and his going on fast for the giving of 55 crores to Pakistan made them extremely angry because in their view this money was going to be used for killing the Indian soldiers who were defending Kashmir.

(iii) The attitude of the Muslims in India throughout had been one of support for Pakistan and as a matter of fact it was the vote of the Muslims in what became India which had brought about the creation of Pakistan and the feeling amongst Hindus and Sikhs was that they must join together to protect their rights and this movement had almost become an all-India movement.

12I.12 Besides, there were the post-prayer speeches of Mahatma Gandhi which were not to the liking of the Hindus. The Mahatma as insisting on the protection of Muslims and their rights but there was no sympathy shown towards the Hindus and the Sikhs, who were made to sacrifice all they had for the sake of Indian Independence. They had been thrown out of their homes and had after suffering unmentionable brutalities of rape, abduction, murder, loot and arson, reached Delhi which they thought was their home land and where they were expecting that they would be given protection as well as be rehabilitated but their expectations were belied. They were not prepared to hear sermons that they and their families should starve and freeze outside in the cold without any protection against the inclemency of weather and those who were responsible for their misery and who had brought Pakistan into existence should enjoy the protection of the Government of India. This feeling was taken full advantage of by the Hindu Mahasabha particularly by the extremists of the South, Maharashtra to be exact.

12I.13 The feeling amongst the Hindus and the Sikhs who had come from West Pakistan and feeling amongst Hindus generally throughout India particularly amongst the Hindu Mahasabha circles was that it was the appeasement policy of the Congress which had led to miseries of the Hindus in Pakistan; and which had first led to the creation of Pakistan and then to their being made homeless, and that appeasement policy to them appeared to be continuing in the speeches which were being made not only by Mahatma Gandhi but also by lesser Congress leaders who tried to outdo Mahatma Gandhi. (See J. N. Sahni Wit. 95).

12I.14 Mahatma Gandhi was misled by his followers who were trying to build a persecution complex on behalf of Muslims and were giving false ideas about the affluence of the refugees and their misbehaviour and their living in an extravagant manner. This made the refugees desperate and they had an absolute disgust which increased because some Congress leaders were working hard to appease the Muslims, absolutely ignoring the essential needs of the vast population of the Displaced Hindus.

12I.15 All this might lead to the conclusion that the refugees were thirsting for the blood of the Mahatma. But that was not so. The good that the Mahatma had done and the services that he had rendered in the hour of need to the Punjabis, Hindus, Sikhs and others alike and the reverence in which he was held by them far outweighed what the refugees were feeling after the partition. As Mr. Sahni has put it they were not likely to harm the Mahatma

by persons from another Province; that the Delhi Police in this case should have called in the Bombay Police, and as he put it, there were three acts of omission in the case (i) Bombay Police did not take action after getting information from Delhi, (ii) Delhi Police did not remind the Bombay Police, and (iii) Delhi Police did not requisition any member of the Bombay Police to help them in the investigation. (3) His statement also shows that the Secretariat was not kept in touch with the investigation and that the D.I.B. informed the Minister directly, that was not in accordance with the Rules. (4) There was no cooperation between the Secretariat and the Minister and the D.I.B. was communicating information directly to the Minister.

Miss Maniben Patel, Wit. 79

12D.37 The next witness whose testimony is relevant in regard to the Government of India is Miss Maniben Patel, witness No. 79. Her statement is this.

12D.38 She did not know whether any intimation was given to her father regarding G. V. Ketkar's information to the Government of Bombay that Mahatma's life was in danger. She remembered that her father argued with Mahatma Gandhi that the giving of Rs. 55 crores would not be appreciated by the people and even the understanding with Pakistan was that the money had to be paid after the overall settlement of all the problems. The Sardar emphasised that the giving of that money will be misinterpreted by the people and Pakistan would use it against India and it would certainly hurt the susceptibilities of the people in India.

12D.39 She did not know whether her father knew that there was a conspiracy to murder Mahatma Gandhi, or that the payment of Rs. 55 crores would infuriate some young men to commit violence against Gandhiji. Sardar also told the Mahatma that his fast would not be appreciated and that they would treat it as a weapon to force Government to pay 55 crores.

12D.40. Birla House was guarded by the police before the bomb was thrown and it was more strongly guarded thereafter.

12D.41. She remembered that Mr. Morarji Desai came to Ahmedabad when the Sardar was there on 22nd January, 1948, and he was with her father for a long time but she could not remember anything about the talk between her father and Mr. Desai in regard to Prof. Jain. But she said that Mr. Desai must have talked to her father about this matter but she did not know what he exactly told her father. She did not remember if Madanlal had made any statement and what it was. All this information about who threw the bomb and why must have been found out by Mr. Shankar and he must have conveyed it to her father. She could not remember if the Sardar gave any orders in regard to that matter.

12D.42. She remembered that Mr. Sanjevi used to come and see her father whenever he wanted to. Sanjevi must have talked to her father about throwing of the bomb case and the matters connected therewith and the precautions taken but she could not remember. She herself never asked anything. She used just to sit

and listen if she was present at an interview of anyone with her father. She remembered that her father argued with Gandhiji and begged of him to have proper police protection. Police officers also talked to Gandhiji but Gandhiji would have none of it. Gandhiji said that he would rather stop prayer meetings than allow that kind of thing.

12D.43 She could not remember if she came to know anything used to be sent to her father wherever he was. They were flown if they were of sufficient importance. She said: "I think that my father was being informed of the day to day investigation into the bomb case. I do not remember if my father gave any directions in regard to anything to be done or not to be done in connection with the case. My father would not order the arrest of anybody unless he had positive proof that the arrest was for the protection of the country".

12D.44 She was not present at the high power meeting of top leaders after the funeral. Therefore, she could not say anything about it. She could not say whether it was there for the first time that Madanlal's statement and its contents were brought to light. "We did know that Mahatma's life was in danger and whatever precautions could humanly be taken were taken. But this much I can say that I had no idea that there was a conspiracy to murder Mahatma Gandhi. It is very difficult to say anything about imminent danger to Mahatma Gandhi's life. That his life was in danger, we knew, and from the fact that there were infuriated people in the country..... At that time at least I thought that the danger to Mahatma Gandhi's life was more likely to come from Muslims

12D.45 She was put a specific question about Balukaka Kanitkar having conveyed the information about danger to Mahatma Gandhi's life to Mr. Kher who had apprised the Sardar of this fact. She did not know anything about it because Mr. Kher must have talked to her father on the secret phone or he must have told him about this in the office where she was not present. She did not know anything about things happening and speeches being made in Poona or Ahmednagar indicative of violence against Mahatma Gandhi. She did remember that a fortnight before the murder a newspaper editor from Poona, from whose paper security had been demanded, came to see her father at 5.00 A.M. but she would not be able to recognise him because it used to be dark at that time. But she could remember that he talked about the payment of security from his paper. He complained that Mr. Morarji Desai had been unfair to him.

12D.46 Before Mahatma Gandhi was assassinated her father went to see him. She accompanied him. They talked on various matters but he did not broach the subject of search of persons coming to his prayer meetings. The news of the murder was conveyed to them by Brij Kishan Chandiwala soon after they returned home.

physically. But it was the militant group of Maharashtrian Savarkarites which got exasperated, excited to white heat so high in intensity that it was their pistol which put an end to the life of Gandhi the Mahatma, the Saint, philosopher, statesman, and a practical believer in the "Left Check".

12I.16 The causes of his assassination were the appeasement of Moslems, the partition, the sufferings of the Hindu minorities of Pakistan who had to leave their homes and become refugees, the post-prayer speeches echoed by lesser Congress leaders which compositely led the militant Maharashtrian group of Savarkarites to still that voice which may be called voice of reason and truth by some and voice of further appeasement by Gandhi's detractors and opponents. To that may be added Mr. Rajagopalachari's ancient grudge theory.

Adequacy of the arrangements

12I.17 After the bomb outrage, the previous number of policemen, i.e. 1 Head Constable and 4 Foot-Constables was increased to 1 Assistant Sub-Inspector, 2 Head-Constables and 16 Foot-Constables. In addition to this, there were plain clothes policemen of 1 Sub-Inspector, 4 Head Constables and 2 Foot-Constables who were all armed with revolvers with directions to keep a watch on all suspicious looking persons and the plain-clothes policemen had instructions to watch people as they came to the prayer meeting and to interrogate suspicious looking persons. These in the opinion of the Commission, were inadequate in face of the warning given by the bomb explosion and if the story of the Delhi Police that the editor of the *Argani* or the *Hindu Rashtriya* was disclosed on January 20, 1948, is correct, then it was still more insufficient and the bringing in of Bombay Maharashtrian Police sufficient in strength was necessary.

12I.18 For a person of the position of Mahatma Gandhi the security arrangements actually made appear to the Commission to have been inadequate protection with no senior police officer to be in-charge.

12I.19 The evidence of Mr. G. K. Handoo and Mr. B. B. S. Jetley, both U.P. I.P. officers of experience shows that the former was called in for the protection of the Central Ministers after the murder of Mahatma Gandhi. There is no charm in a mere name or rank of a police security guard. The charm lies in the experience of the guard and his knowledge of technique of security which according to Mr. Handoo is given in the secret instructions laid down for security. A high ranking officer of that position and with that experience should have been called in to give protection to Mahatma Gandhi. As to whether he would have had an outer ring or an inner ring which Mr. Handoo has spoken of or whether they would have deployed their plain-clothes police officers as domestics or as grass cutters or malis would have been his look-out. From what the Commission has been able to see, no serious attempt seems to have been made to prevent the coming in of persons like Nathuram Godse, etc.

to the prayer meeting if not to the house itself. It was the duty of the high ranking police officers at Delhi to have devised a proper method of protection if an indiscriminate search was not possible or not permitted. Surely the experience of other officers who knew about security could have been availed of.

12I.20 Firstly, police from Bombay Province who would be knowing the persons whose identity was disclosed by Madanlal whether in his first statement or in his second statement should have been immediately called in. The Commission is not oblivious of the fact that Mr. D. W. Mehra, D.I.G., Delhi Police, did not think it much of a protection nor did Mr. U. H. Rana, D.I.G., C.I.D., Poona think so without screening of visitors. Whether it would have been much of a protection or would have proved sterile it was an effort worth making. Secondly, Mahatma Gandhi when he was going into the prayer ground should have been flanked by policemen in plain-clothes, if necessary dressed like volunteers. Even in pre-partition days in spite of their violent objections and protests, both Mahatma Gandhi and Pt. Nehru, the former an object of worship and the latter a darling of the people had this protection from sturdy Congress volunteers at least in Northern India and then there was no danger of assault. There should have been not merely Constables but some officers on duty to cover him on all sides when he was going into the prayer meetings, and these persons could have been dressed in such a manner that they would have been indistinguishable from other Congress volunteers whose head was Mr. Vishwanath Shah who appeared as a witness before Mr. Pathak. Even a group of Congress volunteers might have been a protection at least from so sudden an attack as Nathuram Godse's.

12I.21 A reference to Ex. 281, a note given by Mr. G. K. Handoo, shows what sort of security arrangements would have been necessary in the present case. Whether arrangements should have been exactly on the lines suggested by Mr. Handoo is not for the Commission to decide, but there is no doubt that the type and rank of policemen who were stationed at Birla House for the protection of Mahatma Gandhi, were not the type which could be effective in any emergency as indeed they were not when the emergency did arise.

12I.22 Mr. Mehra has stated that the Police Superintendent of New Delhi had been directed to attend the meetings as far as possible. That was a most vague kind of direction which failed to be effectuated on the 30th when his presence might have been of some use. Evidently, he thought that it was more important to settle a trade dispute than to look after the safety of Mahatma Gandhi. And Mr. Mehra himself dropped out due to illness.

12I.23 Knowing the conditions in Delhi and knowing the intensity of feelings against Gandhiji's post prayer speeches and with the warning of the bomb outrage the Police at Delhi should have been more alert. It is unfortunate that those in charge of security forgot about the existence of the blue-print referred to by Mr. G. K. Handoo.

CHAPTER XIII

ALWAR

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CHAPTER XIII

Alwar Affairs

13.1 After the murder of the Mahatma the Intelligence Bureau and the Delhi Police became very active and started inquiries as to the happenings in the neighbouring Indian States; one such State was Alwar. It appears that as Dr. N. B. Khare was one of the very prominent anti-Gandhites and had gone to the extent of issuing all kinds of pamphlets against Mahatma Gandhi and was the Prime Minister in Alwar where Hindu Mahasabha movement and the R.S.S. was specially fostered and there were circumstances leading to the suspicion of the Alwar Raj as well as the Alwar Ministry being concerned in the murder of Mahatma Gandhi, an investigation was ordered to be conducted in that State and Mr. U. C. Malhotra who was a Superintendent of Police in Delhi, was appointed Chief Police Officer of that State. He was sent to Alwar by plane and his first case diary shows that in the same plane Mr. K. B. Lall, I.C.S., and the Home Minister of the State also flew to Alwar. The facts which are dealt with in this chapter are either those which have been extracted from the police diaries of Mr. Malhotra or what other police officers did at Alwar. In this chapter is also given a brief resume of the statements of Dr. N. B. Khare, Panna Lal Choube, and of Girdhar Sharma Siddh. The reports of the officers of the Directorate of Intelligence Bureau are also briefly given.

13.2 Ex. 96 dated February 7, 1948 to February 10, 1948, contains a case diary of Mr. U.C. Malhotra who was appointed Chief Police Officer of Alwar State. The case diary No. 2 dated February 8, 1948, contains the following information:

(1) A printed poster in Hindi a handwritten copy of which is Ex. 105, incited the public to murder Mahatma Gandhi; to cut him into pieces and throw his flesh to dogs and crows. This was an anonymous poster and it was not discernible as to where it was printed.

(2) One Nathuram Shukla from Nagpur had visited Alwar towards the end of December 1947 and he delivered speeches from Hindu Mahasabha platform. His description is given as being 5'-6" in height, wheat complexion, small moustaches, a good speaker in Hindi. This evidently does not fit in with Nathuram Godse's description.

(3) A foreigner disguised as a Sadhu came to Alwar and stayed with Giridhar Siddha, the secretary of the local Hindu Sabha. He had brought a letter containing a printed letter giving the news of assassination of Mahatma Gandhi. This news was out at 3 P.M. at Alwar whereas the assassination actually took place at 5 P.M. at Delhi.

13.3 Sweets were distributed; Prime Minister Khare had addressed meetings pouring upon Gandhiji the curse of a Brahmin. The Hindu Mahasabha and R.S.S. were encouraged by Dr. Khare by allowing persons like Prof. Ram Singh, V. G. Deshpande and Maulichandra Sharma as State Guests or personal guests with the Prime Minister.

13.4 One Rikhi Jaimuni Kaushik, an editor of a newspaper, produced a printed article which contained the following information:

(a) Anti-Gandhi Front party in Alwar distributed a pamphlet in which Hindus were requested to fast and pray for the death of Mahatma Gandhi.

(b) The R.S.S. at Alwar had distri· on Mahatma's assassination day.

(c) A few days before Mahatma Gandhi's assassination, Dr. Khare had said that he was Anti-Gandhi Front man.

(d) Pro-Hindu Sabha journalists were financially helped by Alwar Darbar.

13.5 In the case diary No. 3 of February 9, 1948, the allegation made that at a place called Bhojpuri the R.S.S. leaders had been training Godse, Madanlal and Wadse in shooting was not substantiated.

13.6 Ex. 138 dated February 3, 1948 by Inspector Balmokand relates to the arrest of two persons Pandit Girdhar Sharma Siddh and a sadhu who was his companion but his name was not known. Information received by the Inspector was that Siddh and his companion were keeping certain documents concerning the murder case either in the house of Siddh or in the office of the Hindu Sabha Alwar. Both these places were searched and certain documents were taken possession of which are set out in that exhibit. Siddh was arrested but the sadhu had left before the arrival of the Delhi Police for some unknown place. This gives no useful or relevant information.

Dr. N. B. Khare wit. 62

13.7 Dr. N. B. Khare, witness No. 62, stated that he was Premier of C.P. and Berar in 1937-38 and was Prime Minister of Alwar State from April 1947 to February 1948 when he was made to resign. He denied that there were anti-Gandhi feelings in Alwar town or in Alwar State, though there were disturbances in the State as in many other places in Northern India. He was in Delhi on January 30, 1948, and had no knowledge of the investigation by the Indian Police conducted in Alwar in connection with the bomb incident or the assassination of Mahatma Gandhi.

13.8 Annual function of the R.S.S. was held in Alwar before the assassination of Mahatma Gandhi and R.S.S. people did not require any permission to hold the meeting but as there was scarcity of food, he had to give facilities for the purpose. It was incorrect that Godse and Parchure interviewed him at Alwar before the murder. Probably, he was in Delhi at the time. He was expelled from the

Indian National Congress in October 1938. He has refuted what was said in the Harijan, at page 25 of the pamphlet, Ex. 99.

13.9 Before the Partition, the Muslims who were strong in Alwar revolted and wanted the Maharaja to accede to Pakistan but the rebellion was put down and he as Prime Minister took such action as was necessary. The Muslims were carrying on propaganda against the Raj by handbills, placards and public announcements by means of beating of drum and were shouting 'Pakistan Zindabad' and 'Quaid-e-Azam Zindabad'. They killed a cow and its blood was sprinkled on an idol. They also killed the pujari of the temple and his wife.

13.10 Dr. Khare joined the Hindu Mahasabha in 1949. He accepted full responsibility for a document Ex. 88 dated October 12, 1947 which is headed as "A Brahmin's Curse" which was a curse upon Gandhism and its author. It was incorrect that he had given facilities to R.S.S. people for training in arms. He had no knowledge that they were having rifle practice. It was incorrect that they got funds from the Maharaja or himself. He gave no State protection to the R.S.S. volunteers and he never encouraged R.S.S. movement in Alwar.

13.11 He denied the allegation made by Panna Lal Choube, witness No. 47. Parchure and Godse never came to Alwar during his term of office and he had no private meeting with them.

13.12 He was opposed to Gandhiji's politics but not to his person and he would not be a party to doing injury to him. Godse and Parchure never came to Alwar and they could not have asked him for a pistol from out of the museum. It was nonsense to say that the conspiracy was hatched in Alwar. He was not the real person behind the assassination of Mahatma Gandhi and it was a malignant lie to say that Godse was his tool. It was incorrect that he brought any secret papers from Alwar or that militant Hindu Sabha leaders were helped by him or they wanted to establish headquarters of the R.S.S. in Alwar.

13.13 He did write to the Home Minister, Mr. G. L. Nanda, to release G. V. Ketkar. His point was that the Government of India should not be vindictive.

13.14 In cross-examination he said that it might be wrong for him to say that there was no conspiracy because he does not know any law. What he really meant was that there was no big conspiracy with a political party at its back. When the Commission pointed out to him that the way he expressed himself showed that he had some knowledge of the facts leading to Mahatma's murder, he replied that he had used unfortunate language and that he had no knowledge of conspiracy or of any intention on the part of anyone to assassinate Mahatma Gandhi.

13.15 He knew Nathuram Godse only slightly because when he visited Poona as Member of the Viceroy's Council, Godse came to

call on him. He did not know that he was a leader of the Rashtriya Dal but he did know that he was the editor of the paper Agrami. He did not meet Parchure before 1952 but met him at Gwalior when he went there for election to Parliament. He knew Apte also slightly.

13.16 He never heard that Godse came to Alwar. He did not know of any pamphlet calling upon Hindus to fast and pray for Mahatma Gandhi's death. Nor was he aware of any sweets being distributed on the day of Mahatma's assassination. He said that he was an anti-Gandhi i.e., against his philosophy but not anti-Gandhi qua his person. He did not know if one of the ministers extended full facilities to the R.S.S. The head of the R.S.S., Golwalkar, did visit the State when he was the Prime Minister and he attended his meetings because he was a Nagpur man. He might have addressed the meetings also. He condemned Gandhism at the meetings and "Guruji" also did the same. When asked whether he had allowed the R.S.S. volunteers to be trained in 'the Samant Infantry', he said he had no recollection.

13.17 A sword was presented to him by Thakur Raghbir Singh which he presented to Golwalkar on his birthday as he had no use for a sword. That was because he was ridiculing the R.S.S. who held military parades but carried only lathis and he told them it was no use carrying lathis. They should carry swords. If the Maharaja gave any money out of his personal funds, he would not know.

13.18 He was congratulated by Savarkar for joining Hindu Mahasabha privately and not at a public meeting.

13.19 A meeting was held in Nagpur in 1938. Savarkar presided but he (Khare) was a mere spectator. He (Khare) joined the Hindu Mahasabha in 1949.

13.20 It was correct that he started All India Hindu National Front in Delhi in August 1947 over which Savarkar presided. It was a meeting of important people including some princes. The meeting was organised by Pt. Mauli Chander Sharma and himself but he could not be present at the meeting because of trouble in Alwar nor was the Maharaja present. He did not know anything about meeting of All India Anti-Gandhi Front held in Dadar in November 1947 under the presidentship of Savarkar. It was possible that a resolution was passed at the meeting declaring Alwar to be a Hindu Raj. He had no connection with Hindu Mahasabha or as a matter of fact with any other organisation. He was being maligned by Praja Mandal people by saying that he was a R.S.S. supporter but he had sympathies with the Hindu Mahasabha even before 1949. He again said that he had no knowledge about the conspiracy to murder Mahatma Gandhi and he was shocked to hear about the assassination.

13.21 He wrote to Mr. Nanda and wanted an inquiry to be held as to why a Poona bomb case was withdrawn. He did it because his interest was bona fide.

13.22 It was not his policy to suppress the Muslims as such in Alwar but anybody who disturbed the peace or challenged the authority of the State had to be dealt with strongly. He did not know that a Muslim Chowkidar was killed in the garden where the R.S.S. were lodged and that led to rioting in Alwar. He did not know that a pamphlet was issued in Alwar that Gandhiji should be hacked into pieces and his flesh be thrown to dogs. If he had known, he would have taken steps against it. He had no knowledge of the leaflet 'Gandhi Murdabad', Ex. 105.

13.23 The Maharaja chose his ministers from political parties and one of the ministers was a member of the Hindu Mahasabha. After the bomb was thrown, it did not strike him that there would be an assassination of Mahatma Gandhi. He did not take any more interest in the incident.

13.24 Panna Lal Choube, witness No. 47, is now living at Mathura. He was an informer of the C.I.D. right up to 1952. He joined the Hindu Mahasabha at Alwar because he wanted to find out what they were doing. They, in collusion with the Prime Minister Dr. Khare, were preparing to have a communal riot. The R.S.S. were to hold a meeting in Alwar and they were lodged in a garden, the Muslim chowkidar of which was killed. There were communal riots in the town. The responsibility was of the Prime Minister.

13.25 Three months before the assassination, Hakim Rai called Parchure and Godse to Alwar. There was a private meeting at which he (Panna Lal) was present but he was a police informer at the time. Dr. Khare was also present and he said that he had been unfairly treated by Mahatma Gandhi and in his opinion Mahatma Gandhi was a danger for India and something should be done in regard to him. Dr. Khare was President of All India Hindu National Front Alwar, which was vituperative and against Mahatma Gandhi.

13.26 Godse and Parchure visited the arms museum in the Palace and they wanted to take away pistols from there. The Curator helped them in getting them an old Mauser pistol. It was taken but as it was useless, it was returned by Godse and Parchure.

13.27 At a private meeting, Dr. Khare told the Hindu Mahasabha leaders that they could pull down the mosques and whoever would do it in the shortest time would get the land under the mosque. There was looting of the Muslims for eight days.

13.28 He produced a pamphlet, Ex. 89, highly provocative against Muslims. There was an inquiry by the Government of India and several people were arrested including Panna Lal himself. Hindu Mahasabha people fled from there and hid themselves in the house of Professor Ram Singh in Delhi.

13.29 The conspiracy to assassinate was hatched at Alwar in which Dr. N. B. Khare took a prominent part. Dr. Parchure said that it was not in the interest of the country that the Mahatma should live and that Godse alone could assassinate Gandhi and

Godse said, "Don't bother, I shall do the whole thing." there was some private talk with Godse.

13.30 He was in Alwar when the Mahatma was assassinated and also when the bomb was thrown but he had no connection with the police in what was British India.

13.31 Investigation was by an Inspector of Police from Delhi. Excepting Parchure and Nathuram Godse, Panna Lal saw no one in Alwar. He had given his statement in writing to the Inspector General of Police. He added that he told the Inspector General of Police that there was an arms factory in Alwar. He told Mrs. Sucheta Kripalani also. He was with her in Wardha Jail. He repeated that the person at the back of the assassination was Dr. N. B. Khare and Godse was only a tool. As no Congress leader would take any notice of him, he could not talk earlier to them. He was a Congressman and a political sufferer.

13.32 In cross-examination he said that he was working for Alwar Police and was paid by them. He was passing off as a pujari. The office of the Hindu Mahasabha was at his house. Hakim Rai told him that Godse and Parchure were big leaders of the Hindu Mahasabha.

13.33 He did not think that Godse and Parchure would actually assassinate Mahatma Gandhi.

13.34 He did not inform anyone about except the police.

13.35 He had been to jail five times and was convicted for strikes, distribution of pamphlets etc.

13.36 Cross-examined by Mr. Chawla, he said he was a member of the executive committee of the Hindu Sabha in Alwar. He was its Secretary. Ram Chander Vyas was its President. He met Godse twice—once at the meeting which was for three hours and another time he met him in Delhi at the house of Professor Ram Singh about one and a half month before the assassination.

13.37 In his speech Ex. 88 on the occasion of Dussehra on October 3, 1938 Dr. Khare was asked to hoist a flag and he said that this was an open rebellion against Gandhism and he uttered a curse upon Gandhism and its author. He pointed out the failures of the various principles that the Congress and Mahatma Gandhi were propagating. He said that Congress organisation was dying in Sind, Punjab and the Frontier Province and also in Gujarat and Kathiawar. He ended the speech by saying, "So truth is dead, Hindu-Muslim unity is buried, Khaddar is gone and Ahimsa is murdered Long live Mahatma Gandhi". This document was published from Alwar on October 12, 1947.

13.38 Ex. 89 is a pictorial representation showing the Muslims trying to kill cows and some other provocative representations.

13.39 Ex. 90 is a Hindi document which gives the statement of Godse in court.

13.40 Ex. 99 dated September 9, 1938 is a pamphlet of about 32 pages. It contains his (Dr. Khare's) defence against the charges made against him when he was expelled from the Congress.

13.41 The Directorate of Intelligence Bureau in their affidavit dated November 25, 1967 have stated that they knew nothing about the activities of Choube, whether he was or was not a police informer.

13.42 The Inspector General of Police of Rajasthan has in reply to the questionnaire stated that there was nothing to show in the record that Panna Lal Choube was working as a police informer in Alwar State but sometimes used to get money from the Inspector General and later on actually from some other police officers. Panna Lal Choube was associating with Hindu Mahasabha but the police does not know that he was also associating with Raizada Hakim Rai.

13.43 The Commission is unable to accept the testimony of Choube. On his own showing he is a police informer and there is no reliable evidence that he had anything to do with the Hindu Mahasabha or he was so high up as to be allowed to be present when a matter like the murder of Mahatma Gandhi was discussed. It is incredible that Dr. Khare would do anything like encouraging murder in the presence of a person like Choube.

Giridhar Sharma Siddh Wit 77

13.44 Giridhar Sharma Siddh, witness No. 77, was a Municipal Commissioner and an Honorary Magistrate and as such knew Dr. Khare who was the Prime Minister of Alwar. He was Joint Secretary of the Hindu Mahasabha which was fairly strong in Alwar but it received no help from the State or from the Maharaja. He knew Hakim Rai but he is dead. He also knew Panna Lal who called himself a Brahmin but is really a *kalal* by caste. He was not a pujari of a temple but that of a Kotwali.

13.45 Nathu Ram Shukla came to Alwar on behalf of Hindu Mahasabha and stayed there for ten days with Sharma Siddh and he (Giridhar Sharma) was arrested because of that.

13.46 As far as he, Siddh, knew, no Marathas came to Alwar during those days. The Maharaja did not have a hand in the conspiracy to murder Mahatma Gandhi. He was suspected because a meeting of the Kshatriya Mahasabha was held in Delhi over which he presided and he made a speech in which he said that he was prepared to take all the Hindus who were displaced from Pakistan and his Government also gave help to the refugees in Alwar Camp because Hindu Sabha workers could not raise sufficient amount of funds from private persons to help the refugees. Dr. Khare was also helping in the matter of the refugees. And both of them the Maharaja and Dr. Khare visited the Hindu Sabha Relief Committee.

13.47 There was no anti-Gandhi movement but the movement was against Gandhism. It was incorrect that sweets were distributed after the murder.

13.48 He was arrested as a suspect in the Gandhi murder case. He has been a Hindu Sabha worker since 1943. He did not know if Dr. Khare helped the R.S.S. Rally in Alwar in 1947.

Mr. M. M. L. Hooja, Wit. 59

13.49 Mr. M. M. L. Hooja, witness No. 59, then Assistant Director of Intelligence Bureau, made a report Ex. 95, to the D.I.B. dated February 12, 1948. This document and the next one are attached as appendices D and D-1 to replies to questionnaire issued to the Intelligence Bureau. Therein he said that searches of R.S.S. organisers had not given any startling result nor did the searches in Bhojpuri or Rajgarh which was a strong centre of R.S.S.

13.50 Mr. Hooja concentrated his investigation on two points: (1) possible connection of the local people in the conspiracy to assassinate Mahatma Gandhi and (2) patronage and assistance by the State to the R.S.S. organisation.

13.51 There was considerable evidence of patronage and aid by the State to the R.S.S. Full facilities were provided for the training camp and rally organised in May-June 1947 of R.S.S. officers. This was given under the direct orders of the Prime Minister and the Home Minister apparently with the knowledge of the ruler. Both Prime Minister and the Home Minister took prominent part in R.S.S. activities and the Prime Minister was in constant touch with all local activities and extended fullest patronage.

13.52 The State gave military training to three branches of R.S.S. from November to the beginning of February. But the year is not given. It must have been from end of 1946 and beginning of 1947. The volunteers had come from all parts of the country but chiefly from U.P. and Delhi. The whole scheme was well organised. The R.S.S. volunteers were put up in the Old Pratap Paltan lines but they made their own food arrangements. The training of volunteers included physical training, bayonet exercises, drill and rifle exercises. They also did firing practice with muzzle-loaders. Some were given secret training in rifle and revolver practice. Part of the expenses were borne by the Home Minister either from the secret funds of the State or from the non-official subscriptions raised by him.

13.53 The Prime Minister's residence was searched and some documents connected with militant communal leaders and organisation were seized. The Secretary and P.A. of the Prime Minister said that he had taken some secret papers with him. Interrogation also revealed that the Prime Minister was in very close touch with the R.S.S. organisation. He wanted to establish the headquarters of R.S.S. in Alwar for a year. A number of prominent militant leaders of the Hindu Mahasabha visited him.

13.54 An ordnance factory had been set up in the State and production had started. The Commission would like to remark that Dr. Khare in his statement before the Commission has stated that this ordnance factory was a part of the military organisation and had been started with the permission of the Political Agent at Jaipur and also with the full knowledge and permission of Sardar Patel and then Member for Home and the States.

13.55 The investigation into the conspiracy leading to Mahatma Gandhi's assassination revealed that one Nathu Ram Shukla of Jabbalpur had come and stayed under State patronage and toured various parts of the State. It was suspected by people that he really was Nathuram Godse but this matter was being investigated.

13.56 Investigation was unfortunately hampered by the fact that the local police was unreliable and even the I.G.P. was a "stauch Rajput".

13.57 The Alwar State ordnance factory was visited and what was manufactured there has been shown under a separate heading.

13.58 Another report of Mr. M. M. L. Hooja dated February 23, 1948 restates that Nath Ram Shukla was suspected to be the same man as Nathuram Godse. This is Appendix D-1 and a part of Ex. 95.

13.59 With regard to R.S.S. activities he said that it received full facilities in connection with officers training camp. It was in the form of supply of petrol, furniture, accommodation, essential and controlled articles, electricity, etc. which were given under the orders of the Prime Minister and the Home Minister with the knowledge of the Ruler. Dr. Khare also attended the functions of the R.S.S. and its rallies at Rajgarh. Besides some Ministers and high officials, the Ruler also attended a R.S.S. function at Bansur 34 miles away from Alwar.

13.60 There was evidence that the expenses on ammunition, etc. used in training the volunteers was to be spent by the Home Ministry and there was evidence to show that the Ruler has given his tacit approval to the policy of his Ministers.

13.61 There is evidence that Dr. Khare indulged in anti-Mahatma and anti-Congress propaganda and actively supported the local Hindu Mahasabha and obtained monetary help for the Mahasabha leaders' visiting the State and helped Pandit Mouli Chander Sharma, Secretary of All-India Hindu Convention, and a militant Hindu Mahasabhaite. The Ruler also made large contributions to the leaders of the All India Hindu Mahasabha, the All-India Kshatriya Mahasabha and the communal press. Dr. Khare was, on January 4, 1948, paid Rs. 10,000 by the Ruler for secret donations and some other sums were also paid to some other Ministers. Among the leaders who visited the State were Dr. Moonje, V. G. Deshpande, Mouli Chandra Sharma, Ashutosh Lahiri, Raja Jagmanpur, Capt. Keshav Chandra. Some of the public meetings were addressed by

Dr. Khare and other Ministers addressed meetings of the Hindu Mahasabha where the Congress Government was criticised. They spoke against Mahatmaji and Pandit Nehru in strong terms.

13.62 The Ruler was determined to organise the Rajputs on sectarian lines.

13.63 An Aeronautical College was established in November 1947 with 6 aircrafts purchased from time to time. A letter which was seized shows that a request was made to the Ruler that he should raise the army and give full facilities for raising volunteers or conscripted militia formed of Hindu young men of the State, and to meet the increased demand of fire arms and ammunition. Factories should be established for the production of arms.

13.64 There is also evidence that on September 25, 1947 V. D. Savarkar had sent a cyclostyled letter criticising Pandit Nehru and the Congress Government for its failure to protect the Hindu minorities in Pakistan and in order to meet an Islamic attack, the State should have a mighty force of Hindus alone and if Congressite Ministers were unwilling to accept this indispensable programme, they should resign and hand over Government to Hindu Sangathanists and Sikhs.

13.65 The Commission would like to say here that Dr. Khare in his statement has said that there was a danger of an uprising by the Muslims and it was necessary in those circumstances to be alert and provide sufficient force to meet that danger. He went further and said that the Meos and the Muslim League had revolted against the Raj and wanted it to accede to Pakistan. This rebellion was to be put down and it was his duty as the Prime Minister of the State to see that order was preserved and he took such measures as in his opinion were necessary for the purpose. This was done after the Cabinet took a decision that the rebellion should be put down by the use of necessary force.

13.66 The evidence relating to Alwar bri
facts.

13.67 Soon after the murder police officers were sent to make an inquiry as to how far the Ruler of Alwar and his administrator were connected with the conspiracy to murder Mahatma Gandhi and the murderer of Mahatma Gandhi. The police officers who were sent from Delhi, made a thorough inquiry and made their reports which have been set out above. Before the murder and even before the Partition, the Hindu Mahasabha and the R.S.S. activities had been quite prominent in Alwar State. Evidence shows that prominent Hindu Mahasabha leaders were helped with money and material to carry on their activities in the State. The R.S.S. and its organisers were also welcomed in the State. The R.S.S. volunteers were given training in military parades and there is some indication that they were trained in the use of arms also. At any rate, the State was trying to raise a force of volunteers or a militia to meet, according to Dr. N. B. Khare, the Meo menace and the menace of

the Muslim League which also was quite prominent and was trying to force the Maharaja to accede to Pakistan. And Dr. Khare has stated that as a Prime Minister it was his duty to suppress any anti-Raj movement whoever the sponsors of that movement, and his explanation is that all that was done was for the protection of the Raj. He said that Muslims were strong in Alwar. They revolted with a demand for accession by the Maharaja to Pakistan and that rebellion had to be put down. He has gone further and said that propaganda against the Raj was being carried on, placards were being distributed, public meetings were being held shouting 'Pakistan Zindabad', and a cow was killed and her blood sprinkled on Hindu idols.

13.68 The Commission appreciates the misgivings of the Government of India in regard to Alwar where all these activities were carried on which had a communal colour and an anti-Congress and anti-Praja Mandal leanings. Besides these, Dr. N. B. Khare himself had been rather intemperate in condemning Mahatma Gandhi, so much so that he resorted to the ancient cult of cursing and he did so against Mahatma Gandhi by issuing "A Brahmin's Curse" Ex. 88 dated October 12, 1947. But he has denied that any facilities were given to the R.S.S. for training in arms, or that he had got any funds from the Maharaja to be given to the R.S.S. or giving State protection to the R.S.S. volunteers or encouraging them. He was opposed to Gandhiji's politics and not his person. He denied any association of Godse or Parchure with Alwar. But police reports containing information no doubt collected after the murder have a different story to give.

13.69 The reports show that on the day of the murder of Mahatma Gandhi sweets were distributed and one Rikhi Jainmuni Kaushik, an editor of a newspaper, produced some information before the police officers showing an anti-Gandhi Front Party in Alwar and distribution of pamphlets in which Hindus were asked to fast and pray for Mahatma Gandhi's death. The R.S.S. at Alwar had distributed sweets and picnics had been arranged on Mahatma Gandhi's assassination day. Dr. Khare had said a few days before Mahatma Gandhi's murder that he was an anti-Gandhi Front man. Anti-Gandhi journalists were financially helped by Alwar Darbar.

13.70 Other documents show that on the Dussehra day on October 3, 1938, Dr. Khare hoisted a flag of open rebellion against Gandhi and uttered a curse upon him and on his philosophy.

13.71 Mr. Hooja in his report Ex. 95 stated that there was considerable evidence of patronage and aid by the State to the R.S.S. Camps and rallies were arranged in May-June 1947 and aid was given under the direct orders of the Prime Minister, and both the Prime Minister and the Home Minister took prominent part in the R.S.S. activities. Previously, military training had also been given and the R.S.S. volunteers were put up in the old regimental lines and arrangements made for their food. The report also shows that the expenses were borne by the Home Minister either from secret

State funds or from non-official subscriptions. A number of prominent militant leaders of the Hindu Mahasabha had visited the Prime Minister.

13.72 There was also evidence that an ordnance factory had been set up. But it appears that this was a part of the military organisation started with the permission of the Political Agent at Jaipur. There was also evidence that one Nathu Ram Shukla of Jabalpur had visited Alwar and that gave rise to a rumour that it was Nathuram Godse who had done so.

13.73 All this evidence put together shows that an atmosphere had been created in Alwar State which was anti-Congress and also anti-Gandhi. Whether the reason was as given by Dr. Khare that Hindus were being encouraged and the State was making all arrangements to meet a revolt or rebellion by the Meos and the Muslim League or whether it was a purely anti-Gandhi movement is not easy to decide. But it does appear that there was a genuine apprehension of revolt by Meos and Muslims. However, Dr. Khare's antecedents and his encouragement to the R.S.S. and to the militant Hindu Mahasabha leaders were indicative of conditions being produced which were conducive to strong anti-Gandhi activities including a kind of encouragement to those who thought that Mahatma Gandhi's removal will bring about a millennium of a Hindu Raj. But on this evidence the Commission cannot come to the conclusion that there was an active or tacit encouragement to people like Nathuram Godse to achieve the objective of their conspiracy to commit murder of Mahatma Gandhi. But there is no doubt that an atmosphere was being created which was anti-Gandhi even though it may not have been an encouragement to the persons who wanted to murder Mahatma Gandhi.

CHAPTER XIV
Gwalior
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Gopi Krishan Katarey
Mr. B. B. S. Jetley

CHAPTER XIV

Gwalior Affairs

14.1 Mr. Gopi Krishan Katarey who claims to have been an active political worker in Gwalior for about 30 years stated in his affidavit, Ex. 91, that a month or two before the assassination of the Mahatma there was a leading article in a weekly which was the mouth piece of the Hindu Mahasabha that Mahatma Gandhi and Pandit Nehru should be murdered, and that the Hindu Mahasabha received full patronage of the Government of Gwalior. He also said that about a fortnight before the murder of Mahatma Gandhi a cheque of Rs. 65,000 was given to one of the accused in the Gandhi Murder Case to regroup goondas and purchase arms to launch a murderous attack on the Congress workers who were demanding responsible Government in Gwalior and that it was out of this fund that the pistol by which the assassin shot Gandhiji was purchased. When these matters came to light, Sardar Patel hushed them up because the Maharani of Gwalior "beseeched for forgiveness". He added that it was a tragedy that the real criminals who masterminded the murder were not tried.

14.2 This deponent then appeared as a witness before the Commission as witness No. 51. He said that he was a freedom fighter and was receiving a pension of Rs. 100-00 per month from the Madhya Pradesh Government in recognition of his services to the nation.

14.3 He said that he tried to get a copy of the editorial to which he had referred in his affidavit regarding incitement to murder Gandhiji and Pandit Nehru but he could not get it. He had read the article and had a clear recollection.

14.4 The cheque referred to by him was given to Dr. Parchure. The Maharaja thought that national movement was a danger which should be fought out. He, Katarey, had told Mr. Leela Dhar Joshi after he became the Premier of the State with regard to the cheque and he said that he would consult Sardar Patel before doing anything. Subsequently, he was told that as the Maharaja had acceded, no action was called for. The witness was extened for some time and after he returned he met a person who was anti-Congress and was doing anti-Congress propaganda. He had got Godse's statement published and he said that it was financed by Sardar Angre's son. His name was Gokhale and was from Poona.

14.5 He was cross-examined and he admitted that when the police officers came to Gwalior to investigate the offence of murder, he did not give any information to the police. He only talked to Mr. Leela Dhar Joshi.

12D.47 Her father's life was in danger because he was consigned an anti-Muslim and threats used to come from that quarter.

12D.48 She added that her father was publicly accused for being responsible for the murder at a meeting by Jayaprakash Narayan. Maulana Azad was present at the meeting and he did not protest which was a great shock to her father.

12D.49 The statement of Madanlal was shown to her father in Delhi and portions of it were read out to him. She could not say if a copy of the statement of Madanlal was sent to her father in Ahmedabad or in Saurashtra. She could not say whether her father tried to find out anything about the bomb-throwing on his arrival in Delhi nor when the statement of Madanlal was brought to her father by Shankar. Her father never talked to her about matters of State. After his return from Gujarat police officials including Sanjevi came and talked to him about Madanlal's offence but she could not say what talk there was nor could she remember whether any police officers were sent to Bombay. Shankar used to be generally present when Sanjevi came to see her father. She herself never tried to find out anything about the offence committed by Madanlal. She could not remember if there was any talk between her father and Bala-sahib Kher after the murder about earlier information about danger to Mahatma Gandhi's life.

"Q. Do you remember if at any time Bala Sahib Kher mentioned it to your father that it was weighing on his mind that some information conveyed to him earlier was not taken much note of?

A. I can definitely say that nothing of that kind happened. Bala Sahib did not either blame himself for being negligent nor was any blame against my father. Bala Sahib I knew very well and at no stage did he ever blame himself for being negligent in the matter of handling of this information of danger to Mahatmaji's life."

12D.50 She did remember that a Jain was involved in the matter but she could not remember if Mr. Morarji Desai had mentioned to her father that Prof. Jain had given information about Madanlal's connection with persons who wanted to assassinate Mahatma Gandhi.

12D.51 She was then cross-examined by Mr. Kotwal. One of the reasons why Mahatma Gandhi fasted was to pacify inflamed communal feelings roused in Delhi and roundabout.

12D.52 If was correct, she said, that there were sections of people who wanted to see her father ousted from the Ministry and her father had written to Gandhiji to relieve him from office.

12D.53 In reply to a question by the Commission she said that there was a move by those against her father to oust her father from Ministry and he had written to Gandhiji that he should be relieved of his office. She characterised the allegation as absolutely false that

her father as not protecting Mahatma Gandhi because of his attempts to remove him from office. On the other hand she said that her father did not want to stay on in the Cabinet and had sent his resignation to Mahatma Gandhi. It is preposterous to think that her father would not protect Mahatma Gandhi whom he considered to be the greatest asset that India had. As a matter of fact Gandhiji opposed the presence of Policemen in Birla House in order to maintain the reputation of the State. The witness placed before the Commission a book by Mr. G. D. Birla named 'Kuchh Dekha Kuchh Sunaa' and drew the attention of the Commission to pages 57-58.

12D.54. Gandhiji made a speech (post prayer) which was published in the *Harijan* of January 25, 1948 where he said: "I wonder if with a knowledge of this background to my statement anybody would dare call my fast a condemnation of the policy of the Home Ministry. If there is any such person, I can only tell him that he would degrade and hurt himself, never the Sardar or me...."

12D.55 Her diary of the 24th February shows that there was a very great rift in the Cabinet and the Sardar conveyed to Gandhiji that both Maulana and Jawaharlal had decided to pull out without him and that he would help by remaining outside the Cabinet, and Maulana, when he heard this did not demur to this showing that they had both decided to remove him. This fact is corroborated by an entry dated 2nd March 1948 where it is stated that since about 3 months before Gandhiji's murder efforts were being made to drop Sardar out. Socialists and Maulana were in it. Gandhiji had said to the Sardar "You both are unable to cope with each other and there are no chances of it being so even in future. One of the two should be taken in. Looking to your popularity at present you should be raised." Sardar said: "No" and added "this was a useless talk. Jawaharlalji is younger than I. He enjoys an international fame and moreover these people are propagating that I am bent upon turning them out. Such a step will only confirm their propaganda." Muslims wanted to remove Randhawa and nobody was prepared to make any specific charge against him. The attempt at that time was to remove the Sardar and take in Jayaprakash.

12D.56 Payment of 55 crores pinched the Sardar very much. That amount was paid and Mahatma's murder was a result of that. Even Jawaharlal objected to paying of 55 crores and Sardar made a statement the next day following Jawaharlal's. The Sardar went to the Viceroy and asked him whether he had told Mahatma that non-payment was dishonourable, that he had let down the Cabinet. The Sardar showed all the papers to Mountbatten and he then apologised. Panditji said it was petty-fogging. The Sardar said that the amount should be paid but he would not stay in the Cabinet. Sardar said that he should be relieved and that even the Maulana did not want him. But after the death of the Mahatma, Jawaharlal wrote a nice letter to the Sardar saying "gone is gone, we should work together forgetting the past". The Sardar also reciprocated but Jayaprakash started attacking the Sardar in public meetings. Achyut declared at a public meeting that Sardar should be removed and Jayaprakash should be appointed in his place. Later Nehru

14.6 This evidence is not relevant to the inquiry as it does not fall within anyone of the terms of reference.

14.7 Mr. Jetley, D.I.G., witness 55, had investigated into the Gwalior matters. He had gone to Gwalior because it had gone round that the Maratha princes had something to do with the Maratha clique responsible for Gandhiji's murder. He said, "I went to Gwalior just to find out how things stood and all that I saw was that these princes had no hand in the assassination and no connection with the clique".

Mr. Rana, witness 3

14.8 Mr. Rana the D.I.G. (C.I.D.), Poona, witness No. 3, who was sent to inquire into the part of the princes in the tragedy, also has stated that the Princes of Gwalior, Alwar, and Bharatpur had no hand in the conspiracy to murder Mahatma Gandhi. The statement of Gopal Godse, witness No. 33, is the same.

14.9 The question before the Commission is not whether the Gwalior prince was or was not a party to the conspiracy to murder. The real question before the Commission is whether there was any pre-information in regard to the threat to the life of Mahatma and of the conspiracy which resulted in the murder of Mahatma. Gopi Krishan Katarey does not claim that he had this knowledge. All that he says is that in a Hindu Mahasabha weekly of Gwalior an incitement was given for the murder of Mahatma Gandhi and of Pandit Nehru, and that the Hindu Mahasabha received the patronage of the Gwalior Government and Rs. 65,000 was given to Dr. Parchure to regroup goondas for murderous assaults on those who had given an ultimatum to Gwalior Government for responsible Government. Assuming, though not deciding these statements to be true they are no proof of the fact that this witness had any pre-knowledge of the danger to Mahatma Gandhi's life or of the conspiracy. The newspaper that he had referred to has not been produced. Even the name has not been given. And then there is the evidence of Mr. Jetley and Mr. Rana, both high Police officers, that the Maratha princes had no hand in the assassination and no connection with the Maratha conspirators. In view of all this, the Commission thinks the evidence to be insufficient to prove anything relevant to the inquiry.

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CHAPTER XV

Poona

15.1 As Poona has been described to be the stronghold of Hindu Mahasabha and as out of the eight accused tried for the conspiracy to murder Mahatma Gandhi the principal four accused belonged to Poona, and V. R. Karkare was their close associate and V. D. Savarkar was their mentor, the Commission thinks it necessary to deal at length with and analyse the evidence of the witnesses who have deposed about Poona and also to give a resume of the documents which relate to different movements and activities of political parties in Poona.

15.2 We might usefully begin with the documentary evidence produced in connection with the events and happenings in Poona. That the conditions in the Maharashtrian districts of Bombay Province particularly Poona and its neighbouring districts were not peaceful is shown by the following documents produced from Bombay Secretariat files.

15.3 As long back as December 1946 there was communal tension in parts of Poona District and therefore on December 2, 1946, the District Magistrate of Poona issued a prohibitory order under section 144 of the Criminal Procedure Code prohibiting manufacture, receipt, exhibition or transferring by sale or otherwise certain type of arms. This was extended from time to time till August 1947.

15.4 On 30th April, 1947 again a similar order was passed prohibiting the receipt, sale or transfer of similar kinds of arms within Poona Municipality and certain other suburban areas and villages.

15.5 Ex. 172 is an extract from the Bombay Province Weekly Letter, dated July 19, 1947 showing that the Maharashtra Provincial Varnashram Swarajya Sangh, Poona, had publicly honoured one V. N. whose real name was Daji Joshi, who had been convicted of the murder of Collector Jackson and had been released after serving out his sentence. This function was on July 6, 1947, where about 200 persons were present. Joshi was garlanded and offered a purse of Rs. 500 and a biography of Savarkar. G. V. Ketkar, V. B. Dawre, V. B. Gogte and others made speeches in his honour and Gogte referred to a statement of Dr. Keskar, ex-Secretary, A.I.C.C. that they (the people) would be required to handle arms in future and said that they would be forced to have recourse to arms to check the Nizam's designs on Maharashtra. This was reported to the Bombay Government and in the Secretariat there was the usual noting. Finally, Mr. B. G. Kher on July 31, 1947, wrote "H.D. should expect and be prepared for a terrorists' campaign in some districts". It was upon this that there was a note by Mr. Dehejia and

a circular was issued to the District Magistrates on August 7, 1947 (Exs. 173 and 174).

15.6 It may be remarked that this meeting appears to be no different from similar felicitationary and appreciative meetings held in the case of released or convicted political assassins when tumultuous welcomes were, before 1947, given by the populace and nationalists of all hues. This meeting appears to have differed in only this respect that the laudation was initiated by the Hindu Mahasabha rather than the more radical and less communalistic section of political opinion which was wedded to non-violence indeed. But in the prevailing stormy atmosphere overcast with violence the matter was rightly taken notice of and precautions were justifiably ordered but the question of adequacy remains to be determined.

15.7 The note, Ex. 172, as appears to be the Secretariat practice, started with Mr. S. M. Dalal, Assistant Secretary, dated July 22, 1947, and nine days later reached the Premier through the Home Minister; and the Premier passed the following order:—

“H.D. should expect and be prepared for a terrorists' campaign in some districts.”

Sd/—
B.G.K.
31/7

15.8 The matter came back to the Home Department and the Minister, Mr. Morarji Desai, rightly ordered that the matter be discussed with the Secretary. After discussion, the Secretary, Mr. V. T. Dehejia, on August 5, 1947, recorded the note, Ex. 173. This note pointedly referred to the danger and likelihood of a terrorists campaign being started and it emphasised the necessity of having a contented and efficient police force and how it should function for obtaining necessary information about the activities of communal and economic agitators like Communists, Forward Blockists, Socialists and Kisan Sabha workers. This shows that the Government was apprehensive of the outbreak of violence and wanted to gear up the whole administrative machinery to meet this menace.

15.9 Thereupon, on August 7, 1947, the circular, Ex. 174 was sent out marked “Terrorists' Campaign/Precautions to meet”. In this document it was stated that there are indication of violent and terrorists methods being planned and resorted to by various parties and it was necessary to check them. For that purpose the instructions therein contained were—

- (1) Efficiency of the police force should be maintained at a very high level, its grievances looked into and closer contact kept between officers and men and steps taken to ensure that disaffection spreading in the force was brought to the notice of the higher officers.
- (2) It was essential that information about the activities of communalists and communal organisations as well as of

economic agitators like Communists, Forward Blockists, Socialists and Kisan Sabha workers was quickly obtained and Government kept continuously informed of their activities. For the purpose, contacts should be established and information received passed on to Government. No information should be considered too trivial to be reported and weekly confidential reports should in future cover not only major events but even minor indications of preparation of creating trouble should be included. It was also mentioned that propaganda of parties intending to create trouble could take many forms, e.g., small classes of study groups or lectures ostensibly for harmless purposes but really for party propaganda; 'tamashas' (shows) or 'qawallies' or singing parties ostensibly for entertainment but really for popularising party ideology—in short, many ostensible harmless activities might be resorted to with the sinister object of furthering party ideology. Local officers should therefore be on the lookout for any attempt to put across party propaganda through these media and to keep a careful watch for insidious propaganda.

- (3) Weekly reports of the Mamlatdars to District Magistrates which were likely to be colourless should report unusual and striking events noticed by them.

15.10 In June 1947, on information being received by Government that the Hindu Mahasabha proposed to observe July 3 as anti-Pakistan Day by organising 'Prabhat Pheries' (pre-dawn processions), hartals and meetings, a telegraphic circular was issued on June 30, 1947, Ex. 179, to all District Magistrates asking them to take steps—ban or regulate meetings and processions, if any trouble was apprehended. This was on the basis of a note of Mr. Dehejia, Ex. 174, of the same date (June 30, 1947) indicating that there was likelihood of trouble due to the intended observance of the anti-Pakistan Day on July 3, 1947, by the Hindu Mahasabha and the matter first went to Mr. Morarji Desai and then to Mr. B. G. Kher.

15.11 Again on October 3, 1947, there was another confidential note, Ex. 175, under the signature of Mr. B. G. Kher, stating that Hindu Mahasabha is importing Sikh refugees into the Province and getting them to make inflammatory speeches and the Collectors were therefore asked to register the arrival of refugees and stop their addressing meetings to create trouble. Reference was made particularly to Satara where refugees were imported to create trouble. On this, there was a circular, Ex. 176, dated 8th October 1947, giving directions in accordance with the previous document, Ex. 175, and there was an order that any action taken should be reported to Government immediately. Copies of this were sent to the D.S.P.s. and all the administrative heads of different Divisions and Districts. Mr. Morarji Desai has stated that this was done to register them so as to give them relief.

15.12 Thus we have three circulars based on three different notings in the Secretariat—(1) Ex. 179 on June 30, 1947; (2) Ex. 174 on August 7, 1947; and (3) Ex. 176 on October 8, 1947—all dealing with the Hindu Mahasabha's communal activities which were a common factor of these Secretariat notings and the orders passed thereon.

15.13 There is other documentary evidence concerning what was happening in Poona particularly.

15.14 The Bombay Provincial Weekly Letter, Ex. 155, of July 5, 1947, shows that there was a bomb explosion on June 26, 1947 in Poona city. The matter went up to the Premier, Mr. B. G. Kher, and on July 9, 1947, his remarks were, "Was not the editor of *Agrani* arrested? I would like to know progress." On what basis the *Agrani* was brought in is shown by the statement of Mr. Morarji Desai that there was some information indicative of the editor's connection with such subversive activities. Upon this the Home Department, Bombay, sent an express letter, dated July 12, 1947, to the District Magistrate, Poona, Ex. 156, asking for progress of the investigation. It enquired whether the editor of the *Agrani* was also arrested in connection therewith, adding that Government should be kept informed as to the investigation into the matter. After a fortnight or so of the letter, the District Magistrate, on July 29, sent his reply, Ex. 157, about the bomb explosion and enclosed therewith a report of the D.S.P., Poona, dated July 23, 1947, Ex. 157A, in which the details of the bomb explosion of June 26 were given which were to the effect that N. R. Athawle, Secretary of the Poona City Hindu Mahasabha was arrested in connection with the bomb explosion; that he had made a confessional statement under S. 164 Cr. P.C. to the effect that the bomb had been given to him by N. D. Apté of the *Agrani*; that he (Athawle) threw the bomb from the second storey of the library; that Athawle's house was searched but nothing incriminating was found; and that against Athawle and Apté information was laid under section 4 of the Explosives Substances Act (Exs. 157 and 157A) and "their trial was awaited".

15.15 The Commission is unhappy to note that in Poona as also in Ahmednagar and in many other cases in which Government wanted information or sent orders, there was considerable delay in execution. In this particular case, it did not require a fortnight to send the requisite information which must have been with the D.S.P. at the time. The letter of the Home Department was dated July 12, 1947; the District Magistrate wrote to the D.S.P. on the 17th and he in turn replied on the 23rd July and the District Magistrate's letter to Government is dated 29th July. Unless there were other matters of unusual importance requiring priority in consideration of which the Commission has not been apprised, this was undue delay in matters requiring a more prompt attention.

15.16 Ex. 158 which gives the Secretariat noting in regard to this bomb incident is an important document. On August 4, 1947, Mr. V. T. Dehejia noted that for the purposes of giving sanction under section 7 of the Explosives Substances Act, the District Magistrate should furnish necessary details. Upon this Mr. Morarji Desai

made a note saying that he had been informed that the confession had been retracted soon after it was made showing a greater awareness on the part of the Minister than his permanent Secretariat, and that without the confession there would be no proof left and he also asked for the papers. Mr. B. G. Kher thereupon wrote in his note that the matter should be more seriously treated and the D.S.P. should be told to investigate the case thoroughly. The note mentioned that the "Agrani" had boastfully said that it was a matter of honour that the Hindu Mahasabha should be accused of throwing a bomb. He also said that the Home Department was returning his security. The Premier added, "Is terrorism to be allowed to be openly encouraged? If not what action does H. D. intend to take? I would like to see Secretary, H.D." If nothing else, it shows that the Premier took a serious view of the terrorist activities and expected the Home Department to do the same but it is not indicated what he expected the Home Department sitting in Bombay to do. Unfortunately there is little evidence of Poona Police or local authorities taking a serious view of the bomb case. As a matter of fact, the D.S.P. as witness No. 38 has stated before the Commission that the bomb was not a serious matter as it was not thrown on anyone and it was intended to create a scare. It is a matter of surprise that an offence under sections 3 and 4 of the Explosives Substances Act with a punishment of seven years was treated by the D.S.P. as not serious and the injuries to a boy and damage to a car meant nothing to the head of the Poona District Police.

15.17 The next note dated August 13, 1947, is again by Mr. V. T. Dehejia saying "Discussed. Please ask the D.M. to report how the case stands at present". Thereupon communications Ex. 160, dated August 6, 1947 and then Ex. 159, dated August 13, 1947, were sent to the District Magistrate, Poona. An interim reply from the District Magistrate is dated August 28, 1947, Ex. 161. It is not shown on the record as to what happened in the Secretariat after this letter was received; but on September 3, 1947, the District Magistrate, Mr. S. G. Barve, gave sanction for the withdrawal of the case against Athawle and Apte under section 494, Cr. P.C. The public prosecutor was directed to put in the application for withdrawal which he did and the case was thus withdrawn.

15.18 It may here be remarked that even with the confessional statement of Athawle the case against Apte was no stronger as the confession of a co-accused is a very weak piece of evidence against a co-accused if it is any evidence at all. (See s. 30 of the Evidence Act.) All that such a statement could probably be used for was to furnish the police a strong base from which to direct their investigation to secure other admissible and stronger evidence if their ability and energy and willingness could procure it.

15.19 The Commission had before it the D.S.P. of Poona as witness No. 38 and is not very happy about his evidence. He stated that the Agrani or the Hindu Rashtra did not preach violence and he had no knowledge if the Agrani was stopped. It never came to his knowledge that either Apte or Nathuram Godse preached violence or indulged in any illegal activities. But there is nothing on .

the record to show what energetic steps, if any, were taken to make a thorough investigation into the origin, possession and use or misuse of the bomb.

15.20 It appears that a copy of this order was sent to Government along with the relevant papers and after the usual noting by the Secretary, the Home Minister and the Premier was gone through, the Premier discussed the matter and Mr. Morarji Desai's order is "Discussed, file" 10.11. (1947). (Ex. 164). Thereafter the Home Department of Bombay Government, by a letter dated November 21, 1947, returned all the papers regarding this bomb explosion, to the District Magistrate. Thus ended the bomb episode in which a boy was injured and a car damaged right near the City Library. Athawle, a staunch Hindu Sabhaite, was arrested and confessed, the investigation could go no further. The Commission, however, cannot overlook the fact that the matter is very old now. No papers connected with this case are available from the record rooms because after some specified time they are destroyed. And although officers of the Commission were able to make a successful search in the Record Rooms of the Delhi Collectorate, they were unable to do so in Poona and Ahmednagar.

The Agrani or the Hindu Rashtra—Its tenor and tone.

15.21 The activities of and writings in the newspaper the *Agrani* regarding the arrest of Athawle and Apte in connection with the bomb explosion on June 26, 1947, are both important and reflective. On July 6, 1947, Ex. 152, the editorial, was rather aggressive in tone saying that it was gratifying to note that Government had started suspecting the Hindu Mahasabha of a bomb conspiracy; the connection of the Sabha with the actual war weapon was worthy of the high honour and that it was possible that Godse also might not escape the attention of the police; that the Congress Government was seeking to obstruct the Hindu Mahasabha organisation by these arrests and even the *Agrani* might be stopped; and that the Black-Day observance was the beginning for the fight of "Hinduistic" movement.

15.22 On July 8, 1947, Ex. 153, there was another editorial in the *Agrani*, the gist of which was that Apte must have an opportunity to seek justice; and it complained that Apte was produced before the Magistrate in a surreptitious manner, presumably for a remand. These comments translated into English were sent to various authorities including the District Magistrate, the District Superintendent of Police, Poona, and the Government of Bombay. Upon this, on July 12, 1947, Mr. Dehejia recorded:—

"Is Apte the editor of *Agrani*?" (Ex. 153).

15.23 Ex. 154, dated July 9, 1947 is a brief life sketch of N. D. Apte in the *Agrani* written by N. V. Godse. In that the Congress Government consisting of Hindus was blamed for trying to suppress the spirit of Hindu youth and it was added that Apte was ever eager to translate his ideas into action. He had taken out processions, and held demonstrations for the repeal of the Arms Act. Apte had

founded a Rifle Club at Ahmednagar but Government took away the rifles and about 2000 cartridges. Apte and 25 volunteers had gone to the dais of the meeting of Mr. Kripalani and demanded an apology from the organisers of the meeting for having broken up the meeting organised by the local Hindu Sabhaites at which Mr. Jamnadas Mehta was to speak and that because Congressmen had refused to apologise, the meeting arranged for Mr. Kripalani was broken up. It also said that Apte and others had been arrested under a provision of law under which ten years imprisonment could be given. Then there was an exhortation whether the society was going to allow "such fresh flowers willing to sacrifice their lives to be perished". "The motherland is broken into pieces, women were raped on the open road, everything was lost and the Khojas standing guards on the rapes of their own wives, the Congress High Command have begun to scoul at you. How long will you bear this?" Copies of this were forwarded to the Ministers as well as to the Secretary, Home Department, Bombay Government, Bombay.

15.24 This indeed was incitement to commit illegal acts.

Security from newspapers

15.25 Ex. 267 is a list of newspapers against whom action was taken by demanding security. These were the *Kal*, the *Agrani*, the *Kesari* and the *Maratha*. This document shows that in 1947 securities were demanded from these newspapers. Before this, security was demanded in 1946 from *Agrani* which was forfeited in 1947. The security of the *Maratha* was also forfeited. This action was taken because there were provocative articles in these newspapers which continued in spite of warnings having been given by the Press Advisory Committee. Fresh security was demanded from the *Agrani* for Rs. 5,000 and as it did not deposit any security it stopped publication from July 14, 1947 and restarted as the *Hindu Rashtra*. From the *Maratha* the security demanded was Rs. 20,000 and it was reduced to Rs. 10,000. From the *Kal* a security of Rs. 3,000 was demanded in 1946 and that was deposited. That newspaper was given a warning in 1947. On the 4th August, 1947, Provincial Press Advisory Committee had advised the return of these securities as a gesture of goodwill. This recommendation was accepted; on 14th August, 1947 a press note, Ex. 269, was issued and securities were returned. This matter is deposited to by Mr. Dehejia and by Mr. Morarji Desai. Mr. Dehejia said that the papers mentioned from Poona were mostly Hindu Mahasabha papers. He added that these newspapers criticised the pro-Muslim policy of Mahatma Gandhi but did not preach violence against the person of the Mahatma or against any other Congress leader. Had there been any such incitement, strong action would have been taken. Mr. Morarji Desai said that securities were returned to the newspapers as gesture of goodwill in order to celebrate ushering in of the Independence.

The Agrani—security from

15.26 Ex. 268 dated September 5, 1946 is the noting in the Home Department, Bombay, suggesting that maximum security of

Rs. 3,000 should be asked from the *Agrani* as it was the worst offending paper in the matter of fomenting feelings of hatred between Hindus and Muslims. With this note, Mr. Morarji Desai agreed but he cautioned that it was doubtful if the High Court would uphold the order.

15.27 Ex. 269 dated August 14, 1947 shows that on the occasion of Independence Day celebrations and as a gesture of goodwill towards the Press, the Government decided to cancel the orders of demanding or forfeiting securities in the case of newspapers which had closed down in consequence of such notices. The Bombay Provincial Press Advisory Committee also advised it and hoped that the Press would reciprocate. As a consequence of this the order of forfeiture was set aside and the security of the *Agrani* was returned. In spite of this, it does not appear that there was any reciprocation on the part of the *Hindu Rashtra* which took the place of the *Agrani*.

15.28 In two of the issues of the *Agrani* and the *Hindu Rashtra* there is a clear indication of incitement to violence. In Ex. 233-A the issue of the *Agrani* dated April 12, 1947, one of the captions is "Mahatma Gandhi, commit suicide" and epithets like "his cowardly philosophy", "his cowardly and worthless non-violence" were used towards him. He was also called Sokaji and it was said that he should commit suicide. If not, he should bid good-bye for ever to Indian politics.

15.29 In the same issue of the *Hindu Rashtra*, Ex. 233 of September 7, 1947, it was said, "And if anyone has really the urge for Akhand Hindustan (lit. undivided India) and if a feeling of sacrificing one's own life for its sake has been created, then do not strike at a wrong place! The flood of Indian bravery will in no time integrate the whole of India into one".

15.30 All this shows that the writings in the *Agrani* or the *Hindu Rashtra* were strongly anti-Gandhi but were so worded in Marathi which perhaps did not come within the purview of the Indian Penal Code, i.e., incitement to murder.

15.31 There were some speeches made which were also of an inflammatory and inciting nature. Dr. Parchure in his speech, Ex. 131, said that Gandhiji and Nehru will surely reap the fruits of their sins in a short time if the attitude assumed by them is continued.

15.32 At another meeting on the following day, i.e., December 3, 1947, Ex. 206, Mr. G. V. Ketkar presided and he said that they should consider Gandhiism-cum-False Nationalism as their enemy No. 1. This speech by Mr. G. V. Ketkar also shows his attitude towards Mahatma Gandhi's philosophy though it need not be termed as being against Gandhiji himself.

Groups

15.33 The Commission will now briefly deal with other documents relating to the activities of the various groups and parties and individuals in Poona and separately discuss them because they particularise those activities.

Hindu Rashtra Dal

15.34 In 1942 an organisation known as the Hindu Rashtra Dal was formed with V. D. Savarkar as its President (Ex. 34 dated August 1, 1944) and its original organisers were Date, Gogte, N. D. Apte and N. V. Godse. The aims and object of the movement were the furtherance of Hindu Sabha activities. This document also shows that in May 1943 Apte and Godse organised its second annual training camp at which volunteers from various Maratha districts, Bombay City and Maratha Indian States such as Sangli, Miraj and Indore were present. It also shows that Savarkar was the Chief architect and force behind the Dal, almost its *Führer*. He laid down the policy and exhorted its volunteers to show and give implicit allegiance to him as the sole director.

15.35 The aims and objects have been stated at another place but the importance of this document lies apart from showing the old association of Godse, Apte etc. in the staging of a demonstration of black flags before Gandhiji's meeting at Panchgani to protest against C.R. formula. In that demonstration, about 15 Dal volunteers led by N. D. Apte took part. It may be added that this demonstration is also proved by the evidence relating to Panchgani wherein rather an exaggerated and misleading picture was drawn by some witnesses

15.36 On May 22, 1947, Ex. 54, a document which deals with the Hindu Rashtra Dal was issued by Rao Sahib Gurru, for D.I.G., C.I.D., Poona to all D.S.Ps. and District Magistrates. This document also has been discussed at another place and it is not necessary to do so again. Suffice it to say that the object of this document was to warn the district authorities against the attempts to revive and to revitalise the Dal. There was a meeting on July 3, 1947 in the Tilak Samarak Mandir (Ex. 112) under the auspices of the Poona City Hindu Sabha, where about 5,000 persons were present to observe the anti-Partition Day as a Black Day. Mr. L. B. Bhopatkar of Poona presided. The speakers included G. V. Ketkar and N. V. Godse besides other local leaders of the Hindu Sabha movement. Ketkar expressed his gratification at the success of the observance of the Black Day and Godse said that the time for action had arrived.

15.37 In the meanwhile refugees from West Punjab etc. had started arriving in various districts of Bombay Province and a circular, Ex. 176, dated October 8, 1947, was issued for the prevention of Sikh refugees from making speeches in regard to the atrocities in the Punjab and to register them on their arrival. This document has already been referred to.

15.38 On August 8, 1947, a letter, Ex. 113, was issued by the Government to the D.I.G., C.I.D., Poona and the Commissioner of Police.

Bombay asking for the list of officers and members of the R.S.S. and leaders of Hindu Mahasabha organisation and directing them to keep a strict watch on the operations of these two movements and send reports regarding that matter. This appears to be based on the note of Mr. B. G. Kher and Mr. M. R. Desai, Ex. 177, dated 7th August 1947. Pursuant thereto a list was prepared and sent on August 19, 1947, Ex. 114.

15.39 Likewise a similar list, Ex. 114A, was prepared about Ahmednagar which is a very important document. Amongst the Hindu Sabha workers at Poona there were N. V. Godse, N. D. Apte, the latter shown as potentially dangerous and a staunch Savarkarite-organizer of the Hindu Rashtra Dal, the activities of the former were of a similar nature. Other members were G. V. Ketkar, also a staunch Savarkarite, editor of the *Maratha* and a trustee of the Kesari Marhatta Trust and described as the brain behind Hindu Sabha activities. Another member was N. R. Athawale shown as a co-worker of N. D. Apte potentially dangerous who was arrested under section 3 of the Explosives Substances Act. Another person was D. R. Badge who is shown as proprietor of *Hindu Shastra Bhandar* dealing in unlicensed weapons, a staunch Hindu Mahasabhaite and against whom there were two prosecutions under the Arms Act and was potentially dangerous. There is also another list of the Poona District Hindu Mahasabha leaders. That also includes N. V. Godse, N. D. Apte, G. V. Ketkar, N. R. Athawale and several other Maharashtraans.

15.40 Even at the expense of repetition it may be stated that this is a document which would show the close association of Apte, Godse, Badge and others with an active Savarkar Group which is really repetitive of what the documents relating to 1942 and 1944 showed. The association was thus old.

Special reports discontinued

15.41 The D.S.P. of Poona in his weekly report, Ex. 117, dated September 22, 1947, said that there was nothing particular to report about the R.S.S. or the Hindu Mahasabha.

15.42 Mr. Rana, D.I.G., C.I.D., by his letter, Ex. 120A, dated September 17, 1947, suggested that special reports regarding Hindu Mahasabha and R.S.S. were unnecessary as weekly reports were being submitted. On this letter, there was some noting in the Home Department and the suggestion of the Home Secretary was that the reporting was necessary. Thereupon, on September 23, 1947, letter, Ex. 120B, was sent saying that the reports were necessary. In his report dated September 30, 1947, the D.S.P., Poona, said that there was nothing special to report about the activities of the Hindu Mahasabha during the week; but he has given the activities of the R.S.S. They had a flag salutation, a march past and physical exercises. The report also stated that the Sangh stood for revenge against injustice and protection of Hindu religion and culture; that the Sangh was not after jobs but its objective was to resurrect the past Hindu glory. This was really a rehearsal for the meeting of the one lakh of volunteers which was to be held shortly after.

15.43 It appears that there was some reconsideration of the matter by the Cabinet and it was decided on September 30, 1947 (Ex. 113-C) that the special reports may be discontinued and they were discontinued by a letter of Government, Ex. 120 dated November 3, 1947. Thus the special reports which were asked for in regard to the activities of the R.S.S. and Hindu Mahasabha were thereby discontinued probably due to the fact that the ordinary weekly reports sent by the C.I.D., Poona and the Commissioner of Police of Bombay would be sufficient. But thereby the importance which the directive as to special reports gave to watching the activities of these organisations was considerably impaired. Mr. Morarji Desai qualified this by saying that the discontinuance was for "the present".

Jayaprakash Narayan's speeches

15.44 On November 26, 1947, a meeting was held in Kirkee Bazaar attended by about a thousand persons. It was addressed in Poona by Mr. Jayaprakash Narayan, the Socialist leader (Ex. 122). In this speech, Mr. Narayan wanted the arsenal and ammunition factory workers to know the then prevailing politics. He said that the Muslim League had achieved Pakistan at the cost of the poor Muslims and that the rich capitalist Mohammedans had run away to Pakistan. He exhorted others not to drive away the Muslims and thus create more enemies and that it was the rulers of Indian States, the rajas and maharajas, who were trying to create trouble amongst Hindu and Muslim labourers in order to strengthen their own position. Further that the Army personnel were citizens of the country and had a right to take part in politics. He described the evil of communalism which according to him was still prevailing in the Army which he deduced from rioting and killing which was being done by the Armed Forces. This is a matter upon which the Commission is not called upon to express its opinion but perhaps the Defence Forces would not relish this accusation against them.

Parchure's speech

15.45 There was a meeting in the Tilak Samarak Mandir, Poona on December 2, 1947 (Ex. 131). The chief speaker was Dr. D. S. Parchure of Gwalior who was convicted in the Gandhi Conspiracy Case but was acquitted on appeal. He was described as a second Savarkar and that so great was his influence that on every mosque in Gwalior flew the Bhagwa flag. In his speech Dr. Parchure, after referring to the state of affairs in Gwalior, advocated the use of force to achieve whatever they wanted. He also said that Gwalior Army was full of Muslims who were in a majority and that the State was increasing the Muslim elements and that Adviser Srinivasan had advised the ruler that Parchure and his followers "were like dogs" The trend of speech was anti-Congress and extremely anti-Muslim. He criticised Pandit Nehru's policy as regards Kashmir and pointed out the quiescence of Hindus in the face of Mohammedan aggressiveness. In the end he made a significant remark, the importance of which was perhaps not then appreciated, that *Gandhi and Nehru would surely reap the fruits of their sins in a short time*. This speech was made in Hindi and because there was no Hindi shorthand reporter in the police, it could not be taken down in verbatim and was

reproduced from memory by the police reporters who were there. When the report of this went to Government they wanted a more authentic report of the speech but there could be nothing better because of the speech not being in Marathi.

15.46 On the reports submitted to the authorities there are some interesting notes showing that Parchure was a prominent Hindu Mahasabha leader in Gwalior, a fiery speaker using intemperate language. By Ex. 131A dated December 24, 1947, Mr. Rana, D.I.G., C.I.D., sent a report of the meeting to Bombay Government pointing out that the report of the speech was from mental notes and was not a verbatim report. It was also pointed out that Dr. Parchure was not on the list of persons whose speeches were to be reported in verbatim. On December 31, 1947 the D.S.P., Poona, wrote to the District Magistrate, Poona informing him about the report not being taken in verbatim and also that he would try to keep a watch on the activities of Dr. Parchure if he returned to Poona and necessary action taken to prohibit him from making speeches presumably in Poona. A copy evidently went to the A.D.I.G., C.I.D. also and his note is that the papers be filed.

Ketkar's speech

15.47 On December 3, 1947, there was a meeting presided over by G. V. Ketkar (Ex. 206). In this speech he described Gandhism as enemy No. 1 showing thereby that his attitude of mind was not very different from that of the other members of the Savarkar Group in regard to Gandhian philosophy. Of course, it does not mean that he was equally a votary of violence or protagonist of murder.

15.48 An abstract of intelligence (Ex. 121) dated December 27, 1947, shows that on December 18, the Poona Police raided the house of R. J. Deshmukh who had close contact with R. S. Khanolkar and recovered therefrom sten gun cartridges, rifle cartridges, revolver cartridges, bombs and hand-grenade shells and also a bottle containing arsenic tri-chloride. In connection with this find five persons were arrested and investigations made but the second para of this report states that the collection of arms and ammunition was to facilitate the people in the Hyderabad struggle which, it appears, was a handy cover for the collection of arms by this group of people to which Godse etc. belonged and was an easy facade to hide their real intentions and objectives.

15.49 On March 22, 1947 on the eve of New Year's Day (Hindu Calendar) an objectionable pamphlet, Ex. 265A, advocating terrorism of Savarkar type was distributed at the Railway Stations, Shivaji Nagar and Dehu but the police could not discover where they were printed and who distributed them.

Gopal Godse

15.50 Gopal Godse, witness No. 33, has published certain articles regarding the murder of Mahatma Gandhi. In Ex. 56 in the monthly journal, the *Painjan*, of August 1966, he said that it was difficult for the officials to think that a person who had failed once to assassinate

Gandhiji would not dare to make another attempt because of the arrest of one person and the likely arrest of others within a few days and a strong cordon of security men around Gandhiji. He has added that there was complacency shown by security police in carrying out investigation between January 20, and January 30, 1948. "The police miserably failed to derive any advantage from the statements, i.e., of Jain and Madanlal. If only they had shown keenness in investigation the tragedy would have been avoided." "In spite of all the precautions there are things such as a luck, chance or suitability of circumstances. A person gets an opportunity many a time just by luck."

15.51 Ex. 57, issue of that journal of September 1966, deals with the subject when the plot could have been hatched. The issue of November-December, 1966 of that journal is Ex. 55 under the heading "Gandhi Murder and Maulana Azad". Gopal Godse has said that Nathuram did not like the murder of Gandhiji and both he and Apte would have laid down their lives to prevent Partition and to protect the life of Gandhiji and he has blamed Maulana Azad for creating trouble between Sardar Patel and Pt. Nehru through, as it were, Gandhiji. He blamed Maulana Azad for being the author of the conditions which were laid down by Mahatma Gandhi for breaking his fast.

15.52 The Bombay Secret Abstract dated January 17, 1948, Ex. 214, relates to a meeting in Poona on January 6, 1948, where Mr. Y. Joshi, President of Hyderabad State Hindu Sabha urged upon the public opinion to support the struggle of the Hindus in Hyderabad State and requested the Government to fortify the borders and to provide arms and ammunition to the public to defend themselves. Mr. G. N. Kanitkar on the following day said that Hyderabad was not likely to accede to the Indian Union and the Government should provide arms to people living on the border areas.

Reply to Jayaprakash Narayan's speech

15.53 Ex. 71 is the report of the proceedings of the meeting of the Hindu Mahasabha at Shivaji Mandir held at 6-30 P.M. on November 28, 1947, where about 2,000 people were present and the speakers were V. B. Gogte and N. V. Godse and the subject on which speeches were made was "Hindu Nation and Jayaprakash Narayan". The speakers twitted Jayaprakash Narayan about his socialism and ridiculed his attack on the Hindu Mahasabha and the R.S.S. and accused the socialists of hypocrisy and also spoke about the atrocities of Muslims on Hindu women and accused the socialists of helping in the creation of Pakistan and the Partition of India and its consequences.

15.54. They also protested against handing over Kashmir to Sheikh Abdullah taking it away from a Hindu ruler. It was also said there that the R.S.S. and the Hindu Mahasabha were accused of conspiracy to murder Pt. Nehru. There was also a reference to Mahatma Gandhi.

15.55 The documentary evidence which has been briefly analysed and discussed above shows that Poona was in a state of agitation

scolded Jayaprakash in party meeting, but he did not want that to come in newspapers. The speech that the Sardar made at Lucknow was not liked by Hafiz-ul-Rahman which was misinterpreted in his newspaper. The Sardar said that Brajkrishan and Aruna were also in league in his removal and that Jayaprakash had started attacking him in Bombay and at Surat.

12D.57. On the following day i.e. 5th March Sardar had a heart attack. At 4 P.M. on that day he told Sushila Nayar that he had to go with Gandhiji who had gone alone.

12D.58 The diary shows that the Sardar was saying that he must die and go to Gandhiji.

12D.59 One of the causes of friction with Pandit Nehru was that Panditji was anxious to drop Justice Mahajan from the Diwanship of Kashmir but Sardar was not agreeable. This is what Jayaprakash Narayan told G. D. Birla, (entry of 26th February, 1948).

12D.60 Maniben's diary dated 25th January shows that the Sardar had a talk with Gandhiji, Pt. Nehru, Chetty, Mathai on the 13th January about 55 crores. Gandhiji's eyes were full of tears and his words were very harsh. After that "Sardar's heart was broken in the Cabinet and the talk....revealed that he had said: "Now. I cannot continue in the Government".

12D.61 The diary also shows that there was a meeting after the cremation on 31st January at 7.00 P.M. where the following were present : Rajaji, Panditji, Kher, Mehra, Bannerjee, Shankar Rao, Shankar, Jairamdas Daulatram. Balasaheb Kher talked to Mr. Morarji at Bombay and Raja Maharaj Singh talked to Pt. Nehru on the phone.

12D.62 On 2nd February, 1948 Sanjevi warned the Sardar that he should not go out for a walk in the mornings as there was danger to his life and that of Panditji.

12D.63 On 3rd February, 1948 a man came with his daughter who was employed in the telephone office and she gave a number in Alwar and repeated what she had heard on the telephone. Sanjevi was called and asked to inquire into the matter at Alwar.

E—*The state of the Delhi Administration*

.1 About the state of administration at the time Mr. Bannerjee

"Every week there used to be a conference which was attended by the Home Secretary, DIB of Delhi, the Chief Commissioner, the Deputy Commissioner of Delhi, senior Superintendent of Police, Delhi, and one or more senior magistrates or senior police officials. The matters connected with administration were discussed and decision taken as to what should be done. But in actual practice this also failed because such conferences could not be held regularly. It is really the break-down and the weakness of

the Administration and the want of proper cooperation between the police and the Administration which led to this laxity on the part of the individual officers and to the catastrophe. Immediately after this incident a new Inspector-General of Police was appointed. He was from the Frontier Police Mr. D. W. Mehra."

12E.2 Evidently the Home Secretary of the Central Government who has always been the recognised pivot of the administration concerning law and order and security was kept ignorant and there is nothing to show that the seriousness of the offence was indicated to him or he was kept or he kept himself informed of the progress of the investigation or what the Delhi Police were doing or what information was coming in to the Home Minister or his private secretariat.

12E.3 After 20 years of the occurrence when all the facts are known it is easy to be wise but perhaps if the Home Secretariat had been as meticulous after the bomb explosion as it was after the murder as stated by Mr. Bannerjee, police vigilance and police investigation might have been more intelligent and more fruitful than it was and might not have been sterile.

12E.4 It was unfortunate that after the bomb incident neither the District Magistrate who appears to be an alert and intrepid and able officer was brought into the investigation nor was the advice of Mr. R. N. Bannerjee sought. Even after the murder, on February 27, 1948 Mr. Bannerjee was complaining that he was not kept in touch with the progress of the investigation and this in spite of his later statement that after the murder the Secretariat took charge and there was meticulous control which must have been after the letter. But the Commission agrees with Mr. Bannerjee that after entrusting the investigation to the highest ranked police officer like the Director of Intelligence Bureau and Inspector General of Delhi the Government of India and the Minister of Home Affairs was not expected to scrutinise or direct investigation. It may be added that it is not their function nor are they trained for it. Commission agrees with the opinion of Mr. K. M. Munshi, one of the seniormost Advocates in India and an ex-Governor of U.P. and one time Home Minister of Bombay. In his deposition he said that if a Minister receiving any information of an offence or likelihood of the commission of an offence passes it on to the Inspector-General of Police he must be taken to have proceeded properly. He cannot order an arrest nor can he investigate himself nor direct how to investigate. He gave an instance of a report reaching him, where, he was Governor of U.P., of danger to the life of Prime Minister Nehru. He passed it on to the Inspector General through the Home Minister but the news turned out to be without any substance.

12E.5 Mr. R. N. Bannerjee, Secretary of the Home Ministry, stated that the R.S.S. as a body were not, in his opinion, responsible for the bomb throwing on Gandhiji or for his murder, nor did the conspirators act in their capacity as members of the R.S.S. but the activities of that association were so anti-social and objectionable that in his opinion Government was rather tardy in not dealing with that

organisation. After the 30th January, therefore, the Government felt guilty about not having taken any preventive or punitive action against the R.S.S. and it was banned soon after the post-funeral meeting of 31st January, 1948. As Mr. Bannerjee has put it, the decision about banning R.S.S. should have been kept secret but unfortunately it leaked out to the Press and before any action could be taken the top leaders of the R.S.S. went underground.

12E.6 Mr. Morarji Desai also said that danger to Mahatma Gandhi was from the R.S.S. and from the Hindu Mahasabha. He put the matter thus:

"I could not say who the exact persons were who would do harm to Mahatma Gandhi. But from the information I had I could say that they were likely to be either the refugees or the R.S.S. and Hindu Mahasabha, not necessarily from Poona. It was also possible that they could be Muslim fanatics and this class of people was dispersed all over the country and they were more in the North than in Bombay."

12E.7 Mr. Khadilkar, witness No. 97, stated that danger to the Mahatma was from the Rashtra Dal. According to Mr. V. Shankar, Sardar Patel also knew of the danger to Mahatma Gandhi from R.S.S.

12E.8 Mr. V. Shankar, witness No. 10, has stated:

"My impression is that there was information of the existence of a hostile camp in Poona which was then known as the Kesari school of thought against Gandhiji and Dr. Savarkar was said to be the inspirer of that school and as far as I know their activities were kept under watch by the Bombay Special Branch".

showing thereby that the Poona school was against Gandhiji and was a potential source of danger. According to Mr. J. N. Sahni, witness No. 95, there were two schools of thought in Delhi, one for banning communal organisations and the other was against it. Mr. B. B. S. Jetley, witness No. 55, when recalled on January 14, 1969 stated that there was a list of 600 to 700 cases against the R.S.S. in a couple of months after the Independence, the charge against them being of collecting arms, attacking villages and assaulting individuals, and he recommended that the R.S.S. should be banned. He actually went to see the C.I.D. Chief at Lucknow and also Mr. Govind Vallabh Pant who was then the Premier of U.P. and Mr. Lal Bahadur Shastri, who was the Home Minister, and recommended to them R.S.S. be banned. They agreed with him but said that they will have to consult Sardar Patel. This organisation was banned but after the murder. He also said that Sardar Patel called him (Jetley) and told him that it was difficult to ban R.S.S. because the Muslims were already against them and he did not want a section of the Hindus also to be against them.

12E.9 Dr. Sushila Nayar, witness No. 53, has given the reaction of Mahatma Gandhi regarding the R.S.S. thus. When she praised

before the Mahatma the work of R.S.S. volunteers at Wah, he said that she did not know them. They were like the Black shirts, like the Fascists and the Nazis.

12E.10 Mr Pyarelal, witness No. 54, said that he felt that in the Delhi Police there was infiltration of anti-Gandhi feeling and of pro-R.S.S. elements, though this has been denied by practically all the official witnesses.

12E.11 Mr. Jayaprakash Narayan in his Press conference on February 3, 1948, at Delhi blamed the Government for not doing all that they could to protect Mahatma Gandhi and accused them of negligence. On February 6, 1948, Mr. Shyama Prasad Mukerjee condemned communalism which was reported in the 'Times of India' of 7th February (page 7). Mr. Jayaprakash Narayan again returning to the charge against the Government in his speech reported in "The Times of India" of February 18, 1948, Ex. 242, said that if prominent Congress Ministers had not patronised and attended R.S.S. rallies and had warned the youth against joining the organisation, Mahatma Gandhi would not have been killed. He also said that it was wrong that he wanted a Cabinet portfolio and that he would have got it long ago if he wanted it. "Even after the bomb was thrown no strong action was taken but attempts were made to blanket the criminals by officials within the administration who sabotaged any effort that might have been made to unearth the conspiracy." The Commission has had no corroboration of this wholesale condemnation of the officials or any Minister patronising or attending R.S.S. rallies. In a speech reported in the *Bombay Chronicle* dated February 28, 1948, Ex. 243, Mr. Jayaprakash Narayan once again reverted to the charge of responsibility of the Government for not looking after Gandhiji's safety. He demanded the resignation of Dr. Shyama Prasad Mukerjee, Mr. Shanmukum Chetty, Sardar Baldev Singh and Mr. C. H. Bhabha, and demanded the bifurcation of the Home and Information and Broadcasting Ministries.

12E.12 Rajaji in his book "Gandhiji's Teachings and Philosophy" published by the Bhartiya Vidya Bhavan at pages 20-22 has stated as follows:—

"When on 30th January, 1948, Gandhiji was assassinated by Godse, Sardar Vallabhbhai Patel felt that the conspiracy to kill Gandhiji was due to Hindu anger against him on account of this advice of his to pay a huge sum of money to the Pakistan Government when it was organising and carrying out a wicked military campaign against us. Our folly in helping the enemy with fifty crores rupees at that juncture was thought to be inexcusable and the small militant anti-Gandhi Maharashtrian group felt this as a climax of Gandhiji's disservice to the nation and decided to put an end to this foolish saint whom the nation could not otherwise get rid of. So great was his influence and so foolishly did the people venerate and obey him that these conspirators thought, according to the Sardar, that there was no way out other than assassination."

is was the opinion of Sardar Patel showing that he was fully aware of the indignation that the giving of 55 crores to Pakistan had created in the minds of the people.

12E.13. In the speeches of Mr. Jayaprakash Narayan there was a strong condemnation of communal organisations the Hindu Mahasabha, the R.S.S. and the Moslem League and a demand for their being banned. He even accused the ministers of having given encouragement to the R.S.S. by attending their rallies. There is no evidence of Central Ministers having done so.

12E.14 Mr. R. N. Banerjee stated that after the funeral of Mahatma Gandhi at the informal meeting of the 31st January there was a feeling that the R.S.S. should have been banned earlier. Whether it should have been done or not was for the Cabinet to decide; but his own evidence shows that the R.S.S. as such was not responsible for the conspiracy or the murder. The banning of that communal organisation in that case would not have affected the conspirators or the course of events because they have not been proved to have been members of the R.S.S. nor has that organisation been shown to have had a hand in the murder. And even if it had been banned Godse, Apte and their group could not have been arrested as members of an illegal organisation.

12E.15 What the effect of earlier banning of the organisation would have been is difficult to say as evidence on the point is scanty and inconclusive. But if the police could not enforce the ban under S. 144 Cr. P.C. it is highly speculative if an effective check would have been possible by banning the organisation.

Mr. M. S. Randhawa, Witness 18

12E.16 Mr. Randhawa stated that from September 1947 to January 20, 1948 it never came to his knowledge that the life of Mahatma Gandhi was in danger. He took him to a village to open a Panchayat Ghar without taking any special precautions. The inference which he wanted the Commission to draw from this was that the District administration had no knowledge of the danger to the life of the Mahatma.

12E.17 He must have learnt, he said, of the throwing of the bomb on the 20th January but the inference which he drew was that it was a protest against Gandhiji's speeches rather than an attempt on his life and that is the impression which he continued to have right upto the murder.

12E.18 Mr. Randhawa referred to his letter of explanation, Ex. 140(7) dated 7th February, 1948 in which he explained the reason why he allowed Mehta Puran Chand, Advocate, to interview Madanlal. He there said, "I must mention a serious lapse on the part of Superintendent of Police, New Delhi that he did not keep me informed of the progress of investigation of this case and I did not receive a single report from him which could give me an indication that Madanlal accused was involved in a conspiracy to murder Mahatma Gandhi". A special report regarding the bomb incident was cyclostyled on the 26th January and a copy sent to his office on the 27th January. "I was under the impression that Madanlal had exploded a cracker or a bomb simply as a protest against Mahatma Gandhi's views and was not wanted in a conspiracy to murder case.....". His explanation was not accepted by the Home Ministry and was characterised as "obviously unsatisfactory".

12E.19 Mr. Randhawa deposed that he did not meet the Home minister during the period 20th to 30th January, 1948 nor was a meeting of the Emergency Committee called. At any rate, he was not invited. He again reiterated that he did not know before the 30th that there was a conspiracy to murder Mahatma Gandhi. He was never informed by Sanjevi nor by Mehra nor did they inform him as to what statement Madanlal had made. He himself never made any inquiries regarding that statement because he had many things to attend to particularly the law and order situation in the city. He might, he said, have gone to the spot after the bomb was thrown as reported in *The Statesman* of the 21st January but he was quite positive that he was never told that it was an attempt on the life of the Mahatma. He said that the statements made in Ex.140(7) correctly represent his impression because the matters were fresh in his mind at that time. He added that he could not remember if he read the newspapers of the 21st January. The newspapers are apt to exaggerate and what is stated therein may or may not be correct.

12E.20 When asked what he would have done if he had known about the conspiracy, he said that he would have gone to the Home Minister and got a meeting of the Emergency Committee called to devise means for doing something appropriate. He was shown a copy of Ex.84, Special Report of the Superintendent of Police, but he said that he could not remember whether he read it or not, nor whether it did reach him at all.

12E.21 Mehra used to meet him during those days, but he never informed him as to what was being done in regard to the bomb throwing case. He said that it was absolutely false that Amar Nath Bhatia met him every day and gave him the progress of the case.

12E.22 When further examined, he said, "If I had known about this attempt to murder, I would have gone to the Home Minister and had a special meeting called.....of the high level officials called to devise means of taking proper precautions".

12E.23 He added, "I would have stopped the prayer meetings whether Mahatma Gandhi liked it or not because his life was very important and I personally had a great respect for him as a leader". He added that he saved the life of Mr. M. A. Jinnah and other Muslim League leaders when they were attacked at the Imperial Hotel by Khaksars. It was probably in May, 1946. Further he said, "I would have controlled the people who were coming to the prayer meetings".

12E.24 During the fast of the Mahatma the refugees were making demonstrations against him and were even saying "MARTA HAI TO MARNE DO". "I could not remember the slogan 'Madanlal Zindabad'."

12E.25 The situation at the time of the fast, etc. was very tense. The whole thing was in a flux. The refugees were very angry. A large number of refugees used to gather outside Birla House and shout slogans "GANDHI KO MARNE DO (Let Gandhi Die)". It

was partly due to the fact that he insisted on the payment of 50 crores and in spite of helping the refugees the Mahatma was giving help to the Muslim community.

12E.26 Mr. Randhwa was, therefore, under the impression that the bomb was a protest against his pro-Muslim or anti-refugee policy. It was suspected that the R.S.S. and the conservative extremist Hindus were at the back of this bomb incident and that it was a mode by which the refugees showed their resentment.

12E.27 He denied that the Delhi Administration or the Delhi police were sympathetic towards the R.S.S. As a matter of fact, it was under his orders that hundreds of members of the R.S.S. were arrested.

12E.28 In his first statement before this Commission he said that he received no reports from the C.I.D. or anybody else that Mahatma's life was in danger. He came to know of the bomb incident but he was never told that it was a part of a conspiracy nor how the investigation was going on.

12E.29 Mr. Mehra used to meet him quite often but never informed him about the developments in regard to the bomb case, nor who were the persons connected with the bomb explosion or who the conspirators were. He did not know till after the murder that some Marathas from Poona were involved in the conspiracy.

12E.30 Describing the state of affairs at the time, he said that the District Magistrate was a very busy person. He had many problems to tackle and he could not keep himself in touch with the detailed developments in important cases of crime in his charge.

12E.31 He was asked in regard to what the communist paper "People's Age" contained saying that Mahatma Gandhi was going to be murdered and that the Delhi police was infiltrated by R.S.S. people and that the Deputy Commissioner Randhawa was behind the movement and, therefore, they were not very keen on protecting the life of Mahatma Gandhi, his reply was "It is an utter lie. I do not mind calling it a damn lie". He said that he had too much respect for Mahatma Gandhi to be guilty of any such want of interest in his safety.

12E.32 He said it was correct that Mahatma Gandhi was opposed to the searching of people who attended his prayer meetings and that in his opinion the police could not have searched against his wishes. The most effective precaution, according to him, was that the prayer meeting should be stopped. Nothing else, in his opinion, would have been as effective. "I would like to add that if a person is determined to kill another man and is prepared to lose his own life, he can do it in spite of precautions". People in uniform, he said, would not have been effective. On the other hand, they would have been a hinderance.

12E.33 Mr. Randhawa was examined by Mr. Pathak. There also he said that nobody felt that Mahatma's life was in danger but a group of people were hostile to him. The Home Ministry did not

inform him of the danger to Mahatma Gandhi or of a conspiracy to kill Mahatma Gandhi. As such, no special security measures were taken as far as he could remember. He added that if he had known about the facts of the bomb throwing, he would have taken a number of measures including searching of all people who were attending his prayer meetings. He would have stopped people from attending the prayer meetings excepting those who were closely associated with the Mahatma. When asked whether proper step to be taken would have been to post such policemen at the gates of the Birla House as could identify the conspirators, his reply was: "Apart from the protective measures which I have narrated above I would have posted plain-clothes men, secretly armed, to protect Gandhiji and also taken all possible measures to arrest the suspect. In fact, the entire police machinery would have been set in action against the conspirators."

12E.34 Police Superintendent Amar Nath Bhatia, witness No. 17, when recalled on April 24, 1968, said that he was meeting the Deputy Commissioner every day. C.I.D. officials were also there and they told Mr. Randhawa what was happening in connection with the case. He was not aware whether Mr. Randhawa made any complaint against him to the Home Ministry that he was not keeping him (Mr. Randhawa) in touch with the investigation. But as stated above, Mr. Randhawa has denied any such information.

12E.35 The Commission would not expect the Deputy Commissioner and District Magistrate to keep in touch with every investigation which the police is conducting. Commission also realises that at the time of the fast and at the time the bomb was thrown, Delhi was in a turmoil. There were Hindu-Muslim riots. So much so, that even officers in-charge of law and order were constantly in danger as deposed to by Mr. Randhawa and as stated by Mr. Justice Khosla in his book 'The Stern Reckoning'. One I.C.S. officer from U.P., Mr. Mishra, and another army officer, also a Mishra, were shot dead by the rioters. Meos at that time had fully armed themselves and it was after a fierce interchange of firing that they capitulated and then they were put in the camp and went away to Pakistan although later they returned. Similarly, there was danger from Pandaras from Bulandshahar side who had also armed themselves and were stated to be marching on to Delhi. As a matter of fact, army had to be deployed to keep law and order in Delhi. Then there were the refugees who could not be said to be in a peaceful state of mind. They were agitating and in a state of turmoil and not exactly peaceful. Rightly or wrongly they considered that Mahatma Gandhi was responsible for their miseries. In those circumstances, the District Administration must have been under a great stress and it is quite possible that the District Magistrate may not have given that attention to the incident of bomb throwing at a prayer meeting of the Mahatma as he otherwise would have done. It is only one newspaper that gave out the information about a plot to kill Mahatma Gandhi. The other newspapers just gave factual news. Commission has no reason to doubt that Mr. Randhawa was not informed of what was happening in regard to the progress of the investigation into the bomb case. But even then one would have

expected that in view of the regard and affection which Mr. Randhawa, according to his own statement, had for the Mahatma and in view of the high position that he held in India and even in the international world, a little more attention should have been given in spite of all his multifarious duties. He could find out as to what the Police was doing in the investigation of the bomb case.

12E.36 Mr. Randhawa was in the witness box before the Commission and he gave the impression of being a very strong and determined officer and it would not be an exaggeration on his part when he said that had he known about danger to the Mahatma, he would have even stopped the prayer meetings and would have screened everybody going to the prayer meetings. Whether he would have succeeded in this or not, he appeared to the Commission to be quite capable of doing this.

F—Conditions at Birla House—What Precautions The Gandhi Ashramites Took

Brij Krishan Chandiwala, Witness 11

12F.1 Brij Krishan Chandiwala, witness No. 11, stated that the refugees were in angry mood. Once in Mahatma's face they called him names. On another occasion a procession came to Birla House shouting slogans that "Khoon Ka Badla Khoon Se Lenge" (We shall avenge bloodshed by bloodshed.) They were opposed to the payment of Rs. 55 crores to Pakistan. And many people were objecting to the recital of the Quran at the prayer meetings. Although conditions at Delhi became calm, the Maulanas complained to Mahatma Gandhi about their safety. When Gandhiji broke his fast, the people's minds and "hearts were not clean" and that is why "a hand-grenade burst with a great sound on the 20th January, 1948 after his finishing prayer and Gandhiji had a narrow escape. Arrests were made after this incident. About 2 or 3 persons were arrested. From that day we became very vigilant and took great care about Gandhiji. Three or four days later a police officer came to see me and informed that the incident of 20th was a conspiracy to murder Gandhiji and the names of 9 persons have come to our knowledge who were involved in it... I thought that police will at once arrest those persons and there was no reason of fear left". Gandhiji's opinion also was that it was a conspiracy to kill him. Police were posted at the gates and whoever came to see him came through me by appointment. He added that he could not imagine that the police could be so careless that after knowing about the conspiracy Gandhiji would be murdered. He himself did not try to find out what arrangements were made by the police to arrest the conspirators because he knew that Sardar Patel was anxious about the safety of the Mahatma and that Government would do everything to protect the life of Mahatma Gandhi. "After we came to know that the police was looking into the matter, we did not do anything." He was also satisfied when the police officer told him that they had got 9 names involved in the case and they were confident that the measures taken by the Government would prevent any harm coming to Gandhiji and it was for that reason that they did not try to find out what action Government was taking.

12F.2 He also added that there were Congress volunteers also but it never struck them (Chandiwala and others) that anything serious will happen and that is why they did not warn the Congress volunteers. Besides, they were under the impression that nothing would happen after what had happened on the 20th of January.

12F.3 Ordinarily, they used to form a cordon round Gandhiji when he went to the prayer ground. But on the 30th it was late and Gandhiji started walking very fast, and although it is not so stated it means that there was no cordon on that day. They had stationed people on both sides of the passage through which Gandhiji was to pass and it was not, therefore, necessary to have people in front as well as at his back because nobody expected that a person would suddenly jump up from the crowd and fire in such a short time.

12F.4 They never suspected that any kind of outrage would be committed by Poona people. They were suspecting other persons. Although Mr. Chandiwala had come to know that Madanlal had thrown the bomb he never tried to find out who was at the back of the offence.

12F.5 Large crowd used to come to the prayer meeting. The police was outside the Birla House. It would have been difficult for anyone to find out about the presence of Nathuram Godse. There was always such a big crowd that it would have been difficult to find out about his presence. It could not have been an impossible task to catch hold of Nathuram Godse. He again added that he could never imagine that the police would be so careless as not to prevent Gandhiji being murdered.

12F.6 He added as has been said above that when the police told them about 9 persons who were involved in the bomb case and that they knew their names, he became quite satisfied and confident about the measures which the Government would take.

Vishwanath Shah, Witness 3

12F.7 Vishwanath Shah, witness No. 3 before Mr. Pathak, stated that an adverse atmosphere was created against Gandhiji. After returning from Noakhali he stayed at Birla House. "At first Brij Krishanji had directed our volunteers to look after the protection of Gandhiji at Birla House but afterwards he said, 'Now the protection would be managed by the police: the volunteers were no longer necessary'. Still some volunteers of the Seva Dal used to sit and be present at the time of the prayer." He also said that police in plain clothes used to be present at the prayer meeting.

Dr. Sushila Nayar, Witness 53

12F.8 Dr. Sushila Nayar, witness No. 53 stated that nobody in the Ashram could imagine that anybody would do harm to Mahatma Gandhi. They took the fatalistic attitude that as long as God wanted the Mahatma to serve the country, he will. But there was no deliberate lack of alertness or negligence on the part of the authorities. Before the bomb incident they never felt that Mahatma's life was in danger. But there were rumours that Mahatma's life may be in danger and that is why security men in plain clothes were stationed in Birla House and the plain clothes policemen had to hide themselves behind bushes to keep themselves out of Mahatma's sight.

conspiracy to murder in his capacity as Secretary to the Home Ministry because the Director of Intelligence Bureau who was also the Inspector General of Police in Delhi was in constant touch with him. The persons who were present at the meeting of the 31st January were: Pandit Nehru, Sardar Patel, Chief Minister of Bombay Mi Kher, Mr. Rajagopalachari, and Sanjevi. Sanjevi read out the confessional statement of Madanlal and said that he had sent a copy of that statement through two Policemen to Bombay on 21st January but the two Policemen had returned after two or three days and complained that the Bombay Police had taken no notice of them and had asked them to return to Delhi. As the statement stands obviously the reference is to Madanlal's statement of the 20th January and not of the 24th because the officers were flown on 21st January. The statement contained the names and particulars of the conspirators, 2 or 3 places in Bombay and Madanlal had told the Police "PHIR AYEGA" from which Mr. Bannerjee understood that those persons would return to kill Mahatma Gandhi. It also transpired that Godse had reconnoitred the prayer ground at Birla House a day previous to the murder i.e. on 29th January.

12D.18 As far as Mr. Bannerjee could remember Sanjevi did not inform the Deputy Commissioner of Delhi. Mr. Bannerjee ascribed gross incompetence and lethargy to Mr. Sanjevi in not having informed him or to remind the Bombay Police as to what action was taken. Sanjevi admitted at the meeting that he did not remind the Bombay Police. Mr. Bannerjee did not ask Sardar Patel whether he had any prior knowledge of the conspiracy and the statement of Dr. Jain first came up after it appeared in the Press. He also deposed that it was the duty of the Bombay Police to have sent their men to Delhi and it was the duty of Mr. Sanjevi to have insisted on the Bombay Police sending their men to Delhi in order to trace the associates of Madanlal and to prevent the carrying out of the object of the conspiracy. According to him, there was a convention for the Police of the province to which the culprit belonged to send its men to the province where the offence was committed. This was an inter-provincial convention. According to this the Bombay Police itself should have moved in the matter and the Delhi Police should have taken a more active part. When the statement of Mr. Shanker that after the confessional statement of Madanlal both the Bombay Police and the Intelligence Bureau were hot on the trail of the persons mentioned therein but they evaded their watch, was put to Mr. Bannerjee, he replied that he agreed that the Police did not get any concrete and tangible evidence until they got the confessional statement but he did not agree with the remaining part of Mr. Shankar's statement because the enquiries he had made after the meeting led to a different conclusion. Further, at the meeting everybody was disgusted with the Police inaction and Mr. Bannerjee described his own knowledge in an article in a book called "The Civil Servant in India" by Mr. K. L. Panjabhi where he said the following:—

"All the same a great deal of temporary disintegration occurred in Secretariat administration. In the Delhi province (which never had a proper wholetime Inspector General of Police ever since its creation in 1912) the police force got

ill-organised and weak; and minimum liaison between the Chief Commissioner and the Home Department on the one hand and the district administration on the other could hardly be maintained. Mahatma Gandhi's assassination on the 30th January 1948 was partly a by-product of this confused state of affairs. After the cremation there was a meeting at Sardar Patel's residence in the evening of the 31st and it was disclosed for the first time that by the early morning of the 21st January the Delhi Police had in their possession statement made by Madanlal (who detonated a hand-grenade at Mahatma Gandhi's prayer meeting at Birla House on the 20th evening and who made a confession to the police overnight) in which the full history of the conspiracy was set out. The Delhi police did function in one respect, namely, that they sent Madanlal's statement to the Bombay Police by the 21st January evening but the papers lay with the Bombay police. Both Godse and Apte could have been found and nabbed in one of their two-Bombay haunts on the 23rd. Unfortunately nobody took any action on this statement of Madanlal and the Delhi police did not even remind the Bombay police. The Delhi magistracy and the Home Secretariat remained ignorant of the statement (as the head of the Delhi police never kept them informed) till the world was staggered by the 'Hay Ram' shot on the 30th evening. All these matters are however still too 'contemporary', and their details must be left to the future historian."

12D.19 Mr. Bannerjee was examined before this Commission on May 11, 1967. He stated that as far as he could remember no newspaper had stated that there was a conspiracy "behind the bomb explosion" and the public came to know about it after the 30th January. Had he known that this bomb-thrown was the result of a conspiracy, he would have taken up the matter himself and would asked the Police as to what it was doing. Mr. Bannerjee again gave an account of what happened at the meeting on the 31st January 1948 where the confessional statement of Madanlal was mentioned for the first time and the people present at the meeting came to know about it only then. If the Police had been vigilant it should have been possible for them to arrest the persons mentioned in the confessional statement. Nathuram Godse and Apte were in Delhi and were reconnoitring Birla House and the places round about it on the 29th January. Mr. Bannerjee again repeated his statement about the convention of inter-provincial assistance by the Police. He said that they knew nothing of the conspiracy and Mr. Sanjevi never gave them any information. When Sanjevi was asked why he had not done so, he said he was sorry, and the witness again repeated the incompetency and lethargy of Mr. Sanjevi in that he did not inform him (Mr. Bannerjee), he did not order the Bombay Police to send their men to Delhi and did not remind the Bombay Police in regard to the information which had been sent to them. He squarely placed the blame on the Bombay Police and Mr. Sanjevi for allowing the conspiracy to fructify. The first statement of Madanlal recorded on the 20th was put to the witness and his reply was that he could not

against the Muslims and in pursuance of that agitation meetings were held wherein sometimes fiery speeches were made which were not only anti-Muslim, they were anti-socialist and also anti-Congress.

15.56 There was a collection of arms by certain individuals the ostensible object of which was to help the Hindus agitating in the neighbouring Hyderabad State. A bomb was even thrown in the heart of the city. But even though the thrower of the bomb was arrested and he made a confessional statement that N. D. Apte had given him the bomb, the police could not proceed because the confessional statement was withdrawn and even without its withdrawal it was a piece of evidence of very little, if any, value. It also appears that the police did not think this bomb throwing to be serious because according to the District Superintendent of Police, Mr. Pravinsinhji Vijaysinhji, it was not thrown on any individual, showing thereby that unless it was directed against a person or persons, according to the head of the District Police, it was not a serious matter.

15.57 Two speeches which have been brought to the notice of the Commission, one by Mr. G. V. Ketkar that Gandhism was enemy No. 1 and the other by Dr. Parchure that Gandhi and Nehru will soon reap the fruits of their sins—these speeches were made on two successive days in December, 1947—show that the trend of speeches of some of the Hindu Mahasabha workers was not free from preaching violence or at least producing disaffection against the Congress leaders which could well have led to violence.

15.58 The Government was not wholly ignorant and inactive in regard to what was happening in Poona. That was as long back as July 1947. It ordered lists of Hindu Mahasabha and R.S.S. leaders to be compiled which lists showed that some of them were Savarkarites and some of them were both Savarkarites as well as potentially dangerous. The order passed by Government for special reports in regard to these persons was subsequently withdrawn because it was considered that the ordinary weekly reports were sufficient for the purpose of apprising the Government of what was happening. The discontinuance of the special reports even though "for the present" could impair that watchfulness which a specific and special order for special reports would have implied.

15.59 The Hindu Mahasabha Press particularly the *Agrani* was writing in a rabid strain, so much so that a substantial security had to be demanded from it. Yet it was not deterred from its propaganda and it even adopted the subterfuge of discontinuing the "*Agrani*" and starting it under the name of *Hindu Rashtra* with the same rabid policy, much to the chagrin of the police, which is shown by the evidence of Deputy Superintendent Angarkar, witness No. 68.

15.60 As the story of the happenings in Poona is unfolded rather vividly by the statements of high ranking police officials like the Inspector General of Police, Bombay, the Deputy Inspector General, C.I.D., District Superintendent of Police and other subordinate police officials, the statement of each witness is sometimes briefly and sometimes at great length discussed and analysed and at the end of each witness a resume of what he has started has been given. This has been

done to facilitate appreciating what each witness has said and what points the evidence of each witness has brought out. At the end of the portion of the Chapter dealing with Poona matters the Commission has set out its conclusion which, in its opinion, result from a discussion and analysis of the oral evidence of witnesses and the documents which have been placed before the Commission.

15.61 The evidence of what one may term non-official
has been separately dealt with.

Statements of witnesses in Poona

15.62 Commission will now take up the analysis of the evi
Poona witnesses.

N. M. Kanite wit. 4

15.63 Mr. N. M. Kamte, retired Inspector General of Police witness No. 4, was examined thrice before this Commission and once before Mr. Pathak. He stated that Hindu Mahasabha movement did exist in Poona but he could not say if it was a strong movement. Its aims and objects were to unite the Hindus and protect their interests and there was antagonism between the Hindu Mahasabha and the Congress. The Hindu Rashtra Dal in Poona was led by Chitpawan Brahmins but he was not aware of any anti-Gandhi movement in Poona in particular and in Maharashtra in general although some of the leaders did not agree with his non-violence.

15.64 Although the Hindu Mahasabha was not very much excited about Partition, it was excited when the news of what was happening in western Punjab came.

15.65 The C.I.D. must have reported the speeches made by Hindu Mahasabha workers in July 1947. And if the speech ascribed to Nathuram Godse by Mr. G. V. Ketkar was made the police reporters would certainly have recorded it.

15.66 He had no knowledge of any information given to Balasaheb Kher about the danger to the life of Gandhiji, either by Ketkar or Balukaka Kanitkar. But he knew that the C.I.D. watched the movements of those persons from whom there was apprehension of violence.

15.67 He read about the throwing of the bomb in the newspapers. Nobody informed him about that fact. He could not connect Madanlal with any person in Poona nor could he say if the Poona Police knew that Madanlal was living in Ahmednagar. Mr. Kamte did not know professor Jain. Between the explosion of the bomb and the murder of the Mahatma he did not know what the conspirators were and he had no reason to suspect Poona people being involved in it. The first time he came to know about this fact was when Mr. Sanjevi telephoned to him about the murder on January 30, 1948 in the evening.

15.68 After he got the information, he telephoned to Mr. Gurtu, A.D.I.G., C.I.D. and his reply was that he knew that Poona people were political suspects and were against Mahatma Gandhi for his

giving 55 crores. Mr. Sanjevi had given some names to him. He could not recollect those names but he had passed them on to Mr. Gurtu and Mr. Gurtu said that he did know that they were against Mahatma Gandhi. He might have given only one name and Mr. Gurtu inferred the others.

15.69 The Poona Police were not associated in the investigation from 20th to 30th January 1948 excepting that Mr. Rana was in Delhi and had been given certain information and also a copy of Madanlal's statement dated January 24, 1948 which was shown to him (Mr. Kamte) by Mr. Rana a day or two after the murder.

15.70 He did not try to find out what was happening in Delhi about the investigation of the bomb case. Generally it was the practice that if there was anything worth the Provincial Police knowing it, the D.I.B. used to inform the Inspector Generals and the D.I.Gs., C.I.D.

15.71 Nagarvala did not give him any information in regard to what the Minister had told him regarding Professor Jain which in his opinion Nagarvala should have done. Nagarvala said to him that the Minister had told him not to inform either him (Kamte) or the Commissioner. He (Kamte) did not ask Nagarvala why that was so. In normal course this matter should have been reported to him because important matters are normally conveyed to the superior officers. After he got this information from Nagarvala, he asked the Minister and he replied that he said that because he believed that he (Kamte) was not in Bombay and Barucha was not very effective. Mr. Kamte added that he might be wrong but his impression was that the Minister thought that he should get the credit for "bringing into light the offenders".

15.72 When asked why the Poona Police remained absolutely ignorant about the conspiracy, he said the police could not be present everywhere and certainly not in a jail where the conspiracy started. He added that orders were sought for the arrest of Karkare but he could not recollect why those orders were not passed or why Karkare was not arrested.

15.73 Commission may here observe that Karkare was ordered to be detained but the order was made much too late and by that time Karkare had vanished from Ahmednagar as also had Madanlal against whom orders were passed earlier.

15.74 Immediately after he got information about the murder he sent for Rana and asked him for the statement of Madanlal which Rana showed him. Mr. Kamte then asked him why he had not taken immediate action, come to Poona and informed Gurtu. His reply was that he was waiting for Inspector Angarkar who was then on leave. Mr. Kamte did not think that the Poona Police was sympathetic towards the conspirators or the R.S.S.

15.75 Mr. Kamte was asked what a police officer should have done if he had been given the information which was given by Professor Jain. He replied—

"I would have asked the Branch concerned to register an offence and to arrest the persons named in the information."

If it was merely an intention I would have arrested those persons. I would also have stationed officers from Maharashtra round about Mahatma Gandhi with the direction that they should keep an eye on any person who comes from Maharashtra specially the named persons, and arrest them if and when they came near Mahatma Gandhi or if they acted in a suspicious manner."

15.76 He was shown Ex. 5 and was asked what the Bombay Police should have done with that. He replied that the C.I.D., Poona should have been informed.

15.77 If the information given to Nagarvala was that some people of Poona and Ahmednagar were involved in the conspiracy then he should have got in touch with the C.I.D., Poona.

15.78 He (Kamte) first said that he did not know that the intention of the conspirators was to kidnap Mahatma Gandhi. He knew nothing about the facts contained in Nagarvala's letter to Mr. Sanjevi dated 30th January 1948, Ex. 8. Then Mr. Kamte added that he had a faint recollection "that Nagarvala may have told me about the theory of kidnapping" He thought that it was a fantastic theory.

In answer to another question he said:—

"The vigilance will depend on the suspicion against the persons concerned. In this case, the suspicion was not of murdering Mahatmaji but the suspicion was that there were some people in Poona who were against Mahatmaji's idea of giving 55 crores to Pakistan. If Gurtu had learnt about Madanlal's statement, he could easily have come to the conclusion that these are the people who were conspiring to murder Mahatmaji."

The Poona Police did not have sufficient information which could have led them to keep a watch on those persons.

15.79 When asked whether he asked Rana as to why he had kept the statement of Madanlal with himself without taking any action, he replied that he could not remember what reply Rana gave but he followed up that with his letter which has already been mentioned. He did not know of N. V. Godse before the murder, nor did he know about Karkare. He had never read the *Agrani* or the *Hindu Rashtra*. He did not know that Mr. Jedhe had warned Mr. N. V. Gadgil about the Poona people. Mr. Jedhe never gave him (Mr. Kamte) any information.

15.80 He did not know that Karkare was involved in some serious offences and warrants for his arrest had been issued. He came to know about it after the murder of Mahatma Gandhi.

15.81 Mr. Kamte was recalled and he said that as far as he knew the police had no knowledge that "a conspiracy to murder Mahatma Gandhi was brewing up". Had they known it they would have taken action in time. He said that the practice was that whenever a bomb was thrown on a person of the prominence of Mahatma Gandhi,

information was sent to the D.I.G.s. of C.I.D. of all the Provinces concerned and if ramifications were all over India then ever Inspector General and Deputy Inspector Generals, C.I.D. would be informed. If the identity of the persons committing an offence was not known, sending of information to Inspector Generals of different Provinces would be really futile because it would not help anybody. But if there was a reasonable suspicion that the accused may escape into other parts of India then it would be wise to send information to all the Inspectors General.

15.82 He had been told as a police officer that the accused person in a case like a bomb throwing case belonged to the Province of Bombay, he would at once have informed the D.I.G., C.I.D., the Commissioner of Police, and the Inspector General of Police, Bombay and also of the bordering Provinces. If he had known that the accused persons were not outsiders and were Delhiwalas, he would have stationed his men at the railway stations, airports and other terminals including the roads leading out of the town but he would have only placed those men who were intelligent. His experience was that accused persons do not usually try to flee at once but they first try to hide and later seek an opportunity to go out of the place. Had he known that the people in the conspiracy were from Bombay he would have placed 20 or 25 persons from Bombay around Mahatma Gandhi to see that the conspirators did not get anywhere near him. Godse etc. were known to Poona C.I.D. There must have been good reason why they were not shadowed. Once a man was in a list called the Black List, he was shadowed for 24 hours. As the names of Godse etc. were not in that List it means the C.I.D. did not know that they were dangerous.

15.83 As far as he knew there was a rule that information had to be given to the District Magistrate of the commission of serious offences, at least that would happen in Bombay. He had heard of Mr. G. V. Ketkar of Poona but did not know him personally.

15.84 In cross-examination he said if the statement Ex. 1 had been shown to him earlier, he would have got those persons mentioned there shadowed and kept them under constant watch. If the statement showed that there was a conspiracy to murder, he would have asked the police to arrest them at once and had he been told that one was an editor of the *Hindu Rashtra*, Poona and the other the owner of *Shashtra Bhandar*, he would have been able to find out at once through his subordinate staff as to the identity of those persons. Before the murder he had not heard of Apte or Nathuram Godse. If he had arrested them, he might or might not have put shadow on their close associates.

15.85 Hindu Mahasabha policy was extremely anti-Muslim. Mr. Rana was not pro-Hindu Mahasabha.

"Q. Supposing action in Poona on the basis of Madanlal's statement which had been brought by Mr. Rana to Poona even on the 27th or in any case before the actual assassination of Mahatma Gandhi had led to the arrest of the persons therein indicated, i.e., Badge, Godse, Apte and

Karkare, would it have resulted in the banning of the Hindu Mahasabha and R.S.S.?

Ans. No."

Local police in Poona had not been informed of the statement of Madanlal. Delhi Police should have asked them to arrest the accused indicated by Madanlal.

15.86 Mr. Kamte was again recalled but his examination was in regard to his correspondence with Mr. Rana. In cross-examination by Mr. Kotwal, Mr. Kamte said that had he been in place of Mr. Sanjevi he would have got into contact with the Inspector General of Police, Bombay and if a request had been made by the D.I.B., he would have certainly sent Bombay men to Delhi. He added that Poona people had no personal grudge against Gandhiji and it came as a surprise to him when he heard about Gandhiji's murder.

15.87 In his letter to Mr. Sanjevi dated 20th April, 1948, Ex. 97, Mr. Kamte had complained about Rana's bungling. He said that his intention was to make Rana realise the desirability of taking steps immediately, he got a copy of Madanlal's statement and his desire was that Rana should not commit a mistake like that again. It shows that in the opinion of Mr. Kamte, Rana bungled in not making any use of the statement of Madanlal which had been handed over to him in Delhi on 25th January, 1948. But will there be another Gandhi to be protected?

15.88 Mr. Kamte when recalled stated that as far as he knew the police in Poona had no knowledge about conspiracy to murder Mahatma Gandhi. If they had known about it, they would have taken timely action. It would not be a matter of surprise that the police knew nothing of the conspiracy which must necessarily be formed in secret but the surprise is the failure of the police to work out anything useful after it got information from two sources—(1) Madanlal's statements, the first one of the 20th and the second one of 24th January; and (2) information given by Professor Jain to Mr. Morarji Desai and by him conveyed to Deputy Commissioner Nagarvala at Bombay—and both of them remained bogged in sterile investigation and tangential theories showing either complacency or paralysis.

15.89 The evidence of Mr. Kamte may be summed up thus:—

- (1) The Hindu Mahasabha movement in Poona was there but he could not say if it was a strong movement.
- (2) The Hindu Rashtra Dal was led by Chitpawan Brahmins but he did not know of any movement in Poona being anti-Gandhi though the leaders of the Dal were no believers of non-violence.
- (3) The police would have reported the speech alleged to be made by Godse about Gandhiji's living for 125 years if it had been made.

- (4) He had no knowledge of information given to Mr. Kher by Balukaka Kanitkar. But the C.I.D. did watch persons likely to commit violence.
- (5) He knew nothing of the information given by Jain to Mr. Morarji Desai who should have conveyed it to him and not to Nagarvala. Nagarvala also did not give him any information.
- (6) Sanjevi when informing him about Gandhiji's murder did give him some names which he could not recollect, but he passed them on to Mr. Gurtu who knew them to be anti-Gandhi. It is possible that Sanjevi might have given only one name and the others were worked out by Gurtu.
- (7) After the murder and after he heard Madanlal's statement, he asked Rana's explanation.
- (8) He would have stationed Bombay Police around Gandhiji to check on people from Maharashtra side if he knew that the conspirators were from Bombay.
- (9) He had not seen precis of Madanlal's statement, Ex. 5.
- (10) Nagarvala should have got into touch with Poona and Ahmednagar. If Gurtu had known of Madanlal's statement, he would have inferred conspiracy and who were in it.
- (11) He did not know of kidnapping theory which was a fantastic theory in any case.
- (12) He was never told of what Mr. Jedhe had said.
- (13) The police in Poona had no knowledge of conspiracy to murder. Had they known it they would have taken timely action.
- (14) Godse etc. were known to Poona C.I.D. but they were not shadowed.
- (15) Had he known of Madanlal's statement, the persons mentioned therein would have been shadowed and kept under watch. From the mention of editor of the *Hindu Rashtra* others could have been identified.
- (16) From the mere fact that the conspirators were Godse and others, the Hindu Mahasabha could not be banned.
- (17) The Kamte-Rana correspondence shows that Mr. Rana had bungled.

¹ H. Rana, wit. 3

15.90 Mr. U. H. Rana, D.I.G., C.I.D., witness No. 3 when examined on 7th February, 1967, stated that he was called by Mr. Sanjevi on the day following the explosion and was told that Madanlal had given certain information showing that his companions were from Bombay side but it did not disclose where they belonged to. He had not stated that they belong to Poona but he had mentioned Savarkar. Rana

was also told that Madanlal had said that one of them was a Sadhu with a beard and another was his servant named Shankar and the third was an editor of a newspaper and he did not say where the newspaper was published. Since Savarkar was mentioned, Mr. Rana at once concluded that they must be Savarkarites.

15.91 Mr. Rana himself had no information about Annexure V (Ex. 5) or Ex. 5A.

15.92 When the Delhi Police officers returned from Bombay, and Sanjevi told him about their having been sent back, Rana told Sanjevi that it must have been because of their remaining in Bombay in uniform would have upset the arrangements and Sanjevi was satisfied that everything was being done properly in Bombay. He also deposed that he did not give a copy of the full statement, Ex. 1, to Mr. Morarji Desai and that the copy of the statement which he brought from Delhi was meant for Mr. Nagarvala and therefore he did not take it back from him. He did not accept the statement of Mr. Nagarvala that he, the witness, showed the statement to Nagarvala and then took it back. This in short is what he stated before the Commission when he appeared the first time.

15.93 When recalled at Baroda, Mr. Rana said that he could not recollect whether Shankar's name was mentioned on the 21st January or after the murder.

15.94 During the time that he was D.I.G., C.I.D., Poona, he did not hear the story of Godse and others going to Panchgani. Nothing of importance came to his notice about the activities of Nathuram Godse or of Apte or of Badge or of their group, nor that they were directed towards violence. The police reporters whose duty it was to report proceedings or the speeches of the meetings addressed by politicians did not make any such report. These persons were not on the Black List to be shadowed. Nor did he know that the Kesari group was a militant group. He did not know that G. V. Ketkar, Bhagwan and others were connected with the Hindu Mahasabha.

15.95 He was then examined about Ahmednagar affairs. He did not know that the Collector, Mr. Khan, had written to Government that bringing in of refugees would disturb the hitherto peaceful communal atmosphere of Ahmednagar but he knew that refugees used to take out processions and shouted anti-Muslim slogans. He said that it was not correct that he was present when a procession of refugees was taken out or a meeting was held by them at Ahmednagar as stated by Madanlal. He said that he was not in Ahmednagar then.

15.96 He said that it was correct that the Razakar movement was causing border incidents in Ahmednagar District. He could not remember any murder committed by the Razakars but they were committing robberies and dacoities.

15.97 He had no knowledge of Karkare and Madanlal having been ordered to be detained. When asked if he had seen the reports of Sub-Inspector Balkundi dated 4th January, 1948, Ex. 66, about

Karkare and Madanlal, he replied that he must have seen it because there was his endorsement dated January 14 on it. But it was not within his province to recommend or not to recommend detention. They were not persons with a provincial "reputation". He was not camping at Ahmednagar in January but the A.D.I.G. (Crime) was.

15.98 He was away to Delhi from the 20th to 27th January and therefore he could not have known of the happenings in Poona in his absence.

15.99 Mr. Rana was then examined in regard to various bomb incidents at Ahmednagar and he said that he had seen the reports and sent Inspector Razak on 12th December 1947. If written reports were sent in regard to Ahmednagar incidents and his initials are on them, then he must have seen them. He was shown the report of Inspector Razak about the activities of Madanlal etc. but he said that it did not come to his notice but it might have come to his office. Nor did he know that Karkare was holding conferences with Apte and Godse. According to what he knew, neither Godse nor Apte were of provincial or inter-provincial importance. It was not reported to him that Godse and Apte were meeting Karkare in Ahmednagar.

15.100 He had not seen Ex. 67, the report of Sub-Inspector Balkundi dated 29th January 1948 about the identity of Madanlal. If the D.S.P. had received any information in regard to Madanlal in the ordinary course he should have sent it to him. There were violent activities in Poona and Ahmednagar but there was nothing to show that they were anti-Gandhi. They were anti-Muslim.

15.101 Mr. Rana had not seen the report about recovery of arms at the house of S. V. Ketkar nor had he seen the report dated January 26, 1948, of Inspector Razak about activities of various persons in Ahmednagar (Ex. 58).

15.102 He had not seen Ex. 54 regarding activities of Hindu Rashtra Dal. It was not reported to him that the activities of Godse and Apte were directed towards violence or that Godse and Apte both belonged to Hindu Mahasabha.

15.103 Proceedings of meetings of Hindu Mahasabha in June and July were not brought to his notice.

15.104 He had the list, Ex. 114, prepared but he could not say if the names of Godse, Apte, Athawle and Ketkar were there or not. Periodical reports were sent about the persons on the list but they were discontinued after the orders of Government passed on his recommendation.

15.105 He did not remember about the speeches of Mr. Jayaprakash Narayan at Kirkee made in November 1947. (Exs. 122 and 122A). But he must have seen a report of the speech of Dr. Parchure on 2nd December 1947 (Ex. 131) wherein he said that Gandhi and Nehru will reap the fruit of their sins quite soon. He did not remember the speeches made the following day at a meeting in Tilak Samarak.

Mandir by Professor Mate and G. V. Ketkar, Ex. 206, wherein the latter said that Gandhiism-cum-false nationalism was enemy No. 1. The practice was that if the speech was of sufficient importance it was sent by the office to him and he in turn in his discretion sent it to Government. If the speeches were of persons who were listed, then the speeches were reported in verbatim. He sent the report, Ex. 131, of Dr. Parchure's speech in order to let Government know about it. He added that from the information that he received from C.I.D. both Provincial and of the Districts there was nothing to indicate that there was any group or set of persons who were inclined or intended to murder Mahatma Gandhi or any other prominent Congress leader.

15.106 When asked about the statement of Mr. Munshi about the Poona school of thought led by Savarkar, he said it did exist but there was no information that its violence would be directed against Mahatma Gandhi nor did he know that the Kesari group was against Mahatma Gandhi.

15.107 The Provincial C.I.D. had no information of conspiracy to murder Gandhiji before 20th January, 1948. He could not say anything about its existence after the 20th January but if they had any information they must have reported to him.

15.108 Mr. Rana then described the system of classifying persons as to their relative importance. The Provincial C.I.D. reported to the Provincial Government and the Government of India whenever they got any information relevant to all-India matters; the Provincial C.I.D. reported directly to D.I.B.

15.109 Although he arrived at Delhi on the 20th evening, he learnt about the bomb explosion at Birla House the next morning. He did not know that Madanlal had anything to do with Ahmednagar. Mr. Sanjevi called him on 21st morning and asked him if he knew about Madanlal. What passed between the two of them was contained in his correspondence with Mr. Kamte, the then Inspector General of Police, Bombay.

15.110 Mr. Rana said:—

"I saw Mr. Sanjevi at about 9.30 a.m. or 10 a.m. He said that Madanlal had started talking and the latter stated that he came from Bombay; met Savarkar; and also gave the name of one Karkare and mentioned one Sadhu who had a servant. Mr. Sanjevi did not give me the name of the *Agrani* or its proprietor or editor or the name of *Hindu Rashtriya*, its proprietor or editor. I would like to repeat that he (Mr. Sanjevi) did not mention the names of either newspaper—*Agrani* and *Hindu Rashtriya*—or their proprietors or editors."

15.111 He advised Mr. Sanjevi to send two police officers to Bombay and Poona because Savarkar lived in Bombay and Poona was the stronghold of the Hindu Mahasabha. He could not say if Sanjevi knew any name besides Karkare's.

15.112 He did not know what information Delhi Police officers carried to Bombay or whether they took a copy of Madanlal's statement with them. No document was shown to him by Mr. Sanjivi at the time. Before the statement of Madanlal dated 24th January was given to him, he was not given a gist or any information about the contents of the statement. The statement was given to him on the evening of the 25th which he read in the train but he did not discuss the contents with anyone. Nagarvala told him that he had not sent the Delhi officers back but he had told them not to stay near Sher-e-Punjab Hotel whose proprietor was a suspect.

15.113 In the statement of Madanlal which he brought to Bombay, the name of the *Agrani* or the *Hindu Rashtra* was mentioned. There was also mention of the editor and of the proprietor. There appears to be some confusion in the witness's mind as the name *Agrani* is not there. He did not telephone to Poona from Nagarvala's house because Nagarvala told him that there was a big organisation and they wanted to make simultaneous arrests and Nagarvala's information was that they wanted to kidnap Mahatma Gandhi. Therefore, he did not inform his office in Poona to take any precautions in regard to the editor of the *Agrani*. Besides, he was going to Poona next morning and he thought he would take action when he reached there.

15.114 He did not think that the culprits would return immediately to put their design into operation. Sanjivi was also of the same opinion more particularly because one of them had been arrested.

15.115 He did not fly to Bombay because he did not like flying and air journeys did not suit him. The statement was not sent by air by the D.I.B. because he did not think that the conspirators would act so swiftly. Mr. Sanjivi had told him that he should proceed discreetly and cautiously so that they might make a clean sweep of all the persons in the conspiracy. This was particularly so because of Savarkar whose operations were deep-laid and quite wide in their extent.

15.116 Mr. Nagarvala only knew the name of Karkare and no other name. Rana did not advise Mr. Sanjivi to get Maratha policemen into Birla House to be on watch or any other persons from Poona or Bombay. He could not say if anybody else had advised him.

15.117 Mr. Rana was asked a specific question whether the culprits were known to the Poona C.I.D. as being persons who were likely to take part in violent activities. He replied:—

"I can now say that amongst them Apte, Godse, Karkare, Athawle and Badge were the potential mischief makers who were taking part in violent activities."

15.118 He was then asked if the sending of Bombay Police would have averted the catastrophe. He replied that there were too many assumptions in the question, that the same persons would commit the offence, they would select the same place or the men sent there would be able to identify them. He said that upto the 24th January he did not know that Madanlal had named any other persons excepting.

Karkare and Savarkar. He was not told that Madanlal had made a statement to the police on the midnight of 20th January 1948. Sanjevi did tell him that Madanlal had other associates on Bombay side and one of them was a Sadhu wearing a beard but he did not say that amongst them one was a manager or editor of the *Rashtriya* newspaper nor did Sanjevi say that Madanlal had given descriptions of six companions as his co-conspirators.

15.119 Mr. Sanjevi did not tell on the 21st nor on the 24th that one of the persons described by Madanlal was the editor of the *Agrani*.

is correspondence with Mr. Kamte.

15.121 He did not leave Madanlal's statement with Nagarvala because (1) Nagarvala already had the information from Home Minister, (2) He had been informed about Karkare and Savarkar, (3) Nagarvala had nothing to do with Poona, and (4). He himself was going to Poona the following day and he would take action himself.

15.122 If the Delhi Police officers had gone to Poona, Police there would have taken action. He said whatever Delhi Police may say, the names of the *Agrani* and the *Hindu Rashtriya* were not mentioned until the statement of Madanlal dated 24th. From the fact that the officers returned from Bombay it can be inferred that either the Bombay Police had all the necessary clues or the officers themselves did not go to Poona. Whatever explanation he had to give he gave in his letters to Mr. Kamte. He said that in those days it was difficult to talk on the telephone because telephone operators were not above suspicion.

15.123 He said even with the Bombay Police round about Irila House, it would have been possible to stop the catastrophe only if Gandhiji had allowed the people going to his meetings to be searched or screened. Constituted as Mahatma was, used to mixing with the crowds, it was difficult to protect him in those conditions against a possible murderous assault.

15.124 He was in Delhi screening information regarding complicity of different persons in the conspiracy and also about Godse having been at different places. There was no truth in the allegation made against the ruling houses at Gwalior, Alwar, or Bharatpur. That was the result of his investigations. Mr. G. K. Handoo did come and see him at Gwalior and told him that his information was that Bakshi Ram knew something about the conspiracy of murdering Mahatma Gandhi by Godse and he could, if he liked, meet him. Rana advised him to write to the D.I.B. who would give directions. His (Mr. Rana's) attention was drawn to his letter, Ex. 208, dated April 3, 1948 to Mr. Sanjevi in which he said that Bakshi Ram might be referring to some other conspiracy. He said that he did write that and the D.I.B. agreed with him as his endorsement shows.

15.125 Sending Madanlal to Bombay did not occur to anyone. He wanted Inspector Angarkar because Nagarvala wanted Badge to be identified and Angarkar knew everyone and their associates. He did not read the *Hindu Rashtra*.

15.126 He talked to Nagarvala about the steps he (Nagarvala) was taking in the investigation but he did not tell him anything of the descriptions allegedly given by Madanlal in his statement. Nagarvala told him that the Delhi Police officers wanted his help in arresting Karkare. He did not say that they had mentioned the newspaper *Agrani* or *Hindu Rashtra*. The only name they had and which they mentioned to Mr. Nagarvala was "Kirkree".

15.127 The witness was shown Ex. 5A. He said he had never seen it before and what was contained in document would not be sufficient to identify any of the accused persons. He was speaking about himself. But with the portion within the red pencil line it could have been of some assistance.

15.128 He went to see the Home Minister on the 28th morning. His object was to find out who his informant was which Nagarvala had not been able to get. If the identity had been given, it is possible that they might have been able to find out something more. He reached Delhi after the murder on February 2. He did not know anything about Sathe who was mentioned by Mrs. Barve.

15.129 In cross-examination he said that when he went to Mr. Sanjevi on the 21st there were some other police officers one of whom was Rikhikesh and the other was Bhatia who were investigating officers in the bomb case. Neither of them had a statement of Madanlal with them and the talk was oral, no document was referred to and nobody mentioned the editor of *Agrani* or *Hindu Rashtra* or any newspaper nor was he asked by Mr. Sanjevi to find out about the editor of a newspaper. He was told that Madanlal had mentioned three persons—Karkare and a Sadhu and his servant, and the other companions were Marathas from Bombay side. As soon as Marathas of Bombay were mentioned, he (Rana) suspected Savarkar and his group. He mentioned Bombay to Sanjevi because Savarkar resided there and Poona because it was the stronghold of Hindu Mahasabhaite group. He had not heard that the officers going to Bombay had taken a precis of Madanlal's statement. He was told that Madanlal's statement was in Urdu; it was being translated to help him and the Bombay Police in the investigation in Bombay.

15.130 Mr. Sanjevi knew that he (Rana) was to travel by train and not by air and also when he would get to Bombay. He was to go by a circuitous route from Delhi via Allahabad and from Allahabad he went to Bombay by Allahabad Express reaching Bombay on the evening of 27th. As far as he knew, Mr. Sanjevi did not use telephone or wireless communications for conveying the gist of Madanlal's statement to Bombay or to Poona.

15.131 From the fact that Mr. Sanjevi knew that he (Rana) was travelling by train, he must be under the impression that because one of the conspirators had been arrested, the others were not likely

to come back soon to commit any further offences. Mr. Sanjevi told him that it would be sufficient if he took necessary action on reaching Bombay and Poona and that he should proceed cautiously and secretly and round up the whole lot in one sweep. On the 25th Sanjevi told him that one of the conspirators was an editor of a newspaper, but he did not mention the name of the person or the place of publication of the paper.

15.132 On his attention being drawn to his previous statement dated 7th March 1967, Mr. Rana said that the previous statement was made under a misapprehension and his present statement was the correct thing. He had not then refreshed his memory by reading his correspondence with Mr. Kamte and he must have got mixed up about the dates.

15.133 Mr. Sanjevi did not tell him that the Delhi Police officers had taken a copy of Madanlal's statement and the same had been returned by Nagarvala.

15.134 When on January 27, 1948 he was staying with Nagarvala, he asked him why he had sent back the Delhi officers, his reply was that he had not sent them back; and told him what had actually happened.

15.135 Mr. Rana said that it was absolutely incorrect that Mr. Morarji Desai did not inform Mr. Nagarvala. Only Professor Jain's identity had not been disclosed. If it had been disclosed it was possible that the Police might have got some more information but that is only a "might have".

15.136 Nagarvala also told him that he had made enquiries from Ahmednagar and was told that Karkare was no longer there and he had posted his men to be on the look-out for Karkare in Bombay and he also wanted some Police officers from Poona to identify Badge, a known trafficker in illicit arms. Nagarvala told him that his theory was that the attempt was to kidnap Mahatma Gandhi. He had concluded this on the basis of the information he had from his informers. Nagarvala told him that there were 20 principals and each one of them had a lot of persons working under them and Nagarvala believed that information to be correct.

15.137 When Nagarvala was speaking "and I was listening to him and asking him some questions also about it. I did not think this theory to be fantastic; on the other hand I asked him to inform the D.I.B. on telephone."

15.138 On 27th they spoke to the D.I.B. at about 7.30 P.M. He (Rana) spoke to Sanjevi first and told him that Nagarvala denied the sending of Police officers back and that he seemed to be proceeding on the right lines but he did not mention the kidnapping theory to Sanjevi but told him to take extra precautions at Birla House. Then Nagarvala spoke to the D.I.B. and mentioned the kidnapping theory. Nagarvala also stressed that necessary steps should be taken to guard the residence of Mahatma Gandhi and protect his person. Nagarvala also told him what steps he was taking. Nagarvala had

a diary in which he had names of suspects. He read the names out to him (Rana). It was a small Policeman's notebook. Out of the persons named in that pocket book Badge alone was involved in the conspiracy to murder Mahatma Gandhi. Those names did not include any editor of a newspaper. Had Nagarvala known about the editor he would have contacted Poona and got the suspect arrested; at any rate that name would have been mentioned in the diary.

15.139 When Nagarvala mentioned the theory of kidnapping to Sanjevi, Sanjevi did not deprecate it or show any disapproval because if he had Nagarvala would have told him about it. Mr. Sanjevi neither disapproved of the kidnapping theory nor did he suggest any additional steps to be taken by the Bombay Police. Rana again emphasised that he impressed upon Sanjevi the necessity for greater and stringent protective measures because of the theory of kidnapping and a large number of persons being involved in it.

15.140 He did not expect the associates of Madanlal to be moving about openly. He expected that they would do so surreptitiously and would be lying low. He did not telephone to Poona because it was not expedient. He did not show the statement of Madanlal to the Home Minister. It was not correct that he did not show the statement of Madanlal to anyone because he heard to show it to the Home Minister. He also told the Home Minister that Nagarvala was proceeding on right lines. The Minister did not give him (Rana) the name of his informant.

15.141 When he went to Poona he asked for Angarkar but he was ill. Then he asked for Deulkar but he also was not available being away to Alibaug and he was called back immediately by wireless. Rao Sahib Gurto knew the names of all the culprits mentioned by Madanlal. Other officers were available in Poona but he (Rana) only wanted Angarkar or Deulkar because they were the only ones who knew the names of the associates of Karkare and their hide-outs. He did not ask anyone about the presence of those persons in Poona. Subsequent enquiries showed that when he reached Poona, Apte and Godse were not there and he himself did not know the whereabouts of Badge. He learnt that Karkare was called Maharaj. After the murder Sanjevi asked Kamte to send some Police Officers from Bombay and they were sent by military plane on 31st January but he did not know who they were. That was because there was a fear that Central Cabinet Ministers would also be attacked. When Rana was sent back to Delhi to supervise the investigation he stayed with Sanjevi and on the morning of the third day they had a talk with each other but Sanjevi did not tell him that Nagarvala had proceeded on wrong lines.

15.142 The evidence of Mr. Rana can be divided into 3 parts (1) dealing with his statement regarding what happened in Bombay or Poona and matters connected therewith; (2) dealing with Delhi investigation; and (3) his investigation in Indian States.

15.143 Mr. Rana's evidence regarding Bombay shows that:-

- (1) The name of Shankar was not given to him on the 21st January and what he stated earlier was a mistake.

- (2) Nothing of importance was heard by him about the activities of Apte, Godse or Badge nor that Apte and Godse were indulging in violent activities and their names were not on the Black List to be shadowed.
- (3) He did not know that the Kesari group of Hindu Mahasabhaites was a militant group, nor that Savarkar group would commit violence against Gandhiji. He could not think that Gandhiji would be murdered.
- (4) He had no knowledge of activities of Karkare and Madanlal or of the arms find at the house of S. V. Ketkar at Ahmednagar.
- (5) Razakars were causing border incidents.
- (6) He had no knowledge about meetings of Rashtra Dal at Dadar in 1947.
- (7) There were violent activities in Ahmednagar and in Poona but they were anti-Moslem in nature.
- (8) He got the list of Hindu Mahasabha workers compiled and periodical reports were sent about those persons but they were discontinued on his recommendation.
- (9) He could not remember about the speeches made by Prof. Mate and G. V. Ketkar at the meeting of the 3rd December 1947 where G. V. Ketkar said their enemy No. 1 was false nationalism-cum-Gandhism. He sent Ex. 131 the report of the speech of Dr. Parchure to Government.
- (10) There were no reports in Poona about conspiracy to murder Mahatma Gandhi. The reports from districts did not show that there was a group or a party which was conspiring to kill the Mahatma. If there had been any such party it would have been reported to him.
- (11) Inspector Angarkar was required at Bombay because Mr. Nagarvala wanted somebody to identify Badge, a trafficker in arms.
- (12) Mr. Nagarvala told him that Karkare was no longer in Ahmednagar. (See 19 below).
- (13) He also told him about the kidnapping theory with which he agreed because he did not think it to be fantastic.
- (14) Both he and Mr. Nagarvala spoke to Mr. Sanjevi on the telephone on the 27th and Mr. Nagarvala conveyed to him his kidnapping theory which was not disapproved of by Mr. Sanjevi.
- (15) Mr. Nagarvala had some names with him and they did not include the editor of a newspaper.
- (16) He would not have imagined that the culprits would move about openly as they did. He thought they would be in hiding.

- (17) He reached Bombay on the 27th January and as he had fever he stayed the night with Nagarvala. He showed the statement of Madanlal to Nagarvala but as it was a long statement he took it back promising to send him a copy. He first wanted to find out about the complaint of the Delhi Police Officers and besides (i) Nagarvala had the information given by the Home Minister; (ii) Nagarvala had nothing to do with Poona investigation; and (iii) he was going to Poona the following day and he could look to conspirators from Poona.
- (18) If Mr. Morarji Desai had disclosed Jain's name, the Police might have got more information but that was only "might have".
- (19) Nagarvala told him Karkare was not in Ahmednagar. (See 12 above).
- (20) After the murder Poona police officers were flown to Bombay to protect the Central Ministers.

15.144 About Delhi:-

- (1) Mr. Rana was called by Mr. Sanjevi and whatever passed between them was reported in his correspondence with Mr. Kamte, the then I.G.P. Bombay, Exs. 30 to 33.
- (2) Mr. Sanjevi did not mention the names of the 'Agrani' or 'Hindu Rashtra' or their editor or proprietor. Superintendents Bhatia and Rikhikesh saw him on the 21st but they did not have the statement of Madanlal with them and talk was oral.
- (3) Mr. Rana advised sending of two officers to Bombay and Poona but he does not know what information they carried with them nor whether they carried Madanlal's statement with them. He advised Bombay as Savarkar lived in Bombay and Poona as it was stronghold of the Mahasabha. If Delhi Officers had gone to Poona the Police there would have helped them.
- (4) Gist of the statement of Madanlal dated 24th January was not given to him.
- (5) He showed full statement of Madanlal to Mr. Nagarvala but took it back from him and Mr. Nagarvala did not read it through.
- (6) No one expected attack on the Mahatma to be repeated so soon, neither Mr. Sanjevi nor he himself.
- (7) He did not fly to Bombay as flying did not suit him. He went by train and Mr. Sanjevi knew about it.
- (8) Mr. Sanjevi told him to proceed carefully and make a clean sweep of all the culprits.
- (9) Mr. Nagarvala knew the name of Karkare only.

- (10) Mr. Rana did not advise Mr. Sanjevi to get Maratha Police at Birla House.
- (11) He could not now say that Apte, Godse, Karkare, Athawle and Badge were taking part in violent activities. But the efficacy of sending Bombay Police was problematic. They could only have been effective, if at all, if they had been allowed to screen those attending the prayer meetings. But Gandhiji did not allow it.
- (12) The names of 'Agrani' and 'Hindu Rashtra' were not mentioned till the 24th January, 1948 when Madanlal's fuller statement was recorded. There is a mistake as to the *Agrani*.
- (13) It did not occur to any one to send Madanlal to Bombay.
- (14) He had not seen Ex. 5-A or Ex. 5 before.
- (15) He was told that Madanlal had mentioned three persons, Karkare, a sadhu and a servant, and that the other companions were Marathas from Bombay side. This made him suspect Savarkar's group.
- (16) Mr. Sanjevi did not use the telephone or wireless communication for conveying the gist of Madanlal's statement to Bombay.
- (17) Mr. Sanjevi told him that it would be sufficient if he took necessary action on reaching Bombay and Poona but he should proceed cautiously and secretly.
- (18) He also told him on the 25th that one of the conspirators was the editor of a newspaper but no names were mentioned.
- (19) Godse, Apte, Karkare and Badge were not on the Black List.
- (20) There were violent activities in Poona and Ahmednagar but they were not directed against Mahatma Gandhi.
- (21) The bomb throwing in Ahmednagar and Poona was anti-Muslim and anti-Razakar and not against Congress or Mahatma Gandhi.
- (22) He could never have imagined that Gandhiji would be murdered.
- (23) He would not have concluded from the alleged speech of Godse about Gandhiji's living for 125 years that his intention was to murder Mahatma Gandhi.
- (24) From the descriptions given in the fuller statement of Madanlal he would not have been able to identify the persons.

- (25) He could not remember if he was told at Delhi that clothes marked 'N.V.G.' were found at Marina Hotel.
- (25A) The report of Ahmednagar Police about Madanlal and Karkare had been seen by Mr. Rana but he made no use of that information. If he had no recollection of it, he should at once have asked his office if there was any information.
- (26) If Delhi Police had gone to Poona, Poona Police would have given them every assistance.

15.145 Mr. Rana said that:—

- (1) There was no truth in the allegation that ruling houses of Gwalior, Alwar and Bharatpur had any hand in the conspiracy.
- (2) Mr. Handoo did come to see him at Gwalior and told him that Bakshi Ram knew something about the conspiracy but he (Rana) advised him to write to the D.I.B. Ram had written to the D.I.B. that Bakshi Ram must be referring to another conspiracy and the D.I.B. agreed with him

Rao Sahib Gurtu, wit. 22.

15.146 Rao Sahib Gurtu, witness No. 22, was the Assistant D.I.G., C.I.D. at Poona. He stated that the D.S.P. Ahmednagar made a reference towards the end of 1947 or thereabout about Madanlal who had addressed a meeting of refugees which had resulted in disturbances but he could not state whether there was any report about his activities after that. The witness also knew about Karkare who was a prominent Hindu Mahasabha leader in Ahmednagar but he could not say if his activities were of a violent nature. No such report was made to him. He did not know that Karkare had a shop for the sale of arms and ammunition and he remembered that a meeting of Raosahib Patwardhan was disturbed but whether there was any assault on him or not he could not say.

15.147 Reports used to come in about the communal activities of the group consisting of Nathuram Godse, Karkare, Apte and Badge and several other persons whose names he could not recollect, but they went under the name of Hindu Sabha Movement. Their propaganda was against Gandhiji's policies towards Muslims but not for doing harm to Mahatma Gandhi least of all murdering him. There were reports that bombs were being prepared by some of the workers of the Hindu Mahasabha Movement but not that they intended to Murder Mahatma Gandhi.

15.148 When the bomb was thrown at Birla House, he had a vague suspicion that that might be the handi-work of the Hindu Mahasabha and R.S.S. group but he had no idea as to who exactly were involved in it. There was nothing in the C.I.D. record to direct their attention to Madanlal or the group with which he was connected nor that he was connected with the Hindu Sabha workers in Poona. It did not strike the C.I.D. police in Poona that he might be so connected with any particular group of Hindu Mahasabha workers of Poona.

or Ahmednagar. No directions were sent from Delhi or Bombay asking the people in Poona to investigate about the throwing of the bomb. Mr. Rana also, when he returned from Delhi, did not give any directions for investigation in regard to Madanlal and his associates or whoever they were. No mention was made by Mr. Rana of any names alleged to have been given by Madanlal.

15.149 The witness did not even know that Madanlal had made a confessional statement and there was no information in Poona about the association of Madanlal with the R.S.S. group in Poona nor was any information given about the confession of Madanlal to the police.

15.150 The activities of Karkare as far as the witness knew and as far as was known to the police were confined to addressing meetings. The reports showed that he was strongly opposed to Mahatma Gandhi's policies and was propagating Hindu Mahasabha policies but the witness had no knowledge that one of their aims and objects was to murder top ranking Congress leaders, Mahatma Gandhi or Jawaharlal Nehru or Patel or anyone of that stature.

15.151 Nathuram Godse, Apte and Badge were active members of the Hindu Mahasabha but there was no actual incitement to violence by them although their propaganda tended towards violence without falling under anyone of the provisions of the Penal Code.

15.152 To this knowledge, there was no directive between January 20 and January 30 for investigation against Karkare, Apte, the Godses or Badge or anyone else who might have been considered dangerous for the lives of Congress leaders. The warrant for the arrest of Karkare was to be executed by the District Police and in the ordinary course the Poona C.I.D. would come to know about it as a piece of information. The witness did not know anything about the detention order of Madanlal nor had he seen it earlier. Whether the order was passed on any recommendation by the Provincial C.I.D. the witness could not naturally recollect.

15.153 The witness was shown an intercepted letter of Karkare (Ex. 43) which was addressed to various newspapers in Poona for publication. He said he must have come to know about it as it bore his endorsement. He knew about the orders for the detention of Karkare but could not say why they were passed.

15.154 Activities of Godse were also being watched by the police but it was not a continuous watch so as to prevent his eluding it. No orders were issued for the arrest of anyone after Madanlal made a statement containing names of his co-conspirators, if he did give their names. If any names had been given to Poona Police, it would have taken steps to apprehend them. He could not remember having any talk with Nagarvala during the period January 20 to January 30, 1948. If the witness had been told that one of the persons mentioned by Madanlal was the editor of the *Agrani* or the *Hindu Rashtra*, he would have arrested him at once. When asked how he would have arrested persons named by Madanlal when warrants on Karkare could not be effectively served, his reply was that that was being done by the District Police and not by the C.I.D.

15.155 In his cross-examination he stated that reports were sent every week to amongst others, the D.I.B. by the D.I.G. compiled from the reports received from the D.S.P.s. and that these reports contained the names of Godse, Apte, Karkare, Savarkar and Dr. Parchure of Gwalior. Although from August 15, 1947, a watch was kept by the local police on certain Hindu Mahasabha and R.S.S. workers, the watch was discontinued in November 1947 but the witness could not give any reason but that must have been under Government's orders.

15.156 He stated that there were bomb incidents in Poona also as they were in Ahmednagar. One of them was in the Poona City Library in July 1947 in connection with which Athawle and N. D. Apte were arrested but what Athawle stated he could not remember. When asked why the editor was not arrested, he could not say but probably there was no evidence against him. The matter was being investigated by the District Police and not the Provincial C.I.D.

15.157 It never occurred to witness that Madanlal arrested in Delhi was the same person about whom a report had been made earlier and this not even after seeing the account of the bomb in the *Times of India*, Ex. 106, or the report of the Mahatma's speech in the *Bombay Chronicle*, Ex. 108. Poona group was opposed to the help Mahatma Gandhi had given to the Muslims and they strongly disapproved of giving 55 crores. The witness was never shown a copy of the statement of Madanlal brought by Mr. Rana. He had no information about the conspiracy to kidnap Mahatma Gandhi. He did, on being shown previous files, recollect about S. V. Ketkar's statement that the arms belonged to Karkare.

15.158 In cross-examination by Mr. Chawla, the witness stated that the *Agrani* was a very strong anti-Muslim paper and was attacking the policy of Mahatma Gandhi; but he had no knowledge that this group of people, connected with the *Agrani*, were collecting arms to bring about a revolution. The reports in regard to Godse's activities and that of his group were being sent to the D.I.G., C.I.D., Mr. Rana, but really the Assistant D.I.G. looked into these matters. No names were given to him by Mr. Rana. The Delhi Police never contacted him and a month later he came to know that they had come to Bombay and that they had been sent back from Bombay. Witness did not know whether they wanted to see him or not.

15.159 Rao Sahib Gurtu was examined by the Commission at Dharwar as he was not keeping good health but in spite of that he appeared to be quite alert and made his statement without showing any impairment of memory and without fumbling.

15.160 What emerges from his statement is this : that happenings in Ahmednagar and in Poona including the activities of Karkare and Madanlal at Ahmednagar and of Godse, Apte and Badge at Poona were being reported to the Provincial C.I.D. but they could not discover that the activities were so blatantly and violently against Mahatma Gandhi and the Congress that there was likelihood of any harm being done to them and secondly, that as things appeared then, the bomb incidents in Poona which were being investigated

by the District Police and the Provincial C.I.D. had no connection with anti-Gandhi or anti-Congress activity.

Thirdly, the Poona C.I.D. had no information about what Madanlal had stated or that he had named anybody who might have been connected with Poona Hindu Mahasabha directly. But if the name of Karkare had been given to the Provincial C.I.D. earlier and that is as far as the witness would go, it might have led to the activities of Karkare's friends being enquired into by Poona Police or C.I.D.

Fourthly, if at any time, the name of the editor of the *Agrani* had been mentioned, in all probability, this witness would have seen to his apprehension.

Fifthly, Mr. Rana, on his return from Bombay, did not show the confessional statement of Madanlal to this witness. As to what he would have done may be a matter of conjecture but foresight required that he should have been taken in confidence at an earlier stage.

Sixthly, there was no communication between this witness and Mr. Nagarvala and about what Mr. Nagarvala was doing this witness knew nothing.

Pravinsinhji Vijaysinhji, wit. 38.

15.161 Witness No. 38, Mr. Pravinsinhji Vijaysinhji, was the D.S.P. of Poona between July 1947 and May 1949 and subsequently rose to be the Inspector General of Police of Bombay. His deposition shows that in the middle of 1947 communal violence in Poona City was running very high because of the Partition and the feelings against Muslims had been worked up and was intensified because of the influx of refugees from the Punjab. The prominent Hindu Mahasabha workers then included Bhopatkar, Abhayankar, Apte, Nathuram Godse and G. V. Ketkar but their activities were confined to being anti-Muslim. There was no overt attack against the Muslim League or against the Muslims; although they carried on propaganda against the Congress because it agreed to the Partition and there was strong feeling against Mahatma Gandhi as being the main architect of Partition. there was no overt attack against them.

15.162 The trend of speeches of the Hindu Mahasabha workers was anti-Muslim but not inciting to violence. This witness knew nothing about anything said by Nathuram Godse against Mahatma Gandhi indicating that Mahatma Gandhi's life was in danger. He has stated that if such a thing had been said, he would have come to know through his L.I.B. staff. The person incharge of the L.I.B. was Inspector Angarkar.

15.163 At the time there was no refugee camp in Poona City but there were number of refugees who were carrying on petty trades.

15.164 Instructions had been issued for watching the activities of the Hindu Mahasabha and R.S.S. workers. Their meetings were attended by the reporters and the special police, stationed at the railway stations and the bus stops, used to report about their arrivals
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and departures from Poona. This witness knew nothing about why the *Agrani* was stopped or why the *Hindu Rashtra* was started. Those newspapers, said he, did not preach any violence. The witness denied any partiality of the police for the Hindu Mahasabha or the R.S.S.

15.165 A specific question was put to the witness about the July speech of Nathuram Godse in which he said that secret organisations should be formed and revolutionary methods resorted to and he had hinted that the time had come to do away with the top ranking Congress leaders or that Gandhiji or Nehru being thorns in the establishment of Hindu raj should be removed, and his reply was that it did not happen during his time. He was a reader of the *Kesari* and he heard nothing about the activities of Apte or his taking part in the bomb explosion. At no time did it come to his notice that Nathuram Godse or Apte were indulging in illegal activities.

15.166 There was nothing in the newspapers to indicate that Madanlal was or might be one of the refugees of Poona. No official help was asked for from the Poona Police in the investigation connected with the throwing of the bomb at Delhi and there was no marked activity in Poona after the bomb was thrown. On the day the Mahatma was murdered the houses of some of the Muslims were set on fire and there was danger of the breach of the peace and therefore the help of Army was requisitioned. Situation was very inflammatory.

15.167 This witness knew nothing about Sathe who was mentioned in the statement of Mrs. Barve. If Mr. Barve had the information that Poona people had gone to Delhi to murder Mahatma Gandhi, he would certainly have passed it on to him (the witness). The police was quite vigilant and tried to keep itself informed of the activities of every person who was likely to resort to violence. But it had no knowledge about what Apte and Godse were doing.

15.168 Mr. Rana gave no orders to the witness for arresting or keeping watch on the activities of anyone after his return from Delhi in January 1948 nor did he say anything about Madanlal nor did it strike anyone that Madanlal had associates in Poona. As the situation became very tense after the murder of Mahatma Gandhi, the police did not direct its energies towards finding out who the associates of Nathuram Godse were.

15.169 In connection with the Poona City Library bomb case, Apte and Athawle were arrested. Athawle made his confession but in view of withdrawal of the confession the case was withdrawn. The bomb was not thrown on any particular person but its object was to create a scare. The fact that a bomb had been thrown was not sufficient to warn the police to take stringent measures.

15.170 Coming to Hindu Rashtra Dal, the witness stated that a circular was issued to watch its activities and the activities of its members but he could not remember who its members were.

15.171 He did not know if Balukaka Kanitkar wrote anything to a Minister. After the bomb was thrown, this witness had no

information about Nathuram Godse and Apte having left Poona nor before the bomb was thrown did he receive any information concerning these two. This witness could not remember about the speech made by Nathuram Godse or what was said by socialists led by Jayaprakash Narayan or Ashoka Mehta that Hindu Mahasabha workers were trying to kill Mahatma Gandhi.

15.172 Mr. Vaidya in his cross-examination referred to Ex. 71, report of a meeting of 28th November 1947 where it is stated that Hindu Mahasabha leaders had been accused of their intention to kill Mahatma Gandhi and Nehru and there was no denial of that allegation; on the contrary, the allegation of the socialists was repeated as if it was a matter of pride of the Hindu Mahasabha workers. The report of this meeting never came to the notice of this witness.

15.173 It appears to the Commission that this question contains an important error. There is no mention of murdering Gandhiji. It only mentions Pt. Nehru. In the diary of 28th November, 1947, sent to the D.I.G., C.I.D. by this witness, there was mention of the condemnation of the Hindu Mahasabha by the socialists but the witness could not recollect anything about this.

15.174 The D.I.G., C.I.D. on his return from Delhi wanted Angarkar who was not available and he did not want anybody else.

15.175 In reply to Mr. Chawla the witness said that he had no recollection of Godse's name being mentioned in connection with Poona bomb case, nor did he know anything of Karkare or Madanlal in connection with the activities of Godse and Apte nor that Madanlal and Karkare were visiting Poona. As far as the witness could remember, Godse did not advocate violence in his newspaper. Badge had an arms store and had been convicted for possession of illegal arms before the witness took charge of Poona but he never came to know that Nathuram Godse and Apte were collecting arms. But there was a strong rumour that arms were being collected for Hyderabad. The Hindu Mahasabha workers were very sympathetic towards Hyderabad movement. But he could recollect nothing about the activities in the district of Ahmednagar brought out in the secret abstract.

15.176 As for the events essential for the purposes of this Inquiry, this witness is not of much assistance as he either does not know anything about the main actors in the tragedy or has no recollection of events. His evidence comes to this :—

- (1) In 1947 there were communal riots in Poona intensified by the arrival of refugees from Pakistan, Punjab.
- (2) Activities of prominent Hindu Mahasabha workers were confined to being anti-Muslim and propaganda against Congress because of the Partition of which Mr. Gandhi was considered to be the architect.
- (3) Trend of speeches of Hindu Mahasabha leaders was not tending to violence and there was no indication of danger to Gandhiji's life.

- (4) He does not know why the *Agrani* was stopped or *Hindu Rashtra* started but it did not preach violence.
- (5) He had no knowledge about the alleged July speech of Godse.
- (6) No official help was asked for the Delhi bomb case.
- (7) The police had no knowledge of the activities of Godse or Apte or their advocating violence.
- (8) Referring to the bomb throwing by Athawle he said merely because a bomb was thrown was not sufficient to be a warning to the police.
- (9) He knew nothing about Balu^{ka} Kanitkar's warning, if any.
- (10) He did not know who the members of the *Rashtra Dal* were.
- (11) Report of Mr. Jayaprakash Narayan's speech about accusation against the *Hindu Mahasabha* members' intention to kill Mahatma Gandhi did not come to him.

G. S. Chaubal, wit. 31.

15.177 Deputy Superintendent G. S. Chaubal, witness No. 31, was in the C.I.D. (Special Branch) and was incharge of the headquarters at Poona at the relevant time in 1947-48. His duties included general supervision of the Intelligence Branch incharge of confidential records. Amongst others he was dealing with communist affairs, i.e., their activities in the whole Province but he was not incharge of the intelligence regarding activities of the R.S.S. He knew Apte and Godse only by sight.

15.178 His report in regard to what happened at Panchgani and his statement in this regard is what has been stated by many others that all that happened was that about 15 people led by N. D. Apte held a black flag demonstration against Mahatma Gandhi and then had to leave the place. According to the intelligence reports that he got, there was nothing to show of the existence of a conspiracy to murder Mahatma Gandhi. His report in regard to that incident is Ex. 48 dated July 23, 1944. He was aware of the organisation called Hindu Rashtra Dal which was started by Nathuram Godse and others but he knew nothing about its activities as mentioned in Ex. 34. He knew nothing about any contact which the Delhi police might have had with Poona Police during the period 20th January to 20th January 1948. He did not watch the activities of Nathuram Godse and on the whole his testimony is not of much importance to what was happening in Poona.

N. Y. Deulkar, wit. 6.

15.179 Another witness from Poona was Deputy Superintendent of Police N. Y. Deulkar, witness No. 6, who was a Deputy Superintendent of Police in the C.I.D. Branch of Poona. He did know N. V. Godse and his party who were opposed to the pro-Muslim policy of the Government. They, including Godse, were making fiery spee-

ches at public meeting which were taken down in extenso by police reporters. He also knew that Dr. Parchure of Gwalior protested against the pro-Muslim policy of Mahatma Gandhi. The leaders of the Hindu Rashtra Dal were Godse and Apte and others and that whenever these people made any speeches they used to be recorded by police reporters. There were no reports made to him "that the members of the Hindu Rashtra Dal were carrying on their activities prejudicial to the safety of the Central leaders or Congress leaders or against the stability of the State." He did not know Karkare or about his activities.

15.180 When asked about the nature of activities in Poona from November 1947 to January 1948, his reply was that reports about the speeches used to come to him and he sent them on to higher officers. When the activities of any individual had to be watched it was done by the City Intelligence Branch. He could not remember whether N. V. Godse was under police surveillance but when the reports were shown to him that Godse was under police surveillance since 1944, his reply was "whether he was so from November 1947 to January 1948, I am not able to say". What he meant to say was that the public activities of Godse were being reported but there was no shadow put on him. This was in spite of the fiery speeches which he had made. As to what he (Godse) exactly said in his speeches, the witness could not say.

15.181 He could not say anything about the forfeiture of the security of the *Agrani* for objectionable writings in July 1947 as he (the witness) was not in Poona at that time. Although he read the articles in the *Agrani*, he did not know that the Government was seriously examining them because of their being dangerous. He did not know anything about the starting of the Hindu Rashtra Dal by N. V. Godse or its inauguration by V. D. Savarkar.

15.182 The movements of Godse were not watched when he left Poona. Godse, Apte, Badge, Karkare and Shankar were from the area falling within his (the witness's) jurisdiction. Badge was dealing in arms but as far as the witness could say it was not illegal trafficking. The witness was shown the C.I.D. file containing record of Godse's activities but he could not say whether he had seen the file at any time earlier. He was asked if he would recommend a watch being kept on the persons mentioned had he seen the file earlier. His reply was in the affirmative. The reference was to Ex. 34, a note on Hindu Rashtra Dal from the police papers showing that the office-bearers of the Dal were Godse, Apte and others.

15.183 Deputy Superintendent Deulkar was recalled and he said that there was an incident at Panchgani on July 22, 1944 at one of the Mahatma Gandhi's meetings. Whatever happened was correctly recorded in Ex. 129. The person leading the party on that occasion was N. D. Apte. He had no information as to the presence of Nathuram Godse at that meeting nor about the recovery of the knife although he was personally present at the meeting. Nobody was arrested and, therefore, the statement that Nathuram Godse was arrested and then let off, would be incorrect.

15.184 He said that when the bomb was thrown at Delhi, he was not in Poona. He had been sent on an assignment to Janjira State. After the murder he was called back by the D.I.G., C.I.D., Poona but he did not come via Bombay. In cross-examination he was asked about the speech made by Dr. Parchure on December 2, 1947, Ex. 131. He said he had not seen it before.

15.185 When he was going to Janjira, it was unlikely he visited the Special Branch, Bombay.

15.186 He did not know Badge by sight. To sum up:

- (1) Deputy Superintendent of Police Deulkar knew that Godse and his party were opposed to pro-Muslim policy of the Government.
- (2) Godse made fiery speeches which were taken down by police reporters.
- (3) There was no report made to witness about the members of Rashtra Dal carrying on activities against the safety of the Central Government Ministers or Congress leaders.
- (4) He could not remember if Godse was under police surveillance.
- (5) He could not say anything about forfeiture of the security of the *Agrani* as that was before his coming to Poona.
- (6) He has given what the avocations of Godse, Apte and Badge were.
- (7) He reported the Panchgani incident. Godse, was not there but N. D. Apte was.
- (8) It was unlikely that he went to Bombay Speci on his way to Janjira.

G. P. Angarkar, wit. 68

15.187 Deputy Superintendent of Police G. P. Angarkar, witness No. 68, was in the Intelligence Branch during the relevant period July 1947 to end of January 1948. Police shorthand reporters sent the proceedings of meetings to him and he sent them on to higher officers. Amongst those whose speeches had to be reported were some Hindu Sabha workers but there were no R.S.S. workers in the list. Amongst the former was Barrister Savarkar and L. B. Bhopatkar. Savarkar was the President of Hindu Mahasabha, Nathuram Godse was a kind of a bodyguard of his but was not particularly prominent. Apte was at one time a Government servant and an honorary recruiting officer in the Indian Army in Ahmednagar. Badge had a Shastra Bhandar which was raided several times. Reports were sent to other districts also in regard to Badge when he sent any arms to those districts. But he was not considered dangerous and, therefore, his absence from Poona was not noticed.

15.188 Nathuram Godse's movements were not being watched but Apte's were to some extent. He was dangerous because of his anti-Muslim policy. The witness could not remember Godse making a speech about Gandhiji's living 125 years. If such a speech had been made, it would have been reported and brought to the notice of the D.I.G., C.I.D.

15.189 After the "Agrani" stopped, it restarted under the name "Hindu Rashtra" and this was allowed in spite of police objection. The Agrani was strongly anti-Congress but not particularly anti-Gandhi. Security was taken from it because of its policy of violence and encouragement of communal tension.

15.190 In June 1947 a bomb was thrown on what is known as Shivaji Road by one Athawle and he disclosed that it had been given to him by Apte. Both of them were arrested. Case against them was sent up for trial but was withdrawn. The arrest was the result of vigilance of the police but the Intelligence Branch was not responsible for prosecutions. It was in regard to this case that the local D.S.P. remarked it was not serious as it was not meant to be thrown on any particular person.

15.191 From July to December there were a large number of searches for arms. In one case a socialist leader Limaye was arrested and on a raid a number of weapons including automatic weapons were found and five persons were arrested. In another search an account book was found with an entry of Rs. 2,000 having been paid to Apte and Badge for the purchase of a machinegun, thus showing that these two persons were not so harmless. Cases were filed in court but were later on withdrawn and some of the persons mentioned in the account book were not even arrested. Had the prosecution proceeded, Apte and Badge would have been in it. The witness could not say under whose orders the cases were withdrawn. That was in December. He himself was against the withdrawal of cases because all his efforts were thereby rendered useless.

15.192 There was no such activity in Poona in the month of January. When the bomb was thrown at Birla House and Madanlal's name was mentioned, it did not convey anything to the police in Poona because they knew nothing about Madanlal.

15.193 Inspector Angarkar knew Apte and Badge but not Godse very well; but only as a police officer and not as a friend. Mr. Gartu never asked him about Apte, Godse and Badge nor was he sent to Bombay to help Mr. Nagarvala. If Deulkar was sent to Bombay he would not know.

15.194 There were no reports in the Local Intelligence Branch about the activities of Nathuram Godse nor anything to show that he was indulging in violent activities. There was no sympathy in the Local Intelligence Branch for Godse and his party.

15.195 The witness had information about Hindu Rashtra Dal who were called Savarkarites. He used to watch the movements of followers of Savarkar in a general way and they searched their houses also. To his knowledge the activities of Hindu Mahasabha in Poona were not directed against Mahatma Gandhi but were directed against meeting the danger from Muslims.

15.196 The policy of the Agrani was anti-Gandhi and anti-Congress and the paper was pronouncedly a communist paper. In cross-examination the witness said that Savarkar and Bhopatkar were in the list of extreme political agitators.

15.197 The witness had throughout served in Poona in the C.I.D. as well as in the District and whenever the officers needed him they took his help and found him useful.

15.198 The Savarkarites were condemning pro-Muslim policies of Mahatma Gandhi and the Congress but they were not against Gandhiji personally.

15.199 After the partition there was Hindu-Muslim tension in Poona also. He could not say whether the recovery of arms had anything to do with the Hindu Mahasabha. After the arrest of Baba Sahib Pranje the witness came to know that the weapons were being sent to Hyderabad. They came to know about the connection of the Hindu Mahasabha with the arms when the account book was found in a raid. He did not know that Mr. Jayaprakash Narayan also was interested in the movement of arms to Hyderabad. In the raid above-mentioned, Apte and Godse were not arrested because they were not in the house where the raid was conducted. In the account book above-mentioned, the names of Apte and Badge were there but not of Godse. Apte and Badge were not arrested.

15.200 The C.I.D. staff in Poona was limited and they watched first one railway station and then two and no plainclothes policemen were placed at the houses mentioned in the list, Ex. 115. Occasional visits used to be paid to see about their whereabouts.

15.201 Ex. 121 dated 27th December 1947 shows that the collection of arms was for the people's struggle in the Hyderabad State.

15.202 The witness could not remember if Mr. Jayaprakash Narayan made a statement at a meeting that Hindu Mahasabha leaders wanted to murder Mahatma Gandhi, Jawaharlal Nehru and other Congress leaders.

15.203 During the period 20th January to 30th January 1948 the Local Intelligence Branch was not asked to search for Karkare. He had not seen any such requisition. List of dangerous persons who were to be watched was made by Government or by the C.I.D. They kept a watch also over persons whom they thought dangerous and were not in the list. Badge was one of them. He was watched because he was dealing in arms. One man stationed to watch his movements was to watch the movements of others also. He used to find out who visited him and where he himself went.

15.204 Badge had a distinguishable appearance. He had a long beard and long hair. His house was searched a number of times. He was considered dangerous in the context of Hindu-Muslim tension.

15.205 Apte's house was searched about twice in 1947 and Nathuram Godse's once. The offices of the *Agrani* were not searched.

15.206 If he had known that the editor of the *Agrani* was in the conspiracy for bomb throwing at the Birla House, he would certainly have arrested him and if he was not in Poona he would have tried to find out his whereabouts and then tried to follow him. If he had

known that he had gone to Bombay he would have trailed him there. He would have tried to trace him wherever he was and even followed him to New Delhi. If he had known that Gcdse was one of the association of Madanlal he would at once have connected Apte with him because they were great friends. Athawle would also have been considered as an associate.

15.207 Mr. Khadilkar, M.P., had stated before the Commission that Inspector Angarkar used to be "amongst them", i.e., he was quite friendly with them and knew everything and, therefore, he did not make any report to the police about the danger to Mahatma Gandhiji's life. Commission thought it necessary to examine Inspector Angarkar on this point and examined him at his village because of his failing health. He said, "The relations between the political workers belonging to the Congress Party and parties of that kind and the police were not so cordial as to be called friendly towards each other." He did not know anything about what Mr. Khadilkar had stated to be within Angarkar's knowledge.

15.208 Because of the Partition, there was anti-Congress feeling. The Congress people were taken as pro-Muslims and were accused of trying to appease the Muslims. The Hindu Mahasabhaites wanted the Muslims to go away to Pakistan.

15.209 There was no shadowing of these extreme Hindu Mahasabha workers nor of the Hindu Rashtra Dal but they did try to find out what was going on amongst them by posting their men at strategic places. The police reporters used to report any meeting held in the town, i.e., those meetings about which they came to know anything.

15.210 Mr. Khadilkar, as far as he could remember, was at that time a sickly person suffering from lung or abdominal ulcers. He was not an active worker. He was not in the Congress. He was in the Workers and Peasants Party.

15.211 The witness was specifically asked if there was anything in the air showing intense feelings against Mahatma Gandhi. His reply was that the situation was tense and even Congressmen were against the Congress and nobody was happy in his mind. Nobody knew what was happening or would happen and nobody was satisfied. He was so pressed for time that he did not talk to Congressmen or Hindu Mahasabhaites or the R.S.S. and that class of people and even if the police wanted to talk to them they would not talk to them. The Hindu Mahasabha was opposed to Mahatma Gandhi because of his appeasement policy towards the Muslims. Apte was dangerous at that time because of his anti-Muslim policy.

15.212 The witness did not know that Balukaka Kanitkar had written anything to Mr. B. G. Kher. He knew G. V. Ketkar only as a police officer would. From the activities of the Hindu Mahasabha or the R.S.S. or the Rashtra Dal he could not say that they were going to commit violence against Congress leaders, least of all against Manatma Gandhi. Their activities were directed against the Muslims.

15.213 It was not correct that in 1947 after the Independence, he used to go and meet Congress workers quite often. It may be that he met them in 1954 when Samyukt Maharashtra movement was at its height. But it would not be correct to say that he became friendly with anyone. He was only doing his police duties.

15.214 He had no information in July-August 1947 that Gandhiji's life was in danger. Mr. Khadilkar may say so but the witness had no such information.

15.215 After Independence, his relations with the Congress leaders were neither friendly nor unfriendly. As a police officer he had to do his duty as best as he could. The atmosphere was tense and they had a great deal of work. The Hindu-Muslim tension was caused because of the atrocities committed by Muslims against Hindus in Pakistan and Hyderabad State. Some of the Hyderabad State Congress leaders had come to reside in Poona. They joined hands with Hindu Mahasabhaties and socialists because they found them to be more useful than the Congress in the matter of collection of arms. It never came to his knowledge that the collection of arms was meant to be against the Congress leaders and to kill them. The collection of arms was on a large scale.

15.216 He had no suspicion that Badge, Apte, Godse and such class of people were going to murder Mahatma Gandhi. Savarkarites were not against Mahatma Gandhi's person but against his policies. But he never thought that they were going to murder him. Badge was preparing daggers in his two-roomed tenement.

15.217 A full summary of the evidence of Inspector Angarkar who, in the opinion of the Commission, was an important witness as he was a clever, clear-headed and an intelligent police officer whose demeanour in the witness box was straight and unhesitating, shows that—

- (1) In Poona there was a tense atmosphere as there was a strong feeling against the Muslims which was aggravated by two factors, the atrocities committed on Hindus by the Muslims in Pakistan and the atrocities of the Razakars in Hyderabad.
- (2) There was a great deal of collection of arms particularly by members of the Hindu Mahasabha but, as far as this witness knew, the arms collection was for use against the Muslims and particularly for use by Hindus to protect themselves against the Razakars in Hyderabad State.
- (3) There was intense feeling against the Congress for policy of appeasement of the Muslims.
- (4) There was also an intense feeling against Mahatma Gandhi but not against him personally but against his pro-Muslim policies.
- (5) Apte, Godse and Badge had come to the notice of the police but that was in regard to their activities against the Muslims.

- (6) According to the evidence of this witness there was nothing to indicate that anybody in Poona was going to use violence against the Congress leaders, least of all against Mahatma Gandhi and certainly not to murder him.
- (7) There was bomb throwing in Poona and number of searches were made which resulted in finding arms in the houses of various people and even cases were started but those cases were withdrawn much to the chagrin of the police and this witness.
- (8) Some prominent State Congress people from Hyderabad had come and settled down in Poona and were associating with the Hindu Mahasabhaites and socialists because they found them to be more useful than the Congress in the matter of collection of arms which could be sent for use in Hyderabad State.
- (9) The witness never came to know that the collection of arms was for the purpose of using against the Congress leaders or to kill them.
- (10) The collection of arms was on a large scale.
- (11) This witness had no suspicion that Badge, Apte and Godse and people of that class were going to commit the murder of Mahatma Gandhi. He did not know Karkare. He did know that the Savarkarites were against the policies of Mahatma Gandhi but not against his person.
- (12) Apte, Godse and Badge were not shadowed as they were not of sufficient importance. The only persons from amongst the Hindu Mahasabha who were watched and whose speeches were taken down in verbatim were Savarkar and Bhopatkar, but even they do not seem to have been shadowed.
- (13) The policy of the *Agrani* was anti-Gandhi and anti-Congress and this was pronouncedly a communalist paper.
- (14) The witness denied that he was friendly with the Congress or any other party after Independence and that he knew anything about what Mr. Khadilkar had stated regarding the danger to Mahatma Gandhi's life and the atmosphere being full of violence towards Mahatma Gandhi.
- (15) Had he known that Godse was an associate of Madanlal, he would have followed him wherever he went, whether he was in Poona or Bombay or even Delhi.

K. M. Munshi, wit. 82

15.218 Mr. K. M. Munshi, an eminent Advocate, who has held every kind of high office in the Government and became a well-known Congress leader, stated in his deposition (witness No. 82) that there was a group of political thought against Mahatma Gandhi, compendiously known as the Kesari Group.

15.219 This group was led by Savarkar who advocated violence ever since he was a student and believed in political assassination

as an integral part of patriotism for achieving freedom. This school of thought had a number of youngmen, highly patriotic, devoted to the country, prepared to make any sacrifice required to liberate the country from foreign rule and it was confined to Western India. Those in Bengal were different.

15.220 As a result of the upsurge of Gandhian movement this group of terrorists became isolated because the masses began to follow Gandhiji as he was a Mahatma. In spite of the doubts which many people including Mr. Munshi himself entertained in regard to Gandhian movement, all active politicians had per-force to join him which resulted in the eclipse of the terrorists school still further, both in Poona and in Calcutta, but some of them, according to Mr. Munshi, saw the wisdom of generating strength by joining the Civil isobedience Movement of Mahatma Gandhi.

15.221 A C.I.D. report at page 18 of I.B. file No. 8/CA/48-II shows that the Kesari group were something different from what may be called the Savarkar group. This document shows that when by August 1943 something like Rs. 2,19,514/- were collected as purses to V. D. Savarkar, the Kesari group became apprehensive that Savarkar may ultimately eclipse Lokmanya Tilak. It is not necessary for the Commission to go into these dissensions but it has thought fit to point out this distinction because that distinction exists in official papers.

15.222 As a consequence of this conflict in political methods and the want of faith in Gandhiji or Gandhian methods in the "Kesari" school of thought in Maharashtra personal prejudices against Mahatma Gandhi resulted. But due to the flood of emotional patriotism resulting from Gandhiji's "Quit India" Movement and the inability of anybody to withstand its influence, nobody was prepared to take the odium of anti-Gandhism. But Savarkar never lowered his flag; he continued to believe in political assassination as a permissive method for achieving Indian freedom; however, he remained quiescent and retreated into the background while the country was being swept by the "Quit India" Movement of Gandhiji. There was in the Kesari school of thought a certain section of people who genuinely believed that Hindus required a strong organisation to meet Muslim aggressiveness and were apprehensive of the weak-kneed policy of the secularity group.

15.223 The witness further stated that Partition was inevitable under the circumstances created in the country; but Gandhiji was opposed to it resulting in strained relations with Jawaharlal Nehru and Sardar Patel. Mr. Munshi was of the opinion that had India not been divided at that time, there would have been civil war at all levels resulting in street fighting in every town and also amongst the Defence Services and the Police; but in North India the feeling continued to exist amongst the Hindus in general that Mahatma Gandhi was responsible for the Partition and he became very unpopular because of his insistence on giving 55 crores to Pakistan. The feeling of the Hindus throughout was that if the Mahatma had not appeased the Muslims by conceding Pakistan, Hindus would have been spared the miseries to which they were subjected.

15.224 This is, in the opinion of the Commission, a fair and correct assessment of the political thought at the time in the country as a whole in general and in Maharashtra in particular and also in northern Provinces of India. This has been discussed at this stage with the happenings in Poona because Poona was the centre of the Kesari group and of the activities of the extreme Hindu views which existed in the Maharashtrian districts round about Poona. The Commission will have very much more to say and other evidence to discuss both oral and documentary in this connection. But it would suffice to say that there was a strong anti-Gandhi feeling amongst the Hindus particularly in Maharashtra of which the lead was in the hands of the Kesari group. In that case, Savarkar was tried as a member of the conspiracy but was acquitted. It has been stated before the Commission that the inspiration came from Savarkar and he even patted Madanlal for what he was proposing to do.

Mrs. Sarla Barve, wit. 39

15.225 Mrs. Barve, witness No. 39, in her written statement, Ex. 72, said that her husband who was the District Magistrate of Poona did come to know about the illegal activities of the Hindu Mahasabha members and that is why a watch was kept on their activities. She accused the authorities of not taking any proper notice. The throwing of the bomb on the 20th January 1948 was, according to her, a precursor of something very serious, e.g. murder. She also stated therein that her husband did know something about the impending trouble at Delhi and for that reason he telephoned Mr. Morarji Desai and informed him about it.

15.226 She stated that two or three days before the murder of Mahatma Gandhi a man called Sathe came to their house but as her husband was not present he told her that some Poona people had gone to Delhi to take the life of Mahatma Gandhi and that she repeated that story to her husband and that Baburao Sans and Vasantrao Deshmukh, other Maratha goondas, had made preparations to burn down houses of Brahmins who were vitally afraid of Maratha goondas. She asked Sathe where he lived and he said, "Sadashiv Peth" and that he was a retired school teacher.

15.227 On the 27th January 1948, she found her husband rather restless. He telephoned to Mr. Kamte, Inspector General of Police, after asking her to go out of the room. A little while later she told her husband what Sathe had told her which made her husband more restless, worried and serious and thereafter he was telephoning most of the time. After the murder, her husband arranged for military to come into the town and curfew was ordered and her husband slept for an hour or so and she accompanied her husband on two or three occasions. The curfew order continued for about a fortnight. She then deposed as to the Brahmins and non-Brahmins disturbances. She said that there was a definite plot to kill Mahatma Gandhi.

15.228 She was examined as a witness (No. 39) and she again stated about Sathe and that she gave the information to Mr. Barve.

She had no personal knowledge about the persons who were going to create trouble.

Gopal Godse, wit. 33

15.229 Gopal Godse, witness No. 33, stated that Nathuram Godse and Apte were collecting arms for Hyderabad trouble which had the approval of the Provincial Government. They were both studying Delhi politics and the threat of fast convinced Nathuram and Apte that Gandhi was trying to coerce the Government and this became a second reason for the collection of arms and ammunition by Nathuram Godse and Apte.

15.230 At one stage it had been given out that Pakistan National Assembly would meet in Delhi. It was the intention of Nathuram Godse and others to blow up that National Assembly.

15.231 Another thing that was worrying Nathuram and Apte was that Pakistan was not sending India's share of arms and ammunition. India, on the other hand, was sending to Pakistan her share of ammunition in India. Intention of Nathuram, Apte and others were to blow up those trains but it was not necessary because those trains never went.

15.232 When it was given out that 55 crores were not going to be paid to Pakistan, they were very happy.

15.233 The witness has tried to show that there was no conspiracy before the 13th January 1948 but it is not for this Commission to go into that matter.

15.234 As has been stated elsewhere, Gopal Godse denied Nathuram's going to Panchgani in 1944 to murder Mahatma Gandhi. Nathuram was not satisfied with Gandhiji's policies but it was not correct that Nathuram intended to kill Mahatma Gandhi in July 1947 and what he is alleged to have said could only be his annoyance with Mahatma Gandhi's utterances.

15.235 People were exasperated and they did want something to stop the massacre which was going on and the anti-Indian things which were being done in Delhi and the fast to give 55 crores was "the last straw which broke the camel's back".

15.236 If a strict watch had been kept and police from Ahmednagar, Poona or Bombay had closely watched the movements of Nathuram or Karkare or Apte, it is possible that this murder may not have been committed by them but that would not have prevented other people from doing the same thing. The feeling among the public was so much against Mahatma Gandhi.

15.237 He added that on 21st January 1948 the police did try to search for him at Delhi Junction and the train was delayed by half an hour but they never found him. Even Poona Police would not have been able to locate him because they did not know him. He said that what Mandanlal told Professor Jain was wrong because there was no conspiracy at the time.

15.238 The conspiracy was not to kidnap Mahatma Gandhi but to kill him. The bomb was exploded to create commotion and divert the public and their attention and those of the conspirators who were sitting amongst the congregation would have killed Gandhiji by means of revolvers but the revolvers were found to be defective and the object was to be achieved by throwing hand-grenades. But there was a big crowd and hand-grenades would have killed others also. For that reason, Nathuram and Apte stopped the operation.

15.239 It was not correct that their party received money or arms from the sardars of Gwalior or they or the ruler had any connection with them. That allegation was absolutely false because by helping the conspirators they would not gain anything nor were they going to get back their *raj*.

15.240 Even if the conspirators had been arrested, others would have assassinated Gandhiji and nothing that the police could do would have prevented them. The feelings were at their highest and nothing would have saved him.

15.241 Maulana Azad had a great deal of influence over Gandhiji's pro-Muslim policies. Maulana Azad wanted Sardar Patel to leave so that he could induce Gandhiji to do many things for the benefit of Pakistan and Muslims in India. In his view, Gandhiji was misled by Maulana Azad in the matter of giving 55 crores. That was a position of no return and the consequences that followed were inevitable.

15.242 He said that Mr. M. D. Pathak, Advocate of Bombay, also took part in the demonstration against Gandhiji at Panchgani. He could also depose that Nathuram never went to Panchgani nor was there the incident of a dagger. In cross-examination he said there was no plan to murder Pakistan leaders.

15.243 He stated that on the 21st morning before the train started from the Delhi Junction, Madanlal was brought by uniformed police. He (Gopal) and Karkare were at the platform but Madanlal did not point them out. The only Gwalior man he knew was Dr. Parchure.

15.244 Nathuram and Apte used to go to Ahmednagar.

15.245 All the conspirators walked out of the prayer-meeting within five minutes of the ignition of the gun-cotton slab. There were a number of policemen at the Birla House on the 20th and nobody tried to stop the taxi in which the conspirators escaped. The taxi-driver also had a grievance against Mahatma Gandhi. He had come to know that they were responsible for the bomb.

15.246 Other witnesses who have deposed to the state of affairs and conditions in Poona are Messrs S. R. Bhagwat, witness No. 69, R. K. Khadilkar, M.P., witness No. 97, G. V. Ketkar, witness No. 1. Besides, there are the statements of Balukaka Kanitkar, Ex. 81, recorded by the police and his writings, Ex. 11, his letter to H.E. the

Governor General of India and his writings in the *Purushartha*, Ex. 166. They have been discussed in different chapters wherein they appropriately fall.

R. K. Khadilkar, wit. 97

15.247 As Mr. G. V. Ketkar, witness No. 1, had stated that he had talked to Mr. R. K. Khadilkar about what he observed and what he heard and about what Godse had told him, the Commission thought it necessary to examine Mr. Khadilkar who readily consented to appear before the Commission and his statement on this matter is very revealing.

15.248 When questioned about what Mr. Ketkar said about his talking to him, Mr. Khadilkar's (witness No. 97) reply was that he had no recollection of his travelling with Mr. Ketkar or Mr. Ketkar informing him of what Godse had said.

15.249 When questioned about what Mr. G. V. Ketkar had stated, his reply was that he was all the time under the impression that the local police intelligence which was under Inspector Angarkar, knew everything and he thought that they must have sent the necessary information to the authorities in Bombay. He also stated that after the first attempt, i.e., the incident of the bomb, they had come to know that Balukaka Kanitkar had taken the precaution of warning the authorities that there was a persistent rumour in Poona that somewhere some conspiracy was hatching in order to do away with the Mahatma.

15.250 He has deposed that there were rumours even before the first attempt of January 20, 1948 of a conspiracy being hatched in Poona to attack Gandhiji. The rumours were to the effect that something will happen to Gandhiji because he had succumbed to the pressure of those who favoured Partition; he was responsible for the giving away of 55 crores to Pakistan which was the proverbial last straw and people were decrying him and saying that "now there was no escape for him".

15.251 One instance of this objection to Mahatmaji which might be termed a not so violent opposition was given by this witness. He said that when before the Partition of the country and that was in August 1947, there was a proposal to hold a joint meeting of the citizens on the occasion of the death anniversary of Lokmanya Tilak, and the Mahatma, who was in Poona at the time was to be invited to be the main or rather the only speaker and Mr. Shankarrao Deo, the Provincial Congress President, was approached to move in the matter, opposition came from the members of the Hindu Mahasabha, the militant people amongst whom led by Nathuram Godse said that they would under no circumstances agree to such a joint meeting and if it was held it would be disturbed. As there was this violent opposition to the joint meeting, the proposal was given up.

15.252 The following passage from the statement of Mr. Khadilkar is demonstrative of the atmosphere in Poona

"The atmosphere was highly tense and critical of Mahatma Gandhi though there were no open threats. But the writings"

in the Press and the trend of the public speeches made as also of the private talk showed that people were very critical of the Mahatma because according to them he had betrayed India—they identified India with Hindus only—and would continue to betray the country in future. At that time there was a newspaper called the *Hindu Rashtra* which had taken the place of the *Agrani* in which this feeling was ventilated very clearly. There was another Hindu Mahasabha paper called the *Kal* which was also highly critical—of course, veiled criticism which showed a little bitterness."

15.253 The witness added that he was absolutely certain that before the first attempt was made but after the Partition and the giving of 55 crores, the atmosphere in Poona was highly poisonous and antagonistic towards Mahatma Gandhi and people thought that if he continued to live he would barter away the country to appease Pakistan, and the witness and people like him blamed the Government for not taking proper precautions against the movement which was afoot in Poona; and they blamed the Bombay Government more because they should have taken proper precautions. He repeated that the Poona Police intelligence was "with them"; they were sensing what was happening and what the atmosphere was and he and his friends could never imagine that they would not apprise the Government of what the true state of feelings was. After the giving of 55 crores the writings in the Press clearly demonstrated the extreme indignation and resentment of the people against those who had betrayed the country and it was not directed against the Muslims. The attention of this witness was drawn to what Mr. Dehejia, Secretary of the Bombay Home Department, had stated that the violent propaganda in Poona was anti-Muslim. To this his reply was that it was incorrect that the Muslims were the target of this resentment or incitement to violence; it was more correct to say that the sullenness and resentment was directed more against the Congress and particularly against Mahatma Gandhi. He admitted that none of them rushed to Bombay or to Delhi to warn the authorities but nonetheless they were anxious about the safety of the life of the Mahatma.

15.254 He was again asked about the warning given by Balukaka Kanitkar and he said that it was not that Balukaka had written during the period between the first attempt and the murder but only that he had already warned the Government about the danger to Congress leaders including Mahatma Gandhi. But he could not say that there was anyone who had given this warning during this period.

15.255 The witness has also said that for some time before the bomb was thrown, the atmosphere was surcharged with communal fanaticism but that was directed against Gandhiji who was considered to be the prime mover towards appeasement of Muslims.

15.256 The witness has given two reasons for not getting into touch with the authorities—one, that Inspector Angarkar, head of the 20—259 HA.

local intelligence, knew about it and he was under the impression that he would convey this information to the higher authorities in Poona, who would naturally relay it to the higher authorities in Bombay; and the other is that Balukaka Kanitkar had already sent the information to the Ministers in Bombay. Perhaps, an earlier information given to the authorities by people who were aware of the foul atmosphere and even to the local District Magistrate might have been more efficacious. He also said that if his information were definite, he would have run to Bombay and informed the Ministers at Bombay in spite of his being a "protestant against the Congress".

S. R. Bhagwat, wit. 69

15.257 Mr. S. R. Bhagwat, witness No. 69, in a letter, Ex. 115A, to Mr. M. G. Kanitkar, said that the late Balukaka Kanitkar had informed the late Mr. B. G. Kher and the late Sardar Patel about the plot to murder Mahatma Gandhi but no one believed him.

15.258 Mr. Bhagwat before this Commission said that Balukaka Kanitkar in one of his speeches said that the relations and friends of Nathuram Godse were saying that Mahatma Gandhi was in favour of Muslims and was not protecting the Hindu interests. He must, therefore, be removed. He should not be given any place or position where he could influence the decisions in regard to Pakistan but he did not say that people were saying that the Mahatma should be murdered.

15.259 Mr. Bhagwat added that he wrote personal letters to Balasahib Kher and Sardar Patel at Delhi telling them "from what I am noticing in the atmosphere all around me and from the movements that are being carried on, Mahatma Gandhi was (going to be) murdered. The atmosphere from which I sensed danger to Mahatma Gandhi's life were the speeches made by Balukaka Kanitkar and his friends and others". He could not remember exactly who those friends and others were but they told him that "I would hear something within about a week or so about Mahatma Gandhi's life". It was only Balukaka's speech about which he wrote to Mr. B. G. Kher and Sardar Patel but nobody believed him

15.260 He met Mr. B. G. Kher before the murder and he told the witness that he did not believe that Gandhiji's life was in danger and that "I was imagining".

15.261 In cross-examination he said that Balukaka spoke about the existing situation about a couple of months before the assassination and he (Bhagwat) wrote to Mr. B. G. Kher, Mr. Morarji Desai and Sardar Patel because he was interested in the protection of Mahatma Gandhi's life. He thought it was sufficient to have written to the highest and it was not necessary to inform the police. He had copies of those letters but they had got burnt.

15.262 Mr. Morarji Desai was questioned about this and he replied that he did not remember anything about what Mr. Bhagwat had stated but if he, i.e., Bhagwat, says he wrote to him (Mr. Desai) then he must have done so.

15.263 This witness merely restates what Balukaka is alleged to have written to Mr. B. G. Kher. Even Mr. Morarji Desai admits that Balukaka did write something to Mr. B. G. Kher but no names were mentioned and the statement of witness S. R. Bhagwat does not carry the matter any further than what Balukaka wrote or said in his speeches.

15.264 The witness is rather vague about things. He says that he sensed danger in the atmosphere from speeches made by Balukaka and his friends whose names he does not remember but he says some people told him that something would happen to Mahatma Gandhi within a week. Was this statement made after the 20th January 1948 or before is not quite clear. Even on his own showing it is only Balukaka's speech about which he wrote to Mr. Kher and Sardar Patel. He does not seem to have said anything about what he was told by the friends of Balukaka. It is not quite clear why no information was given to the police except that the highest and the mightiest had been informed and so the people who were to do the actual investigation were by-passed and remained ignorant of Mr. Bhagwat's knowledge.

Conclusion

15.265 Broadly speaking, there was a strong school of political thought in Poona which was associated with the Hindu Mahasabha, a part of it and yet ideologically different. This school has compendiously been called by Mr. K. M. Munshi as the Kesari group led by Savarkar. By Mr. Kamte it was called a group of Chitpawan Brahmins but it was not really anti-Gandhi. Even in this group there were some people who were willing to resort to political assassination and there were others whose activities might have consisted of strong anti-Muslim propaganda but they would not go so far as to commit a murder of political opponents.

15.266 The evidence which has been led before this Commission, particularly of officials, the Inspector General of Police, witness No. 4 N. M. Kamte, the Deputy Inspector General of Police of C.I.D., Bombay witness No. 3, U. H. Rana, the Assistant Deputy Inspector General of Police Rao Sahib Gurtu, witness No. 22, the District Superintendent of Police M. Pravinsinhji Vijaysinhji, witness No. 38, the Deputy Superintendent of Police N. Y. Deulkar, witness No. 6, the Inspector of Police, C.I.D., G. P. Angarkar, witness No. 68, almost unanimously shows that:—

- (1) the Hindu Mahasabha was strong in Poona;
- (2) there were bomb incidents; and
- (3) there were collections of arms in regard to which a number of searches were carried out and persons arrested.

But all these activities were directed against Muslims in order to drive them out of India and force them to go away to Pakistan or these activities were being carried on for the purpose of aiding with a supply of arms to Hindus across the borders of Hyderabad State where a struggle was going on against the Nizam's rule and the

depredations of the razakars. The evidence of these witnesses gives no indication of these activities being directed against the Congress or Mahatma Gandhi or other leaders like Jawaharlal Nehru, Maulana Azad etc. but emphasis their anti-Muslim and anti-razakar character.

15.267 It is true that people like Godse and Apte were carrying on propaganda against the Congress and even against Mahatma Gandhi but that propaganda was against Gandhiism as they understood it, i.e., it was directed against Muslim appeasement policy of Mahatma Gandhi or giving away of 55 crores to Pakistan or the attitude of the Congress leaders towards the atrocities which were committed or were being committed on Hindus in western wing of Pakistan. All this produced a commotion in Poona, particularly among the Hindu Mahasabha circles and they were taking full advantage of those circumstances and were carrying on propaganda on the platform as well as in the Press and using it for the collection of arms, throwing of bombs etc. It might be that their propaganda was against the Muslims in the first instance but as Mr. Morarji Desai has said, it was meant to embarrass the Government also. And those of them who were more hot-headed like Godse, Apte, etc., particularly Nathuram Godse, who according to his brother Gopal Godse, witness No. 33, had taken a deep interest in the affairs of the country were greatly affected by the Partition and by the atrocities committed on Hindus.

15.268 Nathuram was also worrying about India's share of Defence equipment and they were exasperated and wanted to stop the massacre of Hindus. The fast of Mahatma Gandhi had produced a tremendous effect on him and was the "last straw which broke the camel's back". Gopal Godse has gone even further and said that even if Nathuram Godse, Apte and Karkare had been arrested, there would have been others who would have taken their place and would have finished Mahatma Gandhi, showing though not saying so that conspiracy to murder Mahatma Gandhi had larger ramifications than police investigation showed or were brought out at the trial in Judge Atma Charan's court.

15.269 The group which actually took part in the conspiracy to murder was the most militant group among the Hindu Mahasabha workers. They had formed a separate organisation called Hindu Rashtra Dal which from the evidence produced before the Commission was perhaps more militant than the R.S.S. and had implicit faith in the ideology preached by V. D. Savarkar which consisted of "Tooth for Tooth and Eye for Eye".

15.270 Mr. K. M. Munshi, witness No. 82, stated that Mahatma Gandhi had a tremendous influence so much so that any politician of any note could not remain out of his influence but the Savarkarites of Poona did not agree with him particularly in his non-violence. This school of thought, according to him, consisted of youngmen highly patriotic, devoted to the country, prepared to make any sacrifice required but as they were under the influence of Savarkar who advocated violence and believed in political assassination, they kept out of the Congress and were isolated when the masses began to follow Mahatma Gandhi and as a result of this difference, conflict

in political methods and the want of faith in Gandhiji or Gandhian methods, the school of thought known as the Kesari school had personal prejudice against Mahatma Gandhi. Savarkar never lowered his flag; he continued to believe in political assassination as a permissive method in achieving freedom. He believed that Hindus required a strong organisation to meet Muslim aggressiveness and they were apprehensive that the weak-kneed policy of the secularity group in the Congress would be dangerous to the solidarity of the Hindus and would sap their strength. This class of people held Mahatma Gandhi responsible for the Partition of India and his unpopularity increased when at his instance 55 crores were given to Pakistan. There was a feeling amongst the Hindus particularly of this school that if the Mahatma had not adopted the policy of appeasement of Muslims there might not have been any Partition and at least the Hindus would have been spared the miseries to which they were subjected on Partition.

15.271 The documentary evidence relating to the state of affairs in Poona which have been placed before the Commission, shows that there was intense communal activity which the speeches made at Hindu Mahasabha public meetings proclaimed; but those documents, whether relating to Anti-Pakistan Day or welcome to Daji Joshi who had been convicted of murder of Jackson or about the importation of Sikh refugees or reports of bomb throwing or collection of arms, all had an anti-Muslim base. These did not show any anti-Congress leaning blatantly so proclaimed. But occasionally there were writings and speeches which had a different complexion, the speech of Dr. Parchure in Hindi on December 2, 1947 which was particularly directed against Mahatma Gandhi and Pt. Nehru and speeches the following day where the president, Mr. G. V. Ketkar, described Gandhiism-cum-false nationalism as enemy No. 1.

15.272 The Agrani and its successor the Hindu Rashtra were writing violent articles and in two issues Ex. 233A and Ex. 233 the tone was particularly inciting and that in spite of the return of security to the Agrani on the Independence Day. These articles showed that this paper was not reconciled to Gandhian philosophy and was preaching Savarkar ideology.

15.273 To put it in seriatim the affairs in Poona might be summarised as follows:-

- (1) There was a tense atmosphere as there was a strong feeling against the Muslims which was aggravated by two factors —(a) atrocities committed on Hindus in Pakistan and (b) the atrocities committed by razakars in Hyderabad State.
- (2) Arms and ammunition were being collected particularly by members of the Hindu Mahasabha but as far as the evidence of official witnesses is concerned this was meant for use against the Muslims and for the protection of Hindus against the Razakars in Hyderabad State.
- (3) The feelings against the Congress were strong because of its Muslim appeasement policy and the feelings against

Mahatma Gandhi were no different but these people were not against him personally but only against his pro-Muslim policy.

- (4) Apte, Godse and Badge had come to the notice of the police but that was in regard to their activities against the Muslims. Even though Apte had been named as one of the persons connected with bombs, there is no evidence against him or against Godse of being violently inclined against Mahatma Gandhi, at least no information was collected by the C.I.D. in Poona or is discernible from the documents or from the evidence of witnesses.
- (5) There was no indication in Poona that there was going to be any use of violence against the Congress leaders still less against Mahatma Gandhi and certainly not to murder him.
- (6) There was violence in Poona, there was bomb throwing, a number of searches were made in the house of Hindu Mahasabha workers resulting in finding of arms, fire-arms etc. and even court cases were started but they were withdrawn, according to Inspector Angarkar, much against the wishes of the police and to their chagrin.
- (7) Some prominent members of the Hyderabad State Congress and State Hindu Mahasabha had settled down in Poona and they were getting the assistance of the Hindu Mahasabha in collecting arms which could be sent to Hyderabad State for use. According to evidence of Inspector Angarkar the Hindu Mahasabha and the socialists were more useful to these people than the Congressmen.
- (8) It may be added that the collection of arms was on a large scale and it was in one of the searches that an account book was found in which it was shown that Rs. 2,000 had been paid to Apte or Badge for the purchase of a machine-gun.
- (9) The Savarkarites which included Godse, Apte and Badge were against the policies of the Congress and of Mahatma Gandhi but there was nothing to indicate that they were against his person and they were not persons of sufficient importance to be shadowed or watched. As far as the police was concerned, the policy of the Agrani was anti-Gandhi and anti-Congress and pronouncedly communalist.
- (10) None of the police witnesses seem to have known that Madanlal had any associates in Poona still less that Godse was one of them. According to Inspector Angarkar if he had known it he would have followed Godse wherever he was whether in Poona, or in Bombay, or in Delhi.
- (11) Some non-official like the late Balukaka Kanitkar, Mr. S. R. Bhagwat, Mr. R. K. Khadilkar then of the Workers and Peasants Party and the late Mr. Keshavrao Jedhe,

M. C. A. and Mr. G. V. Kelkar did know that the atmosphere in Poona was surcharged and tense, the writings in the Press, the speeches on public platforms and private talks and rumours afloat portended danger to top Congress leadership particularly Mahatma Gandhi, Mr. Nehru, Sardar Patel and Maulana Azad. Of these gentlemen, only two—Balukaka Kanitkar and Mr. Bhagwat—informed the authorities, Mr. B. G. Kher and Sadar Patel, but not the police or local authorities.

It is surprising that this information was not passed on by any authority to the C.I.D. for being vetted.

15.274 The police officers did not know in which direction the Hindu Rashtra Dal was operating. There is no indication in these documents showing any proper exercise of vigilance in regard to feelings of anti-Gandhism whether against the polices of Mahatma Gandhi of appeasing Muslims etc. or against him personally.

15.275 (a) Before the Delhi bomb explosion, no information was given to the Poona Police or the Provincial C.I.D. about the danger to the life of Mahatma Gandhi. Neither Mr. R. K. Khadilkar, nor Balukaka Kanitkar, nor Mr. S. R. Bhagwat, gave any information to the police.

(b) Whatever information the Bombay Premier or the Home Minister got from Balukaka Kanitkar or which they otherwise had relating to the danger to the life of Congress leaders, including Mahatma Gandhi, was not reported to the police to be vetted by careful inquiry. This, in the opinion of the Commission, should have been done. Not doing it was an error.

(c) After the bomb was thrown at Birla House, no information as to what Madanlal had stated was given to Poona Police or Provincial C.I.D. nor were they asked anything about Karkare. If full particulars of an information about the latter could be obtained from the Poona C.I.D. after the murder, it could have been obtainable after the bomb explosion also.

(d) If it was possible, the services of Angarkar and Deulkar should have been called for earlier.

(e) Mr. Rana had seen the report about Madanlal and Karkare sent by Ahmednagar Police and even if he could not, while at Delhi, recollect anything about them, he could have, even as a precautionary measure, asked his office if there was any information about them.

(f) Even as late as the 28th January when Mr. Rana reached Poona in the evening, he met his officers. Rao Sahib Gurru gave him the various names of persons whose description was given by Madanlal in his statement. He took no action on that information. No information was sent to Mr. Nagarvala or to Mr. Sanjevi or to Mr. Kamte. Nor did he take any precaution of immediately flying his Poona Police officers to Delhi to spot and watch the conspirators and, if possible, to arrest them. It is true Angarkar was sick and Deulkar was not there, but Deulkar could have been called to Bombay and

given instructions there to fly to Delhi along with other policemen. If he could not, for any reason, come to Bombay, the fault would not have been of the D.I.G., C.I.D.

(g) There is no indication of co-operation of Delhi, Bombay and Poona police officers to make a combined and co-ordinated effort to find the antecedents of Karkare and to find out who his associates were. As a matter of fact, there was a complete lack of co-operation between the various police forces.

(h) Ahmednagar Police had a complete record of Karkare and as to who his associates were. It was known at Ahmednagar that Apte was his associate and Godse also used to visit him with Apte. This information could have been worked out by the Poona C.I.D. as reports about Madanlal and Karkare had been sent to the D.I.G., C.I.D. The statement of Madanlal should have been sent to Poona by air and not sent by a circuitous route—Delhi—Allahabad—Bombay—Poona.

(i) it was a mistake on the part of Delhi Police not to have indicated to the Poona C.I.D. about Karkare direct and ask them to investigate. To leave it to Mr. Rana's slow process investigation was an error to which he also largely contributed by not informing his office. All these were contributory factors in facilitating the conspirators in achieving their nefarious design.

(j) The fault of the high ranking police officers at Delhi and of the Poona C.I.D. (Provincial) lay in complacency, thinking that the conspirators will not strike so fast. This was due to slow thinking and solvently action.

15.276 The Commission is not oblivious of the fact that these police officers are making their statements 20 years or more after the events took place. Age and lapse of time affect memory and also enfeeble the mind, but even then broad facts such as tensy of the atmosphere and feelings tending to violence against Mahatma Gandhi were not matters that could easily be forgotten or innocence about which could easily be explained by impairment of one's faculties. In judging the action of the police, it should not be forgotten that, now all the facts and loopholes are known which was not the case when these various officers were investigating.

CHAPTER XVI

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CHAPTER XVI

Ahmednagar

16.1 Documentary evidence regarding Ahmednagar shows that Karkare even in the beginning of 1947 was prominent among the Hindu Mahasabhaites. He went to Noakhali and was making provocative speeches on Noakhali happenings. So much so that the District Magistrate made orders under section 144 Cr.P.C. against him and another. There is a later report showing that he was importing arms but people did not care much for him and the Muslims were dead against him and a strict look-out was maintained against him. This is shown by Exs. 257—259A.

16.2 The order passed by the Government of Bombay for the compiling of the list of Hindu Mahasabha and R.S.S. leaders was applicable to Ahmednagar also. Ex. 114A relates to that District and V. R. Karkare was one of the names therein mentioned. This was up to August, 1947.

16.3 On September 13, 1947, the District Magistrate of Ahmednagar Mr. H. A. Khan wrote to Government of Bombay, that coming in of ten thousand refugees into Visapur Camp would create communal disorder in the District which was hitherto free from communal trouble. This proposal was rightly criticised in the Secretariat office but ultimately the Minister ordered that some kind of restriction should be placed on the visitors to the camp and it should not be turned into a fair, which was likely to happen if no control was kept. Whether such an order was right or wrong or justified or not is not for this Commission to decide because the sole judge of what should be done in circumstances such as the ones that then existed was the authorities then exercising power. Law and order was their responsibility and nibbling at them is not conducive to orderly administration of agitating areas.

16.4 On 14th October, 1947, there was a note, Ex. 260(1), regarding news in the Hindu Rashtra that Karkare was called to the Police Station; several of his letters were confiscated; his specimen signatures taken and the people of the city were agitated about it but Karkare had not been arrested. But Government had "a strong eye on him". On 6th November, 1947, Ex. 212, from a house in Ahmednagar occupied by Hyderabad State Congress workers, arms were found. On the same day, the District Magistrate passed an order prohibiting bringing or transporting knives and other sharp-edged weapons into or through Ahmednagar City and Cantonment. (Ex. 148). The order under section 144, Cr.P.C. issued by the District Magistrate was extended by Government Ex. 149.

16.5 Ex. 266 dated January 22, 1948, is an extract from the Weekly Confidential Report of the District Magistrate. It shows that V. R. Karkare had gone to consult the Hindu Mahasabha leaders about the

future line of Hindu Mahasabha work and the local Hindu Mahasabha workers did not co-operate with him on account of his activities amongst the refugees. This appears to be an incorrect report because there is other evidence to show that Karkare had vanished from Ahmednagar before the 10th of January, 1948, and had gone on the nefarious task of murdering Mahatma Gandhi and not consulting the leaders about the future line of Hindu Mahasabha work. Ex. 227 dated 31st January 1948 shows that Karkare had been out of Ahmednagar for the last 12 or 13 days and he was reported to have paid a visit to the Refugee Camp at Chembur and was moving about in Bombay, which was only partially correct because he was not in Bombay but in Thana and was not moving about in Bombay. Ex. 228 is an innocuous kind of a report showing that Karkare had not been arrested under the Detention Order as he had absconded from Ahmednagar.

16.6 Ex. 67 dated January 29, 1948 is Sub-Inspector Balkundi's report to the D.I.G., stating that Madanlal appeared to be the same person who was operating in Ahmednagar and that he had left with V. R. Karkare "some 15 days back" and had not returned to Ahmednagar. Madanlal was a staunch R.S.S. member and was a revolutionary. But this report whatever its authenticity was a belated document.

16.7 On January 26, 1948 Inspector Razak sent a report to the D. S. Ps. of Ahmednagar and Poona including therein a list of persons named by S. V. Ketkar and other persons. These names had been obtained with the help of Inspector Savant of the C.I.D. presumably during the investigation. This report attached to Ex. 58—Razak's letter has the names of 25 persons amongst whom were S. V. Ketkar, V. R. Karkare, R. S. Rekhi and D. V. Godse. Amongst the Ketkar, Karkare and Rekhi were considered to be persons holding extreme views, whatever that word may mean. Two of them D. V. Godse and Chandekar were stated to be from Poona. S. V. Ketkar and Rekhi were connected with Karkare's Guest House and D. V. Godse was a brother of Nathuram Godse, and others were members of Karkare's amateur dramatic troupe.

16.8 In his testimony before the Commission Inspector Razak stated that nothing came out of this report but his investigation disclosed that Madan Lal was inclined towards violence. In the report no recommendation was made.

16.9 The importance of this document, Ex. 58 containing the list sent by Inspector Razak lies in this that a number of Hindu Mahasabha workers in Ahmednagar had some direct or indirect connection with Karkare—some were employed by him, others were members of his amateur dramatic troupe. Some of them had the reputation of having extreme views. But either this document was not seen by the officers to whom it was sent or its implications were wholly ignored. It does show this much at least that Karkare was an important personage in the Hindu Mahasabha movement. He was one of the persons who had extreme views. He had considerable influence in so far as the workers were either employed in his guest house or were collaborating with him in staging dramas and plays. Madan Lal was

also an associate of Karkare and he was not non-violent. From this one should have imagined that even if the objective of the local administration was only to keep the anti-Muslim feelings under control, a closer watch would have been kept on both Karkare and Madan Lal and the watch that was being kept on their movements or the trailing which was being done might have been a little more vigilant and stringent to be effective. It gives one the impression that whatever watch was kept was neither adequate nor efficient. What should be the extent of closeness of watch is a matter for which there is no evidence.

16.10 The incidental and happenings at Ahmednagar from an important link in the chain of events which culminated in the conspiracy to murder Mahatma Gandhi. What was happening there was the precursor of that diabolical crime. The district of Ahmednagar borders on what was then the Hyderabad State and they had common borders of considerable length on the north and the east; on the other borders were the districts of Poona and Nasik. The political affiliations in this town and the district were, not to an inconsiderable extent, linked with the rather militant and more too non-violent activities of the Hindu Mahasabha and R.S.S. and allied groups of Hindus. All its various activities, mostly anti-Muslim and directed against those who had what is popularly called a secular approach to national or local problems, were bound up with Poona which projected themselves into Ahmednagar and in other bordering districts of the pre-1947 Bombay Province.

16.11 The witness from Ahmednagar, who were examined by the Commission, were with the exception of one, Police officials and that exception was the Collector of the district Mr. R. C. Joshi, I.C.S., wit. 80. As a preface to this part of the report it may be stated that in 1947-48 there was a well organised, strong and extremely anti-Indian Razakar movement in Hyderabad State with its consequential reaction i.e., disturbances in that State and its repercussions in that part of British India which included Ahmednagar. According to Police District Superintendent Rane, witness No. 40, the Razakars trespassed into the district and indulged in violence by committing murders and arson in the border areas of Ahmednagar district. Consequently he had to visit the border areas several times; and was therefore absent from the headquarters quite often and for long periods because of the depredations of the Razakars resulting in excitement among the people of the district and the town of Ahmednagar. The Hindu Mahasabha agitation became intensified in Ahmednagar partly as a consequence of the Razakar trouble in Hyderabad State and partly because of the advent of a large number of Hindu refugees who came from that part of the country which became the western wing of Pakistan. As a matter of fact, Mr. R. C. Joshi, the then Collector of Ahmednagar, witness No. 80, has stated that his predecessor Mr. Khan had warned the Provincial Government that the bringing in of large number of Hindu refugees from West Punjab, Sindh etc., would create law and order problem because of resulting communal tension. But in spite of this advice, which must have been given from the best of motives but without realising the problem of rehabilitation of millions of displaced persons, about

10,000 Hindu refugees were brought to Ahmednagar and were given shelter in a former Jail at a place called Visapur, about 26 miles from Ahmednagar. These refugees had passed through blood, and fire and had come to India lacerated in body and soul, deprived of their wordly belongings and robbed of honour. The horrors they had been through are to horrible to relate here. One can take judicial notice of Mr. Justice G. D. Khosla's book "The Stern Reckoning". The unfortunate mass of humanity had to be sheltered and Visapur was as good a place as any other. It was a necessity and an aftermath of Partition and its two nation theory.

16.12 Among these refugees was one Madanlal Pahwa from Pakpattan, a tehsil town in Montgomery district of West Punjab, with an ebullient effervescent temper, who subsequently figured prominently in the conspiracy to murder Mahatma Gandhi, because he was the person who exploded the bomb at the prayer meeting of the Mahatma on the 20th January 1948 and was the first to be arrested.

16.13 This Madanlal came into contact with and was helped by Vishnu Ramkrishna Karkare who was also an accused in the conspiracy to kill Mahatma Gandhi. He owned and ran a hotel in Ahmednagar and used his position and influence to the fullest extent in inciting the refugees to take out processions and indulged in anti-Muslim activities. Their feelings and ire could in the circumstances be easily roused. They perhaps did not need much persuasion because expelled from the Punjab leaving their all there, they could not have been very happy to see their counterparts here enjoying their properties and pursuing their avocations and politics in peace and if necessary under official protection. Madanlal easily became an instrument which the conspirators were only too ready to employ.

16.14 Evidence, documentary and oral, relating to the happenings in Ahmednagar shows the trends in that part of the country. The conditions there were as said above complicated by communal tension a combined effect of the violent activities of the *razakars* both inside the District of Ahmednagar as well as in Hyderabad State, and naturally what happened in those districts and the disorders, robberies, arson and even murders which were committed by the *razakars* could not help in maintaining a peaceful atmosphere inside the District; all this accentuated the stresses and strains inside the district much to the bewilderment of the new administration and newly appointed and perhaps freshly promoted officers.

16.15 Besides the *razakar* activities and their consequences, the induction of refugees from West Punjab and N.W.F.P. became an additional factor which disturbed the communal atmosphere of the District and of the town of Ahmednagar. This is not to say that the refugees should not have been brought. But they were a problem though a problem resulting from the Partition. If the refugees were in an angry mood or in aggressive mood or asked for rehabilitation by insisting on jobs and business opportunities being given to them, one cannot blame them for it. After all it was not their fault that they had to leave their hearths and homes. It was the inevitable consequence of the Partition of India on the basis of Hindus and

Mahomedans being two nations and all the Hindus and other non-Moslems being driven away from West Punjab and other units of western wing of Pakistan.

16.16. As a counter-blast to the atrocities committed by the Razakars and what the refugees had gone through, the already strong Hindu Mahasabha movement got a fillip and an opportunity to become more aggressive and to operate in a more fruitful field. These must have added to the anxieties of the District authorities and must have given them some very difficult and even anxious moments. In judging what happened in Ahmednagar, the Commission cannot lose sight of the conditions created as a consequence of events to which a brief reference has been made above.

16.17 Mr. Morarji has stated, when his attention was drawn to the extension of the restrictions under section 144(6), Cr. P.C. Ex. 149, the original order was dated November 6, 1947 Ex. 148: "From this order, passed under section 144, Cr. P.C., I would not say that the general condition of the town was disturbed. I would say that there were some people who were determined to disturb the peace of the town. Therefore this precautionary measure had to be taken." He also said "It is not correct to say that general population of Hindus was arming itself against the Razakars' depredations but some might have been doing it. The object of passing the order was to prevent people carrying arms. The Government was not in any way inclined to overlook the possession of arms even by those who were ostensibly doing it with the object of meeting the Razakar movement. I must add that there was no such movement in the town itself. What was happening was that people on the border were arming themselves with the help of the R.S.S. and that also only some people."

16.18 The order under section 144, Cr. P.C. dated 6th November, 1947 shows that it was to operate not only in the city and cantonment areas of Ahmednagar but in several other areas and talukas, in all 16. The letter of the District Magistrate dated 1st January, 1948 asking for extension which is based on the letter of the D.S.P. shows that due to communal situation in the Punjab and non-co-operation in Hyderabad State "fearful attitude" was arising among the people in the district, that there was danger of arms being imported in the district with a view to transporting them outside for the sake of protection to which was added his own opinion that the standstill agreement with the Hyderabad State had had no effect on the activities of the people from Hyderabad and reports of trouble were being received from areas on the borders and therefore extension was necessary. Here the dividing line between the effect of Razakar menace and refugee trouble gets obliterated and the two merge as it were. All this shows that anxiety produced by the Razakar movement was not confined to only a few people but was general in the district and that attempts were being made to import arms for protection as well as for export to meet this menace.

16.19 But evidence shows that there was a general apprehension of trouble from the Razakars from across the border. It may be true that everyone was not arming himself but people on the border in particular and some people in the interior were also getting arms—

whether it was actually for meeting the Razakar menace or not may be difficult to say—but there is not doubt that under the garb of fear of Razakar depredations arms were being collected.

16.20 There were at least four incidents of bomb throwing but they turned out to be directed against the Muslims particularly of the town of Ahmednagar, although the district authorities had been treating them as connected with the Razakars.

16.21 In the meantime, refugees in Visapur were getting restive. They wanted accommodation; i.e. houses to live in, shops to work in and employment and they were agitating, taking out processions to emphasise their demands. This is proved by the statement of Mr. R. C. Joshi, witness No. 80 and other witnesses from Ahmednagar particularly Mr. J. S. Rane, I.P., D.S.P. of Ahmednagar during the relevant period who has also stated that the refugees were agitating for the expulsion of the Mahomedans from Ahmednagar saying that the Mahomedans were getting the best of both the worlds. They did not like the Mahomedans having the facilities they were having in Ahmednagar while they, an uprooted mass of Hindus from West Punjab, were living on doles in an out of the way place like Visapur.

16.22 In the resume of the evidence produced before the Commission of witnesses from Ahmednagar, the various incidents have been given at great length and it will be unnecessary to repeat them except to mention them where it is necessary for the purposes of the report.

16.23 The evidence of the witnesses and the documents produced before the Commission show that four bombs were thrown in Ahmednagar town between November 24, 1947 and December 26, 1947. (See Ex. 61 and other relevant evidence).

16.24 The bombs thrown were as follows :—

- (1) 24th November 1947 on the Tazia procession in Kappad Bazar.
- (2) 7th December in Vasant Talkies.
- (3) 14th December on the house of Kazi Subhanbhai.
- (4) 26th December on the Tatti Darwaza Mosque.

In connection with these bombs, information was being sent by the District authorities to Government. On December 8, 1947, the District Magistrate wrote a letter to the Chief Secretary to the Bombay Government giving details of the bomb in Vasant Talkies and the extent of the damage done. A copy of this letter had been sent to the D.I.G., C.I.D., Poona. Thereupon Inspector Razak of the C.I.D., witness No. 34, was sent to Ahmednagar to investigate or to help in the investigation into the bomb incidents. By then there had been two explosions. Inspector Razak came and conducted his investigation and his evidence shows that the bomb explosions were caused by the workers of the Hindu Mahasabha but nobody had been arrested although Karkare and Madanlal who were both accused in the Ciandhi Murder case were suspected to have been at the bottom

of these explosions. On December 18, 1947, he made a report (Ex. 61) stating that the bombs excepting the one that was thrown in Kappad Bazar which was different, were of the same type, similar to the bombs which had been found on June 3, 1947, in a bomb factory owned by Vansen Puspsen in Bombay which had been unearthed by the Bombay C.I.D. and one of which was brought to Poona by a police officer Inspector Ranbhice and in connection with that find some Gujaratis had been arrested. This, according to him, showed a common source and a common agency operating. On December 24, 1947 (Ex. 62) the houses of the Secretary of the Muslim League and Captain of the Muslim National Guards were searched but nothing incriminating was found. The report of this is Ex. 62. This document also shows that the lives of Congress leaders including the local Secretary Mr. Saptrishi were threatened and that the bomb on the Moharram procession was similar to the one that was burst in Shanivar Pet in Poona.

16.25 As a result of these activities and the suspicion which the police had against Karkare and Madanlal, a watch was kept on their movements by plainclothes policemen but both continued making inciting speeches. Although they were directed against Mahomedans, they did not preach violence; so the evidence of witness No 35, Sub-Inspector Rane shows. There were also police reports that these people were holding private meetings with the same objective. These activities were reported to the D.S.P.

16.26 Two reports were sent about the bomb incident in Kappad Bazar thrown on the shop of one Ismail, M.L.A. reciting what had happened and the damage which had been done. They are exhibits 73 and 74, dated December 15 and 16, 1947: the former by the District Magistrate and the latter by the D.S.P.

16.27 As a consequence of the suspicion which the police had on account of the throwing of the bombs, the house of Karkare was searched but nothing incriminating was found. According to the evidence of Inspector Razak, witness No. 34, it was as a result of this suspicion and on account of bomb-throwing that the house of Karkare was searched but evidently nothing was discovered. According to Sub-Inspector Deshmukh, witness No. 32, the houses of Karkare and S. V. Ketkar were searched under the orders of the D.S.P. by Sub-Inspector Rane, witness No. 35, and Deshmukh, witness No. 32, and after this the movements of Karkare were ordered to be trailed.

16.28 As a matter of fact, what seems to have happened is this: There was a murder of a widow in Poona. That was investigated by the District Police of Poona but evidently nothing came out of it and the investigation was closed and the case ended as being untraced but due to the persistence of a brother of the deceased woman, Inspector Savant, now Deputy Commissioner of Police of Bombay, was appointed by the Provincial C.I.D. to investigate the case. His investigation in Poona led to the association of the woman with S. V. Ketkar who was at that time in Poona but had after the murder of the widow shifted to Ahmednagar and was working as manager of Karkare's hotel. In that connection, on January 1, 1948,
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there was search of the house of S. V. Ketkar conducted by Sub-Inspectors Rane and Deshmukh under the directions of Inspector Savant and a large quantity of arms and ammunition was found. The list of these is contained in Ex. 75. Besides arms and ammunition, some gold ornaments were also found. A list of that is contained in the report of Inspector Savant, Ex. 76, but it is necessary to set them out or enumerate them at this place. They, to put it briefly, consisted of country made handgrenades, a revolver, daggers, explosives, fuses, pistol and rifle rounds and other ammunition—all contained in a steel trunk of which the key was with Ketkar. Besides this, there was a nose-ring, ear-rings, a silver ornament box and letters. On January 2, 1948, the D.S.P., witness No. 40, made a report, Ex. 75, regarding the recovery of arms. It also showed that Ketkar had stated that these arms were kept in his house by V. R. Karkare; that handgrenades found in the house of Ketkar were of the same type as those thrown in Vasant Talkies and on the Tatti Darwaza Mosque in the previous month. Inspector Savant's report, Ex. 76, also mentioned the articles which were found therein and about the interrogation of Ketkar. A copy of this report was sent to the D.S.P. Ahmednagar, the original was sent to the D.I.G., C.I.D., Poona. Copies of the report, Ex. 75, were sent to the District Magistrate of Poona and Ahmednagar and to the D.I.G., C.I.D. and the Inspector-General of Police, Poona. Police Superintendent Rane, witness No. 40, has stated that he took no personal interest in the matter as it related to the C.I.D. This indeed would have been surprising if it had been literally correct. But the witness added that the District Police was also taking part and that under police practice he was sending reports to the Provincial Government. That explains the reason for sending Exhibits 74 and 75, i.e., relating to the bombs thrown in December 1947 and the recovery of the bombs on January 1, 1948 on search of S. V. Ketkar's house. On the same day, January 2, 1948, Inspector Razak sent a report, Ex. 77, informing his D.I.G., C.I.D. about the nature of the bombs thrown in Kappad Bazar Mosque and also that he had discussed the clues with the D.S.P. showing that that officer was kept fully informed of what was happening. Indeed, that is what one would have expected because the head of the District Police could not be ignored.

16.29 To revert to Ex. 76, report of Inspector Savant, it shows that Ketkar was arrested; he had named Karkare as the person who had given him the bombs; that the matter was reported to the D.S.P. and that information under Arms Act and Explosive Substances Act had been laid; that the searches of the house and hotel of Karkare had been conducted by the City Police Sub-Inspector under the orders of the D.S.P.; and that the interrogation of Ketkar did not disclose anything further.

16.30 The weekly confidential diary of the D.S.P. (Ex. 78) dated January 5, 1948 gives a description of the doings of the refugees from Visapur camp. It states that the Peshawar group of refugees from Visapur was committing robberies in the trains, the aggrieved parties being mostly Muslims for whose protection armed Railway Policemen had been put on duty. It also stated that the refugees had demanded and got the green flag on a mosque removed and they had also tried to remove other green flags from other Muslim buildings. There was a procession on 3rd January, 1948 led by Madanlal

R. Karkare and K. S. Kulkarni who were shouting anti- Pakistan slogans and demanding the expulsion of Muslims from Ahmednagar. The procession then proceeded to Sarosh Garrage owned by Khan Sahib Sarosh where they asked K. S. Sarosh to employ them in place of their Muslim employees. Sarosh discussed the matter with Madanlal and four other refugee leaders. The behaviour of Madanlal was very rude even when the District Magistrate and D.S.P. arrived there. The former explained to the refugees as to what they were going to do for them e.g., opening of a Co-operative Bank for them, but Madanlal was still very arrogant and the District Magistrate had to warn him against his rowdy behaviour. The report shows that Karkare was inciting the refugees to create trouble in Ahmednagar. Mr. Raosaheb Patwardhan who had gone to advise the refugees had to go back because of the attitude of the processionists. The report adds that it was learnt that Karkare was exciting the refugees and that the people in general did not like this rowdyism.

16.31 S. I. Balkundi who was then Sub-Inspector, C.I.D. at Ahmednagar, made a report Ex. 66, on 4th January, 1948. It mentions about this very procession. It also mentions about the arrival of the D.S.P. and the District Magistrate. It states that Madanlal working with Karkare had arranged the procession and the real object of the procession was to protest against the searches which had been in the houses of Karkare and S. V. Ketkar and to put pressure regarding what was said to be the efforts of the police to get Karkare involved in the bomb cases by using third degree methods against S. V. Ketkar. The processionists also said that the police was after the Hindus and was frightened as it were of curbing the Muslims, that although searches had been made in the house of Karkare etc. yet no searches were made in the houses of Sarosh Irani and Ismail Bandhubhai although they possessed a good number of arms. This report support the incident in regard to the procession going to Sarosh Garrage and demanding the substitution of Hindus in place of Muslim employees and also of what the Collector and the D.S.P. did when they arrived at the spot. The significant part of this report is in the last paragraph at page 198 which is as follows :—

"It is learnt that this procession was arranged by Mr. Madanlal Kashmirilal who is a refugee but staying at Nagar with Mr. Karkare and working as a paid worker of Maha Sabha. The procession was taken out more or less as a protest for the search of the house and hotel of Mr. V. R. Karkare and to bring the pressure on Police in their investigation of the bomb cases."

In the end S. I. Balkundi suggested that in order to maintain the peace of the city Madanlal and Karkare should either be exonerated from Ahmednagar or detained. It also mentions that Katchi merchants were winding up their business and were intending to leave Ahmednagar and that refugees will take their place. Copies of this report were sent to the D.I.G., C.I.D., to the D.I.B., New Delhi, to the Home Department of Bombay Government, to the C.I.O., Bombay, and the I.G.P. This report was seen by the D.I.G., C.I.D. on

January 14, 1948 and exhibit 66-A, dated January 7, 1948 is a letter forwarding copies of this report from the D.I.G.'s office. In his letter of explanation dated February 9, 1948 (Ex. 69) S. I. Balkundi said that he had been sending weekly and special reports about Madanlal and Karkare and also that he had recommended the detention of both these persons as their activities in Ahmednagar had become more and more dangerous. S. I. Balkundi in his oral statement has supported the contents of his report and also that he had recommended detention or externment of these two individuals. Further he stated that Karkare was acting under the Hindu Mahasabha and that at that time he did not know Karkare's connection with Apte or Nathuram Godse. It may be added that in his report (Ex. 66) he had stated that Madanlal was a bad egg, was instigating the refugees, was conspiring and trying to contact the Sikh and Punjabi elements in the Army.

16.32 On the same day the District Magistrate and the D.S.P. made enquiries after receiving the report regarding the recovery of arms and ammunition from the house of S. V. Katkar whether Karkare had any hand in the bomb explosions in the city. There were references to the recovery of arms and ammunition from the house of Ketkar.

16.33 On January 5, 1948 a meeting was held at which Raosaheb Patwardhan, a well-known and respected Congress Socialist leader, addressed a meeting. This meeting was disturbed by the refugees including Madanlal. According to S.I. Rane (witness 35), Madanlal was in hot temper; while the meeting was being addressed he was shouting and threatening. S. I. Balkundi (witness 37) has also deposed about this incident. He has stated that Madanlal and his companions created disturbances during the meeting but it was not correct that Madanlal got hold of Patwardhan and tried to attack him with a knife. Karkare also arrived there and he also stated shouting and demanded that he and Madanlal should be allowed to speak. They tried to snatch away the mike from the rostrum. Thereafter the meeting ended and when the audience dispersed Madanlal and two others were arrested. Madanlal was kept in the lock-up for some time: and it was added that Madanlal used to create trouble all the time. Inspector Razak (witness 34) has stated that both Madanlal and Karkare were brought to the Police Station and interrogated there but nothing useful was found and there was no indication that their activities were directed against the Congress leaders or that they were conspiring against the lives of the Congress leaders. Madanlal on that occasion gave an undertaking not to take part in violent movements and he was let off. S. I. Balkundi (witness 37) deposed that on or about January 6, 1948 both Madanlal and Karkare disappeared from Ahmednagar and police had no information where they had gone. The police were on the look out for them and were watching the house of Karkare but to the knowledge of the witness Karkare did not return nor did Madanlal. The witness was sure that neither of them returned because the police was on the look out for them. As a matter of fact, it was S. I. Deshmukh (witness 32) who was on the look out for these people.

16.34 From the testimony of another witness Sub-Inspector L. N. Joshi (witness 36) who was a Police shorthand reported in Ahmednagar at the time, it appears that Madanlal had told him that he was going to Delhi to get married. This was on or about 10th January, 1948. This witness was quite friendly with witness No. 32 S. I. Deshmukh of the L.I.B. and did even accompany him to Poona when Deshmukh went to search for Karkare and yet he never told S. I. Deshmukh or any other police officer as to what Madanlal had told him about his going to Delhi to get married. There is sufficient corroboration of the fact that Madanlal had been saying that he was going to Delhi to get married. He had said that to Prof. Jain (witness No. 27). In his statement the latter stated that about a week before the bomb explosion at Delhi Madanlal came to him and told him that he was going to Delhi to get married and he would return soon. So that the recollection of Sub-Inspector Joshi about mention of the marriage is correct. Sub-Inspector Joshi has said that it was on or about the 10th January that Madanlal had told him about his intended going to Delhi. The dates may not be absolutely accurate but they tally to a very large extent and are sufficiently close to show that about a week or so before the bomb incident, Madanlal left Ahmednagar to go to Delhi and one of the police officers did have that information but for some reason or another the information was not conveyed by him to his brother or superior officers. We shall revert to this matter later.

16.35 On January 11, 1948 S. I. Deshmukh intercepted a letter by Karkare addressed to the "Dainik Trikal" and "The Hindu Rashtra" where Karkare gave information about the searches which had been effected in Ahmednagar in connection with the bomb incidents. The letter which was intercepted is exhibit 43, and was addressed to several newspapers in Poona including *Dainik Trikal* and *Hindu Rashtra*. It evidently was not dated; the date of interception is January 2, 1948. It states that eight days after the search of Karkare's house another search was made of that house on January 1, also of his tea house and Deccan Guest house. During the search Karkare and his staff were present but nothing objectionable was found in the search. Evidently one of the employees had a dagger which was returned to him when it was pointed out that it was meant for his protection. The reason given in the letter for this search was that Karkare was assisting the refugees and had therefore become an eyesore to the police and that the refugees did not like Karkare being treated in that manner. The letter also stated that one of the refugees made a speech and shouted "Swatantra Vir Savarkar-ki-jai", "Hindu Rashtra-ki-jai"; finally at Karkare's request the crowd melted away. The letter also mentioned the trouble which some of the visitors from outside and guests at the hotel had to undergo. It appears that there is some discrepancy in regard to the date when the interception took place. The witness has stated January 11, the letter seems to be of 2nd January but knowing as we do that Karkare was not seen in Ahmednagar after the 6th or so 11th January must be a mistake due to dimming of memory and lapse of time.

16.36 The weekly report of the District Magistrate, dated January 8, 1948 (Ex. 150) had reference to the recovery of handgrenades and other arms and ammunition from the house of S. V.

Ketkar and to his statement that Karkare had given them to him eight days earlier. On January 9, Inspector Razak (witness 34) advised Deshmukh, so that evidence of Razak shows, to recommend the detention of both Madanlal and Karkare. S. I. Balkundi (witness 37) has stated that he recommended—and that is proved by his weekly report also, dated 4th January 1948 (Ex. 60)—that Madanlal and Karkare be detained or externed.

16.37 On the report (Ex. 150), dated 8th January 1948 Mr. S. M. Dalal made an endorsement on January 11, and Mr. V. T. Dahejia on January 12, and on the same day the Home Minister Mr. Morarji Desai made an order that the persons mentioned in the report should be arrested and asked why the District Magistrate had not done so earlier.

16.38 As stated above, according to witness No. 37, S. I. Balkundi, the recommendation was made by him regarding Madanlal and Karkare on January 4, 1948 (Ex. 60). Madanlal was ordered to be detained on January 16, 1948. What happened between the period of the recommendation and the order of detention was passed, there is no evidence and it could not be said that on this point the officers were illuminating. But the matter is very old and perhaps their memory has got dimmed and one cannot blame them for it. Mr. R. C. Joshi, D.M. (witness 80) has stated that he had made the order because he was satisfied that Madanlal was acting in a manner prejudicial to the maintenance and safety of public order. He also made an order for the detention of three or four others but Karkare was not among them.

16.39 As a matter of fact the order for Karkare's detention was passed on the 24th January and the suggestion had come from Bombay Government to take action against him. The only remark that might be made at this stage is that even though the order was "semi-judicial" such long delay is inexplicable in a matter of preventive and not punitive action. It appears that in the Secretariat itself the order of the Minister ordering immediate arrest was delayed and it was not sent out till January 19, 1948 (Ex. 80). When it reached Ahmednagar is not quite clear but in Ex. 145, dated January 21, 1948, Mr. R. C. Joshi writing about the explosion of bombs and arrest of Karkare, refers to the letter of January 19, 1948. In that letter he said that the reason for not arresting Karkare was that apart from the statement of S. V. Ketkar, implicating Karkare, there was no other evidence to connect him with the offence and that the D.S.P. had explained that it was under those circumstances that Karkare was not arrested; and that the witness had informed the D.S.P., that in view of the Government's orders, Karkare should be arrested. He also said that according to the oral instructions of the Government he had ordered the detention of four refugees who led the procession in Ahmednagar on January 3. What happened between this letter and the order of detention of Karkare on January 24, 1948, is not quite clear. It will be more correct that there is no evidence on that point but ultimately orders were passed on the 24th for Karkare's detention. Mr. R. C. Joshi has stated that he did not know what statement S. V. Ketkar had made and in his explanation he was really giving the explanation of the D.S.P.

without giving his own opinion regarding sufficiency or otherwise of the reason for arresting or not arresting Karkare. This is rather fatuous. If Mr. Joshi was exercising his discretion or what he terms semi-judicial powers, he could not have acted on this material, but one cannot presume a misuse or abuse of powers of detention by a District Magistrate.

16.40 Both the *Times of India* and the *Bombay Chronicle*, newspapers from Bombay, gave the news as to the throwing of the bomb at Delhi, in their editions of 21 January 1948, Exhibits 106 and 107. There was some description of Madanlal as being a tall, wheat complexioned but it could not be said that it was very illuminating because that might fit in any Punjabi refugee. Besides in the *Bombay Chronicle*, Madanlal was described as "fair complexioned, medium built, Ex-Serviceman, wearing European dress". This description was equally unilluminating. Witness No. 32, S. I. Deshmukh, has stated that he had a complete record of Madanlal's activities and he knew him and if his photograph was sent to Ahmednagar or his description had been given, he would have at once spotted him and would have given a complete record of what he was doing and with whom he was associating. But even then from the description which the Press had given he told the D.S.P. Ahmednagar, of his suspicion about the identity of Madanlal but when he did it he does not now remember. S. I. Balkundi (witness 37) stated that from the description of Madanlal in the Press he suspected that he was the same person who was operating in Ahmednagar. He conveyed his suspicion to Inspector Razak who in turn informed the D.S.P. but what orders the D.S.P. made thereon he does not know.

16.41 The statement of the D.S.P. (witness 49) is that it did not strike him that Madanlal arrested at Delhi was the same person of Ahmednagar, but he had a faint recollection that Inspector Razak and S. I. Deshmukh had mentioned to him their suspicions about the identity of Madanlal. He told them that if that was so Madanlal must have been interrogated by the Delhi Police who would find out everything. He told Deshmukh that if he wanted to go to Delhi he could do so and also told Razak that on his return to Poona he might as well tell the D.I.G., C.I.D., about this suspicion. Surprisingly enough, this gentleman did not think it expedient to telephone the D.I.G., C.I.D., about it nor did he inform the District Magistrate. He also told S. I. Deshmukh to go to Poona to make enquiries about Karkare but this was soon after he had come to know that Karkare had disappeared from Ahmednagar. This according to the D.S.P. might have been on or about January 24, 1948, because a day or so earlier Deshmukh had come to see him. He has added that suspicion of Deshmukh with regard to Madanlal was not very strong and that was the reason he had not sent him to Delhi; and as he did not think the suspicion to be well founded, therefore he did not make any written report on this matter.

16.42 S. I. Balkundi (witness 37) had his suspicion about Madanlal and he made a report (Ex. 67), dated 29th January 1948 and sent it on to the D.I.G., C.I.D., Poona, in which he stated that this Madanlal seemed to be the same person who was in Ahmednagar and was working with Karkare and had disappeared from there. He gave

the full address of Madanlal and also something about his Punjab residence and some other particulars.

16.43 It is indeed surprising that this document should have been sent on 29th January 1948 by S. I. Balkundi and no report was made about it to the A.D.I.G. who was camping in Ahmednagar, round about that time. As a matter of fact, on 6th February 1948 (Ex. 68) Balkundi's explanation was called by Mr. N. S. Gurtu, A.D.I.G., on this point. There is some mistake in this document about the designation of the officer. It was not the D.I.G. but the A.D.I.G. who was camping in Ahmednagar at the time. The explanation of Balkundi among other things, was that he did not at the time know that the D. I.G. was there. Literally it is true. D.I.G. had not come to Ahmednagar, the A.D.I.G. had come. Between them it is difficult to believe that Balkundi would not know about it or that he would not go to him and thus not give such an important bit of information to him. Of course, the witness could have had good reason for it which he has not disclosed to the Commission. He further stated in his explanation that he had been reporting about the activities of Karkare and Madanlal and had recommended their detention because they were becoming more and more dangerous and that after the meeting of Raosaheb Patwardhan that was disturbed by these people, the atmosphere of Ahmednagar had become too hot and therefore they stopped their activities and left for Poona in the second week of January 1948, and since then Karkare had not returned to Ahmednagar.

16.44 If the evidence regarding the suspicion which the various witnesses had in regard to the identity of Madanlal is correct then Ex. 67 is a very important document, if true. This document, as stated above, is dated January 29, 1948. When it reached Poona, we do not know. What endorsements were made on it, that also we do not know because the original is not before the Commission. But there is no cogent explanation why Sub-Inspector Balkundi should have sent a written report on the 29th when all the time he was satisfied with having mentioned his suspicions as to Madanlal to Inspector Razak. It was this witness who had made a written recommendation for the detention of Madanlal and Karkare and he was watching their activities which shows that he was sufficiently alert as to what was happening in the town. But why he should not have sent a written report about his suspicion earlier is difficult to understand. His explanation for not sending report earlier is that he had talked to Inspector Razak and Razak had told the D.S.P. But still he wanted to put something in writing. On February 1, 1948, A.D.I.G. Gurtu called Balkundi to Poona in connection with the inquiry in Ahmednagar about Karkare. It appears that Mr. Gurtu did not know anything about the report nor does it seem to have been mentioned to him. As said earlier in his explanation, Ex. 69, dated February 9, 1948, Balkundi gave three reasons: (1) That he was not aware of the DIG's camping at Ahmednagar. Literally it may be true that D.I.G. was not there and it was the A.D.I.G. but why A.D.I.G. was not informed is not clear. (2) That the D.S.P. informed him (Balkundi) that he was wanted at Poona with full details regarding the relatives and servants of Karkare and the collection of that information had kept him busy and that he had handed over the information with

Karkare's photograph to Dy. S. P. Chaubal. (3) That he was constantly reporting about the movements of Karkare and Madanlal and had finally recommended their detention.

16.45 It is difficult to believe that the A.D.I.G. or the D.I.G. should be camping at Ahmednagar and a Sub-Inspector of CID would not know about it. It is also difficult to accept the explanation of not sending the report earlier. It is possible that this witness had a suspicion about Madanlal but like others in his force he acted in a rather slovenly manner. Of course, it must be mentioned that it may equally be difficult to find an explanation for putting in a false report at that stage. That it did go to Poona is proved by a subsequent document, a letter by the A.D.I.G. making a reference to this report. The Commission finds it difficult to accept that at such a late stage this document could usefully be written but at the same time it cannot come to the conclusion that this document is wholly a faked document subsequently introduced but its utility was nil and its objective difficult to find.

16.46 It is, of course, possible and even probable that Sub-Inspector Balkundi had suspicion about the identity of Madanlal. He might even have mentioned it to Razak who in turn informed the D.S.P. but the attitude of this witness does not show that this suspicion was so strong or really was anything more than vague or nebulous.

16.47 When Mr. Gurtu called Balkundi and asked him why he had not submitted his report about the activities of Madanlal and Karkare, his reply was that he had been sending reports from time to time and it was on this occasion that he brought this Ex. 67 from the record room and that is how it was produced.

16.48 From the evidence it does appear that S.I. Balkundi was aware of the activities of Karkare and Madanlal. It also appears that he did suspect that Madanlal, the thrower of the bomb, was the same who had been operating in Ahmednagar but for some reason he did not put his suspicion in writing and when he did so its utility was nil. It also appears that it was this witness who gave the particulars of Karkare to Poona C.I.D. and the photograph which was on the I.B. file was supplied by him.

16.49 Now, we come to another portion of the activities of the Ahmednagar Police.

16.50 Sub-Inspector Balkundi, witness No. 37, has stated that both Nathuram Godse and Apte used to come to Ahmednagar and they met Karkare and that he and his staff were watching the activities of both these persons although nothing emanated from this attempted intelligence. He also stated that he did not know if Karkare was sending any money to Godse and Apte. But he did know that Karkare was acting under the aegis of the Hindu Mahasabha. He further stated that when Madanlal and Karkare had left Ahmednagar in or about the second week of January 1948 as the place was too hot for them, he thought that he might have gone to Kolhapur to stay with one Jere who was one of the paid workers of the Hindu

Mahasapha. Now this is an important piece of evidence because in his explanation, Ex. 69, dated February 6, 1948, also he has said that Karkare, so it was learnt, had gone to Kolhapur and was likely to take shelter with one Mr. Jere who had been working at Nagar and that this information had been passed on to Inspector Razak who was working on it; but that unfortunately this was on February 7, 1948.

16.51 After Madanlal had thrown the bomb, a letter addressed to Karkare was intercepted by witness No. 32, Sub-Inspector Deshmukh. The writer of that letter could not be traced but in that letter it was written that a building had to be constructed in Bombay which was not possible without Karkare's help. Deshmukh took this letter to the D.S.P. and told him that it meant much more than what appeared on the surface. In other words, it was in code. A copy of the letter was sent by the D.S.P. to the DIG, CID requesting that inquiries be made in Bombay. Deshmukh suggested to the D.S.P. that he (Deshmukh) should go to Bombay and Poona to find out about the whereabouts of Karkare and he left for Bombay on the pretext of purchasing a rectophote machine, taking with him Sub-Inspector L. N. Joshi, because Joshi belonged to Poona and knew Apte and Godse. They went to the Agrani Press and made inquiries about Apte and Godse. This was on January 29, 1948. They were told that neither of them was in Poona. They then went to Apte's house on some pretext and asked Mrs. Apte about Apte's address. She said that Apte had gone to Gwalior. Joshi remained on in Poona and Deshmukh went to Bombay to find out about Karkare's brother who was working in a mill in Dadar. He made inquiries about Karkare till about 9 p.m. when he learnt about the murder of Mahatma Gandhi.

16.52 An extract from the weekly diary of Deshmukh, Ex. 53, shows that he arrived at Poona on 28th January, 1948 and made confidential inquiries till 11 p.m. On January 29 he made more confidential inquiries and left Poona at 11-30 a.m., arrived at Bombay at 4 p.m. and went to Kurla and made inquiries there and then returned to Dadar. On the following day, i.e., January 30, he moved about in Byculla, V.T., Kalbadevi, Dadar and Parel areas and made confidential inquiries. In this report it is not stated as to what confidential inquiries he was making or about whom, but one or two important matters emanate from this portion of the testimony of this witness.

(1) That Deshmukh had gone to Poona to look for Karkare; and if that was so it is difficult to imagine why he should have gone to the Agrani Press and asked about him and then there he made inquiries about the whereabouts of Apte and Godse. It is still very surprising that Deshmukh and L. N. Joshi should have gone to Mrs. Apte to find out where her husband was and then this witness (Deshmukh) should have left for Bombay to look for Karkare. The whole thing does not fit in or appear to be very logical. If Karkare was being looked for then the witness should have stated that they went to find out about him from the Agrani Press and from Mrs. Apte which he has not stated. And this connection between Karkare and the Agrani Press or Mrs. Apte should appear somewhere at least in the evidence before the Commission.

(2) It shows that the witness was connecting Karkare with Apte and Godse. Why it is not clear. He has nowhere stated in his evidence that according to his knowledge, Godse and Apte were associating with Karkare in Ahmednagar although Sub-Inspector Balkundi, witness No. 37, has stated that both Godse and Apte used to meet Karkare in Ahmednagar.

(3) If Karkare had taken shelter in Kolhapur with Jere, why was he being looked for in Poona? Besides why was the police in Kolhapur not contacted about him?

(4) It is difficult to find out any cogent reason for the inquiries made by these witnesses about Apte and Godse and not about Karkare. As has been said above, the thing does not fit in properly and picture seems to be out of focus as it were. Either these witnesses had knowledge about the association of Karkare and Apte and Godse or they had not. If they had, one would have expected that they would have informed the authorities about this matter and when Karkare disappeared from Poona, they might have looked for him at places where Apte and Godse were or they had no knowledge about this association.

16.53 But this much is clear that Sub-Inspector L. N. Joshi did know Mrs. Apte. As a matter of fact, he has stated that he had helped Karkare to start business and Karkare was helping Apte in his publication work. He has also stated that Deshmukh had suspicion that Apte and party had gone to Delhi but he does not seem to have mentioned the fact to anybody nor informed the D.S.P. He has further stated that Mrs. Apte had no suspicion when he made inquiries about Apte because they had known each other for some time. This previous acquaintance of Joshi with Apte and Karkare can have a sinister meaning and yet may be more or less innocuous. Joshi has stated that he had no sympathy for the Hindu Mahasabha. L. N. Joshi also stated that he accompanied Deshmukh because he knew friends of Karkare in Poona and went to the Agrani office for that reason. In the circumstances, it was, perhaps, not very wise for Mr. Deshmukh to have taken L. N. Joshi with him.

16.54 But the reason of his going to Poona and Bombay remains a mystery in view of his previous knowledge about the hiding of Karkare in Kolhapur with Jere.

16.55 Witness No. 32, Police Deputy Superintendent Narayanrao Kunjithari Deshmukh, who was a Sub-Inspector in the Local Intelligence Branch at the relevant time was stationed at Ahmednagar to keep watch over the activities of different political parties including the Hindu Mahasabha and R.S.S. He has stated that to his knowledge there was no organisation known as Hindu Rashtra Dal in Ahmednagar. The leaders of Hindu Mahasabha were C. M. Saptrishi and Gaikavadi but he had not heard the name of Apte but he knew Karkare. He used to visit Visapur refugees' camp where refugees from Peshawar had been brought—probably he does not distinguish the Peshawari Hindu from any other from West Punjab. There the talk among the refugees, as one would expect, was against Muslims; the complaint being that the Muslims had abducted, raped and

molested Hindu girls and young women in Pakistan and they were enjoying themselves in India while the refugees had suffered great indignity and barbarity at the hand of Muslims and had to come all the way from their homes in the Punjab to Ahmednagar nearly 2,500 kilometres away. They wanted service, jobs, business and they objected to living on Government doles and loans. One can well believe that they were work hungry, angry young men and passivity was not one of their virtues nor laziness their shortcoming. Madanlal and Karkare became prominent in the Hindu Mahasabha. In order to bring refugees into the Hindu Mahasabha movements Karkare promised them business and other kinds of help.

16.56 The refugees, led by Karkare, used to take out procession in Ahmednagar. On one occasion they took a procession to the Garage of Khan Bahadur Sarosh Irani. The District Magistrate and the District Superintendent of Police came to the spot. The District Magistrate promised them help but at the same time warned them that he would not allow them to misbehave by taking down green flags from the mausoleums and tombs of Peers and others and from other Muslim religious buildings. Thereafter the processionists went away. This was some time in the first week of January 1948.

16.57 This witness has referred to a circular (Ex. 54) which was issued by the D.I.G. of Police, C.I.D. on May 9/10, 1947, asking the District Superintendents of Police of the province to maintain a close watch on the Hindu Rashtra Dal's activities and to report to him any attempt made by its volunteers and others to implement the advice given by Barrister Savarkar at the meeting of the Dal at Dadar on the 9th and 10th May 1947. Accompanying this document is a precis of the summary of the proceedings of the Dal of that date at which about 125 volunteers were present from all over the province of Bombay and neighbouring Hindu States like Hyderabad, Kolhapur, Sangli, Miraj, Indore, Baroda besides others from the province of Bombay itself. Savarkar there delivered four speeches giving the aims and objects of the Hindu Rashtra Dal, its constitution and his views on the communal riots in India and the partition of the Punjab and Bengal. The aims and objects of the Dal were to propagate Hindu Sangathanist ideas. Savarkar was its dictator. He retired and nominated his successor who was authorised to nominate provincial and district organisers. During the course of his speeches Savarkar asked the volunteers to establish mass contact and propagate Savarkar-vad in the villages and to inculcate in the villagers a spirit of aggression; to protect themselves from Muslim atrocities; and also advised them to assist the villages to secure arms licences. He had emphasised the necessity of the Hindu Rashtra Dal and referred to Muslim atrocities in the Punjab and in Bengal, and preached retaliation. "You should not stop until you retaliate in the same spirit and manner. If Hindu women were raped and Hindu temples damaged, equal number of mosques should be destroyed. He advised the volunteers to oppose the Constitution if it was detrimental to the interests of Hindus and the "Hindudom".

16.58 In December 1947, said the witness, there were some bomb incidents but the local police could not find out, who were responsible for them. The Provincial C.I.D. was therefore called in from Poona but the culprits could not be traced or found.

16.59 According to this witness, on 1st January 1948, as is shown from his daily bulletin report there was a search in the house of Karkare and in the house of S. V. Ketkar, and large quantities of arms and ammunition were found. This search was conducted by Sub-Inspector S. S. Rane. Thereafter, Karkare's movements were watched and there was a policeman trailing him.

16.60 On the 11th January 1948 this witness intercepted a letter of Karkare addressed to the *Danik Hindu Rashtriya* wherein Karkare had given information about the searches.

16.61 Letters of Karkare and other Hindu Mahasabha leaders in Ahmednagar began to be censored, i.e., outgoing and also their incoming letters. This witness was making reports in regard to these letters which he was intercepting.

16.62 On the 16th January 1948, orders were passed for the detention of Madanlal and on the 24th January for the detention of Karkare. It appears that both Madanlal and Karkare disappeared from Ahmednagar and they were never arrested till one after the bomb incident and the other after the fatal shot was fired which ended the life of Mahatma Gandhi.

16.63 The witness also stated that the activities of Karkare were not of a violent nature but he was taking part in the Hindu Mahasabha meetings. The witness never came to know about any secret meeting between Madanlal, Karkare, Apte and Godse; his duty being to make enquiries about illegal activities of persons, correlate them, and to submit them to the D.S.P.

16.64 Madanlal and Karkare disappeared in about the second week of January and the matter was reported to the D.S.P. and he must have informed the DIG of Police, CID. From what this witness knew the activities of Madanlal and Karkare were not directed against the Congress leaders nor did they attack them nor was there any indication of their intention to commit violence against them but they were anti-Muslim. He was not present at the meeting where Madanlal assaulted Raosaheb Patwardhan but he went subsequently when Madanlal was brought to the Police Station. The witness intercepted a letter addressed to Karkare—the sender's name he did not know nor find out. In that letter it was stated that a building had to be constructed in Bombay and that without Karkare's help it could not be constructed. The letter was taken by the witness to the D.S.P. To the witness the letter meant much more than what it apparently said and it appeared to be in code. The letter was sent to the DIG, CID requesting that enquiries be made. This letter was received after the bomb was thrown at Delhi and before the murder. What became of this letter or what action was taken is not indicated by the evidence before the Commission.

16.65 The witness had a complete record of Madanlal's activities and he knew Madanlal. He says that if a photograph of Madanlal had been sent to Ahmednagar or had appeared in the newspapers or his description had appeared, he would at once have been able to spot

him and would have given a complete record of what he was doing and with whom. He stated that he had told the D.S.P. Ahmednagar of his suspicion about the identity of Madanlal; when exactly it was done, he does not say. On some pretext, on December 29, 1947, he went to Bombay taking witness L. N. Joshi who was a stenographer (witness No. 36) with him. They first went to Poona and made enquiries from the *Agrani* Press about Apte and Godse who were known to L. N. Joshi but they were told that they were not in Poona. On the pretext of getting some books printed, they went to Apte's house and made enquiries from Mrs. Apte about Apte's address and she told them that Apte was in Gwalior. Leaving Joshi in Poona, the witness went to Bombay looking for Karkare in Dadar and heard the same evening at 8 p.m. that the Mahatma had been shot dead. He said that they had gone there because of their (Apte and Godse) association with the Hindu Mahasabha movement. It is a little surprising that this witness should have gone to enquire about Godse and Apte when he has deposed before the Commission that he did not know of any connection between Madanlal, Karkare, Godse and Apte. He also stated when his attention was drawn to his weekly movement diary that he left Ahmednagar on the 28th. He made enquiries at Poona the whole day and at 11 p.m. he left for Bombay and on that day he made confidential enquiries at Bombay on the 30th January learnt of the murder of the Mahatma and returned the same night to Ahmednagar. Even on the 29th January he did not know that Madanlal who had been arrested at Delhi was the same person whose activities they had been watching in Ahmednagar. Nobody had conveyed that information to him.

16.66 He did not go to the Bombay CID because they were not likely to know anything about Karkare who was only a hotel keeper and was not a big man.

16.67 This witness suspected that Madanlal who had thrown the bomb might be the same person about whom orders of detention had been passed in Ahmednagar and he told the D.S.P. about this also but he could not say whether that gentleman passed on the information to the Provincial CID. But this witness seems to be drawing more upon his imagination because in the latter part of the statement he has stated that even upto the 29th January 1948 he did not know that Madanlal arrested in Delhi was the same person whose activities they had been watching in Ahmednagar. Then it is difficult to see what he was going to do at Poona or at Bombay. At any rate there is no indication of what he did there except that he looked for Karkare. It is important to remember that Karkare's name had not been mentioned to this witness as an associate of Madanlal in the bomb throwing.

16.68 The next witness regarding Ahmednagar is Sheikh Abdul Razak Ismail (witness No. 34). He is now an Additional Superintendent of Police, C.B.I. (on leave preparatory to retirement) in charge of corruption. At the relevant time he was Inspector in the Provincial C.I.D. and was stationed at Poona and incharge of the circle including Ahmednagar. As there had been some bomb explosions in Ahmednagar he was called in on December 13, 1947 to Ahmednagar

to investigate these incidents (Ex. 60). There had been some bomb explosions, one of them inside the Vasant Talkies belonging to K. B. Sarosh Irani on 7th December, 1947. The other bomb incidents were in Kappad Bazar, Tatti Darwaza Mosque and one other on the occasion of the Muharram festival but nobody had been arrested in connection therewith although Madanlal and Karkare were suspected. On 18th December he made a report (Ex. 61) stating that the bomb was thrown on the Swari on 24th November, 1947 but it caused no damage because it did not explode. On 7th December, 1947 there was an explosion inside Vasant Talkies of a crude handgrenade which injured about 12 persons. On the 14th December, 1947, a bomb was thrown near the shop of Ismail Bandhubhai, M.L.A. which injured an onlooker. This was at about midnight. His report Ex. 61 shows that all these bombs except the one of Kappad Bazar which was different, were of the same type and were similar to the bombs which had been found on June 3, 1947 in a bomb factory in Bombay owned by one Vansen Puspsen (Ex. 62) unearthed by the Bombay C.I.D. and were brought to Poona by a Police Officer and in connection with that case some Gujaratis had been arrested. This shows a common source and a common agency operating. According to a document (Ex. 62) dated 24th December 1947, the houses of Secretary of the Muslim League and Captain of the Muslim National Guards were searched but nothing incriminating was found. This document shows that the lives of Congress leaders including the local Secretary Saptrishi were being threatened and that the bomb on the Muharram Swari was similar to the one burst in Poona Shaniwar Peth on 28th December 1947.

16.69 As a result of the suspicion on account of the throwing of the bombs, the house of Karkare was searched but evidently nothing was found. And Madanlal had no house. On the 2nd January 1948 this witness made a report (Ex. 59) showing that activities of Karkare were being watched, that Police Inspector Savant of the C.I.D. got certain information as a consequence of which the house of S. V. Ketkar was searched, from where some bombs and other arms and ammunition were found. Ketkar had stated that the bombs had been given to him by Karkare and the interrogation of one Shiru Limaye which had been ordered was cancelled. He was at the time in custody in Poona.

16.70 On 5th January 1948 both Madan Lal and Karkare were brought to the police station and interrogated but nothing useful was found and there were no indications that they or their activities were directed against the Congress leaders or they were a danger to the lives of Congress leaders but Madan Lal gave an undertaking not to take part in violent movements.

16.71 The witness on or about the 9th January 1948 asked Sub-Inspector Deshmukh to make a report and get both Madan Lal and Karkare detained. On 18th January the witness returned to Poona. Before that he had asked S.I. Deshmukh as to what had been done in regard to his suggestion of getting detention orders. Deshmukh's reply was that he had sent a report but no orders had until then been received. The witness was sending his reports from time to

time. He says it was for the higher officers to send Special Police officers to investigate the bomb cases.

16.72 On the 26th January 1948 (Ex. 58) he made a report to the D.I.G., C.I.D., Poona, about the activities of 25 persons giving details. Copies were sent to D.S.P.s. of Poona and Nagar. These contained names of persons some of whom S. V. Ketkar had "involved" in his statement. Of these some were active workers of a group holding "extreme views"; and two D. V. Godse and V. V. Pandit were from Poona. About D. V. Godse it was mentioned that his brother was prominent in a dramatic society, but evidently no action was taken on this report, and it had recommended none. This report is Exhibit 58. The significant part of this report is that he had mentioned therein five persons S. V. Ketkar, V. R. Karkare, B. B. Paradkar, Rekhi and Dattaraya brother of Nathuram Godse. Their activities are very clearly given in this document, but there is no mention of Madanlal in this report and the witness says that he did not know about him. Anyhow it showed a probable source of the bombs thrown in Ahmednagar. Whether a more vigorous investigation could have led to anything more relevant to this enquiry before the Commission would be in the realm of conjecture. But this does show that Karkare was not a man whose activities could be ignored.

16.73 About 2 days after the bomb incident at Delhi this witness and S.I. Deshmukh went to the D.S.P. and mentioned to him their suspicions about the identity of Madanlal arrested at Delhi indicating that he might be the same person who was active in Ahmednagar but this witness has not mentioned it in any of his reports.

16.74 He has also stated that at Ahmednagar his investigation showed that Karkare and Madanlal were indulging in anti-Muslim activities. They had tried to incite the Hindus by showing a naked Hindu woman being outraged by persons who looked like Mohammedans. But he came to know that the photograph was that of a local prostitute who had been got hold of by Karkare and the photograph was manufactured in order to incite the Hindus against the Muslims. He has also said that he did not report this matter to the D.S.P.

16.75 He was cross-examined by Mr. Vaidya and he reiterated that he along with S. I. Deshmukh told the D.S.P. of their suspicions regarding Madan Lal and that the D.S.P. after the 26th January 1948 ordered Sub-Inspector Deshmukh to go to Delhi and search for Karkare and verify if Madanlal was the same person. He has also referred to a confidential letter written by the District Magistrate, Mr. R. C. Joshi (witness No. 80) to the Chief Secretary, Bombay with a copy to the D.I.G., C.I.D., Poona. But this letter does not throw much light on anything excepting that the District Magistrate had reported about the bomb incidents which appeared to be of a communal nature, that the Police was investigating but it adds nothing to what this witness has already stated.

16.76 He could not remember whether he received any instructions from Mr. Rana, D.I.G., C.I.D. of the Province regarding the persons mentioned in the witness's report between 26th January and

and 30th January 1948 or even earlier. The witness wanted to arrest Karkare in connection with the bombs which had been found and he has deposed that his opinion was that if Madanlal was the same person whom they were looking for as he suspected then it might have led to the arrest of his co-conspirators. He produced a copy of a statement of Madanlal which was given to him on 2nd February 1948 and is marked Exhibit 65. It is a longish document and in type extends over 18 pages. He could not say whether there was any contact between Bombay City Police and the Poona Police between 20th January and 30th January 1948 in regard to Madan Lal or the bomb thrown at Delhi.

16.77 In cross-examination by Mr. Chawla this witness stated that Madanlal and Kakare were associates in their activities against Muslims. But he did not know that Nathuram Godse or Apte were helping Karkare or Madanlal. He came to know of their activities between 20th January and 26th January and that is the reason why he has mentioned their names in his report. But surprisingly enough he did not know of the activities of Nathuram Godse or of Apte in Poona.

16.78 When Karkare and Madanlal were brought to the Police Station on 5th January 1948 in connection with the bombs that were found in the house of S. V. Ketkar there were no indications that they were after the life of Mahatma Gandhi or other Congress leaders and Madanlal had given an understanding not to take part in violent movements. He further stated that he did not read any newspapers and when his attention was drawn to the description of Madanlal in 'Bombay Chronicle' he said that the description would not have been sufficient to enable him to connect Madan Lal with Madanlal of Ahmednagar. In the end he stated that if any of the Police Officers who knew Madanlal had been sent to Delhi it is possible that the murder of Mahatma Gandhi might have been prevented. It is surprising that this witness did not know anything about Apte or Nathuram Godse in Poona.

16.79 His evidence and his reports before the Commission gives no indication that his energies were directed to anything other than enquiring into the anti-Muslim activities of Karkare and his confederates. The mention of Nathuram Godse in the report is also indicative of his association with the Ahmednagar people in the same connection. The whole trend of the report Ex. 58 is towards showing association of these persons as members of an anti-Muslim movement acting in the guise of a dramatic society amongst other illegal activities. He has mentioned about the suspicion of Deshmukh regarding Madanlal. But his evidence is indicative of the disturbed condition of Ahmednagar with bomb throwing and Karkare and Madan Lal's association with these incidents and also that their activities were sufficiently prejudicial to merit detention.

16.80 Sub-Inspector Shantaram Sakharlam Rana, witness No. 35, was stationed in Ahmednagar in 1947-48 as Officer-in-Charge of the City Police Station. He knew Karkare as a member of the Hindu Mahasabha whose activities became intensified after the partition of

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the country in 1947. Karkare made propaganda against Muslims and "talked" against the Congress. He was associating and mixing with the refugees. The activities of such persons had, according to the witness, to be watched by the police.

16.81 The witness also knew Madanlal, a refugee at Visapur, who took a prominent part in refugees' processions and meetings. Madan Lal became acquainted with Karkare and was staying with him in his hotel. The activities of Madanlal were also anti-Muslim. In November and December 1947, four bombs were thrown in Ahmednagar—one on a procession of Tazias on the occasion of the Moharram; another bomb was thrown on a mosque; the third in Vasant Talkies; and the fourth at the Tatti Darwaza. Investigation into these incidents and the searches made by the police could not produce any results and the culprits could not be found. The propaganda carried on by Karkare and Madanlal and others was mainly directed against Muslims but was also against the Congress.

16.82 In December 1947, watch had to be put on the movements of Karkare and Madanlal. Both of them continued, however, making inciting speeches but they did not preach violence, not even against Muslims. Police also got information about the private meeting held by these people. In the beginning of January 1948 refugees took a procession to Khan Bahadur Sarosh asking him to give them employment. In that procession Madanlal and Karkare were present. The D.S.P. and the District Magistrate arrived there and asked the processionists to come over to his (D.M.'s) bungalow and discuss their grievances there. On January 5, 1948, there was a meeting held which was addressed by Raosahib Patwardhan. Madan Lal disturbed that meeting; he was shouting and threatening and was in "hot temper". Madanlal was arrested at the Patwardhan meeting and was brought to the police station and was kept there the whole night. Although the witness knew that Karkare was a companion of Madanlal he did not know anything about Godse and Apte nor did it strike him when Madanlal was arrested in Delhi that it was the same person who was creating trouble in Ahmednagar.

16.83 This witness made reports against Karkare. The movements of Madanlal and Karkare were being watched and plain-clothes policemen were deputed from November 1947 to do so. Orders for their detention were passed later on different dates in January. This witness was asked to be on the look out for them to arrest them. But about the middle of January 1948 or even a little earlier they disappeared from Ahmednagar and their whereabouts could not be traced. The police was giving information to the D.S.P. whenever any person left the jurisdiction of Ahmednagar City Police. No attempt was made to find out where Karkare or Madanlal had gone. All that the police knew was that they had gone out of their jurisdiction. The witness talked to Deshmukh about the vanishing of both Karkare and Madanlal but he already knew about it.

16.84 The point in this witness's evidence is that the movements of both Karkare and Madanlal were ordered to be watched from

November 1947 and they were even trailed but they managed to escape without anyone knowing when they went away or where. And as far as one can see, no attempt was made to find out where they had gone. This fact of vanishing was known to Sub-Inspector Deshmukh of the City Station. His evidence also shows that Madan Lal was hot-tempered and had assaulted Raosahib Patwardhan.

16.85 Witness No. 36, Lakshman Narayan Joshi is a D.S.P. attached to the C.I.D., Bombay C.B.I. He was working as a Sub-Inspector in the C.I.D., Ahmednagar, in 1947-50 under the D.S.P., Ahmednagar. His duties at the time were only to take down Marathi shorthand notes. There were no particular directions as to what meetings he should attend but he went whenever the D.S.P. ordered him to go. In the later half of 1947, there was a great deal of commotion in the city and number of meetings were held and addressed by various leaders but the speeches of Karkare and Madan Lal were not recorded. The witness knew Madan Lal who told him that he was studying in a college. He also narrated to him about the conditions of refugees and their disabilities and also commented on the riots that took place in Pakistan. The witness did not know if Madan Lal took part in any violent movement. He never talked about any Congress leader from which it might have been gathered that he was anti-Gandhi or anti-Congress. He (witness) was specifically asked if the Ahmednagar Police was pro-Hindu Mahasabha or pro-R.S.S. to which he gave an emphatic reply that they were doing their duties impartially and even obtained warrants for the arrest of Madan Lal and Karkare.

16.86 On January 10, 1948, Madanlal told him that he was going to Delhi to get married. When the news of bomb throwing at Gandhiji's meeting came on the radio or was published in the newspapers it struck the witness that it was the same Madan Lal who was in Ahmednagar and he talked to the Sub-Inspector about the suspicion. But evidently no use was made of this information, if indeed it was given. Secondly, when detention orders against Madan Lal were passed and he absconded, this witness gave no information of the absconding; or his going to Delhi assuming he knew of the detention orders. He also was searching for Madan Lal. Sub-Inspector Deshmukh had a similar suspicion and he went to speak to the D.S.P. about the identity of this Madan Lal. This was on or about the 24th January 1948. They both went to the D.S.P. but Deshmukh did the talking and Inspector Razak was also there. According to him the D.S.P. said that the Delhi Police would be coming to enquire and that they should not bother themselves about it but should arrest Karkare and get all the details of Madan Lal. What that meant the witness did not know.

16.87 On the 27th or 28th January, Deshmukh asked the witness to accompany him to Poona. Why it was five days or so later, he could not say. As he knew some friends of Karkare in Poona, that is why they went to Poona. They visited Agrani Press and some of Deshmukh's friends. While Deshmukh used to make enquiries, this witness used to stand outside. He does not know whether they went to Nathuram Godse's House but they did go to Apte's house,
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at about 15-30 or 16-00 hours, *Anand Ashram*. The witness went in and asked Mrs. Apte about the whereabouts of Karkare and she said that she did not know about Karkare but Apte had gone to Nagpur for publishing Savarkar's literature and from there he might have gone to Gwalior.

16.88 Deshmukh went to Bombay and the witness remained in Poona because he had some business in C.I.D. office. From their talk with Mrs. Apte, etc., they did not conclude that Apte and his friends had gone to Delhi. But Deshmukh did suspect that Apte and his Mahasabha friends with Madan Lal and Karkare had gone to Delhi. He also said that Inspector Abdul Razak was present when they went to see the D.S.P. but about this he was not quite sure.

16.89 The statement of this witness is rather important. Although he knew that Madan Lal had gone to Delhi, he gave no information to Sub-Inspector Deshmukh. If the movements of Madan Lal and Karkare were being watched and the witness knew Madan Lal, as he says he did, it is difficult to believe that he did not know that the movements of Madan Lal were being watched. Besides he took his meals at Karkare's hotel and so did Madan Lal.

16.90 Another matter which is rather important is this that he knew Apte's family because Apte's father and his father were school friends as students and were on visiting terms.

16.91 The witness was a ticket collector at the railway station when Apte was a teacher in the Mission High School in Ahmednagar and he had helped Karkare with money to start a hotel. He says he knew Karkare but was not a friend of his. He says that he did not know about the activities of Karkare nor did he enquire from Deshmukh as to why Karkare was being chased by the police on the ground that that was not within his province. Nor did he ask after the D.S.P. had ordered that search should be made for Karkare. About the middle of January he came to know that there was a warrant to arrest Karkare, that he did not ask Deshmukh about the activities of Karkare because that was none of his business. Nor was it his business to find out whether Karkare was in Ahmednagar when orders for his detention and warrants to arrest him were issued. He knew that Inspector Razak wanted Karkare to be detained and both Razak and he were staying at the Police Club.

16.92 Deshmukh had asked the witness to go with him to Poona in order to help him and the witness went to Poona partly for that and partly for his official duties which he had with the C.I.D. office there. Nobody at the office asked him about Karkare. He visited Apte's House at about 3-30 p.m. but he did not know anything about Godse but he did know about the relations between Karkare and Apte. Karkare was helping Apte in his publication but he was not sure whether Karkare was financing the project. He went to Apte's house because he knew about the relations between the two; he did not know anybody at the *Agrani Press*. He asked Mrs. Apte if her husband was insured on the specious plea that one of her friends

Yadarkar was an insurance agent and he asked Mrs. Apte about her husband and others going to Delhi, because Deshmukh was asking him to do so.

16.93 But from the information given by Mrs. Apte he did not conclude that they had gone to Delhi, although his companion Deshmukh had such suspicion.

16.94 The witness says that he did not know about the activities of Karkare although he was friendly with him since 1937. He did not know that Karkare's house was searched in connection with bomb explosion and yet in the next breath he says that he knew that Karkare's house was being searched in connection with bomb explosions, and that Inspector Razak had come in that connection. He has admitted that he knew Mrs. Apte and her husband since long and that his friend wanted to get insurance of Apte but he does not know what company his friend was an agent for. He did hear Razak and Deshmukh talking about the detention of Karkare.

16.95 This witness was friendly with Karkare. He had helped him to start a hotel. He had been friendly with Karkare for ten years and it is difficult to believe that he did not know about his (Karkare's) activities. He also knew Apte and was aware of the fact that Apte and Karkare were friends. He knew that Karkare was out of town and yet he gave no such information to the police when the police was looking for him. He also knew that Madan Lal was leaving for Delhi, this information he did not give to the police. He had gone to Poona to find out Karkare some of whose friends he knew there.

16.96 Police Deputy Superintendent Anant Shamrao Balkundi, witness No. 37, is now the Deputy Superintendent of Police C.I.D. Aurangabad. From July 1945 to July 1948 he was a Sub-Inspector, C.I.D., at Ahmednagar and his duty was to watch political activities of persons and parties and submit reports. In about the middle of 1947 a refugee camp was established at Visapur near Ahmednagar. Karkare who was a Hindu Mahasabha leader took the earliest opportunity of working amongst the refugees. He incited the refugees against the Muslims and held *Morchas* in Ahmednagar. As a result of his activities Madan Lal and some other refugees were attracted towards Karkare and they also started taking part in Hindu Mahasabha activities. They led black flag processions. From the Mausoleums and tombs of peers, etc., they removed green cloth coverings. There were also bomb explosions from about the middle of 1947, one of which was thrown in Vasant Talkies which created panic amongst the public. The object of these activities was to scare away Muslims and force them to quit which was one of the objectives of the party. As a result of these activities Madan Lal Pahwa came into lime-light and his movements began to be watched by the Police. As the activities of Madan Lal and Karkare were dangerous, this witness made a report to the D.I.G., C.I.D. on January 4, 1948 for their detention or exterrnent. On the same day a report (Ex. 66) was made by this witness which shows that a

procession of refugees carrying lathis and hockey sticks and shouting slogans against Muslims was led by Karkare, Kulkarni and Madan Lal. They passed through the Muslim localities shouting that Muslims should be driven away. They were also shouting that the Police was maltreating S. V. Ketkar who had been arrested in connection with the possession of bombs, fire-arms and ammunition and that the reason of this maltreatment was to make him involve Karkare as the real possessor of these things. This procession, according to the report, was arranged by Madan Lal who was staying with Karkare and was a leading worker of the Hindu Mahasabha and its real objective was to protest against the searches of the house and hotel of Karkare and to pressurise the Police in regard to the bomb case investigation to stop or soften it. The report states further that Madan Lal was a bad-egg who instigated the refugees; the recommendation was that Madan Lal and Karkare should be detained or exterrned from the city so that they do not do any mischief. The report also stated that Muslims were getting nervous and that Katchi merchants were winding up their business to leave the city.

16.97 There was a public meeting on 5th January, 1948 and one of the speakers was Raosahib Patwardhan. Madan Lal and his companions created disturbance at this meeting but the story that Patwardhan was got hold of by Madan Lal and he attacked or attempted to or wanted to attack Patwardhan was not correct. However, both Karkare and Madan Lal were shouting that they wanted to speak. They snatched away the mike from the stage and the meeting then dispersed. Two or three persons including Madan Lal were arrested. Madan Lal was kept in the Police Station and evidently nothing more was done in regard to the incident at the meeting; that from about the 6th January 1948 both Madan Lal and Karkare disappeared from Poona. But the witness could not remember if he mentioned this in his report to the D.I.G., C.I.D. The house of Karkare was being watched but the witness did not know whether he returned or not. Madan Lal, however, did not return to Ahmednagar. An order for detention of Karkare and Madan Lal was passed but the witness does not know when and nothing of importance took place upto 20th January 1948.

16.98 When on the 20th January a bomb was exploded at Birla House at Mahatma's prayer meeting and the matter was reported in the Press this witness suspected that Madan Lal therein described was the same person who had been carrying on activities in Ahmednagar. He conveyed his suspicion to Inspector Razak who in turn informed the D.S.P. but what orders the D.S.P. gave, the witness does not know.

16.99 On 29th January 1948 and it is not clear why it is so long after the news appeared in the Press the witness sent a report (Ex. 67) to the D.I.G., C.I.D. The purport of this report was that from the description which appeared in the Papers about Madan Lal who was arrested in Delhi it appeared that this Madan Lal was the same person who was operating in Ahmednagar and creating trouble. Madan Lal and Karkare had left Ahmednagar fifteen days earlier

and had gone to Bombay but their further movements and whereabouts were not known and it was worthwhile making enquiries from Delhi Police about Madan Lal who according to the report was a staunch Sanghite (R.S.S.) and had revolutionary ideas.

16.100 This (Ex. 67) is a very important document if it is a true document. This report has no endorsement on it of the office of the D.I.G. of its receipt or what happened to it. This witness had not made a report in writing about the absconding or disappearance of Madan Lal or Karkare. The explanation of the witness about not sending his report earlier is that he had talked to Inspector Razak. If that was sufficient one fails to see the necessity of making this report on the 29th January, 1948. The A.D.I.G. was camping at Ahmednagar about this time but no report was made to him while he was there. On 1st February 1948 Mr. Gurtu, A.D.I.G.P., C.I.D. Poona called witness to Poona in connection with the enquiry in Ahmednagar about Karkare. There Gurtu gave him certain instructions about Karkare. But Mr. Gurtu did not know anything about the report nor does it seem to have been mentioned to him.

16.101 The next piece of evidence which is of importance in connection with this witness is his explanation dated 9th February 1948 (Ex. 69). He stated therein (1) that he was not aware of the D.I.G.'s camp at Ahmednagar; (2) that he could not make arrangements for interrogation of Ved Prakash on 1st February 1948 because of disturbances in the city; (3) that the D.S.P. informed him that he, the witness, was wanted at Poona with full details regarding the relatives and servants of Karkare and the collection of that information had kept him busy and he had handed over the information along with Karkare's photograph to Deputy Superintendent Chaubal; (4) that he was constantly reporting about the movement of Karkare and Madan Lal through weekly and special reports and had finally reported about the detention of both of them on 4th January 1948; (5) that after the meeting of Raosahib Patwardhan on 6th January 1948 the atmosphere at Ahmednagar had become too hot for Karkare and Madan Lal and therefore they had disappeared from Ahmednagar; (6) that Karkare had written to his wife that he would be arriving during the course of the week and strict watch was being kept at the Railway Station and motor stands; (7) that Karkare had gone to Kolhapur where he was likely to take shelter with a Mr. Jere.

16.102 This document has already been discussed at a previous page and it is not necessary to deal with it again.

16.103 Another important piece of evidence which emanates from the statement of this witness is that Godse and Apte both used to come to Ahmednagar and met Karkare and that this witness and his staff were watching the activities of both Apte and Godse in Ahmednagar although nothing emanated from this attempted intelligence. The witness did not know if Karkare was sending any money to Godse and Apte. And he had no information about any plot being hatched in Ahmednagar.

16.104 This witness was cross-examined both by Mr. Vaidya as well as by Mr. Chawla. He was asked about the search into the house of Ketkar where arms and ammunition were found but he does not remember whether he was present when Ketkar was interrogated. He was asked if he had made any report in regard to Karkare's connection with arms and ammunition and his reply was that he could not say anything unless he saw the report. Now this is a very peculiar answer. If a report was made the question would not arise and if no report was made there was nothing that this witness could see. The witness was asked about the activities of the Hindu Rashtra Dal but he said that he could not remember.

16.105 The evidence of this witness shows that both Karkare and Madan Lal had earned notoriety in Police circles because of their anti-Muslim activities and the incitement to refugees and also in regard to the bombs which have been thrown; that Madan Lal had disturbed the meeting of Raosahib Patwardhan in a disorderly manner. He was arrested in connection therewith but what happened next one does not know; that the activities were of such a prejudicial nature that this witness had to recommend the externment or detention of those two persons as early as 4th January 1948; that soon after both Madan Lal and Karkare vanished from Ahmednagar in spite of the fact that a Police watch was being kept on them and that this witness had a suspicion that Madan Lal arrested at Delhi was the same person who had been operating in Ahmednagar. He conveyed his suspicion to Inspector Razak who in turn gave the information to the D.S.P. If this statement is true and it might well be no one seems to have done anything in regard to the suspicion possibly because it was not considered well founded. However, the most important bit of information that this witness has given is that both Apte and Godse visited Karkare and there was information with the Ahmednagar Police therefore that these two persons were co-workers in the Hindu Mahasabha with Karkare and even their movements were watched but with negative results.

16.106 Jagannath Shivram Rane, witness No. 40, was the D.S.P. at Ahmednagar during the period October 1947 to April 1948. His evidence shows that during that period there were two main problems which were occupying the attention of the police in the district: one, the Razakar trouble in Hyderabad State and the other the Hindu Mahasabha agitation in Ahmednagar town itself. The State of Hyderabad was in Razakar turmoil. That trouble had given an exciting time to the police because the people used to come from Hyderabad State and were causing excitement. Some Razakars were arrested. The witness had to go to the border areas often because of a number of incidents of arson and murder committed by the Razakars and sometimes he had to stay there for long periods which meant absence from the headquarters. One can well understand that the Razakar problem was causing serious and acute anxiety to the District administration in respect of areas bordering Hyderabad State—good bit of Ahmednagar was surrounded by territories of Hyderabad State. Those areas of that State which are called Marathwada now form part of the Maharashtra State after the linguistic readjustment and territorial changes.

16.107 Hindu Mahasabha agitation also was another trouble spot. There was a section of the local population which were its protagonists and then there were refugees from Pakistan who were agitating for the expulsion of Muslims who, the refugees said, were getting the best of both the worlds. They did not like the Muslims having the facilities they were having. In that agitation Madan Lal had started taking and did take a leading part—pulling down green flags from Durgahs, mausoleums and other Muslim places of worship. The local man connected therewith was Karkare. The movements of both these persons were being watched by the Intelligence Branch. The reports showed that the agitation by Karkare and Madan Lal was directed against Muslims; and the bomb incidents which had taken place were also directed against them. These incidents were reported to witness by the intelligence staff. The investigations into the bomb incidents had been infructuous although directions used to be given by this witness as to what should be done.

16.108 There were searches made in Ahmednagar in connection with possession of illicit arms. Therefore, the houses of S. V. Ketkar and V. R. Karkare were searched and in the former's, some explosives, a pistol and a revolver and ammunition were found and as a result Ketkar was arrested and was sent up for trial and convicted. But the search of Karkare's house did not result in finding any incriminating article.

16.109 There were no reports to the witness of Madan Lal and Karkare making anti-Congress speeches or propaganda. But they were kept under watch. The Sub-Inspector who kept watch over Karkare and Madan Lal sent daily reports to the witness but in his (witness's) opinion the watch was kept because of Hyderabad. It is unfortunate that the witness was not asked to explain what he meant by "because of Hyderabad". But in his note at the time of signing his statement he has said that it was not because of Hyderabad but because of their attitude towards Muslims, which makes more sense.

16.110 Warrants were issued for the detention of Madan Lal and Karkare on the report made by the Provincial C.I.D. Evidently, the D.S.P. was not consulted. But the detention according to him was because of their anti-Muslim activities, and as far as one can see had no connection with their anti- Congress tendencies.

16.111 There are some reports made by this witness and others to the Government which would merit mention at this stage. On 15th December 1947, the District Magistrate made a report (Ex. 73) to the Government of Bombay on the bomb explosion on the 14th December near the shop of Ismail, M.L.A. in Kappad Bazar. On the 16th December, the witness made a report (Ex. 74) to the Government about the same bomb incident. On 2nd January 1948, this witness made a report (Ex. 75) regarding the recovery of arms and ammunition on the previous day from the house of S. V. Ketkar. It also shows that Ketkar had stated that these arms had been kept in his house by V. R. Karkare from whose house, when searched, nothing incriminating was found. The report also shows that the

grenades found in the House of Ketkar were of the same type as those thrown in Vasant Talkies and on the Tatti Darwaza mosque in the previous month. In this connection, reference may also be made to Ex. 76 dated 2nd January 1948, by Inspector Sawant under whose direction the search was conducted in Ketkar's house, about the articles found therein and about the interrogation of Karkare. A copy of this report was sent to the D.S.P., Ahmednagar, the Original to the D.I.G. of Police, C.I.D., Poona.

16.112 This witness stated in reply to a question by the Commission that he did not take any personal interest in these searches as it was a C.I.D. matter. This detente would be surprising if true. But he added that the District Police was also taking part and that under police practice he was sending reports to the Provincial Government. That would explain his reports Exs. 74 and 75 above-referred to. Ex. 76 also shows that Ketkar was the Manager of Karkare's hotel and that among other things found at the former's house were some ornaments also—these ornaments resembled those which had been removed from the body of the woman in Poona, in regard to whose murder Inspector Sawant was making investigation although Poona Police seemed to have closed the case as untraced. Why the clues arising from the recovery of ornaments was not followed up one does not know. At any rate, it would only fall within the purview of this inquiry showing what the local police was doing in regard to this group of Hindu Mahasabha workers.

16.113 Ex. 77 is a report by Inspector Razak showing that the bomb thrown on the mosque within the city police jurisdiction was similar to the one with regard to which he had made previous reports; that he had discussed the case with the D.S.P. and the various clues that were being followed up; and that the activities of Karkare were being watched. The report also said that instructions had been given to the city police for the interrogation of one Shiru Limaye at Poona whose connection is not clear.

16.114 Ex. 78 dated 5th January 1948 is the weekly diary of the witness. It shows that Madan Lal and Karkare had been inciting the refugees and that they wanted Muslims to go away from Ahmednagar. It also stated that Madan Lal was very rude in his behaviour.

16.115 On January 19, 1948 as Ex. 80 shows the District Magistrate was directed by Government that Karkare should be arrested in connection with the arms found in the house of Ketkar and that they also wanted to know why he had not been detained earlier.

16.116 About the warrants for the detention of Karkare the witness stated that they were issued on the reports made by the Provincial C.I.D., that he was not consulted in the matter and that their activities were only in regard to Hyderabad for which they were being watched by the police. In cross-examination and in his clarification the witness stated that the investigations into the arms and ammunition and incidents connected therewith were being made by the Provincial C.I.D. It has been suggested to him that the

bombs found in the house of Ketkar had connection with the previous bomb incidents. He also said that he did not recommend the detention of anybody in connection with these bombs because he did not think the matter sufficiently serious as to merit detention under an extraordinary law. In his clarification, he said that he did not think that the detention of these persons was on account of their activities against Hyderabad but a consequence of their anti-Mahomedanism.

16.117 The witness stated that it did not strike him that Madan Lal who was arrested at Delhi was the same person who was operating in Ahmednagar although he had a faint recollection that Inspector Razak and Sub-Inspector Deshmukh had mentioned to him that they suspected him (Madan Lal) to be the same person. The witness told them that if that was so then Madan Lal must have been interrogated by the Delhi Police who would find everything out. He told Deshmukh that if he wanted to go to Delhi he could go and also told Abdul Razak that on his return to Poona he might as well tell the D.I.G., C.I.D., about Madan Lal. But he himself did not think it necessary to telephone the D.I.G. about it nor did he inform his District Magistrate about it. He also told Deshmukh to go to Poona and make enquiries about Karkare but this was soon after it was known that Karkare had disappeared. This must have been on or about the 24th January 1948, because a day or so earlier Deshmukh came to see him. Deshmukh's suspicion according to the witness was not very strong and therefore the witness did not send him to Delhi. Personally, he did not think the suspicion to be wellfounded and so he did not make any written orders in regard to the matter.

16.118 Ex. 77 shows that Inspector Razak, witness No. 34, had discussed the bomb cases with this witness and the clues that he had followed. It also shows that Karkare's movements were being watched. It is surprising, however, that although the offences fell within the Explosive Substances Act which is a serious matter and searches were made in connection therewith, this witness did not take any serious interest in the matter. Of course, it is possible that he was more concerned with what was happening on the Hyderabad border or what was happening in Ahmednagar town itself owing to the influx of refugees there and the Hindu Mahasabha carrying on anti-Muslim agitation.

16.119 But one thing seems to be clear that higher authorities in the district did not know or attach importance to the association of Karkare with Apte and Godse about which evidence has been given; and that a facade, unknown to the Police, had been created for the illegal operation of this group which culminated in the assassination of Mahatma Gandhi.

R. C. Joshi, wit. 80

16.120 Quite a valuable bit of information was given by Mr. Ramchandra Chintaman Joshi, I.C.S., witness No. 80, now Secretary, Revenue and Forests Department, Bombay, who was the Collector and District Magistrate of Ahmednagar from November 1947 to February 1951. His evidence shows that there was considerable communal tension in the District as well as in the town of Ahmednagar one of the main causes being the presence of refugees from the western wing

of Pakistan. These refugees were lodged at a place called Visapur about 26 miles away from Ahmednagar. They have been described as "certainly not non-violent and quite turbulent". Another reason for communal tension was incidents connected with razakar activity in the neighbouring Hyderabad State which incidents affected both the District and town of Ahmednagar.

16.121 As a matter of fact, Mr. Joshi's predecessor, Mr. H. A. Khan, on September 13, 1947, made a report to Government pointing out that the coming of about 10,000 refugees from the Punjab side would create a difficult communal situation and he suggested that the visits by local leaders to the camp should be restricted and speeches relating to Punjab atrocities should be prohibited. He also pointed out that Ahmednagar District was on the borders of Hyderabad State and people from that State were frequently coming to Ahmednagar and were carrying on propaganda there; that up to that time the District was free from communal disorders but if no check was kept on the activities of the refugees, it was likely that communal agitation would flare up.

16.122 This gentleman, Mr. H. A. Khan, on November 6, 1947, issued an order under section 144, Cr. P.C. prohibiting the importation, transportation or sale of consignments of knives and other sharp edged weapons like daggers, spears, axes, either by post, railway or other means of conveyance without the previous permission of the Magistrate. This is Ex. 148. Mr. Joshi sent a report to the Government requesting extension of that order under section 144(6), Cr. P.C. for an indefinite period (this is Ex. 149) and the order was extended. The refugees in Visapur were getting restive. They wanted houses and employment and they were agitating and taking out processions to emphasise their demands.

16.123 There was throwing of bombs in Ahmednagar town; were four bomb incidents:

1. 24th November 1947 on the Tazi Bazar. in Kappad
2. 7th December in Vasant Talkies.
3. 14th December on the house of Kazi Subhanbhai.
4. 26th December on the Tatti Darwaza mosque.

These activities, this witness did not suspect as being directed against the life of Mahatma Gandhi nor could he have any such suspicion. There was a procession on 3rd January, 1948 in which Madan Lal took a prominent part. This witness was receiving weekly reports from the police and was sending weekly reports to Government.

12.124 Some of the documents which have been exhibited before the Commission and to which the attention of this witness was drawn may well be referred to at this stage. Documents about the orders by Mr. Khan and the extension order under section 144(6) have already been referred to. On December 15, 1947, Mr. Joshi made a report to the Chief Secretary of Bombay Province and a copy of it was sent to the D.I.G., C.I.D. This is Ex. 73. It relates to the bomb which was thrown in Kappad Bazar. This place was inspected by

Mr. Joshi and he has set out the damage that it had caused and also the measures which had ordered to be taken by the C.I.D. and the D.S.P.

16.125 On January 2, 1948, Inspector Savant made a report to the D.I.G., C.I.D., Poona giving the facts of the case in regard to S. V. Ketkar against whom there was suspicion of murder of a woman in Poona. This is Ex. 76. S. V. Ketkar was at that time working as a manager of Karkare's boarding houses. S. V. Ketkar's house was searched and quite a number of handgrenades, revolvers, daggers, fuses, explosives and ammunition were found. Besides this, some gold and silver ornaments were recovered and S. V. Ketkar was arrested. His explanation to the police was that about a week earlier all these things had been given to him by V. R. Karkare who was a Hindu Mahasabha worker. The matter was reported to the D.S.P., Ahmednagar. A report was lodged under the Arms Act and Explosive Substances Act. Karkare's house was also searched but evidently nothing incriminating was found there. The possession of explosive substance is rather a serious matter but there is nothing to indicate that this report was sent to the District Magistrate or was seen by him. Mr. Joshi has stated that the D.S.P. had informed him of the recovery of bombs from Ketkar's house and about the search conducted at his house. S. V. Ketkar was prosecuted under Explosive Substances Act and as no prosecution can be entertained without sanction, this witness must have seen the report. The matter is 20 years old and it may be that the witness cannot now remember it.

16.126 Ex. 66 dated January 4, 1948, is a confidential report sent by Sub-Inspector A. S. Balkundi showing the taking out of a procession by the refugees on January 3, led by Karkare, Kulkarni and Madan Lal—the first two being Hindu Mahasabha workers and the latter a refugee. They were shouting slogans against Pakistan and Muslims and 'Savarkar ki jai'. The object of this procession was to put pressure on the police because of their searching Karkare's house and it was being said that Ketkar was being maltreated and pressurised in order to force him to implicate Karkare. This document also refers to the procession marching to Khan Bahadur Sarosh's Garage and their leaders being received by Sarosh and the arrival of the District Magistrate and the D.S.P. The District Magistrate tried to pacify them by promising help but at the same time was firm against their illegal activities. The District Magistrate has stated that Ex. 67 was not brought to his notice. After his attention was drawn to Ex. 66 of 4th January and Ex. 67 of January 29, 1968, the later was also a report of Sub-Inspector Balkundi, the witness said that he had met the processionists at Sarosh's Garage, but he did not know about Ex. 66; nor was Ex. 67 brought to his notice. Ex. 67 mentions the fact that Madan Lal arrested at Delhi was probably the same person whose activities were being watched in Ahmednagar.

16.127 On January 8, 1948, the witness submitted his weekly report which is mentioned in Ex. 150. In this document it is stated that S. V. Ketkar from whose possession the arms and ammunition were found had stated that the articles had been given to him by Karkare for being kept in his house about 8 days earlier thereby involving Karkare. This information was conveyed to Mr. Morarji

Desai through the Home Secretary, Mr. Dehejia, on January 12, 1948, and the same day Mr. Desai passed the following order:

"Immediate arrest of the persons concerned should have been made re: 'A' and 'B' pp. 2 and 4 (B. refers to Karkare). Why was this not done? The D.M. might detain these people even now."

It appears that in pursuance of this order, the witness passed an order for detention of Karkare on January 24, 1948. The letter from the Home Department, Bombay to the witness directing him to make immediate arrest of Karkare and asking him why he had not done so earlier is Ex. 80 dated January 19, 1948. It is not explained why an order made by the Home Minister on January 12 directing immediate arrest of Karkare was not sent from the Bombay Secretariat till the 19th January and why the order for detention was not passed earlier than the 24th January if it had to be passed at all. Either the activities of Karkare were prejudicial to the safety etc. of the public or they were not; if the former, immediate action was necessary and if the latter then no action should have been taken. The witness, in reply to the letter of the 19th asking him to explain why he had not arrested Karkare earlier, sent his explanation which is Ex. 145 dated January 21, 1948. In this the witness has stated that the reason for not arresting Karkare was that apart from the statement of Ketkar implicating Karkare there was no evidence to connect him with the offence and the D.S.P. did not think that to be sufficient for the arrest of Karkare. On this statement the action against Karkare was uncalled for. It shows some very slow thinking and slower action. The activities of Karkare, even on the evidence before this Commission, were not very peaceful or even legitimate. This hesitancy of the district authorities has remained unexplained. If preventive powers under extraordinary laws are meant for the preservation of law and order, then the situation created was such that they should have been used unless the situation in Hyderabad was such that the use of these powers would have added to commotion and general insecurity. The Commission cannot ignore that aspect of the evidence before it. But there is no evidence submitted to justify the conclusion that the hesitancy was partly or even wholly attributable to the Razakar depredations. The document also mentions that according to the oral instructions sent to him he had ordered the detention of four refugees who had taken part in the procession on January 3, 1948.

16.128 Sub-Inspector Balkundi, witness No. 37, has stated that he made a report to D.I.G., C.I.D., recommending the detention or extermination of Madanlal and Karkare by his report Ex. 66 dated January 4, 1948 but he did not know when the orders were passed. This document which is before the Commission is a copy and does not show what happened to it in the C.I.D. office and when it was sent to the District Magistrate at Ahmednagar or the D.S.P. or whether the orders were passed on the basis of this document.

16.129 The order detaining Madanlal is Ex. 42 dated January 16, 1948. This again is not clear why if the Government order was on January 3 and report of Sub-Inspector Balkundi was on January 4,

1948, this detention order was delayed for such a long time. If the Government had given oral instructions for detention on the 3rd, unless there was something very special on which the District Magistrate wanted to be satisfied under the law, there does not seem to be any reason why the detention should have been so long delayed. Either the refugees who were ordered to be detained were acting in a manner prejudicial to the maintenance of public safety or they were not. If they were, one would have expected immediate orders to be passed and if they were not, then the exercise of the powers was improper, if not *mala fide*.

16.130 At this stage, it may be added that the Government does not seem to have asked Mr. Joshi as to why Madanlal's detention orders were issued so late or why he was not arrested but they did evidently make an inquiry as to the reasons for and the circumstances under which Karkare managed to escape from Ahmednagar and according to Sub-Inspector Balkundi, witness No. 37, he and Madanlal disappeared from Ahmednagar on or about the 6th January. This event must or at least should have a place in the Police Weekly reports which unfortunately have not been produced.

16.131 The explanation of Mr. Joshi is Ex. 146 dated February 7, 1948. Therein it is stated that the report of the finding of arms was received by him on January 3, 1948 and he was making enquiries from the District Superintendent of Police as to whether Karkare had any connection with the bomb explosions but he was told that with the exception of Ketkar's statement there was no evidence. The investigation had been entrusted to the Provincial C.I.D., Poona, who did not keep him in touch with the investigation and it was not due to his mistake that Karkare escaped from Ahmednagar. He left Ahmednagar as soon as Ketkar was arrested and his escape was mainly due to the inaction of the C.I.D. but even then he himself felt thoroughly ashamed but he had ordered the detention of 5 refugees and also he had ordered that whereabouts of Karkare should be traced out.

16.132 The witness was also asked about Ex. 67 dated January 29, 1968, a document about which reference has been made in the evidence of Sub-Inspector A. S. Balkundi. In this document, Balkundi had reported to the D.I.G., C.I.D. that Madanlal who had been arrested in Delhi might be the same person who was operating in Ahmednagar. The District Magistrate evidently had not seen this document because it was never brought to his notice and he has stated that he did not know or suspect Madanlal who was arrested at Delhi of being the same person as the one who was in Ahmednagar and that it was after the murder that it became a common knowledge that amongst persons who were connected with Mahatma Gandhi's murder, were Madanlal and Karkare and that they were the same persons against whom detention orders were passed by him.

16.133 Some orders had been given about the detention of some persons connected with R.S.S. and it was with regard to them that this witness talked to Mr. Morarji Desai and that was after the murder. If the use of telephonic communication was possible after the murder, it was equally so before and it is difficult to see why the

Government did not convey its orders for detention using that vehicle of communication. But it was not done and that can only be explained on the usual secretarial procedural red tape of having everything in writing. The witness has stated that Ex. 145 which he sent to the Government was really the explanation of the D.S.P. which had been given to him and that he himself was very unhappy about the incident. In his view, Karkare should have been arrested on S. V. Ketkar's arrest. But there is no explanation why it was not done. Most of all, if Madanlal and Karkare were indulging in unlawful or harmful and prejudicial activities, why proper watch on them was not kept and when they disappeared why no alarm was given or information sent to the Provincial Police to trace them.

16.134 Also why no such action was taken after the warrants for detention became impossible of execution is not explained.

16.135 The evidence of witnesses from Ahmednagar shows that (1) there were bomb explosions there; (2) there was a strong anti-Moslem movement there; (3) the refugees were restive and wanted to be rehabilitated; (4) the Hindu Mahasabha was using the refugees for their own ends; (5) arms were found from S. V. Ketkar's house which he alleged had come from Karkare; (6) the D.S.P. did not think the explosive substances cases to be serious; (7) Karkare had association with Godse and Apte of which the police was aware; (8) there was a full record of Madanlal's doings in Ahmednagar with the Police; (9) Madanlal when arrested at Delhi was suspected by Ahmednagar police to be the same who was operating in Ahmednagar; (10) the D.S.P. was apprised of this suspicion but it was either not well founded or was not taken seriously; (11) Bombay Police did not seek any information from Ahmednagar Police regarding Karkare or Madanlal; (12) Karkare was acting under the aegis of the Hindu Mahasabha but Sub-Inspector Balkundi did not know whether he was sending money to Godse and Apte. Balkundi also stated that Godse and Apte used to meet Karkare at Ahmednagar. Their activities were watched but nothing was found against them. (13) Sub-Inspector Balkundi also stated that he was called to Poona by Mr. Gurtu and his report dated February 9, 1948 shows that he gave the information which was required from him. He gave a photograph of V. R. Karkare to Dy. Supdt. Chauhan on February 3, 1948. He went to Poona on February, 7 as a result of a wireless message summoning him to Poona.

16.136 This evidence shows that had efforts been made earlier either by the Delhi Police or the Bombay Police the complete record of Karkare as well as of Madanlal would have been available and if a photograph had been published in the newspapers, the Police of Ahmednagar would have come to know about him and would have been in a position to give the information. Commission would like to add that issuing photographs of arrested persons is not always a very wise mode of investigation because of the fear that identification parades or identification by witnesses might be held to be valueless.

CHAPTER XVII

Razakar Movement

17.1 The statements of Ahmednagar district officials give a fairly clear account of the *Razakars* and their depredations and spoliatory activities and the consequential effect on the people of the district

J. S. Rane, wit. 40

17.2 The statement of Mr. J. S. Rane, witness No. 40 (page 412), who was the D.S.P. of Ahmednagar from October 1947 to April 1948, shows the conditions prevailing in Ahmednagar during his term of office. He has stated that he had an exciting time because of the Hyderabad problem which was due to people coming from Hyderabad and causing excitement. He arrested some *Razakars* and had to go to the border areas because there were a number of incidents of arson and murder committed by *Razakars*; sometimes he had to be away from the headquarters for long periods and stay at the border areas.

R. C. Joshi, wit. 80

17.3 According to the District Magistrate Mr. R. C. Joshi, witness No. 80 (page 2), there was border trouble due to Hyderabad because of frequent acts of violence of the *Razakars* against the people of Ahmednagar District which the Police had to watch. So prominent was the *Razakar* trouble in the minds of the district officials that they, the District Magistrate, Mr. R. C. Joshi, and others, connected the bomb thrown on December 8, 1947, with it. Mr. Morarji Desai, Witness No. 96 has also stated that it was not the general population which was arming itself but the people on the border with the help of the R.S.S. and that there was no such movement in the town itself. This statement of Mr. Morarji Desai tends to minimize the disturbed and troubulous conditions resulting from the *Razakar* movement, but it is difficult to imagine that only a fringe of the population in these border districts were agitated by *Razakar* depredations though perhaps only a few suffered as a result thereof. This is all the more so as it was agitating the whole country practically. He was dealing with the *Razakar* movement in his official capacity. He stated, "the *razakar* was creating a kind of commotion amongst certain sections of Hindus in these two districts specially because the *razakars* were indulging in raids into the border villages of these two districts", the two districts referred to in the statement being Ahmednagar and Sholapur. The District Magistrate of Ahmednagar evidently did think that the trouble of the borders of the Nizam's State was serious and so did the D.S.P., so much so that even the bombs thrown in Ahmednagar were taken by these gentlemen to have a *Razakar* origin. The reports of these officers contained in official files show the seriousness of the situation.

17.4 The report of the District Magistrate dated December 12, 1947 shows the disturbed conditions resulting in murder, arson, cutting of crops, lifting of cattle and molestation of women. There was a main attack on village Khandoi on Ahmednagar borders. On January 8,

1948 there was firing on village Jainpur. The weekly letter of January 12, 1948 shows the number of murders, rapes, etc. in Hyderabad State itself which could not but cause commotion amongst the Hindus of the bordering districts if not of the Hindus of the whole Maharashtra area as also in the rest of India.

17.5 Razakar trouble in Hyderabad State, the atrocities committed on Hindus in Pakistan and including those who were fleeing from the inferno, caused a strong reaction in India. In the Marathi-speaking areas of Bombay Province there was a strong though not so numerous a militant group, a section of the Hindu Mahasabha which could not bear all these atrocities on their co-religionists and remain quiet or quiescent. They never liked the Congress policy of non-violence and still less what they considered the policy of appeasement. This added to their dislike of the Congress and Congress leaders and a fillip to Savarkar's school of thought. They started arms collection, for Hyderabad State and made every effort to do so even in breach of the provision of the Arms Act; so much so that the D.S.P. of Ahmednagar requested the District Magistrate to promulgate a prohibitory order under section 144, Cr.P.C. against import, export or transport of arms. This order was later extended under section 144(6), Cr.P.C. by Government. (Ex. 148—original order). Whether, in view of the dangers to which the Hindu inhabitants of the State of Hyderabad and those residing on its borders in Bombay Province were exposed, this was a wise or unwise policy or whether an administration, which could not protect its citizens against desperadoes who had assumed the role of Ghazis, should have acted in this manner or not is not a matter on which the Commission is called upon to express its opinion. The fact remains that there were Indian agencies, some genuine and others not so altruistic, which considered the collection of arms and supplying them to people who were being subjected to lust and blood thirsty greed of fanatical religionists as the proper answer and took active steps to put their plan of meeting the menace into operation by procuring and supplying arms. This also gave an opportunity to use this menace as a facade by the Hindu Mahasabha for their anti-Congress propaganda.

17.6 Amongst those who advocated the supply of arms the place of prominence goes to the leaders of the Hindu Mahasabha, but even some Congressmen did not hesitate to join the cry for arming the people. Mr. H. B. Bhide in his speech at Belgaum on the occasion of protesting against the Direct Action Day (on May 23, 1947), Balshastri Hardas at Nasik vide weekly letter of May 24, 1947; and Mr. Ashutosh Lahiry and Mr. V. B. Gogte, all members of the Hindu Mahasabha, advocated collection of arms. They got the support of Mr. K. M. Jedhe in January or February 1948. And in January 1948 Ba'ukaka Kanitkar extended his weighty support which was further buttressed by the resolution of the Maharashtra Provincial Congress Committee, referred to in the speech of Mr. V. B. Gogte, Ex. 214 dated January 6, 1948. Ex. 211-A contains on various pages accounts of persons collecting and selling arms in widely distant places: e.g., Manmad, Satara, Londa, Godhra and Bijapur, and also speeches of Messrs. Annasahib Shinde, Nagre, V. B. Gogte and Joshi, showing a spectrum of political opinion.

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