



REPORT

OF

COMMISSION OF INQUIRY

INTO

**CONSPIRACY TO MURDER
MAHATMA GANDHI**

PART II

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CHAPTER XVIII

BOMBAY

18.1 In Bombay Province there were four disturbing factors: (i) there was much public resentment against the threatened partition of India, (ii) the atrocities by Muslims on Hindus in Calcutta, Noakhali, Tripura and later in the Punjab, Bengal and Sind were agitating the minds of the Hindus, (iii) the coming of refugees in large numbers, and (iv) the Hindu Mahasabha was carrying on propaganda through the Press and on the platform in regard to the conditions of the Hindus. As a consequence there was Hindu-Muslim tension and the refugees were also getting violent against the Muslims. There was also Razakar trouble in the districts of the Bombay Province bordering on Hyderabad. There were, therefore, secret activities to collect arms to be used against Razakars both inside and outside Hyderabad. The police was constantly engaged in trying to meet this situation.

18.2 The Maharashtrian Government have produced secret abstracts from file No. 405/III. H.D. At page 79. there is an abstract dated March 30, 1947 wherein it is stated that one Mr. Gokhale advocated retaliation against the Muslims by saying, "Knife for Knife". This file also shows at p. 119 that on the 16th and 20th of June 1947 speeches were made by Messrs G. V. Ketkar, Khanolkar and Gokhale defending Hindu Mahasabha stand and Mr. G. V. Ketkar said that non-violence and misguided nationalism must be given up. Savarkar also spoke at that meeting.

Mr. Morarji Desai, Wit. 96—

18.3 Mr. Morarji Desai was the Home Minister of Bombay Government when the Congress Party again took office in November 1946 and held that office during the period with the happenings of which this Commission is concerned and particularly from after August 1947 till 1949 covering the tragic events culminating in the murder of Mahatma Gandhi and the trial and conviction of his murderers. He was examined by the Commission regarding the various incidents and happenings, which preceded the murder of the Mahatma and which are relevant to the inquiry. His testimony covers a wide field, extending over matters relating to conditions and political climate before the murder, threats to Mahatma's life, the reasons therefor, the quarters where the threats emanated from and the measures taken to meet those threats and avert those dangers.

18.4 Beginning with Ahmednagar and the happenings there he stated that the town of Ahmednagar itself was not disturbed although a section of the people in the town were determined to create mischief. The Hindu Mahasabha was trying to attract the refugees coming from the areas forming Pakistan, who had come to the district, and took full advantage of their dissatisfaction.

18.5 There were bomb incidents in the town in November and December 1947. The refugees and the Hindu Mahasabha were taking

out processions to create an atmosphere, more anti-Muslim than anti-Congress. Though he was not aware of Madanlal's attack on Raosahib Patwardhan, the Socialist leader, at a public meeting, yet the activities of both Karkare and Madanlal did come to the notice of Government and detention orders were passed against both of them; against Madanlal on the 16th January and against Karkare on the 24th January.

18.6 Commission is unhappy to notice the delay in carrying out the directions of the Government by the District Magistrate, preceded by the procedural delays in the Provincial Secretariat itself. Although direction for Karkare's detention was given by Mr. Morarji Desai on January 12, the letter from the Secretariat was not issued till the 19th and the District Magistrate's order for detention is dated the 24th a delay of 12 days. Detention orders are, it may be observed preventive in nature and in order to be effective, they must be promptly taken and promptly made operative otherwise the action is likely to become sterile as indeed it did become in this case, i.e. in the case of both Karkare and Madanlal. Preventive action requires promptitude, punitive action due consideration.

18.7 Mr. Morarji Desai emphasised that the police in Ahmednagar or in Poona were not pro-Hindu Mahasabha or pro-R.S.S. If they were and it had been brought to his notice he would have taken strong action. There is no reason to doubt that action would have been taken but who was to bring this fact to his notice is not clear. According to him, the bomb throwing in the town was directed against the Muslims although they created trouble against Government also because "these people did not like the Congress Government. The people who were throwing bombs were a class who would go to any length to create trouble against Government. They were Hindu Mahasabha people."

18.8 Documentary evidence placed before the Commission is indicative of attempts to invigorate Savarkarite Hindu Sabha ideology and of the action thereupon taken by the police to get intelligence of this movement.

18.9 Poona—Mr. Desai's attention was drawn to these documents; first to Ex. 54 a circular dated May 22, 1947 by the ADIG (Poona) which pointed out that attempts were being made to revitalise the Hindu Rashtra Dal. It asked the District Superintendents of Police to keep a watch over its activities and report to the Provincial C.I.D. about them. His attention was then drawn to Ex. 173 a note of Mr. Dehejia, Secretary, Home Department and Ex. 174 a circular thereon regarding taking precautions against the campaign by the Hindu Sabha parties to be started after August 15, i.e. the Partition. These two documents also mentioned the necessity of maintaining the efficiency of the police, its grievances being looked into and the desirability of keeping a closer contact between officers and men to ensure any dissatisfaction in the force being brought to the notice of the higher officers.

18.10 When asked for his comments on the question of dissatisfaction Mr. Desai said that this was done "*Ex abundanti cautela*".

The other matters mentioned in this note of Mr. Dehejia show the anxiety of the Government to be kept informed about all activities of the mode and the media of propaganda by the Extremists parties in which was included the Hindu Mahasabha.

18.11 Mr. Desai was next questioned about Ex. 175 which is a minute of Mr. Kher dated August 3, 1947, on the basis of which a circular dated August 8, 1947 Ex. 176 was issued in which the District Magistrates were requested to prevent Sikh refugees from addressing any public meetings. The underlying object he said, was to maintain communal peace in the districts, and the District Magistrates were to register the refugees on their arrival, to enable the Government to give them aid. The happenings at Ahmednagar by Visapur refugees do not show any serious attempts to give such aid. There were vague promises by Mr. Joshi the District Collector but even he does not depose to any tangible help being given to rehabilitate them. A little more sympathy from the Congress parties and a little less rigid attitude towards the refugees could have prevented them from falling into the hands of the communal parties.

18.12 Mr. Desai then stated that the Hindu Mahasabha and its press were indulging in highly inflammatory communal propaganda, in consequence of which action had to be taken against the latter under the Press Emergency Powers' Act. He could remember that there was a newspaper called the 'Agrani' of which the editor was Nathuram Godse, whom he knew, and the proprietor was Apte.

18.13 In pursuance of a note (see infra para 19) by Mr. B. G. Kher and circular based thereon the C.I.D., police compiled lists of Hindu Mahasabha and R.S.S. workers for the districts of Poona and Ahmednagar and sent them to Government (Ex. 114 and Ex. 114A). But what came out of it or what further action was taken by the police to comply with the requirements of the circular does not appear from the evidence. At least there is nothing to show what concrete steps were taken to subserve the achievement of the laudable objective behind the circular, which appears to have been this that the Government wanted to be kept informed of the persons in that organisation and of their activities.

18.14 Mr. Morarji Desai was then asked about the bomb explosion at Poona practically in the heart of the city. Exhibit 155 relates to this incident showing that a bomb was thrown from the top of and near the city library in Poona City on June 26, 1947 resulting in injuries to "a boy" and damage to a motor truck. One N. R. Athawle, a Hindu Mahasabhaite was arrested and he made a confessional statement before a Magistrate under S. 164 Cr. P. that the bomb had been given to him by N. D. Apte of "the Agrani", with the instructions to throw it from a height and he admitted that he had thrown it on the road from the second floor of the City Library. Apte was arrested on 4th July, 1947 but a search of his house showed nothing and nothing incriminating was recovered.

18.15 It may be remarked that the similarity between this case and the case of recovery of a large quantity of arms and ammunition from the house of V. R. Ketkar of Ahmednagar is significant. In both cases the persons arrested made confessional statements involving

prominent Hindu Sabha workers, Apte in the Poona case and Karkare in the Ahmednagar case. In both cases the persons named escaped without a scratch and in one case even the confessed bomb thrower could not be prosecuted. The D.S.P. Poona surprisingly stated it was not thrown on any one, as if hurting a boy and damage to a motor truck was of no consequence. In both cases the confessions were retracted and the police found no other evidence against these prominent workers. Whether the concessions lulled them into inaction or they were unable to find any tangible and credible evidence in these cases, the Commission has been unable to discover; but the parallel is striking if not indicative of a pattern of Hindu Mahasabha militant party's *modus operandi*.

18.16 On the 9th July, Mr. Kher wrote a note on the file, when the matter of the Poona bomb went to him after passing through the various Secretariat echelons, wherein he said "Was not the Editor of the Agrani arrested? I would like to know the progress". Mr. Morarji Desai was asked how the editor of the Agrani's name came to be mentioned when there was nothing in exhibit 155 (the bomb matter) to show any connection between the *Agrani* and the throwing of the bomb, and his reply was that the name of the Agrani must have been mentioned in one of the weekly letters.

18.17 When the papers came to Mr. Desai for sanction for prosecution under the Explosive Substances Act (exhibit 158) he recorded a note on 5th August that his information was that the confession had been retracted and if that was so what was the evidence to prove the guilt of the accused persons. On this Mr. Kher wrote: "This matter must be treated more seriously. We must impress it upon the D.S.P. that he is to investigate the case thoroughly. The Agrani has stated it is a matter of high honour that the Hindu Sabha should be accused of throwing a bomb—H. D. is returning his security. Is terrorism to be allowed to be openly encouraged? I would like to see Secretary H. D." This is demonstrative of Mr. Kher's anxiety in relation to the incidents of bomb throwing.

18.18 The matter was evidently discussed and the District Magistrate was through Ex. 156 dated July 12, 1947 asked to report how the case stood. His reply dated July 29, was sent along with the report of D.S.P. dated July 23, 1947 which is a revealing document showing the activities of Athawle whom the police had been suspecting for illegal activities since long. But there is nothing indicative of any particular attention being given to Mr. Kher's direction to the authorities to make proper and thorough investigation of the matter or whether as a matter of fact the direction was complied with by the local police. This matter has been discussed at another place connected with the happenings in Poona.

18.19 Mr. Desai was next asked about exhibit 177, dated August 1947, an order of Mr. Kher about preparing a list of and keeping a strict watch on the operations of the members of the Hindu Mahasabha organisation and of the R.S.S. To this order Mr. Desai had added that this be done within 10 days showing need for expedition. He has also said that Hindu Mahasabha and R.S.S. were working together. These lists were asked for, according to Mr. Morarji Desai, because the Government wanted a strict watch over the activities of

all these organisations on account of the attitude they had adopted in regard to the Partition of the country. He said "the object of preparing this list was that prior watch might be kept on their activities, at that time. R.S.S. and Hindu Mahasabha were working together and Government was anxious to know who were the persons who were anxious to know who were the persons who were directing the activities of the Mahasabha and that is the *raison d'être* for the lists and getting special reports in regard to them. But afterwards when the D.I.G. wrote that the same information was being sent in the weekly reports, a Cabinet meeting considered the matter and ordered the discontinuance of the special reports." It may be mentioned that Mr. Dehejia in his evidence stated and the documents show that he considered the getting of the reports necessary. According to Mr. Morarji Desai, Dehejia must have said so because the original order had come from the Premier and the Home Minister. Evidently that was not the opinion of Mr. Dehejia who thought that separate reports were necessary; perhaps it might have been better if they had been continued because when any particular matter is separately treated, it is likely to receive special consideration and greater attention is likely to be given to it but evidently the Cabinet thought it otherwise and ordered their discontinuance. Mr. Desai added that if there was anything particularly inflammatory or objectionable matter in the speeches of any person they were separately reported to Government because the weekly reports contained summaries only. Supra para 13.

18.20 The Commission had summoned Mr. L. N. Patil, the Minister under whose signature the note regarding discontinuing special reports was recorded but unfortunately and much to Commission's regret he died in the train en route to Bombay and Commission could not therefore examine him on this point.

18.21 Mr. Morarji Desai was then examined and closely questioned in regard to the letter which Mr. G. V. Ketkar claims to have got sent to Bombay Government through Balukaka Kanetkar. He was asked—

"Q. Did Balasahib Kher ever talk to you about this letter?"

"A. I think, he did but as far as my memory goes, no names were mentioned in that I do not think I saw the letter. Balasahib told me of the contents of the letter. As far as I can recollect, no names were given".

"I cannot remember if I ever saw the letter but as far as I can recollect no names were mentioned by Balashib Kher."

He added

"From my recollection I can say that the letter seemed to show that the atmosphere was very tense and there was danger to the life of Mahatma Gandhi which several other people were saying and which we also felt because of the atmosphere which refugees had created".

The witness emphasised that Nathuram Godse's name was not mentioned by Balukaka Kanetkar.

18.22 He was then asked about Balukaka's article in the Purushartha (Exhibit 166) wherein there is an alleged reiteration by Balukaka of informing the authorities that Nathuram Godse had said that

Mahatma Gandhi should be killed but Mr. Morarji Desai said that he had not seen it. Mr. Morarji Desai added that at the time when Partition came about the atmosphere in Poona particularly was very tense amongst the Hindu Mahasabha circles with a tendency in the Hindu Mahasabha Press to advocate violence. Amongst certain circles the atmosphere against the Congress and Gandhiji was very tense which was expressed in rather intemperate and violent language.

18.23 Referring to the article of Mr. N. V. Gadgil (Exhibit 103) Mr. Morarji Desai said that it was true that in the particular leadership in Poona referred to in the article an atmosphere was being created by newspapers conducive to violence so much so that Government had to demand securities from those newspapers and forfeited securities in the case of some of them. He added—

“The spirit of this violence was there since Partition was announced. It became stronger when the Partition took place and the refugees came from what became Pakistan and it was at its height at the time of the fast.”

18.24 Mr. Desai said that Balukaka Kanetkar talked to him also and he told him that the atmosphere in Poona was very tense and there was danger to the life of the Mahatma as also to the life of Congress leaders generally but he never mentioned any names of the likely assailants and never mentioned the names of Godse or Apte; had these names been mentioned to Mr. Kher he would certainly have mentioned them to him and he (Mr. Desai) would have taken strong action against them, the least being detaining them under the Bombay Security Measures Act. He added—

“I do not agree that there was any complacency or the matter would have been taken lightly even if the names of these persons had been given. Even otherwise people were worried and all of us including Sardar Patel, myself and my chief, Balasahib Kher, were worried about it and we mentioned the matter to Gandhiji about the danger but we could not do anything more than what we did, i.e., to keep some plain clothes men around Mahatma Gandhi.”

18.25 But the danger, according to him, was not confined to Poona; it was from all over the country, specially in the north where there was a large number of refugees, who had suffered terribly and had their tales of horror to narrate. Mr. Morarji Desai did not accept the claim of Balukaka Kanetkar that he was the only person who for 6 months had been trying to prevent the tragedy which ultimately overtook the country. He could not remember Mr. Kher or himself receiving a telegram from Balukaka Kanetkar, but Mr. Morarji Desai was emphatic that no names were ever mentioned to him; otherwise suitable action would have been taken. The first time any names were mentioned to him was when Prof. Jain talked to him on January 21, 1948.

18.26 Mr. Morarji Desai admitted that about the time the fast was undertaken there were rumours that there was a conspiracy against Mahatma Gandhi because of the partition and of the giving of the 55 crores but he never heard anybody saying that there was no escape for the Mahatma.

18.27 Mr. Morarji Desai was then examined regarding the statement made by Mr. Khadilkar before this Commission and his reply was that no information was given by that gentleman to Balasahib Kher or to himself. But he emphasised that both Mr. Kher and himself were worried about the information that they had already received. He again reiterated "Balukaka Kanetkar had already talked to us about the danger to the life of Mahatma Gandhi; others also said so; the rumours were already there and we realized that there was danger".

18.28 Mr. Desai said that he was very anxious to convey to Sardar Patel the information which Prof. Jain had given him. That is one of the reasons why he went to Ahmedabad and the first thing that he did at Ahmedabad was to give that information to Sardar. So important did he regard it.

18.29 When Mr. Morarji Desai got the information from Professor Jain he called Deputy Commissioner of Police Special Branch Mr. Nagarvala but as he could not come at once at that time, he asked him to see him at the Central Railway Station where he gave the whole story to him. As Mr. Morarji Desai had a strong feeling that Savarkar was behind the conspiracy he asked Savarkar's house to be watched. Savarkar's name had been mentioned by Madanlal to Prof. Jain and by him to Mr. Morarji Desai but not as a conspirator. He did not ask Nagarvala to arrest Savarkar because no case could be made against him.

18.30 He was convinced about the genuineness of what Prof. Jain had told him. Jain was at the time nervous not because he was afraid that he might be involved in the case but because of what had already happened and he was feeling guilty in his mind for not giving the information earlier. Mr. Morarji Desai added that had information been given by Prof. Jain earlier it would have been easy to trail Madanlal, Karkare and Savarkar and from that to discover who the others were. Jain gave only the three names above mentioned Madanlal, Karkare and Savarkar. He did not say that he had told Mr. Jayaprakash Narayan or Mr. Ashoka Mehta or Mr. Harris. Further, Jain did not say that Madanlal had disclosed to him the places where arms had been kept or of the place which was guarded by a person who looked like a Sikh. Jain told him that Madanlal had disclosed that he and his companions were going to Delhi to throw a bomb, but he did not mention anything about the kidnapping of Mahatma Gandhi, or that a bomb would be thrown to create confusion in order to facilitate the kidnapping. At that time no indication was given to Mr. Desai of the intention of anyone to kidnap Mahatma Gandhi. He only came to know about it in November, 1949 when the explanations of police officers were called for after the trial court's strictures.

18.31 Prof. Jain did tell Mr. Morarji Desai that Madanlal had disclosed to him that he (Madanlal) and his companions were going to kill Mahatma Gandhi but he had not involved Savarkar in it.

18.32 Mr. Desai then said, "I was asking Nagarvala about any further progress of the case. In my opinion, the practice which prevails in England that starting and withdrawing of cases is the sole

responsibility of the Attorney General is not the constitutional practice in India." This question has been discussed at greater length at another place, (Chapter VIII). He added he did not ask Mr. Nagarvala about every minute detail but "I asked him how his work was proceeding. I did all that what I thought proper and best in the circumstances."

18.33 Mr. Morarji Desai was then examined as to the letter of Professor Jain to late Prime Minister (exhibit 47 dated 20th April 1948). Mr. Morarji Desai had never seen it before. When asked about Prof. Jain's complaint of rough treatment he got from him Mr. Morarji Desai denied it, he added that he had never said to Jain that he (Jain) was one of the conspirators and that he had helped Madanlal. He could not recall saying to Jain that he would put him under arrest. He might have raised his voice a little in saying that he (Jain) had no business to charge the Ministers with negligence in the circumstances that he himself had created. He did not say that Jain should be arrested because if Jain had been guilty he would have had Jain arrested without having to tell him. He also denied that Jain ever gave him "connected names" in the first or second interview or that there were some persons whose names were given but they were going about scot-free. Jain never suggested what they should have done or what they did not do.

18.34 When asked why the Inspector General of Police, Mr. Kamte and the Commissioner of Police Mr. Barucha were not taken into confidence, the witness replied that Nagarvala was incharge of the C.I.D. (Special Branch) and the information could not be dispersed among so many officers. Besides he did not consider Barucha to be very competent and Kamte was in Poona; and he had no real control or jurisdiction over Bombay city. It may be remarked that as things turned out later and in the light of the disclosures as to the names of the conspirators which later transpired, perhaps Mr. Kamte's assistance with his control of the Provincial Police would have been helpful. But that one can say now after knowing all the facts; could it be so said with the limited information that then existed? It is doubtful.

18.35 Mr. Morarji Desai was then asked about the Police Officers who had come from Delhi and his reply was that Nagarvala had told him of their coming but not what information they conveyed to Nagarvala. He added nobody had shown him any copy of the statement of Madanlal made to the Delhi Police nor did Nagarvala say that any such copy had been brought. Even when Rana came to see him the next day i.e. the 28th, he did not bring a copy of the statement of Madanlal with him nor as far as Mr. Mr. Morarji Desai could recollect did he mention about the copy of the statement having been brought by him from Delhi. If he had done so, he would have asked the copy to be shown to him. He added that if Nagarvala had seen this copy he would certainly have taken action on it because, according to him Nagarvala was an efficient investigating officer which was the reason for his subsequently appointing him as investigating officer, in the murder case. Nagarvala had complained to him that during the period 20th to 30th full cooperation was not given to him by the Delhi Police nor were the papers shown to him. He added, that this was on a vague kind of recollection and this might have happened

after the 30th. It appears that this must have been after the 30th, because there was no occasion for the Delhi Police to show any papers to Nagarvala after the two Delhi Police officers had returned.

18.36 Mr. Morarji Desai said that when he first heard the radio news about the murder of Mahatma Gandhi he was afraid that it might be a Muslim who had done it. If that had been so there would have been country-wide communal disturbances.

18.37 Regarding precautions against violence Mr. Morarji Desai stated in reference to Poona that there was certain amount of violence or incitement to violence in that area and that no special precautions were withdrawn regarding the watching of the movement of those from whom this danger was apprehended.

18.38 In this connection reference may again be made to the order for special reports regarding those members of R.S.S. and the Hindu Mahasabha whose names the police sent in Ex. 114, Ex. 114A and B. and Ex. 115 and the subsequent orders passed thereon i.e. discontinuing the sending of these reports (Ex. 113C of October 8, 1947). Mr. Morarji Desai said that by the order of withdrawal dated 9th October, 1947 only special reports were ordered to be withdrawn and that was because of the suggestion of the D.I.G., C.I.D., that the weekly and monthly reports contained the same materials which the special reports would have contained. Besides the discontinuance was only for the time being, and also the special reports had served their purpose and were no longer necessary because the object of the original order was to get the names of the office bearers of the Hindu Mahasabha and R.S.S. in order to find out what exactly they were doing so that a close watch could be kept on them. But no watch is proved to have been kept.

18.39 Mr. Morarji Desai stated that he had no idea, not even an inkling about the reference by Balukaka to Nathuram Godse's speech. He was never told that a speech had been made by Nathuram Godse or by anybody else threatening Mahatma Gandhi's life but the information was in general terms e.g. "there was air of violence and the life of Mahatma Gandhi might be in danger". The police took proper precautions by taking searches but they could naturally do nothing about matters they did not know about and one cannot take action on everything that one hears".

18.40 It may be correct that the object of calling of the special reports had already been fulfilled in that Government was apprised of the names of leaders of Hindu Mahasabha and the danger they portended or threatened but there is nothing to indicate as to what kind of a watch was as a matter of fact kept; still less can one say that the Intelligence was vigilant enough to ferret out information about the activities and malevolence of these various members of the Hindu Mahasabha and the R.S.S. There is no evidence that the information thus collected and which included the names and activities of all the future principal participants of the Gandhi Murder Conspiracy was gainfully made use of in curtailing the violence which pervaded the atmosphere around Poona.

18.41 Mr. Gadgil's article disclosed that a friend of 'his' a Mr. Jedhe, M.C.A. came to Delhi from Poona on 15th January 1948, and he (Jedhe) knew that Godse and others had chalked out a plan in Poona and send-offs were being given to them. If Jedhe could come to know about it, it should have been possible for the Provincial or local Intelligence also because according to Mr. Khadilkar, the Intelligence Officer Inspector Angarkar was "with us". This fact of the feasting was deposed to by Mr. Gadgil. As a witness he said—

"Godse and his friends were being feasted as they were to go and murder Gandhiji and there was a function at Tilak Samarak Mandir".

18.42 Mr. Morarji Desai did say that Police Intelligence was weak and weakness still continues but surely it could not be so weak and so inept that if feasting was done to felicitate people who were going to murder Mahatma Gandhi the Police should have known nothing about it unless it was done in a very secret manner as is usual in the case of conspiracies. In that case it should have been, impossible for Jedhe to know of it unless he was a close friend or a clever sleuth. One cannot imagine him to be either. The story about feasting seems rather facetious.

18.43 Mr. Morarji Desai was then examined regarding his speech in the Bombay Legislative Assembly on March 12, 1949 Ex. 232 wherein he had said that the Police Officer, meaning Nagarvala, was asked to take action against every one who was under suspicion. He had said that the names of Karkare and Savarkar had been given to him by Jain. He had directed that Karkare should be arrested, a watch kept on Savarkar's house and every one who was found connected with the offence must be arrested. He added that it would have been the ordinary duty of the officer to do everything possible under the Bombay City Police Act in connection with the information given to him.

18.44 Mr. Morarji Desai was questioned about his statement that they meaning the conspirators were arrested after some time, and that their movements were controlled and all the while kept under observation "so that we might get a clue". The reference, said Mr. Desai, was to persons against whom the police had suspicion. When he said "they tried to arrest them but they could not arrest them because they were not there", the reference was to the people who were absconding and were not traceable. The words "their movements were controlled" were used in a loose way and perhaps do not fit into the context correctly; the meaning really was that the police were on the look out for them. He added "I was enquiring from Nagarvala as to the progress of his investigation from the time I gave him information i.e. on the 21st January 1948. I also continued taking interest and kept on getting information from Nagarvala about what was happening after the murder". The practice of special interest by Ministers in police investigation can become oppressive because of the danger of the overzeal of the police in India, which may result in unsavoury keenness to produce results; and it is capable of being

directed against political opponents and in favour of political friends, which in a party system of Government may be a dangerous portent and may lead to political oppression. One has therefore to be very circumspect. But Mahatma's case would be an exception.

18.45 Mr. Morarji Desai was then asked about the portion of his speech that Madanlal had made a fuller statement than what Jain had told him; his reply was that he was referring to the newspaper reports about Madanlal having made a statement in Delhi after his arrest; but the newspaper reports as far as Commission has been able to see were more cryptic and may not be capable of the meaning which Mr. Morarji Desai attached to it.

18.46 Mr. Morarji Desai could not recollect Nagarvala having told him that Delhi Police could be won over and Mahatma Gandhi could be kidnapped nor about a Sikh going to the Speaker of the U.P. Assembly nor about the theory of kidnapping of Mahatma Gandhi. If he had mentioned any such thing he would have disabused Nagarvala's mind about the matter. Mr. Desai always associated the bomb throwing with an attempt on the life of Mahatma Gandhi and not with his kidnapping. He could also not remember the mention of Badge's name in Exhibit 8 nor that Badge and Karkare were always together and were good friends. Nagarvala never told him that any statement of Madanlal had been brought to him.

18.47 Exhibit 168 is the office notings on the explanation of Mr. Nagarvala Ex. 14 which he submitted after the judgment of Judge Atma Charan. The noting is interesting as it points out the omissions in the conduct of the investigation between 21st and 30th January, 1948 which were these: no effort to contact Ahmednagar or Poona Police, not taking into confidence his brother officers and confining police activities to watching suspected persons in Bombay. These notings were seen by Mr. Desai. The note was discussed with the Secretary and then ultimately it was decided and ordered that the explanation be sent along with the annexures to the Central Government.

18.48 Mr. Morarji Desai had a faint recollection about Mr. Purshotam Trikamdas witness No. 15 having seen him but he could not remember who the man with him was. When the statement of Mr. Purshotam was read out to him, he said he could not remember who the man was nor what he said and if he had said that the conspiracy was to murder Mahatma Gandhi he must have referred the man to the Police. Mr. Desai said that the real cause of the murder was that the Hindu Mahasabha was strongly opposed to the Mahatma, considered him to be enemy of Hinduism and therefore they viewed everything from that angle. He agreed with Mr. Kamte about his suggestion as to what he would have done if the information had been given except that no case could be registered and that Bombay Police could not be sent to Delhi unless the Delhi Police asked for them.

18.49 When asked about Mr. S. R. Bhagwat, Mr. Desai said that he knew Bhagwat but he could not remember if he wrote to him about the danger to Mahatma Gandhi's life; but he must have done so if he says so.

18.50 Mr. Morarji Desai was examined at length and practically every aspect of evidence concerning Bombay was put to him and his comments were invited. His statement, in short shows—

- (1) That from the middle of July 1947 news was being received about the danger to Mahatma Gandhi's life and to the life of other Congress leaders; but the news was vague and there was nothing definitive as to the location of the danger.
- (2) Speeches and activities of the Hindu Mahasabha and R.S.S. were of a prejudicial and violent nature as a consequence of which orders were passed for a list of the members of the two organisations to be prepared and the Police was directed to send special reports in regard to their activities.
- (3) Balukaka Kanitkar had written a letter to Mr. Balasahib Kher; the gist of the letter was communicated to Mr. Morarji Desai by Mr. Kher but no names were mentioned and the information was vague.
- (4) In the Maharashtra region, there was general disaffection against the Congress because of its agreeing to Partition of India; to its giving 55 crores to Pakistan; and because of the miseries and indignities which the Hindu and Sikh refugees from West Pakistan and other parts of Pakistan had to undergo and the atrocities to which they were subjected.
- (5) Although Mr. Morarji Desai could not remember about Mr. R. S. Bhagwat's communication he was prepared to accept that if Bhagwat said he had written something he must have done so.
- (6) The name of Nathuram Godse was never mentioned to him nor was he ever told that any speech had been made by Nathuram Godse or anybody else threatening the life of Mahatma Gandhi.
- (7) He admitted that there were threats of violence in reference to Poona and certain precautions were taken or ordered to be taken.

Precuations, as far as the Commission has been able to see, were the preparation of a list of the Hindu Mahasabha workers and the sending by police of special reports in regard to their activities which were subsequently countermanded at the instance of the D.I.G. (CID), Poona. Besides this the securities of newspapers were confiscated and many Hindu Mahasabha workers were ordered to be detained.

- (8) A bomb was thrown in Poona in which the proprietor of the Agrani, N. D. Apte, was stated to have been involved, but due to lack of evidence that case could not proceed. Thereupon Mr. Kher wrote a strong note to the effect that the local police should be more vigorous in the investigation of such cases. Mr. Kher did not like confiscated securities to be returned to papers like the Agrani but the

- return of confiscated securities evidently was done as a measure of general goodwill towards all newspapers on the advent of independence.
- (9) There were rumours of a conspiracy against Mahatma Gandhi because of the reasons which have already been stated but Mr. Morarji Desai did not hear anybody saying that there was no escape for the Mahatma.
- (10) When Mr. Desai was asked about the statement of Mr. Khadiikar, of Mr. Jedhe and of Mr. N. V. Gadgil, he said that he had no information about them because these gentlemen never gave any information to him, which appears to be correct. There is no proof that any of these gentlemen had apprised the authorities of the impending danger; not even Mr. Gadgil who was a Central Minister.
- (11) When Mr. Morarji Desai's attention was drawn to Ex. 103, the article of Mr. N. V. Gadgil, he said that there was a spirit of violence as soon as the partition was announced, it became stronger when the partition took place and the refugees started coming from Pakistan; and it was at its height at the time of the fast of the Mahatma.
- (12) Mr. Morarji Desai strongly repudiated allegations of complacency in regard to the information which they as Government were receiving about the safety of the Congress leaders. Whatever information he got, was conveyed to Sardar Patel and to the Bombay Premier, Mr. Balasahib Kher. The matter was also mentioned to Mahatma Gandhi but nothing more than keeping plain clothes policemen could be done. It is significant that this information was not passed on to the secretariat or the Police with direction to make discreet enquiries with a view to taking appropriate action. As stated earlier Press securities were confiscated and Hindu Mahasabha workers were detained under the Detention Acts.
- (13) The danger to Mahatma Gandhi, according to Mr. Morarji Desai, was not confined to Poona alone. It was from all over the country, specially from the North, where there were large numbers of refugees who had suffered terribly. The Commission is unable to appreciate this portion of the statement. If news of danger and threats to the life of Mahatma Gandhi and other leaders was coming from Poona, then the responsibility of the Bombay Government was only with regard to that danger and not with regard to what was happening in the North; and if such news was coming from the North, also it was no excuse for not taking proper action in Poona.
- (14) Mr. Morarji Desai did receive information given by Prof. Jain which he conveyed to Mr. Nagarvala with directions to arrest Karkare and keep a watch on the house of Savarkar. He also rightly said that had Prof. Jain given this information earlier, they might have been able to do something in regard to stopping Karkare etc. from going to Delhi.

(15) Mr. Desai kept himself informed of the investigation which was being conducted by Mr. Nagarvala. But evidently his attention was not drawn towards the kidnapping theory.

(16) Mr. Morarji Desai was making enquiries from the Police about the arrest of Karkare and he was told that his brother's house in Bombay was being watched and that Karkare himself was not in Ahmednagar.

18.51 *Kidnapping Theory*—Mr. Morarji Desai stated that he did not agree with the kidnapping theory which as a matter of fact was never mentioned to him and if it had been, he would never have accepted it because it was an impossible proposition.

18.52 Proceeding Mr. Desai said that Mahatma Gandhi was not agreeable to a search of every person as a matter of course. He was opposed to indiscriminate search of persons attending his prayer meetings

18.53 In cross-examination by Mr. Kotwal, he said that he could not remember seeing the letter by Balukaka Kanetkar to Balasaheb Kher. It was never put on any Government record and he reiterated that the information that was given to him was of a general and vague nature to the effect that Mahatma Gandhi's life was in danger which he (Mr. Desai) might have gathered from his talk with Balasaheb Kher and with Balukaka himself. From the talk he had with Balukaka and from other information which he got, "It was not possible for me to locate anybody in particular as the likely assassins of Mahatma Gandhi". If he had the slightest inkling about particular persons being in the conspiracy, he would have put it down by all means at his command. "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." He added that that class of persons who were dispersed all over the country were more in the North than in Bombay.

18.54 Mr. Kotwal then drew his attention to Exs. 172, 173 and 174 which begin with Mr. Kher's note about likelihood of terrorism in Bombay Province, the note of Mr. Dehejia on it and the circular which followed thereupon addressed to the various heads of the police in Bombay and in the Province. Ex. 177, he said, showed that the Bombay Government had ordered that the information be obtained discreetly and Hindu Mahasabha Organisations secretly watched and reports submitted. Whenever there was any objectionable matter in any newspaper, action was taken against it under the Bombay Press Emergency Powers Act and also the Preventive Detention Act. Quite a number of Hindu Mahasabha workers were detained.

18.55 Attention of Mr. Desai was then drawn to Ex. 172 dealing with the welcome to Daji Joshi. That matter along with the information which Balukaka Kanetkar had given and the atmosphere of violence which had been created in Poona was discussed between the top-ranking officers of the State i.e. Mr. Kher, Mr. Morarji Desai and the Home Secretary Mr. Dehejia.

18.56 Replying to another question Mr. Desai said that no question arose about any immediate particular action because there was no information about any particular person. People were kept under observation and whenever anything tangible was found against any newspaper or individual, action was taken by the demand of security or the detention of any such person. Lists of Hindu Mahasabha and R.S.S. and Hindu Rashtra Dal leaders were supplied to Government. Their political activities were watched but he was unable to say which one of them was trailed and which one of them was not but some of them were trailed. He added that the information which Balukaka Kanetkar had given in the letter to Balasaheb Kher was brought to the notice of Sardar Patel both by Balasaheb and by himself (Mr. Desai). Mr. Desai also informed him of the danger to Mahatma Gandhi's life some time in August-September, 1947; but the Sardar had this information from his own sources also. So, the Sardar knew what measures had been taken by the Bombay Government as they were mentioned to him by Mr. Desai. As a consequence of all this, a security guard was put on Gandhiji's residence soon after he returned from Calcutta. This was a result of the reports which Sardar got as to the danger to the life of the Mahatma.

18.57 Securities were returned to the newspapers as a gesture of goodwill on the country's attaining independence. There was no indication from the writings or speeches of Nathuram Godse that he was going to murder Mahatma Gandhi or that there was any conspiracy.

18.58 The attention of witness was then drawn to Ex. 233, an article in Hindu Rashtra dated September 7, 1947, and his reply was, "I cannot say that Godse was not inclined towards violence but he very cleverly clothed his intentions by referring to peaceful methods". His attention was also drawn to other articles, Ex. 233-A to 233-J.

18.59 In answer to Mr. Kotwal's questions, Mr. Desai said that there was no doubt in his mind that they had done all that they could and they gave their best throughout.

18.60 His attention was drawn to his speech in the Bombay Legislative Assembly Ex. 232. He said that whatever was contained therein regarding the police was from his personal knowledge.

18.61 In answer to a question by the Commission regarding nothing being done to locate Karkare after he vanished from Ahmednagar, the reply of Mr. Desai was: "No. It is not so because I was keeping in touch with and I was making inquiries as to what the police had done about Karkare. I was told that the house of Karkare was kept under watch during those days but they could not trace him." He added that he had told Nagarvala on the 21st that an order for Karkare's detention had already been passed in order to prevent him from doing any mischief against Muslims. Continuing Mr. Desai said, "Nagarvala was frequently reporting to me about what he was doing. He might have seen me two or three times but exactly how many times it is difficult to say. I was anxious to know what Nagarvala was doing about Karkare. Nagarvala told me that Karkare was not in Ahmednagar..... All I can say is that Nagarvala told me that he had contacted the Ahmednagar Police."

18.62 Reverting again to the kidnapping theory, he said that he had no recollection of Jain telling him anything about the kidnapping of Mahatma Gandhi and even if Jain had told him about the conspiracy to kidnap, he would still have asked Nagarvala to look into the matter and make his investigation as ultimately the object of the conspiracy was to murder him and not mere kidnapping.

18.63 When attention of Mr. Desai was drawn to the portions of Nagarvala's statement relating to kidnapping theory, he replied that during the investigation Nagarvala never told him anything about the kidnapping and he would never have accepted that theory.

18.64 In Mr. Desai's opinion, Nagarvala did all that could possibly be done.

18.65 In answer to questions by Commission, he said that Nagarvala did not tell him that the Delhi Police officers had mentioned the editor of the Agrani. On the other hand, he was complaining that they were not very cooperative. As said earlier this must have been after the murder. Before the murder there was not even an inkling of Godse and Apte being in the conspiracy. When the murder took place, Mr. Desai could not imagine that it had been committed by someone from Poona. He knew Nathuram Godse editor of the Agrani.

18.66 Mr. Desai said, "I have heard from Counsel portions from the evidence of Nagarvala as to what he was doing qua kidnapping theory but that would not impair the value of the investigation which was being carried out under my instructions. But during the investigation Nagarvala never told me anything about kidnapping as far as I remember". Nagarvala never told him that the Delhi Police officers had mentioned the name of the editor of the Agrani and there were not even an inkling of Godse and Apte being in the conspiracy before the murder. Nagarvala had not told him that Delhi Police officers had asked him to arrest the editor of the Agrani. Had this name been mentioned even the most incompetent officer would have arrested him.

18.67 Mr. Desai then said from the description in the statement exhibit 1, it was not possible for him to identify any newspaper and certainly not this newspaper. There was no paper known as the "Rashteriya". The Commission may here observe that this was a Punjabi way of describing the name of the newspaper. This description was different from that contained in Ex. 5-A. He did not remember whether Nagarvala had informed him that Badge's name had appeared as a dealer in illicit arms.

18.68 Continuing Mr. Desai said that Sardar Patel told him even in September 1947, that he wanted every visitor to Mahatma Gandhi to be searched but Gandhiji would not allow it. After the 21st January, he was told there were more policemen to guard the Birla House and the person of Mahatma Gandhi.

18.69 When asked whether the name of Nathuram Godse and Apte were included in the list of persons whom Nagarvala proposed to arrest, Mr. Desai said that their names never transpired in the list. He could not say whether Nagarvala had the list of names in Exhibit 114 or not.

18.70 Counsel for Bombay then examined Mr. Desai regarding the speech in the Bombay Legislative Assembly exhibit 232.

18.71 Cross-examined by Mr. Lal for the Government of India Mr. Desai said that he would have expected that Mr. Nagarvala would take the help of the Ahmednagar Police and arrest Karkare if he was there. Nagarvala had told him that he was trying to trace the whereabouts of Karkare from which he concluded that he would touch with Ahmednagar.

18.72 When asked whether D.I.G. (C.I.D.), Mr. Rana, had told of Mr. Desai was, "I can't everything with Nagarvala. The reply was working on the theory". Everyone including Nagarvala attempt on the life of Gandhiji and throwing of the bomb was an attempt. Mr. Desai thought that it would have been wiser for Nagarvala to get into touch with Rana who was in Delhi because he would have got much more information.

18.73 On January 21, 1948, after Professor Jain had given information to Mr. Morarji Desai, he conveyed it to Mr. Madanlal, Deputy Commissioner of Police, Bombay, though not immediately, because Nagarvala could not come at that time, but he did so at the Central Railway Station, from where Mr. Desai was leaving for Ahmedabad, because Sardar Patel was to lay the foundation stone of a building and Mr. Morarji Desai was anxious to convey the information he received from Jain to Sardar. This the High Court of East Punjab has characterised as 'commendable promptitude'. According to statement of Mr. Desai, Jain told him that Madanlal had disclosed that he and his companions were going to Delhi to throw a bomb and Jain gave only three names—Madanlal, Karkare and Savarkar, but he did not tell Mr. Desai that he had conveyed the information to Mr. Jayaprakash Narayan or to Mr. Ashoka Mehta or to Mr. Harris. Nor did Jain disclose the fact that Madanlal had disclosed to him the places where arms were kept or that they were guarded by a person who looked like a Sikh.

18.74 The witness was making enquiries from Mr. Nagarvala about the progress of the case. He did not ask him about a very minute detail, but only to find out how the matter was progressing. He did what he thought best under the circumstances.

18.75 Mr. Desai has deposed that the theory of kidnapping was never mentioned to him by Mr. Nagarvala nor was it discernible from anything said or disclosed by Prof. Jain but when his attention was drawn to the portion of the statement of Mr. Nagarvala which relates to the kidnapping theory, Mr. Desai said "but that would not impair the value of investigation which was being carried out under my instructions" but he added when asked by the Commission that he would not have accepted the kidnapping theory.

18.76 When asked whether in the list of persons whom Nagarvala proposed to arrest, the names of Nathuram Godse and Apte were mentioned, his reply was that they were not included in the list and had not even transpired at that stage. Towards the end of his statement and in reply to Mr. Lal, Mr. Desai said that they including Nagarvala were all working on the theory that the throwing of the

bomb was an attempt on the life of Mahatma Gandhi and that there would be a further attempt. That shows that the conspiracy was to murder and not to kidnap unless kidnapping was to be a prelude to killing.

18.77 Reference may here be made to the statement made by Mr. Desai in the Bombay Legislative Assembly on a cut motion on March 12, 1949. There Mr. Desai gave the story of how Prof. Jain went to Mr. Kher on January 21, 1948, and what he told Mr. Kher. After he had a talk with him alone, Jain had not mentioned his name was of Mr. Jayaprakash Narayan or of any other person because Jain was kept secret by Mr. Desai at Jain's own request because he was not prepared and afraid that the disclosure of his name might endanger his life and Mr. Desai agreed not to disclose the life of Prof. Jain. He added to take the odium of exposing the information to Sardar Patel but that he had not only informed Mahatma Gandhi himself that his life was in real danger and implored him to be more careful but the Mahatma was also informed of any search being made of all persons coming to attend prayer meetings. He added that there were lots of police-attend plain clothes at the prayer meeting ground which was evident from the fact that Nathuram Godse was arrested by a policeman in plain clothes.

18.78 He further said in his speech that he had told the police officer to take action against everybody against whom there was any suspicion. The significant statement of Mr. Desai in connection with his taking part in the investigation was this—

"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".

From this one may conclude that—

- (1) The information which Mr. Desai was given by Professor Jain was conveyed to Mr. Nagarvala at the Central Railway Station, Bombay, from where Mr. Desai was to leave for Ahmedabad.
- (2) That he was enquiring from Mr. Nagarvala about the progress of the case but he did not ask about the minute details and rightly so.
- (3) The theory of kidnapping was never mentioned to him but it appears that Nagarvala did mention to him that he was waiting to make arrests simultaneously. But even at that stage neither the name of Godse nor of Apte had transpired.
- (4) It does not appear that Nagarvala had a copy of the list, Ex. 114 or 114-A, giving the names of the leaders of the Hindu Mahasabha and R.S.S. nor is there any indication that Mr. Nagarvala was aware that a list of Hindu Mahasabha and R.S.S. workers had been compiled which was

with the Government of Bombay and from which association of Karkare with other co-accused could have been deduced.

- (5) Although Mr. Desai was not told of the kidnapping theory yet working on that theory would not have impaired the value of the investigation which was being carried out "under my instructions". So Mr. Desai has taken upon himself a direct responsibility of directing the investigation, which could not have been effective if Nagarvala saw him only 2 or 3 times during the whole investigation of the bomb case, i.e. 10 days.
- (6) In his speech before the Legislative Assembly, Mr. Desai has again claimed that he was making enquiries from the police officers as to what was being done in regard to the investigation because he wanted to give them the benefit of his views and knowledge. Thus, he has claimed directions by a minister in regard to investigation by the police which might ordinarily be very dangerous thing because besides its likelihood of being a fetter on the investigational activities of trained police investigators, it may be used as an engine of oppression against political opponents by a particular party in power. The question whether the ministers have any right or it is proper for them even otherwise to give directions in regard to investigation has been discussed elsewhere but at this stage it will suffice to say that the practice of special interest by ministers in investigation by police can become dangerous and even oppressive because of the danger of the police becoming overzealous and showing unsavoury keenness to produce results.

Mr. Dehejia, Wit. 84—

18.79 An other important witness as to the events preceding the throwing of the bomb and the murder of Mahatma Gandhi is Mr. V. T. Dehejia, I.C.S. (Retired)—witness No. 84. At the relevant time, i.e., from about August 1947 to sometime after the murder, he was the Home Secretary in the Home Department of Bombay Province. With most of the governmental activity concerning what was happening in Poona and Ahmednagar and in Bombay itself he was intimately associated and he was fully aware of what was happening in different parts of the Province of Bombay, and his notes in the Secretariat files show that he took an intelligent interest in those matters and are indicative of his vigilance and grasp of affairs. Three different circulars based on three different notings in the Bombay Secretariat were issued. These were exhibits 179 for precautions against observance of anti-Pakistan Day; Ex. 174 against violent activities of certain parties and to check them. Ex. 175 warning against the bringing in of Sikh refugees in Maharashtra areas to spread anti-Muslim feelings.

18.80 Under the directions of the Premier, Mr. Kher, and subsequent discussions with the Home Minister and the Secretariat officials, a direction was sent to the Provincial CID and the Commissioner of Police to compile a list of officers of the Hindu Mahasabha and the R.S.S. The list prepared for Poona was Ex. 114 and

for Ahmednagar Ex. 114-A which were sent to Government from Poona. By a letter to Mr. Dehejia, Ex. 113-A, dated August 19, 1947, Mr. Rana, DIG, CID, Poona said that arrangements had been made to keep a watch on the activities of the R.S.S. and the Hindu Mahasabha and periodical reports would be sent. It seems that later Mr. Rana suggested that as secret weekly reports were being sent, it was perhaps not necessary to send special reports which had been ordered; on which Mr. Dehejia wrote that they were necessary. The matter was put before a meeting of the Cabinet and it was decided to discontinue the periodical reports on these two organisations and Mr. Rana was informed accordingly.

18.81 Mr. Dehejia was examined on all these matters in detail. In regard to the special reports, he has stated that as there was apprehension of violence which was indicated by rabid speeches made on the anti-Pakistan observance day and also as there was apprehension that there might be trouble on the 15th August 1947 (Independence Day), the witness thought the continuance of special reports on these organisation to be necessary in spite of what Mr. Rana had suggested. He wrote this because considering the background of the orders passed and of his knowledge of what was happening in the province, special reports were in his opinion necessary. And when the Cabinet passed a different order he naturally carried it out. He was asked whether he pointed out to the Ministers that their order was contrary to his advice, he replied that he had already given his advice and that it was for the Ministers to take any decision.

18.82 When asked why special reports were necessary, his reply was that there was a report of the proposed observance of the anti-Pakistan Day and in order to check the trouble on that day the special reports were necessary but evidently the danger had passed and therefore the authorities thought that the special reports were no longer necessary.

18.83 The Commission then examined him in regard to the statement of Mr. G. V. Ketkar about the hostile sentiments allegedly rife in Poona against Mahatma Gandhi, he replied that these sentiments appeared or came in waves. After the Partition they were directed against the Congress and Mahatma Gandhi and again when he undertook the fast, similar sentiments were against him. But in between the period there was a lull and there was little evidence of such sentiments. They (the hostile sentiments) revised among the Hindu Mahasabha group in greater intensity after the fast was undertaken.

18.84 When asked about the Poona papers creating an atmosphere of violence the witness's reply was that the writings in the Press were against Muslims which incited the Hindus against them. One of the papers was the *Hindu Rashtra* against which the Government had to take action, but he could not recollect whether this paper was anti-Gandhi but they (the Poona papers) were anti-Congress and anti-Muslim. Mr. Dehejia had no recollection of any speech made by Dr. Parchure in December 1947 that Nehru and Gandhi would reap fruits of their sins in a short time. The Government was prepared for trouble from the Hindu Mahasabha but not that there would be

18.85 In regard to the special reports, Mr. Morarji Desai, witness No. 96, has stated that although the Secretary, Mr. Dehejia, said that they were necessary, the Cabinet considered the matter and came to a different conclusion and that Dehejia must have given his opinion because the original order had come from the Premier and himself (Mr. Morarji Desai). This was not the view of Mr. Dehejia whose advice was that the reports were necessary because of the peculiar conditions prevailing in the Province. He did not base his opinion on what the ministers had done or had not done.

18.86 Mr. Dehejia also stated that the feelings against Mahatma Gandhi which manifested themselves in violent speeches etc. were not directed against him personally but against what was regarded as his pro-Muslim policies. The people who expressed these feelings were the members of the R.S.S. and the Hindu Mahasabha, but they formed a small section of the community in Bombay Province and were confined to what was called Maharashtrian part i.e. in Poona and roundabout. Some of the newspapers were criticising Mahatma Gandhi for his pro-Muslim policies but the witness was not prepared to call them rabid. Although these newspapers were criticising the pro-Muslim policies of the Mahatma they did not preach violence against the person of the Mahatma or against any other Congress leader. Action was taken against all those newspapers which were carrying on communal propaganda. He then said in answer to a question by Counsel for the Maharashtra Government that the notices for demand of securities were withdrawn from the newspapers on the occasion of the Independence Day.

18.87 When his attention was drawn to the statement of Mr. G. V. Ketkar about the hostile sentiments being expressed in Poona against Mahatma Gandhi and the atmosphere inducing violence he said that in the second half of 1947, information was frequently coming, that there would be serious Hindu-Muslim riots but there was no information reaching the Government that there was any threat of murdering any Congress leader or senior administrative officer but when his attention was drawn to Dr. Parchure's speech about "Nehru and Gandhi reaping fruits of their sins in short time" he said that if he had learnt about it he would have been put on guard but he would not have concluded therefrom that Gandhiji and Nehru were going to be murdered but he would not let the speech pass without any further inquiry.

18.87-A As a matter of fact the District Magistrate was asked by Government about this speech of Dr. Parchure but his reply based on the report of the D.S.P. was that the report of the speech was based on the police reporters memory as the speech was in Hindi and there were no police Hindi shorthand reporters. That might perhaps be the reason for the immobility of the police or the quiescence of the Bombay authorities but the sentence is so telling that the police reporter would not have put in unless some such words were said. Commission of course presumes that the reporter knew Hindi and did not have a mind which could imagine or make up things.

18.88 Mr. Dehejia's attention was drawn to the weekly letter in which the speech was mentioned and other documents following thereupon (Ex. 131-A); his reply was that he would not be able to recollect as to what happened on the reports received from the D.I.G., C.I.D. In reply to a question by Commission the witness stated that if they wanted to take any action against Dr. Parchure they would not have been able to do so because Gwalior was still an Indian State. The witness added that from that speech alone he would not be put on guard as to an apprehension of murdering Mahatma Gandhi or Jawahar Lal Nehru. The Commission has a different view of the meaning of these words, which if they were uttered, could not be treated as anything but dangerous and the extra territoriality of the Indian Penal Code could not be thwarted by Dr. Parchure being in Gwalior.

18.89 The second point on which the statement of this witness is important is the relations between India and Hyderabad which were deteriorating and that some time in June 1947, an order was passed for withdrawing the prosecution under the Explosives Substances Act against Khanolkar brothers. There is also other evidence to show that arms were being collected by certain Hindus even before the end of 1947 as a precaution against the Razakar depredations. The Commission cannot overlook the fact that that was an important factor in the policy of the Government regarding the possession of explosive substances by individuals and the action which the Government would have otherwise taken against them. Evidence of some such cases in Ahmednagar and some in Poona has been brought before the Commission to show that people were agitating against the Razakars and the D.S.P. of Ahmednagar, particularly, was frequently away to the Hyderabad-Ahmednagar border in order to stem the Razakar trouble.

18.90 The Government must have been on the horns of a dilemma because there was a general atmosphere of hostility against the Congress leaders including Mahatma Gandhi, bombs were being thrown in Ahmednagar, particularly. There was a similar throwing of a bomb in Poona. But this evidence regarding the former tends to the activity being directed against the Moslems. The evidence in regard to the throwing of the bomb at Poona was a confessional statement by the man who was suspected of throwing the bomb but there was no indication of how diligently the police conducted its investigations into that case. If the D.S.P.'s evidence is any guide there was no intelligent investigation. Although a man like Apte was named by the principal suspect nothing was or could be done and the Commission can well see that these incidence would have gone unnoticed in view of the Razakar movement, had the great tragedy of murdering the Mahatma not happened. Besides this factor there was some communication from Civil Administrator, Hyderabad, saying that they were anxious that the cases of possession of explosives should not be proceeded against in what was British India.

18.91 When the witness was asked by Counsel for Maharashtra as to what his source of information was regarding the activities of the Hindu-Mahasabha and the R.S.S. being directed against the

Muslims and not against the Congress or Congress leaders, the witness stated that his source of information was the weekly letters from the District Magistrates and from the Commissioner of Police the D.I.G., C.I.D., Poona. The witness himself used to read the English, Marathi and Gujarati papers and also got translations from the Oriental Translator and he also got the information from the persons who visited him, which is the usual source of information of these high officials.

18.92 Although the noting of Secretariat files of this witness has shown a clear grasp of the problems which arose at different times indicating a vigilant mind the Commission is unable to accept some of the statements of this witness particularly that there was no atmosphere of violence discernible from the newspapers and from the speeches made by various people in Poona. The evidence of Messrs Ketkar, Khadilkar and the late Mr. N. V. Gadgil and the documents which have been produced shows not only a general atmosphere of violence but a particular slant directed against the Congress leaders including Mahatma Gandhi. The intensity of feelings against Mahatma Gandhi was the consequence of what was considered to be the appeasing of Muslims at the cost of the Hindus, of which the Partition, the post prayer speeches of Gandhiji and the giving away of Rs. 55 crores were outward manifestations. On a matter like this the people, who are non-officials, who move in non-official circles and are generally in touch with the general state of affairs of a town and sentiments of the citizen have a better knowledge than the officials, even though they happen to be clever, vigilant and wide-awake. This is particularly so in the case of non-official gentlemen who take a prominent part in politics whatever colour of the spectrum it may assume.

Mr. Kanji Dwarkadas, Wit. 7—

18.93 Mr. Kanji Dwarkadas witness No. 7 is a Labour leader, a follower of Mrs. Besant and a Socialist. He deposed that two days before the murder Mr. B. G. Kher went to Mahatma Gandhi and told him that Poona Brahmins were committed to murder him and as it was his silence day, Mahatma Gandhi wrote on a piece of paper, "If I have to die, I shall die. I do not want any police protection". Mr. Kher also told the witness that Nathuram Godse was running a rabid Hindu Mahasabha paper and that he knew that these people were after Gandhiji and that the Delhi C.I.D. did not take the Bombay Police into confidence, otherwise they would have immediately come to know about Nathuram Godse. He had also said that from the recovery of a shirt in the Marina Hotel which had dhobi mark "Nathuram Godse" the police should have been able to trace him.

18.94 The Communist paper 'People's Age' had been saying since August 1947 that the Mahatma was going to be murdered, that the Delhi Police was infiltrated with R.S.S. people and that the Deputy Commissioner of Delhi was behind the movement and they were not keen on protecting the life of the Mahatma.

18.95 He further deposed that a doctor friend of his, Dr. X in Alwar State, went to Mahatma Gandhi in the middle of December

1947 and told him that Alwar and Bharatpur States were in the conspiracy. Acharaya Jugal Kishore had also warned Gandhiji about it. The doctor above mentioned had sent a leaflet to Acharaya Jugal Kishore that Gandhiji must be murdered and the Acharaya wrote back to the doctor that he would place the leaflet before Gandhiji and Panditji.

18.96 Mr. Kher was perturbed and unnerved after the murder of Mahatma Gandhi but he did not blame himself. He blamed the Delhi Police.

18.97 Although the U.P. Government had inquired into the R.S.S. and its violent activities some time in 1947, no action was taken against them. His complaint was that Nathuram Godse was not shadowed and he was allowed to go from one place to another.

18.98 Previous to the murder he did not know that the life of Mahatma was in danger. He placed before the Commission a document, his confidential note entitled, "India January-February 1948—The dismal story".

18.99 In cross-examination he said that he was very friendly with Mr. Morarji Desai. Dr. Sushila Nayar was asked if she was the doctor but she said that she was not and Acharaya Jugal Kishore has also denied by an affidavit dated 11th May, 1967 of having received any such leaflet from the doctor or any knowledge about it.

18.100 Mr. Purshottam Trikamdas, Barrister-at-Law, witness No. 15, stated that the last time he met Gandhiji was when he went to see him at Delhi in the beginning of January 1948 when he had just started his fast. There is some confusion about the dates. He had gone there to inform him about the decision of the Socialists to leave the Congress, but Gandhiji told him to wait till after the fast. He also said "Who knows I might come and join your party and lead it". He then said "Sardar calls himself my Chela, Jawaharlal calls himself my Beta but both of them seem to think that I am crazy and nobody listens to me: MERI KOI SUNTA NAHIN HAI. He was in a very depressed mood."

18.101 After he returned to Bombay from Delhi a well-dressed man aged about 50 or 55 whom he did not know came to see him and told him that Gandhiji's life was in danger and that he knew something about it. He was closely connected with Gokalnathji Maharaj. He also said that arms were being procured. Mr. Purshottam then promptly took him to Mr. B. G. Kher who was a friend of his and the man repeated the story to him. Thereafter Mr. Morarji Desai was called by Mr. Kher and Mr. Kher briefly narrated the facts to Mr. Morarji. Mr. Morarji then took the man to his own chamber and Mr. Purshottam then left. Mr. Kher did not ask him as to who was going to assassinate Gandhiji. As a matter of fact Mr. Purshottam himself had asked the man but he refused to disclose the names. Later on when Mr. Purshottam met Mr. Kher the latter told him that Mr. Morarji Desai thought that "the man was dotty." Mr. Purshottam did not go to the Commissioner of Police because he was not sure whether he would have done anything or not

and in his opinion it was better to go to the Chief Minister and Home Minister who could get inquiries made and collect information. He also gave information to Mr. C. K. Daphtry who was leading for the Prosecution in the Gandhi Murder case, and offered to give evidence. At that time the name of his informant was fresh and he would have been able to give it but he was never called as a witness.

18.102 The evidence of this witness shows that even people of his position were reluctant to go to the police.

Jayaprakash Narayan, wit. 98—

18.102A Mr. Jayaprakash Narayan, witness No. 98, stated that he had no recollection of sending a man to Mr. Purshottam with the information regarding danger to the life of Mahatma Gandhi. He could not have sent a man because he did not take the information regarding danger to the life of Mahatma Gandhi seriously. To quote him—

"I have no recollection if I had sent a man to him. If I had sent that man to him that would mean that I had taken the information seriously, which I did not. That may be wrong on my part but this is exactly what happened and I am stating so."

18.102B He added, "At that time, it must have appeared very incredible to anyone to whom this information was given."

18.102C He also did not speak to Gandhiji about this information nor to Sardar Patel. He had a great deal of respect for Sardar Patel although they did not see eye to eye on political matters. He (Mr. Narayan) did blame the police for not being vigilant. He was surprised that any Indian could have committed the murder of Mahatma Gandhi. It made no difference as to where he came from. He was not aware that there was a party of militant people who would commit violence against the person of Mahatma Gandhi. There was a strong antagonism between the group of Tilakites and Gandhites, the Kesari group and the Savarkarites but that was all on the political level. He could not imagine that anyone would commit murder of Mahatma Gandhi whatever be the differences.

Mr. J. D. Nagarvala's statement

18.103 As the conduct of Mr. J. D. Nagarvala, the then Deputy Commissioner of Police, Bombay, has come in for serious criticism at the hands of counsel, the Commission thinks it necessary to set out the salient points of his statement which are relevant to the course of the investigation or inquiry which he conducted after the information given by Professor Jain had been relayed to him by Mr. Morarji Desai. The evidence of Mr. Nagarvala comes to this.

18.104 There was communal tension due to influx of refugees into Bombay. Arms and ammunition were left by the British with certain communities and transmitters left by the Royal Air Force were being used for transmission of news to Pakistan.

18.105 The Hindu Mahasabha believed in political assassination as a means of achieving political ends but there was no talk of assassination at the time. The City Police did know of Savarkar and his previous history and there was a dossier of his with the police. But his group was not operating in Bombay City and Savarkar himself was not watched because being a political leader of all India position, it required the orders of the Government to put him under watch.

18.106 Before the bomb was thrown at Birla House, there was no political activity in the City of Bombay from which it could reasonably be deduced that any particular person or set of persons were likely indulgents in political violence.

18.107 The Bombay City Police had not heard of Madanlal or of Godse or Apte before the bomb was thrown, and the Bombay City Police could not have started any investigation from mere Press reports unless it was therein given that Madanlal had migrated to some locality in the City of Bombay. On the 21st January there was no communication from Delhi about the Bomb incident. Normally, the practice was that if any information had to be sent by the police of one Province to that of another, it would communicate with the Inspector General of Police or the D.I.G. or the D.S.P. direct, and in the case of the Bombay City with the Commissioner or the Deputy Commissioner of Police.

What Mr. Desai told Nagarvala—

18.108 Officially Mr. Nagarvala got information about the bomb on January 21 when the Home Minister called him and told him of the information which Professor Jain had given him without disclosing to him the name of Professor Jain. He was asked what information was given to him by Mr. Morarji Desai.

"Q. Did he tell you anything?

Ans. Yes, he did. He told me that the man Madanlal who had exploded the bomb in Delhi prayer meeting of Mahatma Gandhi was companion of one Karkare from Ahmednagar and I should try and arrest Karkare."

Mr. Desai also suggested to him that he might keep a watch on Barrister Savarkar's house. Whatever Mr. Morarji Desai told him was correctly recorded by him in his Crime Report No. 1 as follows:—

"I was told by the H. M. that he had received definite information that the attempt on the life of Mahatmaji on 20-1-48 at the prayer meeting at Birla House, Delhi, was made by one Madanlal along with his associates, Karkare and others. He also told me that Karkare and Madanlal had seen Savarkar immediately before their departure to Delhi to attempt on the life of Mahatmaji. He also ordered me to apprehend and arrest this man named Karkare who hailed from Ahmednagar and whose arrest he had already ordered in connection with other incidents of anti-Muslim nature at Ahmednagar. He also ordered me to inquire and apprehend the associates of Madanlal and Karkare."

18.109 Mr. Nagarvala also stated that he had kept a note about the information by Mr. Desai but he did not take down a First Information Report as he was not making an investigation. He said—

"I was not an investigating officer. They were orders given to me by the Government on the basis of which I started my inquiries."

He had those papers upto the time the judgment was given because soon after he had to give an explanation to Government. Professor Jain's name was not given by Mr. Desai nor did Mr. Nagarvala ask the Home Minister as to who his informant was. Further he was told by the Home Minister that the throwing of the bomb was an attempt on the life of Mahatma Gandhi by Madanlal, Karkare and their associates and he wanted him to find out who the other associates were and to apprehend them.

18.110 *Steps taken by Nagarvala*—When asked as to what steps he took after getting the information from the Home Minister at the railway station, Mr. Nagarvala replied:—

"I called back my officers from their houses and the very night we started setting out watches and lookouts and trailing suspected persons specially those amongst the refugees and others who were agitating at that time. We also placed a watch on Savarkar Sadan at Dadar. One of the persons named was Karkare. According to the information that we had there were others also who were agitating and who were known to be persons who could take to violence. Next day I tried to contact D.S.P., Ahmednagar but he was not there. I contacted my brother who was an Honorary Magistrate in Ahmednagar and was President of the Municipal Committee, to find out and let me know if Karkare was in Ahmednagar. I did not know Karkare but my brother would know him. On the 22nd or 23rd he rang back and said that Karkare was not in Ahmednagar. It may be that I rang him up on 21st evening or 22nd morning. It was most probably the 22nd morning."

"Later on I did not ask the D.S.P. about Karkare. This was because Mr. Morarji Desai had told me that he had ordered his arrest already."

18.111 In regard to the arrest of Karkare, he said that he tried to get in touch with D.S.P., Ahmednagar but he was away. Then he spoke to his (Nagarvala's) brother. Karkare was not in Ahmednagar but his information located Karkare's brother who was working in one of the Bombay mills as a technician and then his house was kept under watch but Karkare never came to the house.

18.112 Savarkar's house was kept under watch because the Home Minister had told Nagarvala that Karkare etc. had seen Savarkar before leaving for Delhi and they knew that Savarkar believed in the cult of violence. He was asked if the would be murderers had visited Savarkar's house before they went to Delhi to commit the offence. His reply was that they had not. The reference here seems to be when Godse and Apte went a second time.

18.113 *Information from Delhi Police*—Mr. Nagarvala's account of what the Delhi Police wanted was this: Before the 22nd January he had no information from the Delhi Police.

"Q. When did you get the information about the bomb incident from the Delhi Police?

A. I got the information through the two Delhi Police officers —one was Dy. S. P. Jaswant Singh and the other was Inspector Balkrishan".

The Delhi Police officers came to see him at about 10. They told him that they had come to Bombay to arrest one "Kirkeree" and that they were staying at Avtar Singh's Shere-Punjab Hotel at Frere Road. Nagarvala told them that whatever help they needed they would get. They did not bring any letter or communication from their senior officers. All they had with them was a small slip of paper on which one or two words were written in Urdu. He was emphatic that they had no other document of any kind with them.

18.114 When the case diary No. 3-A, Ex. 3, was read out to Mr. Nagarvala and also the statement therein that he (Nagarvala) had telephonic communication with authorities in Delhi, his reply was that he had no such conversation nor did he have any conversation with the police officers of the kind recorded in 3-A. The particular attention of Mr. Nagarvala was drawn to paragraph 3 of case diary No. 3-A and he stated that it was not correct that full facts were given to him nor was he ever shown Ex. 5-A which he said he was seeing for the first time before the Commission. When asked if what was stated in paragraph 4 was a fake, his reply was:—

"As far as I am concerned, yes".

18.115 He did not tell the police officers to stay with Inspector Kargaonkar but he advised the Delhi Police officers not to stay at Avtar Singh's Hotel as that would make the whole investigation fruitless. Kargaonkar was in the office and he offered to keep these officers with him as his family was away and he also offered the use of Government station wagon allowed to his Branch. He said—

"At this stage we were not aware of the connection of the editor of Agrani or Hindu Rashtra and Inspector Kargaonkar could not have talked to them about this".

18.116 Mr. Nagarvala was not told who had sent those police officers to Bombay. All he knew was that they had come to arrest Karkare and belonged to the Delhi Police. He again repeated that they brought no communication, no letter and no document. All they wanted was to arrest Karkare. It may be remarked that if Delhi Police had given the information which they said they gave him, there is no reason why he should not have made use of it.

18.117 Mr. Nagarvala was questioned as to whether he asked them about any statement made by Madanlal, his reply was—

"No, I did not ask them but during the course of conversation I gathered that they had no knowledge of what Madanlal had said or done."

He did not ask them anything about the antecedents of Madanlal because the Home Minister had told him that he and Karkare were together and the Bombay Police was already looking for Karkare. Mr. Nagarvala repeated "that the officers could not have told me anything more because they knew nothing more".

18.118 When asked if he had got the Delhi Police diaries translated into English, he said that he did get them translated and he went through the English translation of the case diaries of the bomb case. When his attention was drawn to paragraph 15 of case diary No. 1 and that Deputy Superintendent Jaswant Singh and Inspector Bal Kishan were present when the statement of Madanlal was made and therefore they must have known what statement he made, his reply was that that may or may not be so. All the information they gave him about Karkare was that they had come to arrest him. He did not ring up Delhi to find out what the officers had been sent for as it was not for him to do so. The investigation was by Delhi Police. It was for them to ask for help. Assuming that in a strictly legal sense this position is correct, yet because the matter concerned the safety of a person like Mahatma Gandhi, one should have expected more inquisitiveness to get out all what those Delhi officers knew. A bland legalistic approach at that stage was no credit to the Bombay "Inquiry". And if the Delhi Police officers could give him no information, a long distance call to Rana or to the New Delhi Superintendent of Police could have been helpful.

18.119 No one had asked him about Delhi Police officers' complaint regarding treatment meted out to them.

18.120 *Knowledge of Madanlal's statement*—He came to know about Madanlal's statement after the murder. Mr. Rana did not tell him what statement Madanlal had made but he told Mr. Rana what he had done upto then in the way of investigation.

18.121 He came to know that the conspirators were from Poona only during the investigation and not before. The Home Minister had told him that Karkare and his associates wanted to murder Mahatma Gandhi. Strictly in its legal sense, he did not know about the conspiracy but he came to know about it during the investigation of the murder case. All that they knew before the murder was that Karkare and his associates were likely to murder Mahatma Gandhi.

"Q. Were these associates according to your information Maharashtraans or refugees from Pakistan?

A. The information that we had in this connection was as recorded in my case diary and my reply to Government which would show that predominant suspicion of the Bombay City Police was on people who had migrated to Bombay and who might be classed as refugees."

He did not learn from Ahmednagar about the associates of Karkare. His information was that Karkare was not in Ahmednagar during the last few days. He did not know that Madanlal had migrated to Ahmednagar or had been living there. All he knew was that Karkare belonged to Ahmednagar. But this is not in absolute accord

with the first Crime Report. He further said that he did not think it necessary to find out from Ahmednagar Police about the associates of Karkare. That, in the opinion of the Commission, was an erroneous approach.

18.122 It was only after the murder that he came to know that amongst the associates of Karkare were Poona people like Godse, Apte and Badge. About Badge he knew that he was a trafficker in arms but he did not connect him as an associate of Karkare or Madanlal. He said that he must have ordered a watch to be kept at the railway stations which would also include the airport.

18.123 It is difficult for the Commission to find on the evidence as to what watch was kept at the Air or Railway terminals but if any watch was kept it must have been most ineffective because Karkare, Apte and Godse used both rail and air without any detection during the period 23rd January 1948 to 27th January 1948. The watch could not but be futile as no one seemed to know these people as the statement of Mr. Rana shows.

18.124 On his return from Delhi on the 27th January, Mr. Rana stayed with Mr. Nagarvala and the latter explained to him what he had already done, and they decided to let the D.I.B. know about it. In the presence of Mr. Rana, Mr. Nagarvala told the D.I.B. on the telephone as to what he had done.

18.125 Nagarvala did not ask Mr. Rana as to the contents of the statement of Madanlal because Mr. Rana appeared to be satisfied with what he (Nagarvala) had already done. This is rather a peculiar statement because Mr. Nagarvala was working out the information given by Professor Jain which had been conveyed to him by Mr. Morarji Desai and Madanlal's statement at Delhi would have been helpful in working out the information. Mr. Rana had brought a valuable piece of information from one of the co-conspirators and the Commission has been unable to find any reason why the contents of Madanlal's statement were not given by Mr. Rana to Mr. Nagarvala and why the latter did not ask Mr. Rana as to what the statement contained, particularly when Mr. Nagarvala later stated that he would have liked Madanlal to be brought to Bombay.

18.126 According to the statement of Mr. Nagarvala, Badge could not be considered a member of the Savarkar group because he was trafficking in arms and Mr. Nagarvala was looking for him not as a conspirator but as a trafficker in arms. Nothing may at this stage turn on what category Mr. Nagarvala put Badge in. But whatever he was, if it was necessary to find out about Badge or to arrest him, the proper course should have been to make inquiries about him from Poona unless there were such contacts in Bombay itself who could give all the information which the Poona Police possessed about him. The Commission has evidence of Poona witnesses that Badge was a supplier of arms, and there was connection between Badge and Apte shown by an entry in an account book of Rs. 2000 having been given for the purchase of arms and that Badge and Karkare were friends. It may be that it might not have been a wise thing to arrest Badge

at that stage of which the sole judge was Mr. Nagarvala. But to make full inquiries about him could have been helpful in a successful conclusion of the task set by Mr. Morarji Desai to Mr. Nagarvala. It may be added that Mr. Nagarvala has stated that he was looking for badge to find out a source of supply of arms.

18.127 Kidnapping theory—Mr. Nagarvala was asked as to whether the information with the Bombay Police was that there was no conspiracy to murder Mahatma Gandhi. His reply was "What we learnt from our contacts and enquiries was that there was a plan to kidnap Mahatma Gandhi but what the Home Minister told us was that there was a definite plan to assassinate Mahatma Gandhi." Whatever he wrote in his letter, Ex.8, was correct. Mr. Nagarvala went on to say that there were about 400 persons in this gang whose objective was the sending away of Muslims from India, so at that time the information was one of kidnapping of Mahatma Gandhi and not of murder. Mr. Nagarvala added "I would like to add that this was just information that I had got and it had yet to be verified."

18.128 He was asked why he persisted in his theory of conspiracy of kidnapping and not of murder. His reply was that that was not his theory but that is what he learnt during the course of investigation and he was having interviews with the Home Minister and was keeping him informed of what the enquiries had led him to. He added 'What I mean to say is that I was working on the information given to me by the Home Minister and at the same time telling the Home Minister the result of my enquiries.'

18.129 He was further asked whether this statement did not make it clear that the attempt was to murder the Mahatma and not to kidnap. His reply was that the Minister had already told him about the attempt to murder the Mahatma but the inquiries made by him led to a plot of kidnapping. If the statement of the 20th had been shown to him he would have taken it as further corroboration of the Home Minister's information and he would have asked his officers to continue their inquiries not on the basis of kidnapping alone but also on the basis of attempt to murder Mahatma Gandhi.

18.129A He emphasised that he had not seen Ex. 5A before. He was asked whether the reading of Ex. 5A would not have disclosed to him the class of persons who were in the conspiracy though not their identity. His reply was that it was possible to get a clue as to who those persons were. More so, from the reference to Karkare as proprietor of the Deccan Guest House and member of the R.S.S. Mr. Nagarvala tried to clarify the matter in regard to conspiracy to murder or the conspiracy to kidnapping Mahatma Gandhi. He said—

"On 21st January 1948, the information that was given to me by the Home Minister, Bombay, is recorded in Crime Report No. 1 dated 30-1-1948 contained in a document called file of crime reports which is marked Ex.185 by which number the whole book will hereinafter be referred to. The first crime report dated 30-1-1948 contained in Ex.185 reads: 'Before the Home Minister talked to me all I had was

the report in the newspaper which I had 'read.' I started no activity or enquiry till I received instructions from the Home Minister. In other words, the information to me was attempt on the life of Mahatma Gandhi. What I recorded on that occasion was this: "I was told by the Home Minister that he had received definite information that the attempt on the life of Mahatmaji on 20-1-1948 on the prayer meeting at Birla House, Delhi, was made by Madanlal and his associates Karkare and others."

All that was conveyed to me by the Home Minister was that an attempt had been made on the life of Mahatma Gandhi on 20-1-1948 by Madanlal, Karkare and others. During the course of my enquiries what I learnt was that at no stage it was contemplated that we should go on with the theory of kidnapping and forget the original information. The information of kidnapping transpired during the course of enquiries in connection with the information furnished by the Home Minister. I did not ask the Home Minister as to who his informant was. I would not do so because if the Home Minister wanted to tell me the name of his source he would have done so. Whatever information his informant gave him, he passed on that to me. What the Home Minister conveyed to me was that Madanlal, Karkare and others got together and made an attempt on the life of Mahatma Gandhi. The stage at which the Home Minister gave me the information the question of conspiracy did not arise in the legal sense. If I were to register this case in the Tughlak Road Police Station as F.I.R., I would have put it under section 307, I.P.C. At this stage I would not have added section 120-B. The investigations or the enquiries which the police would be conducting would have been on the same lines whether or not section 120-B were added or invoked."

18.130 Mr. Nagarvala said that the Home Minister and the Commissioner were being kept informed from time to time of the information that he was working on and the lines on which the enquiries were developing.

18.131 Mr. Nagarvala was examined in regard to the kidnapping theory and he said that he did give credence to that theory and everybody seemed to have accepted it as a reliable theory, meaning the D.I.B. Commissioner of Police, Bombay, D.I.G., C.I.D., Poona and the Home Minister.

18.132 The Home Minister denied that he was told about the kidnapping theory which in his opinion was fantastic.

18.133 Mr. Nagarvala's reason why he did not ask the Provincial Police about Karkare and Badge was that the D.S.P. Ahmednagar was not available and that he had received information that Karkare was not at Ahmednagar and would be arrested if he came there. As regards Badge, he was not required as a conspirator but only as a person disposing of military arms and it was on that ground that he wanted to get Badge arrested.

18.134 The evidence before the Commission, however, shows that the Ahmednagar Police had a full record of Karkare's doings or misdoings in Ahmednagar, and had Mr. Nagarvala asked for this information, the District Police would have given him something valuable e.g. connection of Karkare with Apte which Sub-Inspector Balkundi furnished to the Deputy Superintendent Chaubal soon after the murder when this information was called for from him by the Poona C.I.D. Sub-Inspector Deshmukh, witness No. 32, has stated that all this information was with him.

18.135 Mr. Nagarvala got the full statement of Madanlal on February 5, 1948.

18.136 In reply to a question Mr. Nagarvala stated that when he examined him, Madanlal knew the name of Karkare, Apte, Godse which is at page 28 of his statement to Bombay Police. Names of Badge and Shankar were also given by him in the same statement at page 39 but it is not clear whether he knew the names earlier or he came to know those names later after he was brought to Bombay. He also knew the name of Savarkar. Nagarvala also said that if Madanlal had given the names of his co-conspirators earlier he would have arrested them.

18.137 He saw the first police case diary of the bomb case when it was translated in March, 1948.

18.138 *Jurisdiction to arrest-* As to the Jurisdiction of the Bombay City Police, Mr. Nagarvala said—

“Under our law in India it is open to a police officer of any place to arrest an accused suspected of having committed some crime even beyond the limits of his jurisdiction. All that is required is that if there is sufficient time it is advisable to get the help of the local police to have him arrested. And if the time does not permit the police officer does have the power to arrest him (the accused) from any part of the country and later inform the local police of the action taken by him.”

18.139 *Bombay Police not investigating bomb case*—The Bombay Police, said Mr. Nagarvala, was not investigating the bomb case but it was making enquiries on information received from the Home Minister. The offence was committed in Delhi and the investigation was in the hands of Delhi Police. The Bombay Police had neither been asked by the Delhi Police to make any investigation nor did the Delhi Police come to do it. An investigating officer had to ask for help, and if that had been done in the bomb case, the Bombay Police would have given it willingly. It was not for the Bombay Police to interfere *suo motu* with the investigation of the Delhi Police and Mr. Sanjeevi's note that Bombay Police had to do any investigation was not correct. Investigation was by the Delhi Police and the function of the Bombay Police was to assist them if and when asked. He further said that he was not under any duty to inform Mr. Kamte of the information given by the Home Minister but he did disclose to the Commissioner of Police the information given by the Home Minister on the 22nd in the Tea Room at tea which was the usual

practice where matters of that kind were discussed. When the attention of Mr. Nagarvala was drawn to Ex.8 where it was stated that the investigation was entrusted to him (Nagarvala), the reply was that the word had been loosely used. He also said that it was not correct that he told the police officers from Delhi that they were being sent back to Delhi under orders of the Home Minister. He said that there was no reason why he should have put the Delhi Police officers "in detention" as it were (*Nazar quaid*). As a matter of fact, a station wagon was placed at the disposal of the Delhi Police officers. They never told Mr. Nagarvala that they wanted to go to Poona to see Mr. Gurru.

Mr. Nagarvala stated that both of the Delhi officers came into his office and they came only once on 22nd January.

18.140 The position taken by Mr. Nagarvala is not correct. On the facts of this case, Mr. Nagarvala was making an investigation which has been dealt with in the chapter dealing with Bombay Investigation. But assuming he was making an inquiry to work out the information, he was acting as a police detective whose duty it was to obtain intelligence concerning the commission or design to commit a cognizable offence. A part of the conspiracy was entered into in Bombay City and even if it was the commission of an offence outside Mr. Nagarvala as the head of the detective agency was performing a statutory duty otherwise it would be officiousness on his part and his order of arresting Badge on 24th would be wholly without jurisdiction.

18.141 Mr. Nagarvala was asked what he would have done if the editor and proprietor of the newspaper Agrani as associates of Madan Lal had been mentioned to him. He said that he would immediately have sent a couple of his officers to Poona to contact C.I.D. Poona but their addresses were available to him from his own record, as he had a list of all the newspapers in the Province as well as of their editors and proprietors as also what the policy of the paper was. In the list, against Hindu Rashtra, it was given that it was a Savarkarite paper, anti-Congress and anti-Muslim, and intemperate.

18.142 Trunk call to Mr. Sanjevi must have been made by Mr. Nagarvala and Mr. Rana after 7 O'clock and both Rana and himself talked to Mr. Sanjevi. The more important part of the talk was that he told Mr. Sanjevi that the situation was serious and effective steps should be taken to protect the life of Mahatma Gandhi and he told Mr. Sanjevi that there was a gang whose objective was to kidnap Mahatma Gandhi. He gave this information to Mr. Rana also. Ex.8 dated 30th January, 1948, was a letter confirmatory of what he had talked on telephone with Mr. Sanjevi.

18.143 Mr. Sanjevi did not tell Nagarvala on the telephone about the complaint which the Delhi officers had made about their treatment; nor did he ever mention it to him when he met him in Delhi.

18.144 Mr. Nagarvala was asked if after the information about conspiracy to kidnap Mahatma Gandhi he abandoned his inquiries into the conspiracy to murder. His reply was "no". Asked if he was inquiring into both the stories simultaneously, he replied. "We pursued the theory of kidnapping leading us to the attempt on the life

of Mahatma Gandhi. It is not correct that I abandoned one theory and started on the other." He added that he was reporting to the Home Minister personally as to what he was doing in connection with the case and he reported to him from time to time. He would have done the same thing if the information had been given to him by a senior police officer. He kept the Home Minister informed of everything which he did from 21st to 30th and that the Home Minister was satisfied with what he was doing and he must have seen the Home Minister several times. The Home Minister also did not mention to him the editor of the Hindu Rashtra or the Agrani.

18.145 He was shown Ex. 84, the special report of the bomb case from the Superintendent of Police, New Delhi. He said that it bore his initials which showed that it must have been received on 3rd February, 1948 at 6.30 P.M. The endorsement also shows that it must have come to him direct. In that document also there was no mention of the Agrani.

18.146 Mr. Nagarvala's attention was drawn to the statement of Mr. Purshottam Trikamdas. He said that Mr. Morarji Desai or Mr. Kher did not give him any information in regard to his statement.

18.147 He said it was absurd to say that the Home Minister had directed him not to disclose the information given by Jain either to the Commissioner or to Mr. Kamte. He added that the Commissioner, Mr. Barucha, was fully aware of what he (Nagarvala) was doing. In regard to the complaint of Mr. Barucha about the watch at Savarkar's house, he said there was no evidence before him that any person who subsequently was prosecuted for conspiracy, visited Savarkar during the period 20th to 30th January, 1948. There was no such evidence at the trial. When his attention was drawn to the statement in Ex.9. about Godse and Apte visiting Savarkar on the eve of their departure, he said that that information must have come to him between the 30th and 31st January but this information could not be substantiated so as to be put before the court.

18.148 Delhi Police never informed him about the marking on the clothes, N.V.G. If it had been mentioned, he would have looked up at the laundry list and made inquiries.

18.149 Mr. Nagarvala was shown paragraph 15 of diary No. 1, the alleged first statement of Madanlal, and was asked if he agreed with that statement wherein the Hindu Rashtriya and Agrani newspapers were mentioned. He replied that he did not agree that physically it was possible to record all that statement by midnight and if this statement was correct then the Delhi Police would at once have found out who the editor mentioned therein was and it would not have been necessary for them or the police officers to come to Bombay and ask for Karkare. From subsequent investigation, he could say that this was not a correct record of what was known at that stage. When asked if he did anything after reading the translation of the Delhi Police case diaries, he said that the investigation at that time had reached an advanced stage and he was not interested in showing what was right and what was wrong in the Delhi Police diaries and there was no occasion for him to go into the matter because it would

have spoiled the case and would have created frictions between Delhi Police and the Bombay Police. He added that he had no *locus standi* to interfere in the investigation of an offence which had been committed in Delhi. When asked if a man belonging to Bombay were to commit an offence in Delhi and he was known to the Bombay Police, would they start any investigation *suo motu*, his reply was in the negative and had the Home Minister not called him and asked him to take action and make inquiries in the matter, he would not have moved in the matter.

18.150 Mr. Nagarvala's attention was drawn to the statement of Mr. Bannerjee 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 called for them and that there was a convention to that effect. He replied that there was no such convention till November, 1963. The old convention was that it was for the police in whose jurisdiction an offence was committed, to bring the accused to various places mentioned by him for investigation with the help of the local police if necessary. That is also the statement of the present I.G.P. of Bombay.

18.151 When Mr. Nagarvala's attention was drawn to the noting in the Bombay Secretariat on his explanation, Ex. 14, he replied that no further inquiries were made from him.

18.152 In answer to another question, he said that he did not go to Ahmednagar because he knew that Karkare was not there. He added that if Badge had been in Ahmednagar three days earlier, before the 30th January, he would have immediately sent his men to that place. Badge did not go to Delhi when the murder was committed but he was present when the bomb was thrown. Mr. Morarji Desai did not give any information about the editor of the Hindu Rashtra or the Agrani. For the first time he heard the name of Godse when B.B.C. gave this news at 7.30 P.M. (IST).

18.153 He was cross-examined by Mr. B. B. Lall. He could only tell about the movements of Badge from his confessional statement made after the murder. In regard to Badge, Nagarvala said that he was hiding in Poona jungles because that is the information the contacts had given him. When his attention was drawn to the statement of Badge that he was attending to his normal work in Poona and that he was staying in his house from 23rd to 31st January, Mr. Nagarvala replied that it would not be in the "case diary" that his contacts in Bombay had informed him that Badge was hiding in the jungles of Poona.

18.154 It was correct as given in the Crime Report that the source informed him that the bomb was a direct attempt on the life of Mahatma Gandhi at the instigation of Savarkar and that Savarkar was only pretending to be ill to cover his evil deeds and that is why they watched the house of Savarkar from 21st. His attention was drawn to the statement of Pradhan that he informed Nagarvala and included Badge's name in the list of suspects and that he was looking for Badge as well as Karkare but could locate neither. His answer was "If Pradhan says so it must be so." Pradhan may have told him that they should look for Badge but even then he would not have put Badge in the list of suspects in connection with the bomb incident.

Nagarvala added that a source had informed him that Badge, a close associate of Karkare who dealt in arms etc. was also in the conspiracy to take the life of Mahatma Gandhi and this he has mentioned in the Crime Report No. 1. He might have learnt it on the 21st January. It was correct that in the Crime Report, it was given that they were looking for Badge in Bombay from the 21st till 27th. He also said that at that stage, he was not investigating. The crime report was only prefatory. He again said that he was looking for Badge not as a suspect in the bomb case but as a supplier of arms and that when the source informed him that Badge was an associate of Karkare, he was trying to verify that information and he said that he did not know about the description of Badge. He had not ordered the arrest of Badge between the 21st and 27th but on seeing his statement in court, Mr. Nagarvala said that he must have ordered his arrest on the 24th January. As a result of his orders, after the assassination, Badge's house was one of the 15 houses that were searched and eight persons were arrested. On 24th he ordered the arrest of Badge as a supplier of arms.

18.155 The object of watching Savarkar's house was to see who were visiting him. He added that he did not detain Savarkar group before the murder because it would have caused not only commotion but upheaval in the Maharashtrian Region.

18.156 After Mr. Morarji Desai's orders, when he started making inquiries, a lot of information was coming from numerous sources. In that context, Badge was being looked for. The names of Karkare and Badge appeared prominently in the first Crime Report. Karkare's connections were seen and they were looking for Badge. After 20th January, Badge had completely disappeared from the conspiracy. In view of all that, information about Badge had to be verified. Nagarvala said that he was treating Karkare as associate of Madanlal but there was nothing to show that Badge was also an associate. He was looking for Badge as a person dealing in illicit arms and a person who might tell "us" from where the gun cotton slab came. He added that the police was unable to trace his movements from the time he returned from Delhi till the time he was arrested.

18.157 He was cross-examined by Mr. Lall about Deulkar's coming to Bombay during the period 21st to 30th January. Nagarvala further said that there were contacts in Bombay who could give information about Ahmednagar.

18.158 Mr. Nagarvala said that he was put in charge of the murder case as the principal investigating officer. When Madanlal was brought he was interrogated by the Bombay Police. Nagarvala came to know about the name of Prof. Jain after the murder when he wanted to make a statement before the Police. Nagarvala denied that he had threatened to arrest Jain. He also examined Angad Singh. Neither Jain nor Angad Singh told him anything about informing Mr. Jayaprakash Narayan.

18.159 Mr. Nagarvala admitted that he wrote the letter, Ex.8 to Mr. Sanjevi and the Crime Report shows that he had apprised on telephone the D.I.B. at Delhi of the facts which he had learnt up to then and a confirmatory letter Ex. 8 was written thereafter.

18.160 When asked if the disclosing of the name of Prof. Jain to him earlier would have made any difference in the investigation, Mr. Nagarvala replied in the negative because whatever Jain knew he had told the Home Minister and that his subsequent interrogation showed that he knew nothing more and that information had been used before the murder.

18.161 When asked if Rana had discussed the statement of Madanlal with him, he replied that Madanlal's statement was given to him and hardly had he read one or two pages when Rana took it back from him. Rana knew what the Home Minister had told Nagarvala. He then said that they had booked a call to the D.I.B. and he informed him of what he had done in the city of Bombay and emphasised that every precaution should be taken for the protection of Mahatma Gandhi. That was also in the letter, Ex.8. He also told Rana that he was in touch with Ahmednagar and every effort was being made to locate Karkare. But the statement of Madanlal was not discussed after the telephone call nor before.

18.162 Mr. Nagarvala said that reading of the statement of Madanlal, Ex.1, would have made no difference as whatever had to be done in regard to it was to be done at Poona which was outside his jurisdiction. As far as he remembered, the statement which Mr. Rana brought was a typed copy on a slightly coloured paper, it was pinkish.

18.163 Nagarvala had asked for the identity of Karkare from Ahmednagar, i.e. particulars of the description. After the Minister had given him the information he instructed the Police to locate Karkare and his associates meaning persons who were with Karkare, but they did not know at the time as to who they were. After coming to know of the identity of Karkare it was his associates who had to be identified by persons in Poona and Ahmednagar. He corrected himself and said it should be Ahmednagar only.

18.164 The culprits, he said, were not residing in Bombay; they came to Thana and escaped from Santa Cruz by air but they were not identified by the Police there. Karkare, he said, had left by train from Kalyan in Thana district and that he (Nagarvala) himself was operating only within his jurisdiction.

NOTE—It may be mentioned that Karkare did not leave from Kalyan but took the train for Delhi from the Central Station and the other two were staying in Bombay hotels up to 27th morning.

18.165 When asked how he established the identity of Karkare he referred to the Crime Report, Ex.185-C/IV at page 5 where it is written that they had located where Karkare was and they put a watch at his brother's house.

18.166 The Crime Report showed that inquiries had been made about Badge also but Badge never came to Bombay, so the question of his identification did not arise. Nagarvala discussed with Rana what he had already done but Madanlal's statement was not discussed. He kept a small diary in which he had some names which were the same as in the Crime Report. Badge's name was also there. When

a portion of Mr. Raha's letter addressed to Mr. Kamte was read out to Mr. Nagarvala, he said that it was incorrect that persons mentioned by Madanlal were hiding in Bombay. He said that he had done his job and he was quite satisfied with what he had done.

18.167 He knew nothing about the circular regarding the activities of Rashtra Dal. Any circular for compiling a list of members of the Hindu Mahasabha and the R.S.S. would be in 'H' Branch of the Bombay C.I.D. Special Branch. When asked if he knew anything about the information given by Mr. G. V. Ketkar of Poona to Bombay Government he said that he was not told anything about it. He examined Balukaka Kanitkar after the murder because his name appeared in the inquiry but Mr. S. R. Bhagwat's name did not transpire nor Mr. Keshavrao Jedhe's.

18.168 When asked whether anybody informed him where Badge belonged to, he referred to the Crime Report and said that he belonged to Poona. They also learned that he was dealing in arms, daggers and knives, and that Savarkar was in the conspiracy. He said that he did not get in touch with anybody in Poona because he knew that Badge was not in Poona. Further he said that on investigation it was found that out of the names which are in the first Crime Report, except Karkare and Badge others were not in the conspiracy.

18.169 The Commission would like to remark that Badge was arrested on the 31st January after the murder and his house was searched. The order of his arrest on the 24th apparently was because he was suspected to be connected with Karkare. It would have been fruitful if at that stage the aid of Poona Police had been sought. An earlier arrest should have been more useful.

18.170 He reiterated that the policy he was proposing to follow had the approval of Mr. Rana, D.I.G. (C.I.D.) Apte's name had not transpired in the investigation before 31st January, 1948. That does not appear to be correct. He was mentioned by designation in Ex.1 which Mr. Nagarvala did not read. Mr. Nagarvala added that if an offence is committed at a particular place it is for the Police of that place to do investigation and if it wants to seek the help of any other Police force it is for the former to ask for the latter's assistance and therefore it was not for him to suggest or interfere in regard to Madanlal being brought to Bombay.

18.171 Mr. Nagarvala said that it was correct that he wanted the Delhi Police Officers to interrogate Avtar Singh but they were not prepared to do so. He could not force them because they were not subordinate to him. He got the statement of Madanlal on February 5, 1948. He also said that the house of Savarkar was being kept constantly under watch and he could not say where Mr. Barucha got this fact from that the conspirators visited the house of Savarkar and still they were not detected.

18.172 When cross-examined by Mr. Kotwal, Mr. Nagarvala said that Deputy Commissioners of Police had direct approach to the Minister particularly the Special Branch Deputy Commissioner. He was several times called up by the Home Minister during the course

of his terms of office and instructions were given to him in regard to arms and ammunition and possession of arms and ammunition by certain communities in Bombay.

18.173 Mr. Nagarvala said that Mr. Nanda, Minister for Labour asked him to arrest certain labour leaders but he was not agreeable and he informed the Home Minister about it and they were not arrested because the Home Minister backed him. He used to see the Home Minister about thrice a week and got instructions from him on various matters. That was because he held the office of the Deputy Commissioner of Police.

18.174 He was called by the Prime Minister Mr. Jawaharlal Nehru and was directed to help in the preparation of India's case against the Portuguese in regard to Goa, Dadra and Nagar Haveli.

18.175 He said that he had a separate brochure of the bomb case in which all the information was recorded but it was kept for two or three years and was available for the preparation of Ex.14 but it must have been destroyed by now meaning when he was making his statement. He said note Ex.14 was correct and in accordance with the record which was then available. He added that he started writing the Crime Report after he became the investigating officer; before that there were notes only in the form of a brochure. He added that he wrote the Crime Report from the 20th to the 31st after he became investigating officer. That was to help in the collection of evidence in the conspiracy case and it also showed what information he had before the 31st. Crime Report had also to be produced when the remand of an accused person was to be secured. He added that he became investigating officer as from the 31st January but actual orders were passed later with retrospective effect. Names of the persons who were arrested in the conspiracy case, the places where they were arrested from and the dates of their arrest were given in the Crime Report No. 7, Ex.185, and the Crime Reports up to the 6th of February were produced before the Magistrate at the time of the remand.

18.176 With regard to the investigation between 21st and 30th he had a notebook which is referred to in Mr. Rana's letter, Ex.30. When asked if the names of the Editor and Proprietor of the Agrani and the Hindu Rashtra were mentioned in the notebook Nagarvala's reply was in the negative and he said that he came to know about them after the murder. He added that if he had come to know about the editor or the proprietor of that paper there was no reason why he should not have taken action in regard to them. Similarly if Ex.5 had been shown to him he would have proceeded against the editor of the Agrani as he did against others. He could not recollect anything about the indexing of the names of Madanlal, Karkare and Kulkarni in the D.I.B. records because the names which the Deputy Commissioner of Bombay had were those which were on the All-India list.

18.177 When Mr. Nagarvala's attention was drawn to the Police Diary No. 3-A, Ex.38. and to Ex.5-A, as recorded in diary No. 3-A, he said that he never saw Ex.5-A; there was no occasion for him to keep any extract from that document. He denied that any facts were given to him other than about Karkare whom the Delhi Police wanted to

arrest and added that they had no more information. He denied that any information was given to him by the Delhi Police about the editor of the "Hindu Rashtriya or Agrani" newspaper. The relevant portion of the statement contained in Case Diary No. 3-A was read out to Mr. Nagarvala and he denied that anything like that happened. He also denied that he rang up Ahmednagar or booked a call to the D.L.G., C.I.D., in the presence of the Delhi Police Officers. He denied the correctness of whatever was stated in Police Diary No. 3-A. He also denied that he asked the Delhi Police Officers to go back and added that Inspector Khargaonkar could not have told anything to the Delhi Police Officers because he was not in the investigation.

18.178 Mr. Nagarvala stated that from their Police statements it appeared that both Nathuram Godse and Apte were staying in the Elphinstone Hotel, Bombay and Arya Pathik Ashram under assumed names as from the 23rd when they came to Bombay by Calcutta-Punjab Mail up to the 27th when they left Bombay for Delhi by air but at that time he had no knowledge of their being in the conspiracy. It was correct, he said, that Apte was staying in the Arya Pathik Ashram in room No. 30 as stated by PW 63 Daya Prasad Dube. In Court Daya Prasad had stated that he knew N.D. Apte and also knew him as Narayan Dattatraya and he had known him for a year and a half. Dube said that he stayed in the Hotel from 23rd under the name D. Narayan. That night another person was with him. D. Narayan also stayed in that Hotel on the following day i.e. 24th and on the morning of the 25th with a lady. It was only on this occasion that he had put down his name as D. Narayan and on no other previous occasions had he done so although he stayed in that Hotel previously also. He identified N. D. Apte as D. Narayan in Court.

18.179 It, therefore, appears that after the bomb was thrown and N.D. Apte returned to Bombay he stayed in the Ashram under an assumed name although the owner of the Ashram knew what his correct name was. It is surprising that he was allowed to do so with the knowledge and connivance of the owner.

18.180 Mr. Nagarvala then said that he was told that an order for Karkare's arrest had been issued and he was entitled to presume that the order would be carried out. He did not inform Ahmednagar Police that Karkare was wanted in connection with the bomb explosion. He added that there were contacts in Bombay who could give him information about Karkare.

18.181 At this stage Counsel for the Government of India made a statement saying that his case was not that Karkare was at Ahmednagar during the period 21st to the time of his arrest but his case was that if information had been given to Ahmednagar Police the whereabouts of Karkare could be more effectively found out. The Commission wholly disagrees with this view. Ahmednagar Police knew nothing about Karkare's whereabouts and cared less. But they did have a full record of his activities and knew that he was an associate of N.D. Apte and that could have been available to the Bombay Police.

18.182 Mr. Nagarvala was then questioned about his talk with the D.J.B. on the 27th January. He was asked if he told the D.I.B. on that

day that he had given all the information to the Home Minister, and his reply was that he could not remember.

18.183 He did not ask as to who the associates of Karkare were because there was nothing before him from which he could even suspect that Godse and Apte were associates in the offence nor did he know that Karkare and Apte were making anti-Congress propaganda or moving together. As far as Bombay City Police was concerned both Apte and Godse were unknown persons and he had no information of Madanlal's association with anybody in Poona. He did not even know where Madanlal came from.

18.184 Mr. Nagarvala also said that when a person is ordered to be watched it does not mean that a tail is to be put on him but it depends upon the instructions. In the first Crime Report he had only put down the names of persons who were prominently connected with the conspiracy to kidnap; not every body's name is there. The Delhi Police Officers had not told him that there was a conspiracy to murder. He did not ask for the dossier of Karkare from Ahmednagar Police because the Home Minister had told him that Karkare's detention had already been ordered. He would not know if there was a dossier in Ahmednagar. He said that he did not make any further inquiries about Karkare because he knew that he was to be arrested.

18.185 When asked about finding out from Nagar Police as to the associates of Karkare, he said that he found out from Nagar Police that Karkare was not there and he did not make any further inquiries but continued his inquiries in Bombay about him and his associates. He did not ask his brother to give the names of Karkare's associates. "Question of associates would have arisen if he would have got Karkare because people who came and saw Karkare did not become his associates." He said that the D.S.P., Ahmednagar could not have thrown more light on Karkare. The persons who were on his list were not necessarily associates of Karkare; those were names of persons who were anti-Mahatma Gandhi and might kidnap him and do harm to him. It had yet to be ascertained as to what association they had with others. When asked whether any one of those persons was considered to be an associate of Karkare, his reply was 'no'. But what would have subsequently been proved was a different thing. He said that in his Crime Report he had not put in the full information but all that which was pertinent. One of the main objects of writing the Crime Report at that stage was that it might not later on be said that associating the name of Savarkar with the conspiracy was an after-thought. He said that he was neither postponing nor expediting any arrests. He was taking stock of the position to the best of his ability. He did not go to Nagar on 24th as Karkare was not there.

18.186 At this stage the attention of the Commission was drawn to Ex.215-A which deals with the watching of Railway Stations. The various entries show that Badge's name was not a new one and that he was suspected of being engaged in smuggling of arms. The entries begin from 19th December, 1947 and go up to 8th January 1948. Nagarvala said that after the murder he got information that Apte, Godse and Karkare were close associates. Between 20th and 30th they were looking for associates of Karkare and he did not look

for associates of Badge because there was no information that Badge was concerned with explosion of the bomb in Delhi. He said that on 21st he was not investigating the case of conspiracy nor any case under the Indian Penal Code or under the Explosive Substances Act. Therefore, the question of calling Badge a conspirator did not arise on 21st. He was only making inquiries regarding the information that he had received from the Home Minister. He said that he had mentioned Karkare and Badge in his Crime Report. There is no reason why he should not have mentioned Gcdse and Apte if these names had been disclosed to him. If the names had been disclosed it would have been his duty to mention them.

18.187 In answer to a question by Commission he said that it was not within his knowledge as to what statement Madanlal had made. Delhi Officers only wanted to arrest Karkare as investigating officers and he was helping them. The statement of Madanlal would have been of importance if he had been making investigation into the explosion of the bomb but not if he were only making inquiries about matters given by the Home Minister. He said that the word "investigation" in his letter, Ex.8, was used in a loose sense; the correct word should have been "inquiry". He said that there was nothing before him from which he could conclude that Madanlal has made a statement in Delhi giving names of associates of Karkare. In answer to another question he said the Home Minister asked him to look for Karkare and his associates. If Delhi Police alone had come he might have referred them to the local C.I.D. or to the C.I.D. Crime Branch or to the Divisional Police. From Delhi Police Officers he learnt nothing more than the name of Karkare and they had no knowledge of anything else that Madanlal had stated. He said it was not correct that he did not take Jaswant Singh seriously; he took serious note of what he said and gave him facilities for whatever he wanted to do.

18.188 During the course of his inquiry and from the information received he had reason to believe that there was a gang which was likely to kidnap the Mahatma. He was not obsessed by any theory much less kidnapping theory. He added that if information regarding kidnapping persistently came in and was credibly correct, howsoever much one might disagree with it one had to work on it. The purpose of kidnapping as far as he knew was that if Mahatma was not there the 55 crores would not have been paid to Pakistan.

18.189 In Ex.7 paragraph 8, Mr. Sanjevi had stated—

"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."

Mr. Nagarvala was given an opportunity to reply to this matter and his reply was that the statement in paragraph 8 was not correct and that Mr. Sanjevi in his telephonic talk never asked him about any absconding accused. The Delhi Police officers had not brought any descriptions or names of the absconding accused except the name of Karkare, and it was not possible that Mr. Sanjevi could have asked

him on the telephone about the absconding accused except Karkare. In his conversation with Mr. Sanjevi, Nagarvala had mainly referred to the information which he had received about the conspiracy to kidnap Mahatma Gandhi by a large gang. It was his practice to confirm by letter the substance of a telephonic talk and he, therefore, sent a confirmatory letter on the 30th January, 1948 summarising the talk which he had with Mr. Sanjevi on the telephone and the letter is a correct record of the talk he had.

18.190 Mr. Nagarvala also stated that the Delhi police did not hand over to his C.I.D. Inspector any note or paper containing names and descriptions of the accused. If any such note had been handed over then, the Inspector would have brought it to his notice.

18.191 Mr. Nagarvala was recalled and he stated that the documents prepared by the Poona C.I.D. about the Hindu Mahasabha and sent to Government, reference being to Ex.114 and 114-A, did not come to his notice and would not come to his notice.

18.192 He did mention about the kidnapping theory to Mr. Morarji Desai and if the latter says that he did not then it must be due to lapse of his memory. He met the Home Minister several times between the 20th and the 30th January in connection with the information which the Home Minister had given him. Instructions given to the witness were that he was to arrest Karkare and his associates connected with the bomb explosion. He would not, he said, run to the Home Minister and tell him that he was unsuccessful in arresting Karkare. He must have gone to tell him that Karkare was not in Ahmednagar and he must have seen the Minister to inform him what he had already done.

18.193 He also reported to Mr. Sanjevi about the kidnapping theory in his letter dated 30th January 1948 and further he asked for special Police Officers and as these officers could only be given under the orders of the Home Minister he must have explained to the Home Minister why he wanted those officers. Whatever he had done in the matter of investigation he had put down in his letter, Ex.8, and he had mentioned in Ex.14 his explanation dated 19th March 1949 and with this explanation he had sent a copy of his letter Ex.8.

18.194 When he arrested the accused persons four or five of them were wearing mufflers including Savarkar.

18.195 When he found out from his brother at Ahmednagar that Karkare was not there it would only have been a formality for him to make inquiries from the D.S.P. again. The answer would have been the same even if he had done so.

18.196 In his investigation between the 20th and the 30th there was nothing which required his getting into touch with Poona. All that he could have asked at that stage was whether Karkare of Ahmednagar was in Poona. If he had done so he would have been disclosing secret information to another officer and he would not go about broadcasting the information given to him by the Minister or

by a Chief Secretary. At that stage there was nothing to indicate Hodge, Badge or Apte being in the conspiracy. The D.S.P. Ahmednagar could not have given him any information as to the associates of Karkare. At that time he was not looking for Badge as an associate of Karkare but for the purpose of finding out the source of illicit arms particularly the gun-cotton slab used at Birla House. At that stage there was no evidence to show that he (Badge) was connected with the conspiracy of throwing a bomb.

18.197 Evidence has been produced before the Commission contained in Intelligence Bureau file No. 13/HA(R)/59-II, Ex.224-A which contains certain documents which if they had been obtained earlier might have been of great assistance in the investigation or inquiry which was going on at Bombay. Deputy Supdt. Chaubal of the office of the D.I.G., C.I.D. sent to Mr. Nagarvala after the murder a document giving the list of relatives and associates of Karkare and amongst them was N.D. Apte, and the next document of importance is a letter with which were sent three copies of photographs of V. R. Karkare and his descriptive role. Along with this photograph of Karkare's were sent three copies of the photograph of Apte so that reference to the D.I.G., C.I.D., Poona would have been most useful even for Mr. Nagarvala's inquiry or working out the information given to him by the Home Minister.

18.198 The Commission has also seen the list sent by the Ahmednagar Police to the D.I.G., C.I.D. It contains the name of V. R. Karkare but gives no particulars about him or about his associates whereas Ex. 114-A which was the list supplied by the D.I.G., C.I.D. to Government does contain the activities of Karkare and who his associates were. He has been shown as a Savarkarite and co-worker of N. D. Apte and potentially dangerous.

18.199 The evidence of Police witnesses from Ahmednagar shows that they had a complete dossier on the activities of Madanlal and Karkare. As a matter of fact it was S. I. Balkundi who furnished the information to Dy. Supdt. Chaubal about Karkare and his association with Apte. If the District police of Ahmednagar had been asked it was not only possible but probable that the information and photograph of Karkare supplied after the murder would have been supplied earlier.

18.200 Nagarvala's explanation Ex.14 with notes of Bombay Secretariat have been added to the chapter dealing with Ex.5-A.

18.201 The Commission has been thinking as to how the idea of kidnapping came to be considered the objective of the conspirators by the Bombay Police. One explanation may be a faulty understanding of the Punjabi language by the contacts and informers because many Punjabi words sound alike though they are different words and sometimes same words have different meanings in different contexts e.g. 'das' meaning ten and also 'to show'. This may be highly conjectural as an explanation but the theory of kidnapping was so astounding that some such mistake must have led to its being considered respect-

Mr. J. S. Bharucha's Statement—J. S. Bharucha, Wit 22—

18.202 Mr. J. S. Bharucha, IP and retired Commissioner of Police Bombay, witness No. 22, was the Commissioner of Police during the period with which the Inquiry is concerned with. He stated that in January 1948 because of its communal activities the Hindu Ma sabha was kept under watch but there was nothing to indicate danger to the life of Mahatma Gandhi or any information about conspiracy to murder him.

18.203 Mr. Morarji Desai phoned him at 7.00 P.M. and wanted him to be present at the railway station at the time of the departure of the train to Ahmednagar but he changed his mind and soon said that he (Bharucha) need not come and told him that he would like Nagarvala to come. But the Home Minister did not tell him whether he wanted him at the railway station. Nagarvala at that time was very busy because he was on the political side. In Mr. Bharucha's opinion, he was an efficient officer. At the time the communal situation in Bombay was serious and stabbing was going on and when Master Tara Singh came it became more tense. That was before the Delhi bomb was thrown. All this kept the police very busy.

18.204 His information was that the Delhi Police did come to Bombay but they did not do very much and Nagarvala told him that they were not of much use. After the murder, he (Bharucha) asked Nagarvala as to why he did not tell him anything about Professor Jain and his reply was that Mr. Morarji Desai had advised him to keep the whole thing confidential. Mr. Morarji Desai dealt with the police directly, although the orders to the police should have come through the Home Secretary.

18.205 He was shown Ex. 5-A and asked if he would be able to make anything of it. His reply was 'yes' and he would be able to do so particularly in regard to the editor "Hindu Rashtriya" and "Agrani" and also Karkare. From Ex. 5-A it should have been possible for the Bombay Police to find out from the Poona Police as to whom the conspirators were. He was for two months the D.S.P. of Poona and at the time he must have known something about Nathuram Godse. If he had been told that Madanlal had met Savarkar, he would have got into touch with the Poona Police and tried to locate the companions of Madanlal. He did not think that Poona Police was pro-R.S.S. If there was cooperation between Bombay Police and Poona District Police and C.I.D., Poona, arrest of conspirators would not have been difficult, and if Bombay Police had got into touch with Angarkar and Gurtu and Mr. Kamte, it would not have been difficult to nip the conspiracy in the bud".

18.206 He wrote the letter, Ex. 93. Along with it there is Ex. 1, a copy of a letter by this witness to Mr. Kamte, in which he complained about Nagarvala not taking his help or Mr. Kamte's help and they could have been of the greatest assistance.

18.207 The Commission would like to observe that it is necessary to decide about what Mr. Bharucha has said regarding the help of Mr. Kamte or of Mr. Bharucha but it is of the opinion that the help of Gurtu and of Angarkar would have been very valuable.

18.208 Mr. Rana when he returned from Delhi did not meet this witness and, therefore, he never came to know about the statement of Madanlal. He was asked about what he should have done knowing that a bomb had been thrown at Mahatma Gandhi's meeting. His reply was as follows:—

"Q. When you came to know that a bomb had been thrown at Mahatma Gandhi's meeting by a person who was a refugee from West Punjab but then living in Bombay, would it not have been your ordinary duty to find out who this man was, who his other co-conspirators were, and how serious the matter was?

A. From the information that I had, I did not think it was serious enough for me to initiate any investigation myself. I remember I did not do anything. Nobody thought it to be so serious as it turned out to be."

18.209 In cross-examination he stated that he could not remember if during the time that he was D.S.P., Poona he came to know anything about the conspiracy to murder. He surprisingly replied, "I do not remember". He could not remember if Apte was arrested during his term of office. During the investigation of the bomb case he got no communication from Mr. Sanjevi and nobody complained to him that the Delhi officers were not properly treated at Bombay. He (Mr. Bharucha) had no information about the conspiracy to kidnap Mahatma Gandhi, nor that the Deputy Commissioner was working on it. He could not exactly remember what Nagarvala told him about the visit of the Delhi Police officers.

18.210 In cross-examination by Mr. Chawla, he said that he did not know Professor Jain before but after the murder when he met him, Jain complained about the negligence of the police and of the inactivity of Mr. Morarji Desai against whom he had a kind of prejudice. He (Bharucha) talked to Mr. B. G. Kher about Professor Jain's information. Mr. Kher collected the police officers at the Secretariat and asked the police why they were not vigilant enough and he (Bharucha) told him that he had no information. He could not remember if Nagarvala was there. He had no information about the coming and going of the Delhi Police officers at the time. He had seen the two letters which Mr. Nagarvala had sent to Mr. Sanjevi. They were sent direct. He did not know at that time that Savarkar's house was being watched. As it was an important matter, information should have been given to him. After the murder, he met Savarkar who told him (Bharucha) that he had nothing to do with Gandhiji's murder. From that Mr. Bharucha concluded that there was something wrong. He immediately went and saw Mr. Morarji Desai and told him that he suspected Savarkar and also told him what Savarkar had said to him. Mr. Morarji Desai said to Bharucha, "Why do you not arrest him?" At that time Savarkar was really ill and Mr. Bharucha told Mr. Morarji Desai about it. Till then Mr. Bharucha did not know that Savarkar's house was being watched. It may be remarked that Mr. Nagarvala has deposed that Savarkar was lying ill.

18.211 Hindu Mahasabha people were trying to be very aggressive. Even Mr. Morarji Desai was shot at. Mr. Bharucha did not know what kind of speeches the Hindu Mahasabha people were making, but they were talking against Mahatma Gandhi and in violent terms against the Congress. In those days the police had to be very careful and speeches had to be very violent before any action could be taken. The Home Minister was very careful and was helpful to the police and gave a lot of latitude. The communal situation then was so bad in Bombay that he had to give practically the whole of his time to stop their activities and in that Mr. Morarji Desai was very helpful.

18.212 To sum up Mr. Bharucha's evidence, it comes to this—

- (i) In December 1947 and January 1948 the communal situation in Bombay was bad, stabbing was going on, the Hindu Mahasabha people were aggressive and even Mr. Morarji Desai was shot at.
- (ii) The Hindu Mahasabha people were against Mahatma Gandhi and were talking in violent terms against the Congress, but there was no indication that there was danger to Mahatma Gandhi's life or to that of any other Congress leader.
- (iii) Nagarvala should have got the aid of the Poona District Police and the Poona C.I.D. and should have got into touch with Gurru and Ahgarkar.
- (iv) If the Delhi Police brought Ex. 5-A, from that Nagarvala should have been able to find out about the editor of the *Hindu Rashtriya*.
- (v) If Mr. Bharucha had been told that Madanlal was meeting Savarkar, he would have got into touch with Poona Police in order to find out the associates of Madanlal.
- (vi) The letters, Ex. 93 and Ex. 15 were not very complimentary to Mr. Nagarvala.
- (vii) During the 10 days after the bomb was thrown Mr. Sanjevi did not get into touch with Mr. Bharucha.
- (viii) Mr. Bharucha had no information about the conspiracy to kidnap Mahatma Gandhi.
- (ix) After the murder, Mr. B. G. Kher called the police officers at the Secretariat and asked them why the police was not vigilant and he (Mr. Bharucha) told him that he had no information about the bomb.

CHAPTER XIX

COMMUNAL HINDU ORGANISATIONS

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CHAPTER XIX
COMMUNAL HINDU ORGANISATIONS

A. Hindu Mahasabha, Bombay

19.1 In Maharashtrian districts of the Province of Bombay the Hindu Mahasabha was very active and strong, which is shown by the following documents:—

19.2 The Black Day celebrated by Hindu Mahasabha on July 3, 1947 met with considerable success in Maharashtra—in Bombay, Poona and Sholapur. Meetings were addressed at Poona by Mr. V. B. Gogte, etc. The Hindu Sabhaites abstained from attending Independence Day celebrations. It was decided to send 500 volunteers from Maharashtra districts to U.P. to carry on struggle there.

19.3 Punjab Mourning Day was observed on August 31, 1947 but it was not a success.

19.4 Ex. 271-A, dated August 25, 1947, shows that on the 25th there was a general meeting of the Maharashtra Hindu Sabha at Poona where 25 persons were present, including V. R. Karkare, G. V. Ketkar, N. D. Apte and N. V. Godse. This meeting was called for making preparations for the Hindu Sabha Satyagraha in U. P. On December 3, 1947 a meeting of the Hindu Mahasabha was held at Tilak Samarak Mandir, Poona. Ex. 206, on "Why Negotiations Now". G. V. Ketkar presided. Prof. Mate said that Mahatma Gandhi and Pandit Nehru were against retaliation but what was the sin in it. It really meant reply to wrong done previously, and only such a society could be a living society. He blamed Pandit Nehru for scandalising Hindu Mahasabha and the R.S.S. "If any attempt was made to undermine solidarity of the R.S.S., they should be prepared for the re-action of 4 lakh of Hindu houses". G. V. Ketkar said that their enemy was false notion of nationalism. Gandhiism-cum-false nationalism was enemy No. 1. The Hindu Mahasabha was determined to carry on propaganda against this enemy. So Gandhiism was their enemy.

19.5 On December 11, 1947, Ex. 262, at a meeting of the Hindu Mahasabha, Poona, Mr. Bhapatkar characterised the stand-still agreement with the Nizam as an outcome of the policy of appeasement. He wanted arms to be provided to the Hindus in the State in order to defend themselves.

19.6 At a meeting on January 6, 1948 at Poona, Mr. Y. Joshi, President, Hyderabad State Hindu Sabha, urged the audience to support struggle of the Hindus in Hyderabad and requested the Government to provide arms to the public to defend themselves. Mr. V. B. Gogte criticised the Central Government in regard to the Nizam. An another meeting on the 7th January, Mr. G. N. Kanitkar said that Hyderabad was not likely to accede to India; the Government must arm the people in order to fight the menace of the Nizam. The speaker seems to be Balukaka Kanitkar.

19.7 Under the head "R.S.S." the order of Mr. Kher in regard to collecting information of leaders of the R.S.S. and the Hindu Mahasabha, Ex. 177, has been mentioned. As a result thereof, orders were issued and the lists, Ex. 114 and Ex. 114-A, were compiled, which contained the names of prominent leaders of the Hindu Mahasabha who were Savarkarites like Nathuram Godse, Apte, Badge, Athawle. This will be discussed under the heading "R.S.S.". Karkare who was a prominent leader in Ahmednagar, has been mentioned in Ex. 114-A. It has also been mentioned there that orders had been passed to keep watch on their activities, send special reports, which were sent for some time but were subsequently discontinued on the recommendation of the D.I.G., (C.I.D.), but documents Exs. 114 and 114-A show that those members of the Hindu Mahasabha who were Savarkarites were shown as potentially dangerous. In Ahmednagar also under the auspices of the Hindu Mahasabha anti-Muslim processions were being taken out; bombs were thrown in various localities which, according to Inspector Razaak, witness No. 34, were inspired by the Hindu Mahasabha leaders in Ahmednagar, as a consequence of which the Government ordered detention of several Hindu Mahasabha workers, including Madanlal and some other refugees, and of Karkare. But according to the evidence of the Police officials and the District Magistrate of Ahmednagar, there was nothing to indicate that these activities were directed against the Congress or had any likelihood of any danger to Mahatma Gandhi's life. The finding of arms with S. V. Ketkar who said that the arms belonged to Karkare has already been discussed under Ahmednagar Affairs. It is not necessary to go over that matter again.

19.8 As to Poona, all the evidence which has been discussed under the heading "R.S.S." applies *mutatis mutandis* to the Hindu Mahasabha. Here again the evidence of the Police officials and of the Home Secretary, Mr. Dehejia, who was at one time District Magistrate of Poona, has not disclosed any awareness on their part of the Hindu Mahasabha as such being involved in any anti-Gandhi movement.

Mr. Khadilkar, Wit. 97—

19.9 But there is the evidence of Mr. R. K. Khadilkar, Deputy Speaker of the House of the People, witness No. 97, that there was an atmosphere in Poona which was both anti-Gandhi, anti-Congress and portended danger to Mahatma Gandhi's life. There is similar evidence of documents relating to late Balukaka Kanitkar, e.g. Ex. 81, his statement before the Police in the Gandhi Murder Case, and in the Purshartha, Ex. 166, and in his letter to His Excellency the then Governor General which he addressed after Godse and Apte had been ordered to be hanged, Ex. 11. Mr. G. V. Ketkar's statements also shows that the atmosphere was anti-Gandhi and there was danger to his life. Mr. N. V. Gadgil, witness No. 6 before Mr. Pathak, has also deposed that there were rumours of danger to Mahatma Gandhi's life and Mr. Jedhe who was staying with him told him in the form of a conundrum that the life of a great man was in danger and that he would hear something terrible but he never disclosed whose life was in danger and from whom. Mr. Morarji Desai, witness No. 96, said that there was information of likely danger to the life of top Congress leaders at Delhi but the information was vague and did not disclose whom the danger was from.

Mr. Munshi, Wit. 82—

19.10 Mr. K. M. Munshi, witness No. 82, whose knowledge of affairs in the then Province of Bombay deserves particular attention of the Commission, has deposed that the Maharashtrian Kesari school of thought had no faith in Gandhiji or Gandhian methods which had resulted in personal prejudice against him. Among the Hindus there was a group called Savarkarites who did not identify themselves with the Hindu Mahasabha and stood aloof from them. But the evidence of the Bombay and Poona Police shows that they were prominent members of the Hindu Mahasabha, although it appears that the Hindu Mahasabha as a whole has abstained from the Savarkarite ideology and were not terrorists but the Savarkarite group did believe in political assassination. Mr. Munshi, in the opinion of the Commission, has rightly drawn a distinction between the ideology of the Savarkarite group and the Hindu Mahasabha as a whole. Ex. 114 also shows that persons who were potentially dangerous were those who were Savarkarites.

19.11 That the Savarkarite group was in a way distinct from that of the other members of the Hindu Mahasabha is also shown by the fact that Savarkar had inspired the starting of what is called 'Hindu Rashtra Dal', which will be discussed hereafter; amongst the founders of which were Apte and Godse as shown by Ex. 34 of 1st August, 1944. On 22nd May, 1947 there was a special circular issued by Rao Sahib Gurru for D.I.G., C.I.D., Poona, Ex. 54, calling the attention of the D.S.P.s. to maintain a close watch on the Hindu Rashtra Dal and to report any attempt made by its volunteers and others to implement the advice given by Mr. Savarkar.

19.12 It may here be mentioned that a meeting of the Hindu Rashtra Dal was held on 9th and 10th May, 1947, at which N. D. Apte of Poona was present, Savarkar presided, and advocated a spirit of aggression to protect themselves against Muslim atrocities. He also said that the Dal had a distinct identity, and that if the Hindu Mahasabha were to separate from the Dal its volunteers should oppose it. He advocated retaliation for everything that the Muslims did and stood for "tooth for a tooth and an eye for an eye". This shows that the Hindu Mahasabha was distinct from the Dal and the ideology of the one was quite different from that of the other. It may be that the Dal members were members of the Hindu Mahasabha but their methods were different.

Mr. Nagarvala, Wit. 83—

19.13 Mr. J. D. Nagarvala, Deputy Commissioner of Police, Bombay, witness No. 83, has stated that the Hindu Mahasabha did believe in political assassination but there was no talk of murders in August 1947 and there was no political activity by them in Bombay. They (the Police) knew about Savarkar and his history but his group was not operating in Bombay and he was not watched because being a political leader it could only be done if Government so ordered, nor was he listed nor were his movements trailed but after the bomb incident his house was watched. He also said that Godse, Apte, and Madanlal were unknown in the city of Bombay.

19.14 Ex. 112 dated July 3, 1947 shows that a meeting was held under the auspices of the Poona City Hindu Sabha to observe the anti-Partition Day as Black Day. Mr. N. V. Bhopatkar presided and the speakers included Mr. G. V. Ketkar, Mr. V. V. Gogte, and N. V. Godse and said that time had come to show the same courage as in the times of Shivaji and the Peshwas.

19.15 In Ex. 120-A/I the Hindu Mahasabha activities have been set out and report sent by the Police which shows: (1) the Sabha leaders were criticising the Congress and exploiting the situation to gain popularity, and Savarkar called upon the Hindus to unite; (2) the Sabha had condemned the partition of India and also the Muslim atrocities in the Punjab and Bengal; (3) it characterised the policy of the Indian Union and of the Bombay Government as cowardly and impotent. It demanded that the Muslims should not be allowed to hold key positions. Dr. Mqonje in a statement sarcastically asked Mahatma Gandhi whether he had attained peace and security after sacrificing a part of India and the Sikhs; (4) it wanted India to be named "Hindustan", Hindi as their language, and Gerua flag as their national flag, and 'Bande Matram' as the National Anthem; and (5) since their utter rout in the last Assembly election they realised that they could not fight the Congress without the support of the majority community, i.e. non-Brahmins in Maharashtra. The Sabha abstained from Independence Day celebrations. The Punjab Mourning Day on 31st August, 1947 was sponsored by the All-India Hindu Mahasabha but did not meet with public response.

19.16 Ex. 271-B dated October 18, 1947 shows that the Hindu Sabha, Press and people were criticising the Congress for opposing the establishment of Hindu Rashtra. Dr. D. R. Gadgil, the renowned Economist "and Constitutional Expert" had advocated the establishment of Hindu Rashtra which was welcomed.

Mr. Dehejia, Wit. 84—

19.17 Mr. V. T. Dehejia, witness No. 84, stated that before the Partition the feelings against Mahatma Gandhi were not against him personally but against his pro-Muslim policy. Members of the R.S.S. and the Hindu Mahasabha had anti-Gandhi and anti-Muslim feelings. Some of the newspapers in Poona were criticising Mahatma Gandhi for pro-Muslim policy but they were not rabid against Mahatma Gandhi, although they were rabid against Muslims and the pro-Muslim policy of the Congress. Even those newspapers did not preach violence against the person of Mahatma Gandhi or any other leader. But that group was confined to the districts of Poona, Ahmednagar, and Satara.

Mr. Morarji Desai, Wit. 96—

19.18 Mr. Morarji Desai as witness No. 96 said that Hindu Mahasabha people who were throwing bombs were a class who would go to any length to create trouble against Government. Their newspapers were indulging in great deal of communal propaganda. He also said that at that time Hindu Mahasabha and the R.S.S. were working together.

Mr. Khadikar, Wit. 97—

19.19 Mr. R. K. Khadikar, witness No. 97, said that they felt at the time that the kind of fanaticism they were having in Poona among the Hindu Sabha circles would lead to violence. The danger to Mahatma Gandhi, he added, came from Hindu fanatics i.e. the small section of the Hindu Rashtra Dal which was part of Hindu Mahasabha and the R.S.S. He sensed danger from the camp which was advocating Hindu fanaticism and that was very much in Poona.

Mr. Purshottam Trikamdas, Wit. 15—

19.20 Mr. Purshottam Trikamdas, witness No. 15, stated that bitter criticism was being levelled against Mahatma Gandhi by the Hindu Mahasabha and R.S.S. who did not like what Gandhiji was doing and, therefore, suspicion would naturally fall on the Hindu Mahasabha and the R.S.S. that they were behind the conspiracy.

Mr. Gurtu, Wit. 22—

19.21 Mr. N. S. Gurtu, witness No. 22, stated that reports came to him about the communal activities of Nathuram Godse, Karkare, Apte, Badge and several others. They carried on propaganda against Gandhiji's policies *qua* Muslims but he could not remember if there was any propaganda for doing harm to Mahatma Gandhi, least of all murdering him. There were reports about their preparing bombs but that they were not meant to be used against Mahatma Gandhi. When he heard about the bomb explosion at Birla House, he had a vague suspicion that that might be the work of Hindu Mahasabha and R.S.S. group. But he had no idea that it was the work of Godse group.

Mr. Balkundi, Wit. 37—

19.22 Deputy Superintendent A. S. Balkundi, witness No. 37, said that the Hindu Mahasabha activities at Ahmednagar were anti-Muslim. He also deposed to the attack of Karkare and Madanlal on Patwardhan.

Mr. Parvin Sinhji Vijay Sinhji, Wit. 38—

19.23 Mr. Parvin Sinhji Vijay Sinhji, Superintendent of Police, Poona, witness No. 38, said that the activities of Hindu Mahasabha workers like Apte, Nathuram Godse and Ketkar were anti-Muslim but there were no overt attacks against the Muslims. There was a strong feeling against Gandhiji because he was considered the architect of the partition.

Mrs. Sarla Barve, Wit. 39—

19.24 Mrs. Sarla Barve, witness No. 39, has deposed that one Sathe came to see her husband but he not being there Sathe told her that some Hindu Mahasabha workers had gone to Delhi to harm Mahatma Gandhi.

19.25 Mr. J. S. Rane, Ahmednagar D.S.P., also described the Hindu Mahasabha agitation to be anti-Muslim.

Mr. R. C. Joshi, Wit. 80—

19.26 Mr. R. C. Joshi, Collector of Ahmednagar, witness No. 80, stated that Hindu Mahasabhaites were violently anti-Muslim and Karkare was a militant Hindu Mahasabhaite.

19.27 Another document, which is demonstrative of the attitude of Nathuram Godse, is Ex. 71 which is a Marathi record of the proceedings of a meeting of the Hindu Mahasabha held at Shivaji Mandir on November 28, 1947, at 6.30 P.M. The audience was about two thousand and the speakers were V. B. Gogte and N. V. Godse. The subject of the speeches was "Hindu Nation and Jayaprakash Narayan", and was a quick reply to J. P. Narayan's speech made in Poona. The speakers ridiculed Jayaprakash Narayan about his socialism and accused the socialists of helping in the creation of Pakistan and the partition of India and its consequences. At that meeting Nathuram Godse said—

"Allegations have been made that the Sangh and the Hindu Sabha have hatched a conspiracy to murder Pandit Nehru because he had said that he would brandish his sword on behalf of the British Government for finishing Subhash Babu as he was a traitor".

There was some reference to Mahatma Gandhi also and that Socialism was the unclaimed progeny of Gandhism. The speech ended with:—

"The Hindu Mahasabha and the Sangh are seen subjected to criticism. The main reason is that they saw 'Kansa'."

19.28 All this evidence leads to the conclusion that—

- (1) the Hindu Mahasabha was strongly anti-Muslim;
- (2) it was carrying on propaganda against the Government because of the Government's appeasement of Muslims policy;
- (3) Godse and Apte were known to be carrying on violent communal propaganda and so also Badge and Karkare;
- (4) the Savarkarites particularly and the Hindu Sabhaites in general were blaming the Congress for the Partition and M. Gandhi was being held out as its principal architect; but the propaganda was not against Gandhiji personally;
- (5) the Rashtra Dal had a distinct ideology;
- (6) there were in Poona tense feelings against Mahatma Gandhi and people like Mr. R. K. Khadilkar felt that there was danger to his life from fanatical Hindus.

Delhi

19.29 Coming now to Delhi, the Hindu Mahasabha wholeheartedly took up the cause of the refugees and fully took advantage of the misfortunes of the refugees who were coming into the city. Direct evidence in regard to their activities is also afforded by Delhi Police C.I.D. Reports and by the Weekly Intelligence Abstracts.

19.30 Weekly Abstract of Intelligence dated 24th January, 1948, Ex. 135, shows that a meeting of the Hindu Mahasabha was held on 18th January under the auspices of the Delhi Provincial Hindu Sabha. It expressed indignation over the payment of cash balances

of 55 crores, Dr. Gokul Chand Narang described the fast of Mahatma Gandhi as helpful to the Muslims to get more value for their property and that Mahatma Gandhi was playing into the hands of Maulana Azad to help Pakistan. He preached the establishment of Hindu Raj. Prof. Ram Singh said that the fast proved helpful in ridiculing Hindus and Sikhs all the world over, depicting them as aggressors. Kesho Ram characterised Mahatma Gandhi as a dictator and said that he might meet the fate of Hitler soon.

19.31 The Sikhs although they do not fall under the heading 'Hindu Mahasabha' said that the people of India should get prepared to fight Pakistan and their belief was that Muslims could not prove loyal to the Union and so Mahatma Gandhi was not justified in siding with the Muslims.

19.32 The Abstract of Intelligence dated January 31, 1948, Ex. 136, also gives the activities of the Hindu Mahasabha. It shows that a procession was taken out on 25th January in connection with Arya Samaj Anniversary. Swami Dharmanand said that the fast undertaken by Mathatma Gandhi has spoiled "the show" to remove Muslims from Delhi.

19.33 At a meeting on the 27th January, V. G. Deshpande, Mahant Digvijaynath and Prof. Ram Singh trenchantly criticised the Government and Gandhiji for their indecisive anti-national and pro-Muslim policy. This meeting was held without permission in spite of the ban against public meetings. Deshpande said that Mahatma Gandhi's outburst only showed to the Muslims that non-Muslims were aggressive. M. Digvijaynath urged that the Hindus should not rely on Muslims and also exhorted the gathering to turn out Mahatma Gandhi and other anti-Hindu elements to Pakistan. Prof. Ram Singh opposed Mahatma's move in getting mosques vacated. A resolution was passed condemning Government for giving 55 crores to Pakistan, and urged that preparation should be made to retain Kashmir and there should be no referendum or plebiscite on Kashmir but there should be a plebiscite in Hyderabad State. Cries of "LONG LIVE MADANI.AL" were raised, which cannot adequately be condemned.

19.34 The Sikhs demanded the total annihilation of Pakistan and said that sufferers of Pakistan could not rest unless they have retaliated.

Prof. Ram Singh, Wit. 75—

19.35 Prof. Ram Singh was examined by the Commission as witness No. 75. He put the position of Hindu Mahasabha as follows: It was opposed to the partition and was trying to undo the disadvantages thereof. It was in favour of all the Hindus being brought safe to India from Pakistan. It was opposed to the policy of Mahatma Gandhi of placating the Muslims and keeping them in India and getting the mosques vacated which had been taken possession of by Hindus and Sikhs, who had placed their deities and religious symbols there. It was also opposed to keeping the Muslim houses vacant when Hindus and Sikhs were without shelter and pregnant women were giving birth to children and had nowhere to go to. It was also opposed to 55 crores being placed at the disposal of Pakistan to continue its Kashmir war. He said that he was not in favour of murder of Mahatma Gandhi and no Hindusabhaite was.

Hindu Mahasabha was not in favour of assassination of leaders and they were not responsible for the shouting of 'MADANLAL ZINDABAD'. That was the reaction of the people as they felt like it and none of the leaders of Hindu Mahasabha or its members knew anything of the existence of the conspiracy to murder Mahatma Gandhi.

19.36 Prof. Ram Singh also said that the mere fact that persons who subsequently murdered Mahatma Gandhi stayed in Hindu Mahasabha Bhawan did not connect the Hindu Mahasabha with any design of assassination and the Bhawan was a purely resting place without any political strings. Prof. Ram Singh further stated that the general feeling of Hindus in Delhi was bitter against Mahatma Gandhi during the days of his fast. They were against Mahatma Gandhi and also against the Government and they knew that Mahatma Gandhi was only a tool in the hands of Government. He was no longer the master of the Congress. He denied that he knew Nathuram Godse.

Mr. Sahni, Wit. 95—

19.37 Mr. J. N. Sahni, witness No. 95, has stated not about the Hindu Mahasabha but the Hindus in general that they considered Mahatma Gandhi an impediment and some sections were expressing dissatisfaction and decrying and condemning Gandhiji for taking a biased and pro-Muslim attitude. As a consequence of these feelings both Mahatma Gandhi and Pandit Nehru became the targets of their fury because the Hindu Sabha thought that they were going too far in the policy of appeasement of Muslims.

19.38 Mr. Sahni also said that Dr. N. B. Khare made speeches likely to incite the people to violence and other people from Poona were also making similar kind of speeches, and after leaving the Congress Dr. Khare was a member of the Hindu Mahasabha and he congratulated Savarkar for joining the Hindu Mahasabha and attended a meeting of the Hindu Mahasabha presided over by Savarkar in 1938. He started an all-India Hindu National Front at which Savarkar presided. But he denied that he was anti-Gandhi although he was against Gandhi's philosophy.

Mr. V. Shankar, Wit. 10—

19.39 Mr. V. Shankar, witness No. 10, did not say anything about the Hindu Mahasabha but he just said that the Hindus and Sikhs insisted that the Mohammedans should be sent away from Delhi and the matters were aggravated after the payment of 55 crores.

19.40 The evidence relating to the Hindu Mahasabha has been discussed at length in order to find out if it had any connection mediate or immediate with the murder of Mahatma Gandhi. The evidence shows that—

- (1) there was a group of persons amongst them whom Mr. K. M. Munshi described as the 'Kesari' group led by Savarkar, and whom the police report, Ex. 114, describes as Savarkarites, whose activities were anti-Gandhi and who were intensely communal in the sense that they advocated the establishment of a Hindu Rashtra by turning out the foreigners and combating Mohammedan aggression by counter aggression. They believed in 'tit for tat';

- (2) that group was no believer in non-violence and political assassination was not a weapon which they would be hesitant to adopt;
- (3) they were followers of Savarkar and believed in his ideology *Savarkarpad*;
- (4) they were strongly opposed to Gandhism and even to Gandhiji.

19.41 The Hindu Mahasabha though sharing the views of the Dal were no believers in political assassination. They were opposed to the Congress for its policy of appeasement of the Muslims. The Sabha was not in favour of political assassination. No evidence has been led that they were believers of or accepted the creed of violence though they were not in favour of non-violence.

B. R. S. S.

Bombay Province

19.42 The activities of the R.S.S. and of the Hindu Mahasabha must have come to the notice and been under the consideration of the Bombay Government in 1947; because we find that in a confidential secret document Ex. 177 Mr. B. G. Kher, the then Premier, made three suggestions regarding these bodies, that (i) complete list of officers and members of the R.S.S. be collected by the police and submitted to Government, (ii) similar order as to the leaders of the Hindu Mahasabha organisations, and (iii) strict watch be kept on the operations of the two organisations. There is no date to this order but on August 7, 1947, Mr. Morarji Desai issued an order to the D.I.G., C.I.D., and to the Commissioner of Police, Bombay, to get the requisite information within 10 days; the information should be discretely obtained and must be correct and complete in all respects.

19.43 Consequent upon this, an order was issued on the following day by the Home Secretary both to the D.I.G., C.I.D., Poona, and to the Commissioner of Police, Bombay. Thereupon, the D.I.G., C.I.D., sent a list of Hindu Mahasabha members of Poona, Ex. 114, on August 19, 1947 and the Commissioner of Police, Bombay, sent his two lists on August 27, 1947, Exs. 210 and 210-A, of both Hindu Mahasabha and R.S.S. members. It may be mentioned that a list of extreme political workers had previously been compiled by the Commissioner of Police, Bombay, on September 5, 1946, Ex. 266-A, which included the name of Savarkar. But it does not show that his movements were trailed. His movements were watched in the sense that a watch was maintained at the railway stations, which was probably meant to find out where he was going, if he went out of Bombay.

19.44 In the order, Ex.113, dated 8-8-1947 which had been issued by the Bombay Home Secretary a direction was given that a strict watch be kept on the operations of the R.S.S. and of the Hindu Mahasabha organisations.

19.45 It does not appear that any separate list was prepared of the R.S.S. by the D.I.G., C.I.D., nor does this list show that the various persons whose names are given in this list were members of the R.S.S. But there is evidence to show that many R.S.S. members were members of the Hindu Mahasabha. This list contains the names of Nathuram Godse who is shown as a staunch Savarkarite, of N.D.

Apte who is shown as potentially dangerous, of G. V. Ketkar shown as a staunch Savarkarite and the brain behind Hindu Sabha activities and influential, N.R. Athawale also shown as potentially dangerous and staunch Savarkarite, and D. R. Badge is also shown as potentially dangerous and dealer in unlicensed arms.

19.46 To this is added another list, Ex.114-A, which is of Ahmednagar. It mentions N. R. Karkare as a smuggler in arms, co-worker of N. D. Apte and potentially dangerous. But both Ex. 114 and Ex.114-A are provincial lists. The district list of Ahmednager does not give all this elaborate information.

19.47 There is another list compiled by the local C.I.D., Poona, and in that also the names of Nathuram Godse, a Savarkarite, N.D. Apte also a Savarkarite and being tried for an offence under the Explosives Substances Act, G. V. Ketkar as staunch Hindu Sabhaite, N. R. Athawale also as a Savarkarite and under trial under the Explosives Substances Act, D. R. Badge a Savarkarite and dealer in unlicensed arms, are included. The forwarding letter dated August 15, 1947 is Ex.115 and shows that the list sent was (i) of the officers and members of the R.S.S., and (ii) of the leaders of the Hindu Mahasabha.

19.48 Although in the letter, Ex. 113, a direction had been given that a strict watch be kept on the R.S.S. and the Hindu Mahasabha organisations and special reports be sent regarding them and some special reports were sent in the beginning, yet at the instance of the D.I.G., C.I.D., Poona, an order was passed that the sending of special periodical reports regarding the R.S.S. and Hindu Mahasabha organisations be discontinued.

19.49 The Commissioner of Police, Bombay, in reply to the letter of the Bombay Government, sent a separate list of R.S.S. and showed the names of certain persons as office-bearers, organisers and officers in charge of divisions and commanders more on the lines of the army organisations, but it does not show as did Ex.114 of Poona that anyone of them was potentially dangerous or was doing anything portending immediate danger. Unfortunately, the list prepared by the Commissioner of Police, Bombay, of the important members of the Hindu Mahasabha also does not show what the activities of those members were or whether they were in any way dangerous. From these various documents it is difficult to say that the R.S.S. as such was indulging in any such activities which might have been dangerous to the life of Mahatma Gandhi or of any other Congress leader.

19.50 On September 23, 1947, Ex.120-B, Bombay Government asked the D.I.G., C.I.D., Poona, and the Commissioner of Police, Bombay, that separate periodical reports should be forwarded regarding the operations and activities of the R.S.S. and the Hindu Mahasabha. On September 30, 1947, Ex.118, the D.S.P. wrote to the D.I.G. that there was flag salutation, march past, physical exercises and games. B. N. Vide addressed the volunteers and said the Sangh stood for revenge against injustice and for the protection of the Hindu religion and culture. Sangh was not after jobs but it will resurrect Hindu glory. By Ex.119 dated October 7, 1947 the D.S.P. Poona wrote that the R.S.S. volunteers were responsible for Hindu-Muslim riots in certain rural areas of Poona District,

19.51 On October 18, 1947, Ex.271-B, the Hindu Rashtra in its editorial warned the Government that if it banned the rally at Chinchawad (Poona), it would result in rousing the minds of the Hindus. On November 18, 1947, Ex.271-C, at a meeting in Poona Guruji Golwalker explained the object of the Sangh to be the integrity of India. In another meeting in Poona Atre condemned Congress leadership for continuing the defeatist and weak-kneed policy towards the Muslims which had brought the Hindus into peril.

19.52 Ex.62 dated December 20, 1947, is a Bombay Weekly Letter showing that on December 10, 1947, a private meeting of Hindu Sabhaite including some Punjabis and Sikh refugees was held where V. R. Karkare remarked that the services of some refugees who were ex-armymen could be utilised in training the R.S.S. volunteers. There could be, he said, no peace unless they had their revenge against Muslims.

19.53 Ex.120-A/1 dated September 17, 1947 shows the activities of R.S.S. It is, it said, the best organised and militant organisation in India and essentially Hindu and although not affiliated, most of its prominent organisers and workers are either members of the Hindu Mahasabha or sponsors of the Hindu Mahasabha ideology. Its object was to unify the Hindus and to establish Hindu militia with the object of freeing the country from the foreign domination, including Muslim domination. Though ostensibly an open organisation, it maintained secrecy about its work, etc. Because it was associated with Hindu Mahasabha its policy was considerably influenced by the Sabha ideology. In certain districts it was suspected of having a hand in communal incidents but it was only a suspicion and there was no proof. It had its branches all over the province excepting Surat and Broach. Its strength was 28,306 in August 1947. It had also commenced open propaganda through public meetings. It had started its tentacles to spread into the villages by contacting village leaders, school teachers and others. At Poona it collected Rs. 15,000 on Purnima Day and it decided to collect a lakh of rupees, out of which Rs. 94,000 had been collected. The Sangh volunteers did not participate in Independence Day celebrations. Its activities on various religious festival occasions were rallies, flag salutations and private meetings.

19.54 Mr. V. T. Dehejia, witness No. 84, said that when he was District Magistrate, Poona, he had no reason to think that the administration there was pro-R.S.S. or Pro-Hindu Mahasabha nor did he suspect anybody in the Home Department as being pro-R.S.S.

Delhi

19.55 We may take up the evidence relating to the activities of the R.S.S. at Delhi. Mr. Bannerjee, witness No. 19, has stated—

"My assessment of the situation or the position of R.S.S. was this, that it was not R.S.S. as such that was responsible for the bomb-throwing on Gandhiji or his murder. In my opinion, those who conspired to murder Gandhiji did not do so as members of the R.S.S. However, some of the activities of the R.S.S. were considered to be anti-social and objectionable and the feeling was that Government was showing itself rather tardy in dealing with this organisation

Although R.S.S. was banned it should not be taken to be an acceptance by the Government of the allegation that the murder of Mahatma Gandhi was by members of the R.S.S. as such. They were not active participants in that."

19.56 Mr. J. N. Sahni witness No. 95 has deposed to a secret organisation but did not directly mention it as R.S.S. He said that it was being openly discussed in those days, i.e. about the time of the Birla House bomb, that there was a secret organisation with about 6 lakh volunteers which would stage a coup d'état and that organisation had secret cells in different parts of India including the Punjab, Maharashtra etc. It was then being rumoured that its leader was Golwalkar, Bhupatkar or Dr. Khare and that its volunteers were being trained in Alwar, Bharatpur and some other places with the objective of overthrowing the Government after killing the top leaders and when Mahatma Gandhi was murdered it was considered to be a part of the plan and stringent measures were taken. He also said that there was a secret political movement helped by some princes through their Chieftains, creating a fifth column in India to take over when the British power withdrew, at least in their respective States. The princes named by him were Jaisalmer, Jodhpur, Alwar, Bharatpur, Baroda and Bhopal. This movement was led by Golwalkar from Nagpur, and Bhupatkar from Poona, and the concentration of leadership was there.

19.57 As far as the Commission is aware, Guruji Golwalkar was and is the head of the R.S.S. movement. Mr. Sahni did not ascribe these activities to the R.S.S. but just mentioned a secret movement.

1958 Mr. M. K. Sinha, Deputy Director of Intelligence Bureau in 1947-48 stated that there was a strong Mahasabha movement and R.S.S. movement in Marathi-speaking parts of Bombay and in C.P. and in parts of Bihar. He could not say whether there was any anti-Gandhi movement there but there was a great deal of anti-Gandhi talk especially because of Gandhi's attitude towards Pakistan; but he had received no reports about this anti-Gandhi movement likely to burst into violence.

Mr. B. B. S. Jetley, Wit. 55—

19.59 Mr. B.B.S. Jetley witness No. 55 when recalled the second time said that he made a list of 600—700 cases against the R.S.S. in a couple of months after Independence, the charge against them being of collecting arms and attacking villages and assaulting individuals, and his recommendation was that the R.S.S. should be banned and he went and talked to the U.P. Premier Mr. G. B. Pant and the Home Minister Mr. Lal Bahadur Shastri. They agreed with him but they said that they would consult Sardar Patel. The movement was banned but it was after Mahatma Gandhi's murder. He was called by Sardar Patel and was told by him that it was extremely difficult to ban the R.S.S. because he thought that the Muslims were already against them and he did not want the Hindu Public also to go against them. Mr. Jetley added that he told Sardar Patel that something terrible may happen. That was in October or November 1947. He also saw Mahatma Gandhi but he did not tell him this; he only brought before him the weapons seized from the R.S.S. but he would not look at them. When he told Sardar Patel that something serious would happen, he did not mean murder of Mahatma Gandhi but it might have happened to Sardar Patel himself or to Prime Minister

Jawaharlal Nehru. He then said that he did not think that Sardar Patel ever attended an R.S.S. rally in the U.P. But he was not in Lucknow in May 1947 and that Sardar Patel attending any such rally before independence was quite different from doing this after he became Union Home Minister.

19.60 Mr. Hooja's reports Ex. 95 show that at Alwar there was a training camp of R.S.S. in May-June 1947 which received the patronage of the Prime Minister Dr. Khare and the Home Minister with the knowledge of the ruler. It was also reported that both these Ministers took a prominent part in helping the R.S.S. activities and the Prime Minister extended it the fullest patronage. They received military training in the beginning of February and were put up in one of the military barracks. They did firing practice with muzzle loaders and also secret training in rifle and revolver practice.

19.61 In his next report dated February 23, 1948 Mr. Hooja has again given the activities of the R.S.S. and has given details of what help they got. The help they got was by way of petrol, furniture and essential and controlled articles. Besides the Ministers, some officials and the ruler attended an R.S.S. function at Bansur.

19.62. Mr. Sahni also deposed that the R.S.S. had done splendid work in protecting the Hindus particularly villagers during the days of the Partition in West Punjab which was supported even by a member of the Gandhiji's party as shown in Pyarelal's "The Mahatma Gandhi—the Second Phase" at page 440. He said that they had shown discipline, courage and capacity for hard work.

Mr. N. V. Gadgil, Wit. 6—

19.63 Mr. N. V. Gadgil, Wit. No. 6 before Mr. Pathak, stated that the R.S.S. helped the Hindus and Sikhs at the time of the Partition. They protected the Gurdwaras. Hindus and Sikhs were aware of the services rendered by the R.S.S. men. They did not like Nehru's speeches who thought that he could not prove his nationalism unless he criticised the Hindus. Gadgil's writing to Pandit Nehru explaining the position had no effect. The result was that anti-Gandhism was spreading.

19.64 At page 687 of his book Pyarelal has said the following:—

"The R.S.S. was a communalist, para-military, Fascist organisation, controlled from Maharashtra. The key-positions were held almost exclusively by the Maharashtrians. Their declared object was to set-up Hindu Raj. They had adopted the slogan, "Muslims clear out of India". At the time they were not very active, at least overtly, but it was being darkly hinted that they were only waiting for all the Hindus and Sikhs in West Pakistan to be evacuated. They would then wreak full vengeance on the Indian Muslims for what Pakistan had done."

Gandhiji was determined not to be a living witness to such a tragedy. The Muslims were now in a minority in the Indian Union. Why should they feel insecure as to their future as equal citizens in the Indian Union? There was much they had to answer for and correct. But it was up to the majority community to be magnanimous and to forgive and forget."

19.65 At page 751 Pyarelal has written that there was a vast network of an organisation under the direct encouragement, direction and control of the R.S.S. with the object of planning and carrying out pogroms against Muslims as a part of the cruel war of brutality and counter-brutality, reprisals and counter-reprisals their activities including collection and distribution of arms and ammunition.

19.66 At page 9 of Pyarelal's book it is stated that when the Muslim League in the Punjab formed its National Guards as a part of the Muslim League Movement, the Hindus organized on similar lines the R.S.S. Both of them were banned in the Punjab by Sir Khizer Hayat's Ministry in early 1947; and although the R.S.S. submitted to the order and allowed their premises to be locked up the Muslim League National Guards refused to obey the order but a search was carried out and the search of the premises revealed that they had a dump of over a thousand steel-helmets, quantity of uniforms and a mass of inflammatory literature. Two or three days later the ban on the Muslim National Guards and R.S.S. was revoked. Open defiance of the law by the Muslim League continued resulting in the coalition Government collapsing. The same version is also given in "The Stern Reckoning" by Mr. Justice G. D. Khosla, p. 95.

19.67 On or about the 12th September, 1947 the head of the R.S.S. called upon Gandhiji and told him that they were not for killing of Muslims, but for protection of Hindus i.e. they were a protective and not a destructive force and that R.S.S. stood for peace. But when the Mahatma asked them to openly repudiate the allegations and condemn killing and harassment of Muslims they said that Gandhiji could do it himself. A few days later the leaders of the R.S.S. took Gandhiji to attend one of their rallies which they were holding in Sweepers' Colony. They welcomed Gandhiji and called him a great man that Hinduism had produced. In reply Gandhiji said that he was proud of being a Hindu but his Hinduism was not intolerant nor exclusive.

Dr. Sushila Nayyar, Wit. 53—

19.68 Dr. Sushila Nayyar, witness 53 described the reaction of the Mahatma when she eulogised the services of R.S.S. volunteers at Wah. She said that she did not know them; they were like the Black Shirts, the Nazis and the Fascists. According to Mr. Pyarelal, witness No. 54, the R.S.S. had infiltrated into the Delhi Police which was also affected by anti-Gandhi sentiments.

Mr. Jayaprakash Narayan, Wit. 98—

19.69 Mr. Jayaprakash Narayan as witness No. 98 stated before the Commission that in his speech in Bombay Chronicle dated 28-4-1948, Ex. 243, he did say that some Ministers were attending R.S.S. rallies. He could not give the names of the Ministers but there must have been some information before him and he would not be surprised if Sardar Patel also attended a R.S.S. rally in May or June 1947. But it must be observed that there is no other evidence in support of this allegation which as a matter of fact, other evidence contradicts e.g. Miss Maniben Patel and her diary and Mr. V. Shankar.

Dr. M. S. Randhawa, Wit. 18—

19.70 Dr. M. S. Randhawa, witness No. 18, stated that the R.S.S. and conservative extremist Hindus were at the back of the bomb incident and it was a mode of showing resentment by the refugees. He was not sympathetic to R.S.S. He had ordered the arrest of hundreds of members of R.S.S. In spite of that the Maulanas dubbed him a partisan of the R.S.S.

19.71 According to the Hindustan Times dated 3rd February 1948 at a meeting to mourn Gandhiji's death at Ramila Ground Nehru said that for the spread of communal poison every one including himself was to blame. Patel called upon the people to maintain peace and Jayaprakash Narayan demanded that the Government should ban all communal organisations. Pandit Nehru then said "what we have to see how and why even one man among 40 millions could cause this terrible wound on our country. How was an atmosphere created in which people like him could act in that manner and yet dared to call themselves Indians".

19.72 According to the diary of Miss Maniben Patel dated February 1, 1948, "members of R.S.S. came and said to Sardar that their organisation was not involved in the murder".

19.73 Hindustan Times of January 7, 1948 has given an account of Sardar Patel's Lucknow speech in which he blamed Mohammedans for not condemning Pakistan for what she was doing in Kashmir. He also referred to the R.S.S. He said that they should give up their use of force and the Congressmen should deal with the R.S.S. not with ordinances because the R.S.S. was not working for selfish motives and the Congress should win them over. the Hindu Mahasabha could wind up its organisation and merge with the Congress.

19.74 On January 16, 1948 Sardar Patel made a speech at Bombay reported in the Hindustan Times of 17th January. He explained his Lucknow speech and said that the Muslims had gone to Gandhiji and complained against him and had even told him many things which were not true, but Gandhiji had defended him which he (Sardar) did not like because he was strong enough to defend himself.

19.75 The criticism by communist workers, socialists, etc. had sent the local Hindu Mahasabha members "in high dungeon". There was an increased activity on the part of the R.S.S. workers and their meetings were addressed by many prominent Hindus calling upon the people to strengthen the R.S.S. It also shows that the R.S.S. and Hindu Mahasabha leaders at Poona were, "to say the least, alike to each other".

19.76 Some of the witnesses who have deposed about the activities of the Hindu Mahasabha have also deposed to the activities of the R.S.S. Mr. Pyarelal, witness No. 54, stated that he had a feeling that the Delhi Police was anti-Gandhi and pro-R.S.S. and that it was not surprising because many of the members of that force were themselves victims of Muslim high-handedness.

19.77 Delhi Police Abstract of Intelligence, dated December 18, 1947, has given an account of an annual rally of the Delhi R.S.S. on December 7, 1947 at Ramila Ground where 50,000 volunteers attended. The Maharaja of Alwar, Maharajkumar of Idar, Dr. Gokul Chand Narang, Seth Jugal Kishore Birla were amongst those present. On

the arrival of Guruji M. S. Golwalkar, the Sangh flag was hoisted and there were physical exercises. Golwalkar then made a speech and said that the Congress Government was as ignorant about the Sangh as the previous British Government. He eulogised Shivaji, Maharana Pratap and Raghunath Bhonsle. He criticised those who had started a campaign against R.S.S. and described the attitude of Government as un-Indian and "Satanic". He exhorted the volunteers to carry on their work and referred to the excellent work done by the Sangh in the Punjab. He compared the attitude of Government towards the Sangh in disparaging terms. He said that lot of Sangh volunteers perished in the disturbances in upholding the cause of Hindutwa.

19.78 On the 8th December there was a workers' meeting where 2,500 Workers were present. There Golwalkar exhorted the workers to enrol more volunteers and to be prepared for guerilla waifares on the lines of Shivaji's tactics. He said the Sangh would finish Pakistan and if anybody stood in their way they will finish him also. "No matter, whether it would be Nehru Government or any other Government". India, he said, was no place for them to live. They, he said, had means whereby their opponents could be immediately silenced, which is a highly provocative utterance if not threat of violence.

19.79 Ex.135 dated January 24, 1948, which is the Delhi Police Weekly Intelligence Abstract, shows that the R.S.S. was busy organising the villagers in Najafgarh Police Station and they were severely criticising Government for their pro-Muslim policies.

19.80 The Government of Maharashtra has placed before this Commission a large number of Exhibits which are weekly reports of the activities of various groups in the then province of Bombay in the Marathi speaking regions. It does not appear from these reports that this violence had a particularly anti-Gandhi or anti-top Congress leaders objective. But the arms collecting and the bomb throwing was given out as an anti-Muslim and anti-Razakar movement. This has been deposed to by practically all the official witnesses who have appeared from Ahmednagar, Poona and Bombay. But it may be added that Mr. Morarji Desai himself said that although all these movements were anti-Muslim, yet all these people thoroughly disliked the Congress and the Congress Government and they were meant to embarrass the Government. In Delhi also there is no evidence that the R.S.S. as such was indulging in violent activities as against Mahatma Gandhi or the top Congress leaders.

C. Hindu Rashtra Dal

19.81 Exh. 34 which has no date but was sent with a letter dated August 1, 1944 from the D.I.G., C.I.D. of Bombay Province to Bombay Government gives the origin of this movement and its objects. It was essentially a Hindu volunteer corps organisation but quite distinct from the R.S.S. Although originally started by the Hindu Maha Sabhaites, it was not officially affiliated to the Hindu Maha Sabha.

Brief History

19.82 On May 15, 1942 V.D. Savarkar, President of the Hindu

volunteer organisation for secret activities, as that could not be undertaken by the Sabha. As a consequence of this Hindu Maha Sabha leaders such as S. R. Date, V. V. Gogte, N. D. Apte and N. V. Godse founded the Hindu Rashtra Dal at Poona with the object of assisting the Hindu Sabha activities. But they made no effort in popularising the movement of the Dal or to increase its membership.

19.83 In May 1943, N. D. Apte and N. V. Godse organised a second annual training camp of the Dal at Ahmednagar. 70 volunteers from Marathi-speaking districts of Bombay and the Marathi-speaking Indian States attended the camp. It trained volunteers in Indian games, physical exercises, shooting practice with air-guns; and also classes to propagate Savarkar ideology.

19.84 On May 29, 1943, V. D. Savarkar held private discussions with the Hindu Rashtra Dal in Anandashtam, Poona, He required the volunteers to owe an implicit allegiance to him irrespective of who the President of the Hindu Maha Sabha was. Dal was to remain a distinct body, its primary duty being to protect Hindudom and render help to every Hindu institution in their attempt to oppose encroachment on their rights and religion. Savarkar ideology was attainment of Hindudom, opposition to Pakistan and indivisibility of India.

Membership

19.85 There were at Poona about 150 members. The office bearers were—

- (1) N. V. Godse, editor of the Agrani, Chief Organiser.
- (2) Kashinath Limaye Sangli.
- (3) N. D. Apte, Secretary.
- (4) Prof. R. S. Jog of Ferguson College, Organiser.

Activities

19.86 Its activities were confined to maintaining order during Hindu Maha Sabha meetings and enrolling of Hindu Sabha members. On June 22, 1944, 15 Hindu Rashtra Dal volunteers led by N. D. Apte staged a black flag demonstration before Mahatma Gandhi at Panchgani the object being to protest against C. R. formula.

19.87 There is no evidence of what happened to this Dal up to May 22, 1947 on which date a circular was issued by the D.I.G., C.I.D., Poona, on the activities of the Dal. It was addressed to all District Superintendents of Police and subordinate officers up to Sub-Inspectors in the I.B. This document required the Police to keep a close watch on the activities of the Dal and to report on any attempt made by volunteers and others to implement the advice given by Savarkar. Attached to this was a summary of the proceedings of the Dal held at Dadar on May 9 and 10, 1947, where Savarkar presided. The object of the meeting was to revitalise the Hindu Rashtra Dal activities. Savarkar made 4 speeches giving the aims and objects of the Dal, its constitution and his views on communal riots in India and the partition of the Punjab and Bengal.

19.88 The object of the Dal was stated to be the propagation of "Hindu Rashtra Vad as propounded by Vir Savarkarji" called Savarkarism.

19.89 Savarkar as the dictator nominated-- S. V. Modak of Satara and P. V. Gothaskar as the next dictator and General Secretary. Savarkar during the course of his speech asked the volunteers to assist the villagers in securing arms, licences within the provisions of the law. The Dal was based, it was said, on Savarkar's ideology. He talked about Muslim atrocities in the Punjab, Bengal and N.W.F.P. and said that they would not stop until the Hindus retaliated in the same spirit including raping of women and destroying of mosques etc. if Hindu women and Hindu places of worship were treated in that manner. Savarkar advised the Dal volunteers to oppose the Constitution to be framed by the Constituent Assembly if it was against the interests of Hindus and Hindudom.

19.90 While dealing with R.S.S. and Hindu Maha Sabha movements reference has already been made to exhibits 114 and 114-A which gave the activities of the Hindu Maha Sabha leaders. Amongst them the prominent ones were N. V. Godse, N. D. Apte, D. R. Badge, G. V. Ketkar and N. R. Athawle. Apte, Badge and Athawle were shown as potentially dangerous, Godse member of the Hindu Rashtra Dal and G. V. Ketkar as a staunch Savarkarite and brain behind the Hindu Sabha movements. In Ex. 114-A, V. R. Karkare was shown as a staunch Savarkarite, co-worker of Apte, a smuggler of arms and potentially dangerous, but he was not shown as a member of the Dal. These lists were sent to Government with a letter of 19th August 1947 by the D.I.G., C.I.D., Poona.

19.91 In their statements as accused in the Gandhi Murder case Godse, Apte and Karkare have given the details of holding camps at various places like Poona, Ahmednagar and other places in 1942, 1943 and 1944.

19.92 Nathuram Godse's statement also shows that on January 16, 1944 Godse and Apte decided to start a newspaper to give publicity to the work of Hindu Sabha and Rs. 15,000 were given as a loan by Savarkar and the first issue of the Agrani appeared on March 25, 1944. It ceased publication under this name in July 1947 because of the demand of Rs. 5,000.00 as security on July 3, 1947 under the Press Emergency Powers Act and soon after July 15, 1947 it restarted under the name of the Hindu Rashtra, which cannot be a credit to the efficacy of the Press Act. N. V. Godse was the editor of both these papers. N. D. Apte was the proprietor of the Agrani and the Hindu Rashtra was owned by a private company of which the shareholders were N. D. Apte and N. V. Godse and this continued to be published till January 31, 1948. Godse was arrested on the 30th, i.e. a day before.

19.93 The following extracts from the Agrani and the Hindu Rashtra show the trend of writings in those newspapers—

Exhibit 233.A—the “Agrani”, dated the 12th April, 1947.

The thirst for blood of the advocate of non-violence has not been quenched.

Mr. Gandhi who cherishes (lit. taken to heart) as his life time ideal to annihilate the mentality of residence of the Hindus by advocating unilateral non-violence, has now clearly stated in his post-prayer speech that he is anxious to see (Barrister) Jinnah adorn the Presidential chair (lit. Presidentship) of independent India. Mr. Gandhi had already revealed his pro-Islam slavish mentality, at the

beginning of his political career (lit. life) by inviting the Amir of Afghanistan to invade India under the gorgeous pretext (lit. name) of achieving independence. After that by raising the issue that some impostor's rule might be established in India as a result of anarchy due to war, this false (lit. nominal) devotee of freedom and his hypocritical worshipper of truth and non-violence was eager to place the crown of India's sovereignty on the head of the 'Nizam and to pay respects to (lit. to wave five lamped platter round the face of) such a Nizam, Mr. Gandhi had already tried to entrust power again to Jinnah through the mouth of Rajaji by offering (Barrister) Jinnah the prime ministership of the Interim Government, and now feeling definitely that independence is knocking at the door, this "quisling" of the Hindu nation is openly wooing (Jinnah) saying (Barrister Jinnahbhai why do you demand only Pakistan, that is India's one third or one fourth? Why do you not accept when this humble servant is prepared to offer at your feet the whole of India? From this, we are constrained to say that the thirst for Hindu blood which this "Mahatma" (i.e. seductive soul-this is a parody of the word "Mohatma" meaning the great soul') is feeling has not yet been satisfied.

* * * *

Mr. Gandhi, commit suicide.

It is the height of (lit. to reach the height of) shamelessness that the coward who cannot go out without taking the aid of the police and soldiers so that no harm is done to his person, the touch of whose feet converts many an Ahilya occupying minister's posts into Shrupsnakhas, who cannot step forward in carrying on the administration without bombs, cannons and British soldiers, should advise (the Hindus) to sacrifice themselves without offering resistance. Does the Sultan blinded with power consider the blood of the Hindu people as not worth a pie, so that this Bania who is a traitor to his community (meaning Mahatma Gandhi) should despite the flowing of several rivers of it, devise fresh means of satisfying the blood thirst of these monstrous aggressors. Does he not think the blood-shed at Noakhali, Punjab and Bihar as adequate? We clearly tell Mr. Gandhi that if the rivers of Hindu blood that he has made to flow or the encouragement that he has indirectly given to such outrages, by the advocacy of which cowardly philosophy, is at least to be partially to be undone then Gandhi should accept the defeat of his cowardly and worthless non-violence and should, for the defence of his self-respect (if any is left of it) commit suicide; if not, he should bid goodbye for ever to Indian Politics. Does this Sokaji who has been so generous about the lives of others consider lakhs of his countrymen? Is it not the duty of the people to determine from this the real worth of this hypocritical patriot?

Exhibit—233.B

Full translation of a news item with the heading "Hindu Rashtra-Sewak Mr. Badge arrested" appearing on the first page of the issue of the Hindu Rashtra dated 7-6-1947.

Hindu Rashtra Sevak Mr. Badge arrested

Poona, dated 6-6-1947.—The Police (B. Sub) arrested tonight at 8.30 under 19F of the Arms Act Hindu Rashtra Sewak, Mr. H.N. Badge,

the Manager of the Maharashtra Shastra Bhandar here. He was immediately released on bail. Now the prosecution is launched (lit. started) against Mr. Badge for the second time.

Exhibit—233.C—the Hindu Rashtra, dated 3-7-1947

* * * *

The Agrani has received several letters (requesting) "Write something about this day-to-day and send more copies". That means the object is that they want something like curses on (lit. abuses to) Congressmen and opposition to the Muslims. But what have to-day's young men done so that the devotees of Hindutva who have tolerated today for years together the timid rule of the Congress, should be glorified

* * * *

This to-day's youth(?) who is a devotee of Hindutva reads every day the news that today the Congressmen arrested more Hindus. Jawaharlal killed Hindus only; Vallabhbhai tolerated the molestation of a Hindu woman and Gandhi (lit. and what of Gandhi) he is always eager to start for a tour in order to annex every day a new province to Pakistan.

After reading this news what else has the youth who is a devotee of Hindutva done beyond saying that the Congressmen are cowards, and anti-Hindus?

If you cannot do anything else, you should remain bearing silently that which is in existence. You should not at all make a tom-tom of your devotion to Hindutva'!.

Exhibit—233.D

Full translation of Mr. Bhalji Pendharkar's message on the observance of the Black-day, the 3rd of August, appearing in the Dainik Agrani Hindu Rashtra, dated 6th July, 1947.

Black Day observances at different places

"My sad, distressed and perhaps despondent Hindu brothers.! This is such a black day, forced on us by those that have black marketeered in the nation (as a commodity) that every Hindu, every patriot should protest against it at the top of his voice until the threat gives way and the chest bursts. And it is a matter of great shame that some weaklings accidentally (lit. by mistake) born in Maharashtra, should come and justify this partition in this capital of the Chhatrapati..... The partitioners of Akhand Bharat be condemned a hundred times". These are the remarks touching the heart of every Hindu, made by Bhalji Pendharkar in a letter sent from his sick-bed on the occasion of the Kalhpur 'Black Day'.

Exhibit 233.E.—Hindu Rashtra, dated 9th July 1947

Brothers!. You have been knowing Mr. Nanaraao Apte as the Manager of the Agrani, a close friend of Mr. Nathuram Godse, a founder of the Hindu Rashtra Dal, and one of the best orators and workers of Hindusabha. But now, it is necessary to have more information (lit. acquaintance) of this youth.

* * * *

Mr. Apte became extremely uneasy at the incident of arrogance which has reached its climax. He began to think that "if I had no power to punish these arrogants, I should not call myself a 'Savarkarite'".

Readers! There is not single word of exaggeration in this.

Brothers! Mr. Apte himself and I, who am his very intimate friend, do not feel the pain caused by (lit. of blows dealt by) intoxicated power.

The motherland was vivisected, the vultures tore pieces of flesh (from her), the chastity of Hindu (lit. Arya) women was violated on the open streets, everything was lost and the big guns of the Congress eunuchs watching the rape committed on their own wives have begun to growl at you. How long can one bear this? And if this suffering is going to be a matter of habit, what greater agony can there be in transportation for life?

Exhibit—233.H—the Dainik Hindu Rashtra dated the 6th September, 1947.

Non-resisting tendency (which is) accomplished easily by animals

The strenuous nature (of the efforts) made by Gandhi and his followers (lit. Gandhi people) to make the Hindu community assimilate the revengeless and non-violent tendency like that which sheep and goats have made their own is understood. There is no reason to blame them (Gandhi and his followers) for it. But when even Dr. Shyamaprasad following in the footsteps of an imbecile Premier like Pandit Jawaharlal issues a statement and when persons who call themselves the leaders of the Hindusabha like Barrister Chatterji, the President of the Bengal Hindusabha and (Mr.) Devendranath Mukerji, the Secretary, feel agonised at the fast of Gandhi which has an ill-will against the Hindus, we are inclined to say this much that it is necessary that the Hindusabha should give more serious consideration to its health (lit. constitution).

Exhibit—233.H—the Dainik Hindu Rashtra dated the 7th September, 1947.

The Swaraj which the Congress has got is engaged in taking out tours with Mr. Liaquat Ali, while (Mahatma) Gandhi, the deity of its swaraj, is busy in showing the scene (by way) of drinking lime (lit. musambi) juice in Mr. Suhrawardy's cup.

* * * *

Where has that bravery gone

But is the actual state of affairs really such? Is the Hindu community really become so devoid of valour that it should live as refugees in large numbers running into lakhs not at all taking to heart even the dishonouring of its own women, for living somehow.

* * * *

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! Remove these obstacles (lit. bolts)!. The flood of Indian bravery will in no time integrate the whole of India into one.

Of course, all this (will be done) by peaceful ways of elections, meetings, propaganda, etc.'. What more than that can we tell?

Exhibit—233.I—the Dainik Hindu Rashtra dated the 16th December, 1947.

Pakistani reward for Congress betrayal of the Hindus.

* * * *

Gandhi, the father-of all these wicked conspiracies, is openly propagating that Hindi should not be the national language. Power is an intoxicating substance. Similarly, the support of the majority too is an intoxicating influence. The Congressmen have become intoxicated today with this drug.

Exhibit—233.J—the Dainik Hindu Rashtra dated the 24th January, 1948.

* * * *

We request that the Government of India should provide more armed soldiers for Gandhiji's protection so long as he (Gandhiji) make anti-national and terrible statements as above. As Gandhiji has made gift (lit. provided) of 55 crores to Pakistan and also expressed the above statement, the Government of Pakistan should invite this Friend to visit Pakistan.

* * * *

Offence (given) to the Hindus of Gwalior

In his sermon Gandhiji also referred to a telegram sent to him by some Muslims in the Gwalior State. This grievance was to this effect, "The Hindus attacked our village and beat us, destroyed our houses and crops and the State authorities take no notice in spite of requests". Gandhiji was, of course, grieved to read this telegram and by observing, "If this incident is true, it is a thing of disgrace from the point of view of the State", indirectly suggested that the States Department of India Government should take the Gwalior Government to task (lit. should pluck the ears of the Gwalior Government). But it is only Gandhiji's spirit to blame the Hindus for every injustice without looking to the situation in the Gwalior State. Since it has become known to the world that he is a friend-well-wisher of the Muslims, a Muslim, who does not take his true or false grievance, to him, has come to be define these days as 'lazy'.

19.94 There are some other extracts from the "Agrani" which also show the trend of opinion of the editor. Ex. 152 is of the issue of July 6, 1947 which refers to the arrest of Athawale Secretary of the Hindu Mahasabha in connection with the bomb outrage and his arrest. The significant portions of the article are these: that it is gratifying to know that the Government suspects Hindu Mahasabha workers to be members of bomb conspiracies, that other workers are likely to be involved including Godse, that the Congress Government seeks the satisfaction of obstructing Hindu Sabha movement by these arrests, that the "Agrani" may stop but the Black Day observance of the 3rd July is the beginning of the fight of Hindutva.

19.95 Ex. 153 of the 8th July, 1947 complains about the harassment of Hindu youth by the Congress Government. It also complained about the surreptitious manner in which Apte's remand was taken by a Magistrate different from the one before whom he should have been produced.

19.96 Ex. 154 in the issue of the 9th July, 1947, the "Agrani" complained that the Ministry was preventing Hindu youth from achieving Akhand Bharat. It also said that Apte will not care whether he is convicted or not but he would care whether Hindu youth are allowed to carry on their work for Hindudom. It also complained that Government had taken away six rifles and 2000 cartridges from the Rifle Club founded by Apte at Ahmednagar. It also said that Apte and 25 volunteers went to a public meeting of Mr. Kriplani at Ahmednagar and demanded apology for breaking up the meeting of Mr. Jamnadas Mehta arranged by the local Hindu Mahasabha and on that being refused the meeting was broken up. Apte and other volunteers were drenched in blood. Regarding Apte, he said, "Is the society going to let such fresh flowers willingly offering themselves at the altar of the Nation". The Congress High Command has begun to scowl at you. How long will you bear this?"

19.97 These passages from Ex. 152 to 154 show that the "Agrani" was lauding the prosecution of Hindu Mahasabha workers for bomb throwing and it was directing all its energies against the Government and the Congress High Command so much so that it called upon the Hindu volunteers to be up and doing something and it wanted to know how long the Hindus will bear what was happening.

19.98 From its very inception the Rashtra Dal was a movement of extremists which had adopted the ideology of Savarkar to whom the members and the volunteers were required to show unreserved and implicit allegiance and faith. Though ostensibly it was a protective movement yet it was a movement which in action was expected to be retaliatory in the sense that it was to behave towards the Muslims in the same manner that Muslims behaved towards the Hindus in Pakistan, even to the extent of destroying places of religious worship and treating men and women in the same manner that Hindus were treated in Pakistan. They were required to keep order at the meetings of the Hindu Mahasabha but in their ideology and in their action they went far beyond the ideals of the Hindu Mahasabha. It is not surprising that the brains behind the conspiracy to murder Mahatma Gandhi were the leaders of the Rashtra Dal.

19.99 According to Mr. N.M. Kamte, Inspector General of Police, the Dal was led by Chitpawan Brahmins and, as a matter of fact, the leaders of political thought in Poona were the Brahmins of that place. But even he was not aware of any anti-Gandhi movement in Poona against his person although some of the leaders did not agree with the Mahatma in his political programme, including non-violence. But there is no evidence to show that even these people with rabid views were going to assassinate Mahatma Gandhi.

19.100 Deputy Superintendent N.Y. Deulkar witness No. 6 stated that fiery speeches were being made by members of the Hindu Mahasabha and Hindu Rashtra Dal. But it did not come to his notice that their activities were prejudicial to the safety of Central leaders or Congress leaders or the stability of the State.

D. Conclusions

19.101 The Commission has given the documents and the evidence dealing with the activities of the R.S.S. and the Hindu Mahasabha in Bombay Province and at Delhi separately under two headings, the R.S.S. and the Hindu Mahasabha. But it would be more convenient if the two organisations, the R.S.S. and the Hindu Mahasabha, in regard to their activities in the Province of Bombay were treated together, and the two organisations in Delhi were taken as a separate group but considered together.

19.102 The evidence concerning the activities of the two organisations in the Province of Bombay shows that—

- (1) Government of Bombay was anxious to know through its C.I.D. the activities of the two organisations and for that purpose had a list of their leaders compiled and wanted their activities to be kept under special watch and special reports to be sent in regard to them.
- (2) The D.I.G., C.I.D., Poona, *inter alia* compiled two lists, one relating to Poona, Ex.114, and the other relating to Ahmednagar, Ex.114-A. But this appears to be a list of leaders of the Hindu Mahasabha and there does not seem to be a separate list of the leaders of the R.S.S.

The Poona List Ex.114 contains, amongst others, the names of Nathuram Godse, editor of the Hindu Rashtra, a staunch Savarkarite and a member of the Hindu Rashtra Dal; N.D. Apte also a staunch Savarkarite, organiser of the Hindu Rashtra Dal, a propagandist of Savarkarwad, and potentially dangerous; G.V. Ketkar, a staunch Savarkarite, a brain behind Hindu Mahasabha activities and influential; N.R. Athawale, also a staunch Savarkarite, potentially dangerous and a co-worker of N.D. Apte; D.R. Badge, similarly shown as potentially dangerous.

Ex.114-A of Ahmednagar District contains the name of V.R. Karkare, a staunch Savarkarite and a co-worker of N.D. Apte, also shown as potentially dangerous.

- (3) Although in the beginning special reports were being sent to Government as to the activities of the leaders of the Hindu Mahasabha and the R.S.S., they were at the suggestion of Mr. U.H. Rana, D.I.G., C.I.D., Poona, discontinued by Government.
- (4)(a) The R.S.S. was the best organised and militant Hindu organisation in India and although it was not affiliated to the Hindu Mahasabha, its prominent organisers and workers were members or sponsors of the Hindu Mahasabha ideology.
- (b) Ostensibly, it was an open organisation but it maintained secrecy about its work.
- (c) It had branches all over the Province except Surat and Baroch with a strength of about 28,306 members.
- (5) It was suspected of having a hand in communal incidents.

- (6) It did not participate in the Independence Day celebration.
- (7) Its activities on various religious festival occasions were rallies, flag salutations, and private meetings.

19.103 With all this, in its ideology it was an anti-Congress movement in that it did not believe in the philosophy of non-violence or non-violence in action or in secularism. It had a slant against Gandhiism but its anti-Gandhiism did not seem to go to the extent of personally harming Mahatma Gandhi.

19.104 The Hindu Mahasabha activities were shown to be anti-partition activities, extending from not attending Independence Day celebrations, sending volunteers to U.P. to carry on struggle there, and observing Punjab Mourning Day as a part of protest against the partition. Some of the speeches made by speakers were anti-Gandhi. Mr. G.V. Ketkar at a meeting on December 2, 1947 called Gandhiism as enemy number one, and Prof. Mate blamed Pandit Nehru for scandalising Hindu Mahasabha and the R.S.S.

19.105 Dr. Parchure in a speech on the previous day had said that Gandhiji and Nehru will surely reap the fruits of their sins in a short time.

19.106 All this showed an anti-Nehru and anti-Gandhi organisational activity. The words used by Dr. Parchure were capable of being interpreted as threats of violence and yet no action could be taken because the speech was in Hindi and the police reporters could not take it down, they being only Marathi shorthand writers. That does show that the Hindu Mahasabha was carrying on propaganda against Gandhiji and Pandit Nehru. But there is no evidence to show that this propaganda was an incitement to violence against which the Government could take action against the persons carrying on the propaganda. There was a feeling of antipathy, if not animosity, against Mahatma Gandhi and his policies which were capable of bursting into more than mere verbal condemnation.

19.107 It appears to the Commission that the Bombay Provincial C.I.D. were not trained enough to gauge the true sentiments of these people. But it must be said in fairness that the persons who were carrying on this propaganda were mostly Savarkarites belonging to the Rashtra Dal group, and it is no wonder that when the facts in regard to the conspiracy were unfolded and the names of the conspirators discovered, they turned out to be that group of Savarkarites who might be termed as members of the Rashtra Dal.

19.108 The Hindu Mahasabha took full advantage of the unpopularity resulting from the partition of the country, the brutalities to which the Hindu and Sikh refugees were subjected, and the policy of appeasement of Muslims including the blatant solicitude for the Muslims at the expense of the Hindus and Sikhs who had come from western portions of Pakistan dishonoured, robbed of all their belongings, lacerated in mind and frustrated.

19.109 The Hindu Mahasabha Press was violent in its writings, but the writings were so veiled that they did not fall within the Indian Penal Code and action had to be and was taken against them under the Press (Emergency Powers) Act. The Hindu Mahasabha was critical of the Congress, wanted the establishment of a Hindu

Rashtra, but found themselves unable to fight the Congress in the elections, showing thereby that they had not that popular support of the masses. The Hindu Mahasabha was predominantly anti-Muslim although it was not anti-Gandhi this was stated by Mr. V.T. Dehejia, witness No. 84. But there was nothing to indicate that the rabidness of the Hindu Mahasabha Press was directed against Mahatma Gandhi personally.

19.110 As to the activities of these organisations in Delhi, the Hindu Mahasabha was carrying on propaganda against the Congress, particularly in regard to Mahatma Gandhi's solicitude for the Muslims at the expense of the Hindu refugees which had caused a certain amount of anger in the minds of the members of the Hindu Mahasabha whose utterances at the meetings of the 18th and 27th January showed how critical they were of the Congress and Gandhiji's way of thinking. And in spite of the slogans against Mahatma Gandhi, "MARTA HAI TO MARNE DO" and "MADANLAL ZINDABAD", there is no evidence to show that these people were prepared to carry their anti-Congress activities and anti-Gandhi propaganda to its extreme limit of assassinating Mahatma Gandhi.

19.111 There is evidence of Mr. J.N. Sahni, witness No. 95, that the refugees were extremely exasperated, the writings in the Punjab Press were sometimes savouring of violence, and yet what Mahatma Gandhi had done for the Hindu and the Sikh refugees in the Punjab was a sufficient shield against their becoming violent to the extent of murdering Mahatma Gandhi.

19.112 An experienced administrator like Mr. R.N. Bannerjee has stated that the R.S.S. as such were not responsible for the murder of Mahatma Gandhi, meaning thereby that one could not name the organisation as such as being responsible for that most diabolical crime, the murder of the apostle of peace, the like of whom the world does not see excepting after centuries.

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CHAPTER XX

TERM OF REFERENCE (a)—MR. G.V. KETKAR AND OTHERS

G.V. Ketkar, Wit. 1—

20.1 Mr. G.V. Ketkar, witness No. 1, is a prominent citizen of Poona. He is a grandson (daughter's son) of the great Indian Leader the late Lokmanya Bal Gangadhar Tilak. He was the editor of the 'Kesari', Tilak's paper, and was at one time the President of the Provincial Congress Committee of Bombay Province and took part in Salt Satyagrah—Dandi March—in 1930. He is connected with several other institutions; has been a member and the General Secretary of the Hindu Mahasabha and held various offices therein. He edited the English Weekly the 'Maratha' till 1955 and was the editor of the Marathi daily the 'Tarun Bharat' upto 1964. He has stated that he has now retired from active politics.

20.2 *Ketkar's claim of prior knowledge*—The basis of Mr. G.V. Ketkar's claim of having prior knowledge or "advance information", as he put it in his clarificatory statement regarding Nathuram Godse's "plan" or "intention" to assassinate Mahatma Gandhi, is a speech which Mr. Ketkar alleges was made by Nathuram Godse in Shivaji Mandir, Poona, in the month of July 1947. He has not given the date but he says it was in reply to Mr. Jayaprakash Narayan's speech. Before the Commission the police report and record of two of Mr. J.P. Narayan's speeches made on November 26, 1947, Exs.122 and 122-A, have been produced. One of these was in Kirkee Bazar at a meeting of the Arsenal workers and the other at the S.P. College, Poona. Mr. Ketkar has deposed that there were two meetings one of them was in early July but when he does not remember, nor does he say where the second meeting was held and there is no police report of any other; at least none has been produced. And Mr. J.P. Narayan was an all-India leader of importance whose speeches were to be reported *in verbatim*. If there was one in July there is no reason why it should not have been reported by the police. This matter will be discussed further at a later stage.

20.3 Mr. Ketkar's account of what happened at the public meeting or what exactly was said, is, to put it in his own language, as follows—

"At a public meeting in July 1947, to protest against the acceptance of the partition of India Nathuram Godse, who was subsequently convicted and hanged for the murder of Mahatma Gandhi, stated, 'Gandhiji says he would live for 125 years—yes, if anybody allows him to live'. At that meeting Balukaka Kanitkar who was a very honest Congress worker of Poona was also with me. He was my friend. He said to me, 'What is that man talking about? It is a dangerous thing and we should let this Government know'.

"The meeting was a public meeting and it was held at Shivaji Mandir, Poona. I said to Balukaka that why should we communicate this to Government. The Police reporters were present and they would report to the Government. Balukaka said that Police reporters are lazy people and they would not report to the Government.

"After the Communal Award I had very strong apprehension that Congress would agree to separate electorates weightages, etc., and forsook the Congress and joined Hindu Mahasabha. I asked Balukaka that he should communicate with the Government as to what was being said by Nathuram Godse because I had joined the opposition party and he was still in the Congress.

"I told Balukaka that I shall try to dissuade Nathuram Godse from committing any such rash act if he intended to do, and that he should inform the Government to be careful about the life of Gandhiji and other Congress leaders. On a subsequent occasion, when I met Balukaka he told me that he had sent a registered letter to Bala Saheb Kher, the then Premier of Bombay".

20.4 Mr. Ketkar filed a written statement on February 12, 1968 (Ex.27-C), when he was recalled for re-examination at Poona. Therein he has stated—

"We elderly people did not sit in the crowd but remained on the outskirts to catch the main significance of the speeches, and did not wait to listen to the verbose thanksgiving and the National song. We.....i.e. Balukaka Kanitkar and myself, elderly people,.....were just standing outside the crowd to get the main theme of the meeting and retire before the thanksgivings and the songs".

20.5 When he was again recalled in January 1969 at Bombay, he stated that he was standing outside the compound wall of the Mandir which was about 7 ft. high. Commission inspected Shivaji Mandir which has buildings on two sides of the compound and along the road on front side there is a high stone wall. According to his showing, he was standing with Balukaka Kanitkar behind this wall and listening through the loudspeaker. Why on this occasion this gentleman should have chosen to stand outside behind the high stone wall listening through the loudspeaker is not clear. There is evidence that like Nathuram Godse and Apte he belongs to the same school of Hindu Mahasabha political thought and was clubbed together with them in Ex.114, report of the police, giving the names and activities of the Hindu Mahasabha workers of Poona, the correctness of which he has not challenged. At least, on two other occasions (Ex.111 and Ex.112) he not only attended the meetings where Godse was one of the speakers but also spoke at those meetings. There is no explanation why on this particular occasion he should have suddenly become 'elderly' when he could not have been more than 50 years at the time and is still quite strong looking and why he stood away from the crowd.

20.6 But this much at least is clear: that according to Mr. Ketkar, these sinister words which led him to ask Balukaka Kanitkar to

forewarn the Government were publicly uttered in a public place, where meetings are usually held and these words must have been heard by the audience including the police reports who were presumably inside the compound and would not be far from the speakers because that is the usual practice at public meetings. The danger, these words were portending was clear to Balukaka, although for some reason in a later part of his statement Mr. Ketkar said that they were not so to him (Ketkar himself).

20.7 Mr. Ketkar in the first statement at Bombay on March 6, 1967, which has also been set out above, thought that the police would incorporate those words in their report, which Balukaka Kanitkar doubted and that was why Mr. Ketkar and Balukaka mutually agreed that Balukaka would warn the Government of the danger to the Mahatma's life, and Ketkar would try to dissuade Nathuram from carrying out his nefarious design.

20.8 The evidence of Mr. Ketkar, to put it mildly, is mutually inconsistent and a bundle of contradictions on most essential points. On this point Mr. Ketkar has stated that he did not infer the intention of Nathuram Godse from these words. He was then asked—

"Q. Did you infer this intention from only the words of Godse which you have referred to in your evidence i.e., 'Gandhi will live 125 years if anybody allows him to live'?

"A. He might have said something more but I did not hear. Balukaka Kanitkar was also there. It was really he who inferred the intention from these words. I did not infer at that time from the speech that he was going to murder Mahatma Gandhi but Balukaka Kanitkar did infer".

20.9 This shows how evasive was the reply of Mr. Ketkar in regard to this crucial point. He was put a specific question as to how it struck him to tackle Nathuram in regard to his intention when he himself did not infer anything sinister from his July speech. Mr. Ketkar's answer was that he put a straight question to Nathuram. That does not explain why he made the inquiry from Nathuram Godse. The account of Mr. Ketkar on this part of the story is this—

"Nathuram Godse came to me in October, 1947, asking for an article. I then tackled him and asked him if he was going to commit the murder of M. Gandhi himself. Then he said that it was correct that he was going to do that. Nathuram Godse used the words 'we' i.e. he said that 'we were going to do it'. But I did not attach much importance to the word 'we'".

20.10 This would indicate that upto the time Godse came to him in October, Ketkar was not apprehensive as to Gandhiji's life being in danger nor did he have any knowledge of a conspiracy or a plot, but his conclusion even after the October meeting, if he had any conclusion at all, was that the murder was going to be an individual act of Nathuram Godse himself and not that of anyone else or his in complicity with some other person or persons.

20.11 It is surprising that although this speech is the base on which Mr. Ketkar has built up the edifice of his story of prior knowledge and previous forewarning to Government, he himself did not

think it to be sinister although, according to him, Balukaka Kanitkar did. The explanation of Ketkar on this point is that the two of them had a different approach. Balukaka took the words seriously and Ketkar himself thought them to be effervescence of youth which would soon settle down. This explanation was given when he appeared as a witness for the third time at Bombay in January 1969. He said—

“Balukaka was certain about the meaning of the words but I still did suspect”.

20.12 He was still in a suspecting mood, sceptical and dubitant, then how could he have asked Balukaka to warn the Government, and himself undertake to dissuade Nathuram Godse if this was his attitude of mind. The two are in discord and do not fit in, try as hard as one may.

20.13 In spite of his promising Balukaka in July to tackle Nathuram Godse, Mr. Ketkar evidently did nothing to carry out his promise—dissuade Nathuram from carrying out his murderous design—till some time in October 1947. Even then the occasion was not at his seeking but because Godse came to him. And he made a futile and ineffectual, if not a feeble, attempt. The story of his dissuasion as deposited to by Mr. Ketkar is this: Nathuram Godse was, at the time, a struggling journalist trying to keep his paper alive and Mr. Ketkar was helping him by contributing to his newspaper the ‘Agrani’, a Marathi newspaper of Poona, which from all accounts was an aggressive, almost uncompromisingly communal Hindu Sabha paper. Nathuram Godse used to come to him for this purpose. One evening in October, 1947 he came to him and Mr. Ketkar asked him as to whether what he had stated in the public meeting was his real intention, i.e. would he murder Mahatma Gandhi. Evidently, Godse’s reply was in the affirmative because Mr. Ketkar argued with Godse for about an hour but without success. Nathuram Godse ultimately said to Mr. Ketkar that he “could not answer his arguments”.

20.14 The argument which Mr. Ketkar had used was that Partition was as a result of history and the alternative to it was separate electorates and reservations of seats and weightages. After Partition there would be pure democracy in India. He also said that Gandhiji had not come to Godse with a dagger, why should Godse then go to Gandhiji with one. He also warned him of the serious consequences of murdering Gandhi. It was this argument that Godse could not answer. But evidently, he was unconvinced and Mr. Ketkar so understood from the reply of Godse.

20.15 Mr. Ketkar has admitted that this talk he has not mentioned “publicly” before. Commission finds no proof that he has done so even “privately”, nor has he during Balukaka Kanitkar’s life time laid claim to being instrumental in getting Balukaka Kanitkar to warn Government against danger to Mahatma Gandhi’s life.

20.16 Not only was Mr. Ketkar dubitantly if not skeotical about the intentions of Nathuram Godse, he never mentioned his apprehensions to anyone leaving aside for the present Balukaka who himself understood the speech of Godse to be a dangerous portent and should not have needed Mr. Ketkar’s prompting if, with Ketkar’s

background, he would prompt or could have prompted anyone to complain against or give a warning about one of his own co-adjutors and co-workers.

20.17 Mr. Ketkar has deposed that after the bomb was thrown he became certain that the intention to murder had come into operation. But as he knew that Madanlal had given out the names of his co-conspirators, he thought that they would be arrested. Unfortunately for Mr. Ketkar there is no proof that newspapers had given out the names of the co-conspirators of Madanlal, at least none have been placed before the Commission. As a matter of fact, the evidence before the Commission is the other way that with the exception of Karkare's name no other names were given by Madanlal although in his later statements he was a little more descriptive about their appearance and avocations but even there no names were given.

20.18 Something more astounding and more definitive happened soon after the bomb was thrown. On or about the 23rd January, by a mere chance Ketkar met Badge in the street. This is the same Badge who was the approver in the conspiracy case and was at one time employed by Ketkar to collect money for one of his institutions, an orphanage. Badge told him that Godse and Apte had taken part in the bomb throwing and that they along with him (Badge) were going back to Delhi to complete their work. Again, Mr. Ketkar took no steps to inform anyone about the intentions of the conspirators nor did he do anything himself. His amazing rather breath-taking-away excuse was that Gandhiji was well protected and that he had supernatural powers and that nobody could harm him and these hot-headed people would cool down soon. Besides, he had already informed the Government through Balukaka Kanitkar. And he never thought that they (the conspirators) would go back so soon after the bomb incident. On the other hand, he thought that Godse and Apte would go into hiding to escape from being arrested. As shown by the material before the Commission, they did nothing of the kind. But all this is no excuse for his not disclosing to any authority or even to Balukaka with whom he was very friendly and who was an "honest Congressman".

20.19 Mr. Ketkar also deposed that he had given the whole story to Mr. R. K. Khadilkar, M. P. There were hostile sentiments expressed against Gandhiji in Poona, and papers had indirectly created an atmosphere inducing to violence and occasionally the news used to come that something terrible was going to happen. Mr. Khadilkar, unfortunately for Mr. Ketkar, has no recollection of any talk with him about this matter. However, in the witness box Mr. Khadilkar admitted the existence of danger to Gandhiji's life. If Mr. Ketkar had talked to him about this vital information, it would be difficult to imagine that Mr. Khadilkar would not have any recollection about it.

20.20 Let us now proceed to see what Mr. Ketkar did next.

20.21 After the murder, on February 14, 1948 Mr. Ketkar wrote a leading article in the "Kesari" of February 14, 1948 of which he was the editor. He did not even mention the factum of his knowledge of Nathuram's intention or plan nor of Balukaka Kanitkar's forewarning the authorities of the threat to the Mahatma's life. On

the other hand, he was stunned to learn that the assassin was Nathuram Godse, whereas "they had all" thought that it was a refugee. If he (Ketkar) had prior knowledge of Nathuram's intention and also had failed to dissuade Godse and had even been told of the names of the conspirators who were going to return to Delhi to assassinate the Mahatma, then why should he have had surprise as to the assassin, particularly when along with or soon after the news of the murder the name of the assassin was given out and he was none other than Nathuram Godse, and Nathuram Godse, according to Ketkar, had publicly proclaimed his intention, had privately told him about his plan or intention if not discussed with him the pros and cons, as reported in the 'Indian Express' of November 14, 1964, and corroborate evidence came to him from Badge about the 23rd January, 1948, after the Bomb incident. Would this fact not detract from the correctness and authenticity of Mr. Ketkar's claim about the language of the July speech of Godse and his claim of forewarning?

20.22 Mr. Ketkar's attention was drawn to this article. When asked why he got stunned, he replied, "I should have thought that after the information was given to the Government and after the Bomb incident they would at least be arrested. But nothing was done", which indeed is an ingenuous if not an ingenuous reason, particularly when in the very next breath he says that they all thought that the assassin was a refugee. If that was so, where did the question of forewarning come in?

20.23 In his newspaper article dated November 15, 1949, Ex. 16-A, written on the occasion of execution of Godse and Apte, where Mr. Ketkar asserted that Balukaka had informed the authorities, he did not state that Balukaka and he were together at Godse's meeting when they heard his threatening speech to kill Gandhiji, nor that he got Balukaka to write to Mr. Kher, nor that he had tried to dissuade Nathuram Godse from carrying out his intention in October, 1947. It was just a bland statement that Balukaka must have concluded from some such words as the "125 years, etc., and if anyone will let him live". No credit is taken for giving the warning, though perhaps a defence was attempted for Mr. B. G. Kher's apparent inaction. Balukaka Kanitkar appreciated this attempted defence in his letter (Ex.23).

20.24 The important portion of the article is Ex.17-A which when summarised stated that Godse, in a speech in reply to Jayaprakash Narayan's speech, had (1) expressed fury against our leaders who were falling a prey to the tactics of Jinnah; (2) speech contained a sentence about 125 years life of Gandhiji; (3) it must have been on the basis of some such sentence that Balukaka based his inference; (4) Balukaka cannot be blamed if even after receiving this letter Hon'ble Kher did not take a serious view of the matter; and (5) Gandhiji had a wonderful power to pacify his extremist opponents and that faith was deep-rooted in his followers and also in his opponents, meaning that that was the reason for Hon'ble Kher's not treating the matter seriously.

20.25 This was not all. The article went further. It said that Godse and Apte had expiated for their sins by paying the highest penalty, which in legal philosophy is a correct interpretation of

punishment, but what follows is dangerously significant. At page 3 of the article, as translated, there is a very significant sentence showing the mind of the writer—

"Next after the partition and Gandhi murder, the extreme penalty paid by both for the same will also incidentally come to be a part of that very historical event".

At page 4, there is another passage—

"Godse-Apte were not any hardened pests in the society or adept assassins. They were among those youths who were zealously participating in social movements according to their own views and taking utmost pains thereafter. Such persons are recipients of sympathy and admiration from all people in general. Even though they are found to have some extremist views, a degree of extravagant waywardness and a misplaced excess of enthusiasm, the impartial and elderly people do cherish for some time at least a feeling of admiration for them".

Then, there follows another passage which is equally, if not more, significant—

"As the horrors of partition befell the people.....emotional minds were greatly agitated. During this period Godse-Apte used to be restless and absorbed in pondering as if possessed by a ghost. They ceased to have any 'interest' in all such routine matters as propaganda, wooing of the electorate, elections, mass meetings, resolutions and demonstrations..... Such thoughts had crowded into their heads....."

Then follows the passage marked Ex.17-A. It has been given in full at another place. Thus, according to Mr. Ketkar, Godse and Apte were no felons, but perhaps that was the view of many others and Balukaka was one of them.

20.26 The article next mentions the "protracted", trial of Godse and Apte, the loss of life and of property suffered by innocent people, the detention of many and unnecessary hardships suffered by their families, and "the hanging of Godse and Apte must be regarded as the final offering in the sacrifice constituted by these expiations".

20.27 At another place Godse is described as a lover of the country who was maddened by the vivisection of the land. Then follows another passage—

"It is true that Gandhiji was man of high character; but it is not proper to characterise Nathuram as one of low character as the straight converse thereof. We must give up doing moral injustice to Nathuram at least after his paying extreme penalty for his crime..... If Nathuram Godse is compared with many of his contemporary workers, very few workers will be found to be on par with him in point of merits such as sacrifice, simple living, aversion to luxury, celibacy and readiness to forget oneself as against a work undertaken. Let history of the remote future give Pandit Nathuram Godse whatever of the justice expected by him....."

Thereafter follows a eulogy of Apte who, according to the article, discharges his duty by standing by the side of his bosom friend Godse—

"These two co-proprietors of the journal 'Hindu Rashtra' at last disappeared from life by giving a joint offering of their lives for the sake of the unfortunate divided Hindu Nation".

20.28 It may be conceded that for the purposes of law relating to the Press, stray passages cannot be culled out for the purpose of demanding security or confiscating it, but these passages have been put in this part of the Report to show the mentality of Mr. G. V. Ketkar for which our laws have not imposed any punishment. A gentleman who could write in this strain is the last man who would give information which might lead to the arrest of the persons he has eulogised, persons whose moods he was well acquainted with and whose motives he could appreciate and who in Ex. 114 are described as fellow Savarkarites. The article shows a closer knowledge of the life and feelings of Godse and Apte and is an *Eulogia* which, whether right or wrong, throws great doubts on the genuineness of the claim of Mr. Ketkar of being a forewarner of the danger to the life of Mahatma Gandhi with whom he has favourably compared the assassins. He also said in the article that the atmosphere in Poona was against Congress including Gandhiji. That was because they (the Congress Party) had accepted the Partition and everyone thought that everything done by the Congress was under the direction of Gandhiji. In July the cause of anger against Gandhiji was the Partition, and subsequently there were the massacres in the Punjab, particularly of the refugees travelling by the trains coming from the North, and more particularly the massacre at Gujrat Station, and lastly it was climaxed by giving away of 55 crores of rupees which enraged the people of Poona. Thus, this anger was a continuing process from June 1947 to January 1948. There was no cooling off and yet Mr. Ketkar has deposed that he did not see the dangerous trends in Godse's speech because he thought he would cool down.

20.29 In justification of his article of November 15, 1949, (Ex. 16-A), he said that other people had also pleaded for mercy for Godse and Apte, including Balukaka Kanitkar and Mashruwala; the latter was a well-known Gandhiite and a firm believer in non-violence. He then said that the plan of assassination was made at Delhi, Bombay, Gwalior, and other places, in the month of January, 1947 which seems to be a mistake. In his article he had put three incidents calling them historical events—firstly, the Partition; secondly, the Gandhi Murder; and thirdly, hanging of the murderers. He was asked in the witness box—

"Q. Do you put these events of equal immensity?

A. No. They are historical events, one following the other".

This was a clever and evasive reply to a difficult question.

20.30 He also stated before the Commission that after the Partition and the events that followed, Godse and Apte became restless, moody and had no interest in any ordinary routine matter of the world and these things had tremendous effect on them. In his article

referred to above he was giving expression to the views of his readers whose opinion was that Hon'ble Kher was keeping quiet; Morarji was acting sluggishly and the police was careless. Further, he said that the criticism which was levelled against him after his speech of November 12, 1964, was not justifiable because he had already given information to Government through Balukaka. A very significant part of his statement showing his association with Nathuram Godse, rather a close one at that, is at page 15, Vol. I, in an answer to a question—

"Q. Have you anything more to say about these matters (terms of reference)?

A. I do not think I have to add anything to these matters. I was told that some letters were sent by Nathuram Godse before his execution to his relatives and friends. Those letters were never sent to the addressees. I wrote to the jail authorities in March 1965, and I was told that they were sent on to the Inspector General of Prisons. I want the letter addressed to me, if any, to be given to me or to the Commission because that would, I am sure, corroborate my statement that I tried to dissuade them from committing this murder."

20.31 It could be pleaded in defence, not without justification, although Mr. Ketkar has not said so, that when the article of February 14, 1948, was written in the 'Kesari', Mr. Ketkar might well have felt that if he disclosed at that stage that he knew of Godse's intentions to assassinate Mahatma Gandhi or that he had tried to dissuade him or that he had been given prior information by Badge about the conspiracy, he would be or might be involved in the case or, at any rate, become a target of people's fury, he being a Brahmin; Brahmins, according to his evidence, had been attacked, assaulted and insulted but there appears to have been no such fear after Nathuram Godse and Apte were executed and that was when Mr. Ketkar wrote his article, Ex. 16-A. And yet there is nothing indicative of his prior knowledge of Nathuram's intentions still less of any knowledge of the conspiracy to commit murder. If he had any such knowledge he could have disclosed it in his article and also he could and should have claimed that he had given prior information.

20.32 In his cross-examination Mr. Ketkar has admitted that on his own showing there were three occasions removed from each other by longish periods of time when the factum of danger to the Mahatma's life, i.e., of Nathuram's intention to murder Mahatma Gandhi, was disclosed to him namely, (i) July 1947 when he (Godse) made the alleged speech at Shivaji Mandir, (ii) October 1947 when Godse came to Ketkar and Ketkar tried unsuccessfully to dissuade him, and (iii) when Badge met him in January, 1948 after the Bomb incident. Till Badge had spoken to him he did not know that Apte and Badge were also involved in the intended assassination. Thus, upto then, the only person whose intentions Mr. Ketkar was aware of was Godse, and later on he came to know of the conspiracy when the names of at least three persons were disclosed to him. And they were the principal actors in the murder.

20.33 After his exhortation of dissuading Godse had failed, Mr. Ketkar did not talk to or inform Balukaka or anyone else about it. After his discussion he inferred that only Nathuram was going to commit the murder but he took no steps to get Nathuram apprehended or do anything at all to stop him from carrying out his design except mild admonition if one could accept that claim, which appears a tall claim.

20.34. He must have known Badge well because Badge was collecting money for his (Ketkar's) Hindu Orphanage. But he says that he did not know that Badge was dealing in illicit arms and yet it was he himself who had helped Badge to start the *Shastra Bhandar* where daggers and swords were sold. The evidence shows that Badge was a collector of illicit arms and ammunition, including sten guns and flame throwers. Ketkar's attention was drawn to Badge's statement as a witness in the murder case wherein Badge had not stated that he had met him (Ketkar). To this his reply was that he met Badge by chance at about 9.00 A.M. and started talking to him as soon as he met him. Evidently, on his own Badge told Ketkar that Apte and Godse were involved in the throwing of the bomb, and would go back to Delhi to finish their job. And yet Badge avoided mentioning him in his statement. This may probably be because Ketkar was his benefactor and had befriended him earlier.

20.35 After reading the news about the bomb explosion Ketkar was expecting that both Godse and Apte would be arrested and he told Badge that he would also be arrested, because Ketkar was under the impression that Madanlal had given the names of the conspirators. When asked why he did not report or inform anyone about Apte and Godse after his meeting Badge when previously on the basis of a mere speech with sinister words he had asked Balukaka to inform Government of the intention of Godse, his answer was—

“I was editor at that time. I had no time to go about and see Balukaka. Badge said to me that bomb attempt itself was an attempt to murder and that they were going again. As I had abused him he ran away.”

When asked what inference he drew from the talks he had on the three occasions about-referred to, his answer was—

“Mahatma Gandhi was alone to be killed..... I did not know the place where the attack on Mahatma Gandhi would take place.”

He added—

“I knew that Godse was going to kill Mahatma Gandhi because he himself told me and Apte was going to be the helper. I did not know what means they were going to adopt to kill..... I did not infer from the talks I had had that there was a conspiracy to murder Mahatma Gandhi. I was under the impression that only Godse was going to commit murder.”
(Italics are by the Commission).

20.36 This was his information upto January 22, 1948. It was after he met Badge that he (Ketkar) discovered that more than one person were going to take part in the murder. His position [digitised by sacw.net]

comes to this, that he got Balukaka to forewarn the Government, inferring danger from one sentence and he did nothing when he had more definite information of a conspiracy with the names of three persons, whom he knew fairly well and who were his political partymen. Further, if any information was given by Ketkar it was not of a conspiracy to murder Mahatma Gandhi but of Godse's individual intention of doing so. Ketkar also said that if Apte and Godse were to come back to Poona he would stop them from carrying out their intention. But he never endeavoured to put his laudable intention into operation. He thought that he would be able to manage Godse because passage of time would cool him down. However, there was no cooling down even by January, 1948. We have it from the judgment in Gandhi Murder case that Nathuram Godse did return to Poona to fetch his brother and to get a revolver from him, though according to the evidence before the Commission, he never came to Poona. But there is nothing to show that Mr. Ketkar did anything. Perhaps Ketkar did not meet Godse. There is, however, no evidence that he tried to make a search for him or he moved his little finger to dissuade Godse or Apte.

20.37 Mr. Ketkar has admitted that Godse had admiration for him as an editor and that he had admiration for Godse for his celibacy and his remaining celibate for doing public work. When asked how he proposed to stop Nathuram Godse when he (Godse) had left the old organisation and had started a new one—the Hindu Rashtra Dal, which was a militant organisation, Mr. Ketkar's answer was that he was hopeful.

20.38 Mr. Ketkar was then asked as to why he did not give out the names of three persons—Badge, Apte, and Godse, although he knew the names of the conspirators. His answer again was that because Madanlal had already been arrested. This was his attitude towards all questions which he thought were embarrassing.

20.39 In answer to a question as to whether he had stated anywhere during the life time of Balukaka that he (Balukaka) had sent the information to Balasahib Kher at his (Ketkar's) instance or that he (Ketkar) had informed the Government through Balukaka, Mr. Ketkar gave a characteristically evasive reply. He said, "I had written in the article (Ex. 16) that Balukaka had written the letter after certain words had been spoken by Godse at a particular meeting." He was next questioned about Balukaka's letter (Ex. 23) which Mr. Ketkar claimed was written in appreciation of his (Ketkar's) article (Ex. 16-A) and his attention was drawn to the fact that Balukaka had not said that he sent the information at the instance of Mr. Ketkar. Ketkar's reply was, "because the letter was addressed to the 'Kesari' for publication and not sent to me personally", which does not answer the question.

20.40 The various news items which appeared in regard to the meeting of November 12, 1948 were put to Mr. Ketkar so also the clarificatory statements which he had issued and he said that they were substantially correct. He was again asked—

"Q. At the time when Balukaka Kanitkar wrote the letter to Balasahib Kher, neither you nor Balukaka knew anything about the conspiracy?"

A. No. We did not know anything. We did not know about any conspiracy."

20.41 After his speech at the felicitationary function in connection with the release of Karkare and Gopal Godse, which appeared in the press under the caption, "Poona Editor knew of the plan to murder Mahatma Gandhi", Mr. Ketkar was detained under the orders of the District Magistrate, Poona, dated November 24, 1964. Against this order he filed a review petition on December 23, 1964, which ran into 35 paragraphs. He was at the time detained in Akola District Prison. He there stated that the version in the Press in regard to the ceremony at *Udyam Mangal Karyalaya* was distorted; that he did not attend the ceremony at the same place on November 15, 1964 (which was held in connection with the Shradha or the death anniversary ceremony of Nathuram Godse and Apte). He alleged that he was invited to the function by the relatives of Godse and Apte to preside over the Puja because he had written articles in the "Kesari", the "Tarun Bharati", and the "Organiser" and urged Government to release them early by giving them full benefit of earned remissions as is done in the case of ordinary convicts.

20.42 In paragraph 8, he said that three months before the murder Nathuram had mentioned to him the idea of murdering Gandhiji and that he had tried to dissuade him by pointing out the grave consequences of the act; that Digamber Badge met him after the bomb was thrown and told him that Godse, Apte and himself had participated in the attempt and that they were going to Delhi again and that he (Ketkar) had urged upon him not to go back to Delhi because he would be arrested.

20.43 In paragraph 9, he complained that a cryptic and wrong report had appeared in the newspaper because instead of saying that 3 months earlier Nathuram had disclosed to him his idea of murder, it was reported that a few weeks earlier he had "revealed to me the plan of murder" which was absurd "as no plan was formed three months before".

20.44 In paragraph 10, he alleged that the function of the 12th November was not for honouring the released persons and in the next paragraph he again repeated the same.

20.45 In paragraph 15, he said that the correspondents asked him questions as to what he did after Nathuram Godse had disclosed his idea of murder three months before, his answer—

"A. A few days before the disclosure Nathuram in a public meeting in Shivaji Mandir, Poona, said that 'Gandhiji hopes to live for 125 years—yes, if people allow him to live'. I met Balukaka Kanitkar (Gajanan Narayan Kanitkar) an old Congress worker and spoke to him about Nathuram's public speech and corroborating private talk, I urged him to communicate it to authorities as his communication would be more effective. He told me some days after that he had sent a registered letter to Mr. B.G. Kher, the then Prime Minister of Bombay State".

(Italics are by the Commission)

20.46 In paragraph 16, he alleged that he was the Chief Editor of the 'Kesari' and in an article dated November 15, 1949, he published a leading article that Balukaka Kanitkar had informed Mr. B.G. Kher of the danger "to our leaders' lives".

20.47 In paragraph 18, he said that he mentioned to many people about Nathuram's idea but they did not take the matter seriously.

20.48 In paragraph 20, he said that the "shocking confession" was nothing new and that he had mentioned the fact to Mr. Khadilkar, a Congress M.P. "I related the whole thing, both of Nathuram's intention—disclosure—and Badge's talk".

20.49 Mr. Ketkar then said that he had taken part in Gandhiji's Salt Satyagraha and that no single leader was responsible for the Partition of India; that he regarded Nathuram Godse as a victim of circumstances that preceded and followed the Partition; that Gandhiji had said from the Congress platform that he pleaded for Bhai Abdul Rashid (murderer of Swami Shraddhanand) who was also a victim of certain circumstances; that Gandhiji pitied Bhai Abdul Rashid, and several people pitied Nathuram Godse in a similar manner but those pitied him were afraid to express themselves; only he (Ketkar) ventured to express it in his own article in the 'Kesari'. Mr. Ketkar also mentioned that the Punjab High Court had recommended mercy, which fact is not correct; only one judge did, the other two did not, and Mr. Justice Khosla most emphatically differed from Mr. Justice Achhru Ram's suggested recommendation.

20.50 In paragraph 33, he mentioned that when he was showing some Americans round the city and was near the Jain Mandir some boys collected round him and put a garland of shoes round his neck and told the Americans that he (Ketkar) was traitor, showing thereby that there was a violent propaganda against him.

20.51 Three things emerge from this petition—

- (1) Three months before the murder, N.V. Godse disclosed to Ketkar his idea of murdering Mahatma Gandhi and he admonished him and tried to dissuade him. We shall leave the story of discussing pros and cons of murdering Gandhiji.
- (2) A few days before that Godse made a speech about Mahatma living 125 years, etc. Ketkar met Balukaka Kanitkar and urged him to warn the Government which Balukaka did. He spoke to Balukaka about the speech and the corroborative private talk he had with Nathuram Godse.
- (3) Badge met Ketkar after the bomb throwing and disclosed the names of the participants in that bomb throwing and also that they were returning to Delhi to commit the murder.

Therefore, the story of Ketkar and Kanitkar being together in the July meeting is negated by this document written by Ketkar himself while in jail. The story in this petition is of Ketkar's meeting Kanitkar somewhere and telling him of the danger to Mahatma's life and urging him to write to the authorities; secondly, even Balukaka wrote about "the leaders' lives" being in jeopardy and not particularly of Mahatma Gandhi; and thirdly, the names of the future assassins and of bomb throwers were within the knowledge of Ketkar at a later stage but he gave no warning to the authorities. This he has admitted.

20.52 After his review petition was dismissed, Mr. Ketkar filed a petition in the Bombay High Court under section 491 of the Criminal Procedure Code. In his affidavit in that court, he stated that the

meeting which was arranged on the release of Gopal Godse and Karkare was to express satisfaction and pleasure on their release and was a private function; a *Satyavinayak Mahapuja* was arranged on the said occasion; that about 125 or 150 people were present. But he did not attend the *shradh* ceremony of Nathuram Godse on November 15, 1964; that what he disclosed on that occasion was nothing new because in the 'Kesari' of November 15, 1949, he had disclosed all the facts. After stating the various matters relating to his arrest and about his being brought back from Madras, he accused the Government of malafides in respect of his arrest because it was intended to discredit the nationalist elements of Hindu Sanghatanists who did not agree with the Congress. In this connection, it would not be irrelevant to remark, as has been said earlier, that in the letter of invitation, Ex. 29, sent under the name of M.G. Ghaisas, Nathuram Godse was described as a *deshbhakata* i.e. a "patriot".

20.53 He also said that it was a misfortune that he could not dissuade Godse from the idea of murdering Gandhi. He claimed that he gave definite information of Godse's intention to Mr. B.G. Kher by a registered letter through Balukaka Kanitkar; that by release of Godse and Karkare, a historical chapter on Gandhi Murder case had been completed; that both the Congress Government of the State as well as at the Centre had sufficient notice and information "to protect the life of Mahatma Gandhi" and that "it was the negligence on the part of those in authority that had some part in the unfortunate result".

20.54 Mr. Ketkar was asked to explain what he meant by saying in his letter to this Commission dated September 14, 1965, Ex. 19, "about the fearful and disastrous consequences that would result if Godse carries out the idea". His reply is significant; he says, "What I meant was that there would be public agitation, political parties, i.e., the Congress and non-Congress parties, would fight among themselves and Brahmin and non-Brahmin controversy might flare up". He used the word, "Bhayankar", which means "awfully disastrous".

20.55 Now there is not a word that by the murder a great leader, if not a saint or one of the greatest sons of India—whom a great Christian ecclesiast, the Bishop of Oxford, described during his sermon at Great St. Mary's at Cambridge as patterned after the Buddha and Christ—will be lost to India and to the world or that the murder of a man of that stature would cause incalculable harm to India, by ending the life of a man worshipped in India and honoured outside India, and who was considered to be an apostle of peace. He was thinking in terms of Congress and non-Congress or Brahmins and non-Brahmins, but not of the immensity of the crime or its being a terrible thing to do or its tremendous impact on the destinies of India.

20.56 Further, he has deposed that he pleaded for and pitied Godse as Gandhiji pitied the murderer of Swami Shraddhanand, Abdul Rashid. He asserted that he had the courage to express it in his newspaper on the day Godse was hanged i.e. on November 15, 1949. What Mr. Ketkar was ignoring was the essential difference between the philosophy of non-violence of the Mahatma and his own way of thinking. To the Mahatma non-violence was an article of faith of which this Commission finds not even a trace in the philosophy of

Mr. G.V. Ketkar, or of those with whom he chose to associate and throw in his political destiny i.e. those belonging to the aggressive, militant school of Hindu Mahasabhaites who are mentioned in Ex. 114, the correctness of which Mr. Ketkar was honest enough not to deny.

20.57 Mr. Ketkar has stated that the plan of assassination was made at Delhi, Bombay, Gwalior and other places, in the month of January, 1947 which seems to be a mistake. The people in Poona did not know about it. About the time of the conspiracy being formed in January, Gopal Godse has also stated that it was in January, 1948 and not earlier. How Mr. G.V. Ketkar knew about all this is not clear, nor has he chosen to enlighten the Commission about it.

20.58 He also said that in his article of November 15, 1949, Ex. 16, he had equated in historical importance the three events of Partition, Gandhi murder, and the hanging of Godse and Apte. He was expressing the view of his reads "that Kher was keeping quiet, Morarji was acting sluggishly and the police was careless". He himself does not blame them because hundreds of letters come to them. He himself was also blameless as he had given information through Balukaka Kanitkar.

20.59 When asked whether he was associated with the defence of Godse, etc., he said he was interested in the defence of the accused in Gandhi Murder case, specially of Savarkar, and therefore he issued the appeal, Ex. 25, for subscriptions towards the fund, "Fund for assistance of Justice". Of course, everyone is innocent till proved guilty and has a right to be defended, and Indian law should be proud to accept that principle and help given in such defence is not blameworthy, but it is one thing to defend and quite another to indulge in *Eulogia*. When asked if he had any further information to give, he said that Godse had written from jail certain letters to his friends and relations. He wanted that any letter addressed to him should be given to him because that would corroborate his statement about dissuading Godse from killing Gandhiji. This is indicative of his having had the confidence of Godse and also where his sympathies lay.

20.60 In his cross-examination he said that he knew of the intention to murder and not the plan, and that there were three occasions when he came to know of this. He did not know about Apte's being in it till Badge told him. He knew Apte by name and sight which, in the opinion of the Commission, is the anti-thesis of truth, as is shown by the fact that he stood surety for Apte in the Library Bomb Case.

20.61 As said earlier, after Mr. Ketkar's petition to the reviewing authority was dismissed, he filed a petition under section 491 of the Criminal Procedure Code in the High Court of Bombay but this petition was also dismissed by a judgement of the Bombay High Court dated July 21, 1965. Some facts stated in the petition and the findings of the Bombay High Court are relevant and may usefully be set out here—

- (1) The learned Judges have said, "According to him (Ketkar), the two Governments felt themselves embarrassed, because

- the petitioner had disclosed that he had informed B.G. Kher, the then Chief Minister of Bombay, about the 'plan' to murder Mahatma Gandhi and yet no action was taken to prevent the commission of the offence". Significantly, the judgment used the word, 'plan', and not 'intention'.
- (2) According to the affidavit of the District Magistrate, the function at the *Karyalaya* was not a private function; it was organised by friends and admirers of Nathuram Godse to eulogize him for the assassination of Mahatma Gandhi. About 125 to 150 persons were present, speeches were made, the principal speaker being Ketkar.
 - (3) In the affidavit filed by the District Magistrate in reply to Ketkar's affidavit, he said that Ketkar was invited because he belonged to the group of persons who believed that Nathuram Godse had been of service to India by assassinating Mahatma Gandhi, and that all the persons who gathered at the function shared that view which was reflected in the speeches delivered there.
 - (4) The speech delivered by Ketkar showed, according to the affidavit of the District Magistrate, a pre-knowledge of "the conspiracy" which had been hatched to murder the Mahatma.
 - (5) The High Court found that the meeting of November 12, 1964, was not a private meeting; it was not held at the house of the admirers of the Godse but was held in a *Karyalaya* which is a public place available to anyone on payment of "rent"; that although invitation cards were issued to the circle of friends numbering only 50 persons, between 125 and 150 persons were present, showing thereby that the meeting though not open to the public in general was open to anyone who wanted to come, because there was no prohibition against people coming in and attending the meeting.
 - (6) In all probability, the correspondent of the 'Indian Express' was also present, and the fact that a number of photographs of persons on the dias, including Ketkar, were taken at the time and produced before the High Court was corroborative of the function being attended by persons other than invitees. These photographs are before the Commission and show that publicity was given to the meeting and its proceedings, and whatever else it might have been, it was not private.
 - (7) Ketkar had prior knowledge of the Nathuram Godse "idea", plan or intention to murder Mahatma Gandhi, and that even if he did write through Balukaka Kanitkar the statement of Ketkar in his affidavit was vague, and that on the material on the record the Court could not hold that Ketkar made it clear to the audience that he "did not like the idea of Nathuram Godse contemplating the murder of Mahatma Gandhi".
 - (8) "According to the District Magistrate, the speech delivered by the petitioner was objectionable and in a sense inflammatory. To refer to Nathuram Godse as a patriot and

to eulogize him for the act committed by him cannot be treated as a legal or an innocuous activity. It may be that it is possible to make a distinction between the eulogy of the assassin for his individual qualities and the eulogy for the act done by him or the praise of the act itself. But that distinction can be made by people of intelligence, ability and subtlety. It is difficult for the ordinary people to understand the subtle distinction between the two positions. Now, if as a result of the indiscriminate praise of Nathuram Godse, the assassin of Mahatma Gandhi, the District Magistrate apprehends that breach of the peace was likely, would it be proper to fall back upon the principle laid down in *Beatty v. Gillbanks* or Dicey's exposition of the law of public meetings? The action taken by the District Magistrate is of a preventive character. The very essence of the action is to forestall the happening of untoward incidents. In taking this action the District Magistrate is not concerned only with the legalistic aspect of the activities of the petitioner. Even if the activities do not infringe any law, but at the same time are detrimental to public peace, it would be legitimate for the District Magistrate to have recourse to the same".

- (9) The Court rejected the submissions made by the counsel for Ketkar that the order passed was malafide and was the result of questions asked in the Assembly and in Parliament or that they were the result of any direction given by the Central Government or the State Government or was the consequence of any pressure.

On these grounds the High Court dismissed Mr. Ketkar's *habeas corpus* petition.

20.62 It is significant, as is shown by the review petition of G.V. Ketkar (Ex.18), that after the news about the public meeting came to the knowledge of the Poona public, they got so incensed that they mobbed him, abused him near Jain Mandir Bus Stop and they put a garland of shoes around his neck and told the people whom he was showing round the town that he was a traitor. This was on the mid-day of Sunday, November 22, 1964.

20.63 Commission finds on this evidence that Mr. G.V. Ketkar did have knowledge of Nathuram Godse's idea, intention or plot to murder Mahatma Gandhi. Leaving out the alleged speech of Godse of July which has not been proved, Nathuram did disclose to Mr. Ketkar in October, 1947 about his determination to assassinate Gandhiji. In January Badge told him of the conspiracy and the Commission respectfully agrees with the finding of the Bombay High Court on this point. The police reported that at the *Karyalaya* Mr. G.V. Ketkar, because his own dhoti had become soiled in the rain, donned Nathuram Godse's dhoti which has been preserved as a memory of the "patriot". This may be a sinister fact or wholly innocuous. It was submitted that it showed Mr. Ketkar's regard for Nathuram Godse. As no questions were put to Mr. Ketkar and he had no opportunity to explain this fact, the Commission would not take this matter into consideration.

20.64 In connection with the *Satyavinyayak Puja*, dated November 12, 1964, Mr. B.B. Paymaster, witness No. 85, submitted a note to the Government, Ex.180, dated November 25, 1964, in which he gave a resume of what happened at the function and then what Mr. G.V. Ketkar said and the explanation he had given. The note mentions:

Since the execution of Nathuram Godse on November 15, 1949, it had been the practice of the family to have a function to observe that day as death anniversary, but from 1959 Mrs. Gopal Godse started inviting leaders of the Hindu Mahasabha to the function to depict Nathuram Godse as a martyr. In November 1961 the Hindu Mahasabha, Poona, passed a resolution to observe that day as "Hindustan Day" and a public meeting attended by about 200 persons was held on that day. Previous to this, on November 25, 1959, which was according to Hindu Calendar, 16 prominent Hindu Mahasabha and R.S.S. workers took part in the function. Certain persons, including Mr. N.G. Abhyankar, R.S.S., paid tributes to the memory of Nathuram Godse. On November 15, 1960, Mr. G.V. Ketkar and others paid a tribute to his memory. The anniversary was observed in 1961, 1962 and 1963 also where Nathuram was depicted as a martyr and as a patriot.

One P.B. Dawre wrote an open letter to the editor of the '*Vishal Sahyadri*' stating that Nathuram Godse and Apte were martyrs and attacked that newspaper for spreading hatred.

20.65 Mr. B.B. Paymaster appeared as a witness and proved this report and also gave particulars about other documents which were sent by the C.I.D. to the Government of Maharashtra in regard to this function.

Did Ketkar forewarn the authorities

20.66 In his statement before this Commission he has but the time somewhere in July 1947 when, according to him, the speech was made, the significant words being "Mahatma Gandhi says he will live for 125 years; yes, if anybody allows him to live". That part of his evidence has already been discussed and it is not necessary to dilate upon it any further excepting to say this that he has definitely stated that it was at the meeting itself that he had asked Balukaka Kanitkar to warn the Government.

20.67 The next occasion when this story could be repeated arose when Mahatma Gandhi was murdered by Nathuram Godse on 30th January, 1948, and the assassin was arrested at the spot. According to Ketkar, he brought out a special edition of the '*Kesari*' on January 31, 1948. What he wrote there the Commission does not know, because the issue has not been placed before the Commission, but we do know that on February 14, 1948 he wrote a leading article in the '*Kesari*' of which he was the editor, under the heading 'Culminating misfortune of the nation' (Ex.22, Ketkar's letter to the Commission). There he did not even mention the factum of his knowledge of Nathuram's intentions nor of his having asked Balukaka Kanitkar to forewarn the authorities about the threat to Mahatma Gandhi. Surprisingly enough, he expressed surprise, and a "stunning" one at that, that the assassin was Nathuram Godse of Poona whereas they had all thought that it was a refugee. What he wrote was this—

"But we heard that Nathuram Godse was the assassin. We got stunned that he should have thought of such a deadly act."

We could foresee the dangerous events that would follow Nathuram Godse's act".

He did not even mention about the existence of the conspiracy about which he says that he came to know from a talk with Badge. In that Article what he said was: "It is to be seen after the investigation taken up by Government is completed whether Nathuram Godse was the only person who committed this heinous crime or it was with the collaboration of some other people". This clearly indicates that either he had no idea that there was a conspiracy to murder Mahatma Gandhi, that is, more than one person had banded together to commit the offence, or he was trying to use the article as a cloak to hide his knowledge. This was in Ex.22—a letter which he addressed to this Commission, dated December 10, 1965.

20.68 It has already been discussed that if Ketkar knew about the intentions of Godse he had failed to dissuade him and had also been told of the conspiracy by Badge and there was no occasion for him to get stunned; either the stunning was a pose or an invention to prevent any suspicion falling on him later, or he had no knowledge of the matter. His explanation of course is that he was stunned because he thought that his warning would have been sufficient to protect the life of the Mahatma but that is falsified by saying that they all thought the murderer was a refugee which also cannot be correct because Godse was arrested at the spot and in the First Information Report which was recorded at 5.45 P.M. the name of the murderer was given as Narain Vinaik Godse. The statement of Head Constable Dharam Singh which was recorded after the First Information Report shows that the correct name of the arrested person was Nathuram alias Narain Vinaik Godse. If the name had been disclosed at such an early stage, there is no reason for Mr. G. V. Ketkar to have assumed that the alleged murderer was a refugee. And if this is what he has assumed then the whole story, which he has repeated in regard to Nathuram's speech about 125 years, his disclosing to Mr. Ketkar in October 1947 about his plan to murder Mahatma Gandhi, or the story which Mr. Ketkar has put in the mouth of Badge, all get falsified. And if that is not so, Mr. G.V. Ketkar was putting on a pose and pretending not to have any knowledge about Nathuram's intention, plan or conspiracy to murder Mahatma Gandhi.

20.69 As has been said earlier, it may in extenuation be said that any such disclosure soon after the murder might have exposed Ketkar to the unkind attentions of the Police and to the fury of the mob which was let loose when the news of the Mahatma's death reached Maharashtra. But there was no justification why the story was not told later on on November 15, 1949, when Godse and Apte were executed, and Mr. Ketkar wrote a leading in his paper the 'Kesari'. He did say that Government had been warned before by Balukaka Kanitkar but he did not there say that he knew anything about the intention, plot or conspiracy. And at that time there was no danger of his being involved in the case or any mob fury and the article itself is, to say the least, an apologia for the conduct of Godse, etc., and if not an *Eulogia*. All that he said in the article was that from some such sentence as the Mahatma saying he would live for 125 years; yes, if anybody let, him, Balukaka must have inferred that the life of the leaders was in danger. Surprisingly enough, even there Mahatma Gandhi's

name was not specifically mentioned nor was it asserted that it was Mr. Ketkar who had prompted Balukaka to write the letter. The reference there was to danger to the life of the leaders. In his affidavit before the Commission dated January 9, 1967, he repeated the words, "the life (lives?) of Congress leaders were in danger".

20.70 Another occasion when the speech of July could have been mentioned was when Ketkar presided at the *Satyavinyayak Puja* on November 12, 1964. There he asserted that it was three months earlier that Nathuram Godse discussed with him the idea of killing Gandhiji. This would place it in November and at the earliest in October, 1947. In his clarificatory statement, Ex.27-A, which appeared in the 'Indian Express', the words used were that Nathuram Godse had disclosed to him some months before the murder his intention of murdering Gandhiji. Here the exact number of months was not mentioned. In his clarificatory statement to the Poona 'Daily News' dated November 16, 1964, Ex.28, he has reverted to the speech of Nathuram Godse about 125 years, but no time is mentioned; only it is stated that he had a talk with Balukaka Kanitkar about Godse's intention and Kanitkar had relayed the fact to Mr. Kher. Therefore, this statement goes against Ketkar and Kanitkar being together at the meeting.

20.71 In his statement to the 'Times of India', Bombay, dated November 16, 1964, Ex.27-B, he only said that he had informed Balukaka Kanitkar but gave no time when he did so.

20.72 After his speech at the function on November 12, 1964, Mr. Ketkar was detained under the Defence of India Rules by an order of November 24, 1964, and he filed a review petition on December 23, 1964. There again he had an opportunity to refer to July speech. The petition runs into 35 paragraphs. In paragraph 9 also he mentioned that it was three months earlier that Nathuram Godse had disclosed his intention of murdering Mahatma Gandhi. In paragraph 15 he said that a few days before the disclosure Nathuram had at a public meeting in Shivaji Mandir uttered the sinister sentence of 125 years. That also would not take it back to July, 1947. Significantly enough, in this paragraph also he has stated that he met Balukaka Kanitkar and spoke about Nathuram's speech and corroborative private talk. No mention of the speech of July 1947.

20.73 After his review petition he filed a petition in the nature of *Habeas Corpus* under section 491 Cr. P.C. in April, 1965. There he did not mention anything about the time as to when he informed Mr. B. G. Kher through Balukaka Kanitkar but he did say that he tried to dissuade Godse from the idea of murdering Mahatma Gandhi.

20.74 In his letter to this Commission, dated September 14, 1965 (Ex.19), he complained that a wrong version of his speech had appeared in the Press, that it was not a few weeks before the Gandhi murder that Nathuram had disclosed to him about the conspiracy but the correct thing was that three months before the Gandhi murder Nathuram had disclosed his idea of killing Mahatma Gandhi, and sometime in September 1947 Nathuram had made a speech at Shivaji Mandir in Poona where he had mentioned the significant sentence about Gandhiji's living 125 years, etc. Thereafter, so his letter says, he had

a talk with the late Balukaka Kanitkar who was his friend and Balukaka agreed to warn the authorities of the dangerous tendencies disclosed in Nathuram's speech. Here again there is no mention of Balukaka and himself being together at the meeting and it is now put in September 1947, and *not* in July 1947.

20.75 On all these various occasions when Mr. Ketkar could have specifically stated that it was in July 1947 that the speech was made when both he and Balukaka Kanitkar were present at the meeting and they decided to inform the Government through Balukaka Kanitkar, he did not do so.

20.76 A letter was sent by Balukaka as appears from the evidence which was in the nature of a warning not in regard to the life of Mahatma Gandhi but in regard to the life of top Congress leaders in general and it is that letter which Mr. Ketkar seems to have got hold of in support of his claim of forewarning the Government through Balukaka Kanitkar.

20.77 Mr. Ketkar is a B.A., LL.B, and presumably would know this much that a citizen is expected to give information to a Magistrate or the Police if he comes to know that some person or persons is or are going to commit a murder. Mr. Ketkar did not choose to do so, and takes refuge under the spurious plea of being a Hindu Sabhaite and therefore opposed to the Congress. That would hardly be a defence if Mr. Ketkar were to be tried before a Magistrate for violating section 44 Cr. P.C.

20.78 The claim also seems to be negated by the manner in which Mr. Ketkar, on his showing, has acted which makes it highly improbable, if not impossible, his giving any warning to Government in regard to the danger from Nathuram Godse: (1) He did not do so when, on his own showing, in October 1947 he tried to dissuade Nathuram Godse from his murderous design and failed to dissuade him; and (2) When he came to know from Badge, who was at one time helping him in collecting money for his Ashram and who was helped by Mr. Ketkar to set up an arms shop, as to who the throwers of the bomb were and also that they were going back to Delhi to finish the job i.e. to commit the murder. And the excuse for not doing so, to say the least, is very flimsy and utterly unacceptable that he was then editor of a newspaper. It would require a great deal of credulity for the Commission to accept any such a tale as has been told by Mr. G. V. Ketkar.

20.79 When the report of the 'Indian Express', Ex.26, was read out to Mr. Ketkar, he said that it was incorrect that Nathuram Godse used to discuss the murder of Gandhi with him; he did so only on one occasion. He was asked as to whether he had contradicted the words ascribed to him in the 'Indian Express' report that Nathuram Godse "used to discuss with me the pros and cons of his idea to kill Mahatma Gandhi". His reply surprisingly was that he did not scrutinize the language before he gave the clarification to the Times of India published on 16th November, 1964. He added—

"I did not have to deal with each and every word which was published in the Indian Express of 14th November, 1964. I filed my clarification which was published in the 'Times

He then said that the word 'used' was wrong but it was only on one occasion that Nathuram Godse discussed with him the pros and cons of murdering Mahatma Gandhi. He has still used the used "pros and cons".

20.80 Mr. Ketkar next sought support about Kanitkar's letter from a reference in the autobiography of Mr. N.V. Gadgil at page 293 where he said that Balukaka had also sent a secret letter to Balasahib Kher about the impending danger and also at page 294 where Mr. Gadgil referred to a Mr. Keshavrao Jedhe. Ketkar also filed a further explanatory statement (Ex.27-C) wherein he admitted that he had said in his speech of November 24, 1964 that three months previous to the murder of Mahatma Gandhi he knew of Godse's intention to do so but he was opposed to the idea and tried to dissuade Godse. His explanation for presiding at the Puja performed on the release of Gopal Godse was that he had been writing in English and Marathi articles to the effect that normal period of 15 years imprisonment was over and Gopal Godse should be released.

20.81 He was shown photographs which were taken on the occasion of the Puja where he presided and the photograph was taken while he was speaking. He was also shown photograph (Ex.27-F). He said that the Puja was *Satyavinyak Puja*. The object of confronting him with the photographs was to show that the Puja was not a private function that the photographs have amply showed. He seemed to imply at one time that the function of November 12 was a private one.

20.82 It is surprising that although he thought that Nathuram Godse was only talking big he now tries to take credit for having induced Balukaka Kanitkar to write a warning letter to the Government, which is Mr. Ketkar's main defence against his inaction. Copies of photographs taken on the occasion of the Puja are attached herewith. (See next page).

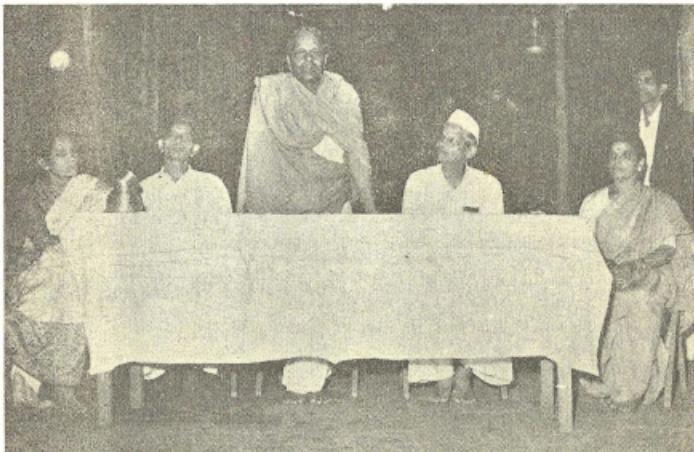
20.83 Mr. Ketkar was examined a third time on January 20, 1969. He was asked about his statement of the atmosphere being hostile to Mahatma Gandhi and the Poona papers indirectly creating an atmosphere of violence. He was asked how the atmosphere was hostile, etc. His reply was that in Poona the atmosphere was hostile because although the Mahatma said that the partition will take place over his dead body, he had not prevented it and people felt that he was a consenting party. When he said "people were hostile", he was referring to the middle class educated people living on intellectual pursuits of life and also students of colleges who all felt that Mahatma Gandhi was responsible for the partition of the country. To his last statement he has added that at the Shivaji Mandir meeting Nathuram Godse uttered the striking sentence about 125 years. He was lustily cheered, the people assembled being mostly educated Brahmins. He added people used to say, what is the use of the Mahatma when he cannot even influence the Congress not to agree to the partition; and that was the class of people who assembled in the Shivaji Mandir meeting. The hostile atmosphere which he mentioned earlier was that of the intellectuals of Poona who were mostly Hindu Mahasabha and



Ex. 27D: (1) Gopal V. Godse, (2) G. V. Ketkar, (3) V. R. Thakur,
(4) V. R. Karkare, (5) Smt. S. Karkare, (6) Smt. D. H.
Thatte [See para 20.81]



Ex. 27E: (Ketkar speaking) [See para 20.81]



Ex. 27F: (Ketkar speaking) [See para 20.81]

R.S.S. people, but there were some old Congressmen also including those who had retired from the Congress.

20.84 Mr. Ketkar was next asked which Poona papers were responsible for creating violence. He named Godse's paper and also the 'Trikal' and the 'Kal'. When asked about the statement that occasionally news used to come that something terrible was going to happen, he said that what he meant was that there would be an upheaval against the Government, people would mob Government offices and residences of topmost people and the happenings were to take place in Delhi and Calcutta and people there were going to bring about a *mara mari* and not that something terrible was going to happen through Poona people. He added: "I do not know whether this news was nowhere else, it was certainly there in Poona". And this was the state of affairs before Godse's speech after which Ketkar became very highly apprehensive and thought that Godse was going to do something or his companions were going to do it.

20.85 Mr. Ketkar was asked if he was one of the persons present at the reception by a group of Hindu Mahasabhaties given to Daji Joshi who was convicted for the murder of Collector Jackson. His reply was that he might have been there. When the extract from Ex. 114 relating to him (item 12) was read out to him, his reply was: "Whatever is written there is correct". He admitted that Godse and Apte were also members of the party and after some hedging he admitted that he stood surely for Apte in City Library Bomb case, although at a previous hearing he had said that he did not know Apte and only knew him by sight. But at this sitting he said he knew Apte. He admitted that he was presiding at Hindu Mahasabha meetings and gave articles for the newspaper of Nathuram Godse whenever he asked him to contribute one. That was because Nathuram Godse was a struggling journalist and was trying to collect money for his newspaper.

20.86 He was cross-examined by Mr. Kotwal. He admitted that he collected money in 1942 to give a purse to Savarkar. He might have been President of the Poona City Hindu Mahasabha in 1946. He also made a speech in 1947 saying that Hindus must accept Savarkar's ideology, and it was also possible that he said in December 1947 that *Gandhism-cum-false nationalism was enemy No. 1 of Hindus*.

20.87 When asked if the speech of Nathuram Godse of July 1947 was reported in the 'Kesari' or any other newspaper, his reply was that at least he could not remember its having been reported. He also said that both he and Balukaka Kanitkar came to the meeting after Godse had started speaking and they must have heard him about 15 or 20 minutes. Those significant words were uttered when they had just come to the meeting and were near the wall and Balukaka also heard the speech of Godse. Surprisingly enough, Mr. Ketkar again repeated that Balukaka was certain about the meaning of the words spoken by Godse but "I still did suspect", and therefore when in October Godse came to see him, he (Ketkar) asked him: "What was the meaning of all that? Are you going to kill Mahatma Gandhi". He said: "Yes, we are going to". He again said he took no steps to inform anyone about the danger because Balukaka had already given the information. He did not connect the throwing of the bomb with Godse's intention to murder Mahatma Gandhi until

Badge met him and told him that that was part of the conspiracy to kill Mahatma Gandhi and also that Apte and Godse were in it. When questioned by Commission, he replied: When Godse talked to him, he got the impression that Godse was going to do it alone. He repeated that he talked to Mr. Khadilkar after the bomb was thrown and before the murder, and that it was a mistake in saying that he talked to Mr. Khadilkar long after the murder. But he did not disclose anything about what Badge told him to anyone, not even to Mr. Khadilkar, but did so later.

20.88 He was then cross-examined about the news in the newspapers about Madanlal's description of his associates. Ketkar changed his statement and in answer to a question in cross-examination by Mr. Kotwal he said, "whether or not it is reported in the newspapers, it is not really relevant because as soon as a man is arrested and he is in the hands of the Police, they always manage to get information about his associates. It may be that I was wrong in saying that newspapers had given out the name of the 'Agrani'" but has not said that if an accused person is in the hands of the Police they always manage to get the correct information from him. "We may take it that if it did not appear in any newspaper, my memory must be to that extent wrong".

Balukaka Kanitkar—

20.89 The Commission will next take up the evidence relating to what Balukaka Kanitkar did in regard to the alleged threat to Mahatma Gandhi's life, who gave him the information and what use he made of it. It is not necessary to repeat the portions of the statement of Mr. G. V. Ketkar which have already been set out in verbatim and discussed above; but it would be helpful if a gist of what Mr. Ketkar has stated was given at this stage. The statement when analysed comes to this—

- (i) there was a meeting in July, 1947 in Shivaji Mandir, Poona, which was to protest against the acceptance of the partition of India, and this was addressed by Nathuram Godse;
- (ii) Both Ketkar and Balukaka Kanitkar attended this meeting but both were standing away from the crowd, and outside the compound of Shivaji Mandir where the meeting was held, i.e., behind a fairly high stone wall; it is 7 ft. high;
- (iii) Godse openly said, Mahatma Gandhi would live 125 years, "if anyone would let him live";
- (iv) Balukaka Kanitkar considered this speech to be a dangerous utterance and said that Government should be apprised of it;
- (v) Ketkar, however, did not think so, and he did not think that the matter should be conveyed to Government because the police reporters were there who, he said, would do it;
- (vi) then, *inter se*, Ketkar and Balukaka Kanitkar decided that Ketkar would try to dissuade Godse from carrying out his murderous design, and Balukaka Kanitkar would write to Government as to what Nathuram Godse had said and thus warn them of the danger to Mahatma Gandhi's life;

- (vii) Balukaka Kanitkar later told Ketkar that he had informed Mr. B.G. Kher, the Premier of Bombay, who in turn had apprised Sardar Patel of what Balukaka Kanitkar had written to him.

20.90 This synopsis of the speech raises three questions for decision—

- Did Nathuram Godse make a speech in July, 1947, in Shivaji Mandir, and did he use the words re: 125 years?
- Did Balukaka Kanitkar write a letter to Mr. B.G. Kher after he heard this speech, and if he did so, was it at the instance of Mr. G.V. Ketkar?
- What were the contents of the letter?

20.91 Unfortunately, Balukaka Kanitkar is dead, and so is the addressee, Balasahib Kher, and there is no record of this speech in the Bombay Secretariat. Balukaka Kanitkar's son, Dr. M.G. Kanitkar, has appeared as a witness—Witness No. 2—and he has stated that he remembers that a letter was sent to Balasahib Kher when he was in Delhi, and that this was about six months prior to the murder of Mahatma Gandhi, but he has no knowledge of its contents. Mr. Morarji Desai, who was then the Home Minister of Bombay Government, has stated before the Commission that he has no recollection of having seen this letter, but Balasahib Kher did receive a letter from Balukaka Kanitkar, and its contents in a general way were disclosed to him but no names were mentioned nor any particulars given. The letter, as far as Mr. Morarji Desai could remember, tended to show that the atmosphere was tense and there was danger to Mahatma Gandhi's life. But Mr. Morarji Desai added that this was being said by other people also.

Mr. Bhagwat wit. 69—

20.92 Another witness whose statement is relevant is Mr. S.R. Bhagwat, Witness No. 69, who being too enfeebled was examined at Poona. He is a retired Chief Officer of the Poona Municipality. He stated that he knew Balasahib Kher, the Premier of Bombay, and had stayed with him for several months. He also knew Balukaka Kanitkar who was living quite close to his house. Mr. Bhagwat wrote a letter (Ex. 115) of which the translation is Ex. 115-A. This letter is dated December 2, 1965, and is addressed to Dr. M.G. Kanitkar, the son of Balukaka Kanitkar. When quoted, the letter runs as follows—

"I have read in newspaper that an enquiry has been going on to ascertain whether information about the plot to murder Gandhiji was furnished by late Shri Balukaka Kanitkar. I have myself heard that late Shri Balukaka Kanitkar did inform late Shri Kher and late Sardar Patel (then Union Minister). No one believed this. This is what late Shri Kher told me when I had met him.

I have come down to Bombay at present for medical treatment and propose to stay till the 10th instant."

In his deposition he has supported what he wrote in his letter by saying "whatever is written in the letter is exactly what I meant". He went further and said that Mr. Kher himself had told him

(Bhakwat) that he did not believe what Balukaka had written, nor what he (Bhagwat) had written about the danger to the Mahatma's life and that we were only imagining.

20.93 The most striking words in the speech as deposed to by Mr. G.V. Ketkar were those where Godse said: "Gandhiji says he would live for 125 years—yes, if anybody allows him to live". It was submitted by Mr. Kotwal with some emphasis that these words were so telling that if they had been uttered they would have caught the attention of the whole audience and conveyed to them that there was danger and threat to the life of Mahatma Gandhi and also they would not have escaped the notice of the police reporters, assuming that they were sufficiently diligent and careful and also efficient, not lukewarm towards Godse or his cult. From any standards these words are very telling and stand out as a red signal of impending danger, something really indicative of a sinister threat to the life of Gandhiji and perhaps pointed out as to who would put that threat into operation. Of the portion of the speech the sentence, "if anybody allows him to live", is the more sinister and may properly be taken to clearly indicate that the speaker was either himself going to cut short that precious life or he knew for certain that somebody else was going to do so. Obviously, he was not thinking of death from natural causes or of the call by the Yama.

20.94 Another important piece of evidence bearing on the factum of these words having been uttered and what inference one could draw from them is a portion of the statement of Mr. Ketkar himself. He was examined about the alleged utterance of Nathuram Godse and what it conveyed to him. The relevant question and answer are at page 16 of his testimony, which when quoted are as follows—

"Q. Did you infer this intention from only the words of Godse which you have referred to in your evidence i.e. Gandhi will live 125 years if anybody allows him to live?

A. He might have said something more but I did not hear. B.K. Kanitkar was also there. It was really he who inferred the intention from these words. I did not infer at that time from the speech that he was going to murder M. Gandhi but B.K. Kanitkar did infer."

Thus it shows, astonishingly though, that the threat in the words used was not so understood by Mr. G.V. Ketkar although it was by Balukaka Kanitkar. If these words were uttered, then it is difficult to imagine why Mr. Ketkar who claims to have been instrumental in getting a letter sent should not have considered them to be dangerous or should not have noticed the fangs.

20.95 Ordinarily, unless the language used is guarded or words are cleverly chosen to clothe murderous threats or sinister designs or they are expressed in dubious words, the meaning of threatening language should convey the same meaning to all intelligent people if not the "common man". And the Commission finds nothing in the words deposed to by Mr. Ketkar which could be capable of having any other meaning than threat to the life of the Mahatma, which the speaker clearly intended to hold out. Here the words did not have any double meaning and were quite clear. As a matter of fact, Mr. Ketkar has himself been harping on the dangerous trend of the words used by Nathuram Godse. There is no reason suggested why

at that time when the speech was made the conclusion of Mr. Balukaka Kanitkar was that the speech was dangerous and of Mr. Ketkar that it was not. Under these circumstances, could it logically and properly be said that a person, who did not think the words to be dangerous, would impress upon another who did, that the latter should convey the contents of the speech to the Government and to warn it of the danger which the words signified? In the opinion of the Commission, the significant words, if they were uttered, should have been as striking to and should have so impressed Mr. G.V. Ketkar as they did Balukaka Kanitkar, as indeed they would have impressed every other intelligent person, who was present at the meeting. And if Mr. Ketkar did not think the words to be dangerous, could it be fairly said that Mr. Ketkar asked Balukaka Kanitkar to warn Government of the danger? Or, to put it in another way, would it not be a fair inference that the words were not uttered and the warning could not have been by Mr. Ketkar? Further according to Mr. Ketkar, police reporters were present at the meeting. If the sinister words indicating or pointing to dangerous consequences were uttered, then unless they were grossly careless, stupid or dishonest, there is no reason why they should not have incorporated them in their reports of the meeting addressed *inter alia* by Nathuram Godse.

20.96 Mr. Ketkar has deposed that Jayaprakash Narayan made two speeches and it was in reply to one of them that Nathuram Godse made a speech in July 1947 wherein he uttered those sinister words. Mr. J.P. Narayan has appeared as witness, No. 98. He was unable to say whether he made a speech in Poona in the middle of 1947 or thereabouts and one cannot blame him the matter being over 20 years old. But the Bombay Government has placed reports of two speeches made by Mr. J.P. Narayan on the same day i.e. November 26, 1947, Ex. 122 and Ex. 122-A; the former at Kirkee Bazar at about 5 P.M., which was a meeting of the Arsenal workers; and the latter at S.P. College, Poona, at 7 P.M. where he criticised the Hindu Rashtra ideology and those advocating it. The latter is a kind of speech, which might have provoked Nathuram Godse to make an inflammatory and even a violent speech, which he did make, as is shown by the report of the meeting of Hindu Mahasabha at the Shivaji Mandir on November 28, 1947.

20.97 But the speech referred to by Mr. Ketkar was in July. Although Mr. J.P. Narayan is not sure about the time of his coming to Poona and addressing a meeting there, there is no proof that he was in Poona in July 1947 except Mr. Ketkar's rather shaky memory. Against Mr. Ketkar's memory is the speech of Mr. J.P. Narayan itself. The speech begins by saying that he was addressing the Poona people after a long time and many changes had since taken place. The country was free and during the negotiations the Socialists had warned the Congress against accepting the Cabinet Mission proposals and that the Congress disregarded the protest which resulted in the Partition of the country. All this points to Mr. J.P. Narayan not being in Poona in July 1947 because the period mentioned in the speech covers the period before July. Secondly, Mr. J.P. Narayan was a leader of all-India importance and all his speeches were required to be reported in *verbatim* and in full so that if there were another speech it would have found a place in police reports and

there does not seem to be any reason why this speech should not have been reported or produced if there was one. Thus the intrinsic evidence from the speech itself coupled with other evidence mentioned above shows that Mr. J.P. Narayan did not make any speech in July 1947 at Poona; and that the speech evocative of Nathuram's fury must have been the November speech of J.P. Narayan made at S.P. College two days earlier i.e. November 26, 1947.

20.98 Reports of two meetings taken down by the Police, Exs. 111 and 112, have been produced before the Commission. The former at which N.D. Apte presided was held at the Shivaji Mandir on June 12, 1947, and not in July and the subject was Delhi Session of the Hindu Mahasabha. Godse did speak at that meeting but there are no such words as are mentioned by G.V. Ketkar in the police report. The latter i.e. second meeting, was on July 3, 1947, which was organised as a "Black Day" to protest against the partition which had been agreed to. There Mr. L.B. Bhopatkar was the President and the speakers were G.V. Ketkar himself and Godse, and this meeting was at Tilak Samarak Mandir and not at Shivaji Mandir.

20.99 In his speech, Ex. 111, dated June 12, 1947, according to the Police report, what Godse had said was that Hindu Mahasabha could not win elections because the Congress had mighty propaganda machine and the only hope for the Hindus was to be united and exert their best for the establishment of Hinduism. Shivaji Maharaj should be their motto. In the second meeting recorded in Ex. 112, Godse had exhorted the Hindu youth to join the Army in order to safeguard the interests of their religion and culture, and they should display the same courage as they displayed at the time of Shivaji and the Peshwas when the Muslims had to face defeats. The younger generation should wake up and respond to the call of the Hindu nation. In neither of these reports is there any mention of such a catchy and significant though sinister phrase as Gandhiji's desire to live 125 years, etc.

20.100 The Maharashtra Government has placed before the Commission summary of all the speeches which Godse made during the relevant period. In the dossier on Godse (Ex. 239) kept by the Police there are summaries of speeches made by him. There is no mention therein of the speech referred to in the Police statement of Balukaka Kanitkar (Ex. 81) unless Balukaka was referring to the speech of June 12, 1947, Ex. 111, and the inference he drew from the speech and from what others—the R.S.S. workers—said at the time, which will be discussed later.

20.101 It was rightly argued before the Commission that had these words or anything like them been uttered by Godse, the Police reporter would not have missed them unless he was deliberately trying to falsify and omit passages with some sinister object in order to minimise, if not to put a veil on, the evil intentions of Godse group of Hindu Mahasabha workers.

20.102 The next document which is relevant in this connection is Ex. 81, dated May 10, 1948, which is Balukaka's statement made to the Police in the Gandhi Murder Case. He there stated that in the second week of July 1947 Nathuram Godse under the presidentship of N. D. Apte in Shivaji Mandir in Poona delivered a lecture at which thousands of persons were present including Balukaka

himself. In that Nathuram Godse stated that constitutional methods had failed and Hindu Mahasabha had no money and organisers to fight elections. He suggested that they should form secret organisations and take to revolutionary methods and he also hinted that the time had come to do away with the leadership of some of the top ranking Congressmen. There were a number of R.S.S. volunteers there and after the meeting was over, Balukaka Kanitkar heard some of them saying that Nathuram was right and that Gandhiji and Nehru were thorns in the establishment of Hindu Raj and hence they should be removed from their path, but Balukaka Kanitkar did not know who those volunteers were and would not be able to identify them. As in Balukaka Kanitkar's view the matters might take an ugly turn, he sent a registered letter to Mr. B. G. (Balasahib) Kher, who was in Delhi then, giving him the information of the above meeting and also about the atmosphere developing in Bonibay. In that letter he suggested that protective measures should be adopted to safeguard the lives of top ranking Congress leaders, particularly Gandhiji. Later on, Mr. Kher told him at Poona that he had conveyed the information to Sardar Patel and that he was taking necessary precautions.

20.103 The words attributed to Nathuram Godse by Mr. G. V. Ketkar, and which were directed solely against Mahatma Gandhi and could have been a threat only to his life from Godse alone or from him and his co-adjutors, are significantly missing from this statement. And one could not, from what has been said and deposed to about Balukaka Kanitkar accuse him of deliberately withholding of these words or perverting the language used. It might properly be argued that there is no police report of this meeting or of the speech referred to in Ex. 81, which Nathuram Godse is alleged to have made unless Balukaka was confusing the June speech of Godse's with what he called mid-July speech. The difficulty is that human memory for dates is not always reliable and it is possible that Balukaka confused the meeting in the middle of June with the meeting in middle of July, because the subject matter of the speech there made is not very different from that mentioned in Ex. 81, Balukaka's police statement. Of course the words about taking to revolutionary methods and doing away with top Congress leaders are not in the police report. It may well be argued that if the police reporters missed these significant words, they could equally do so about the words deposed to by Mr. G. V. Ketkar. It is possible, but the difficulty is that what Balukaka said in his police statement about the speech of Godse was strengthened by a gloss of the R.S.S. volunteers who specifically mentioned the names of Gandhi and Nehru, and we have no means of checking as to how much was heard by Balukaka and how much was the result of a suggestion because of what the volunteers said. Further, there is some likeness between the speech reported by the police and the words mentioned by Balukaka but there is none between what Mr. Ketkar has put in the mouth of Godse and what is contained in the two police reports Exs. 111 and 112 i.e., the two speeches in June and July 1947. The same may be said of the contents of the dossier, Ex. 239.

20.104 As a matter of fact, and it may be repeated that the police report of a speech by Nathuram Godse, which was in reply to Mr. J. P. Narayan's speech, and is specifically so described in the

report, was produced before the Commission. But that meeting and that speech were on November 28, 1947; and the reported speech does not contain any words which have any resemblance to the threat like the one contained in the significant sentence relating to Gandhi's claiming to live for 125 years. Thus, the Commission has before it reports of two meetings in June 1947, Ex. 111, and in July 1947, Ex. 112, and also reports of J. P. Narayan's two speeches of November 1947, Ex. 122 and Ex. 122-A, and of the speech in reply made by Nathuram Godse, Ex. 71. When taken together they negative the story of the speech of July 1947, referred to by Mr. Ketkar.

20.105 The next relevant document is Ex. 11, a kind of a mercy petition by Balukaka Kanitkar to His Excellency the Governor General, Mr. C. Rajagopalachari, which is dated March 12, 1949. Balukaka Kanitkar there referred to Nathuram Godse's speech in Shivaji Mandir. According to this petition, Nathuram had openly declared that all constitutional methods of his party had failed to pull down "the Gandhi and the Congress party, terrorism culminating in the murders of Gandhiji, Pandit Jawaharlal, the Sardar (Sardar Patel) and other tall poppies in the land, was the only way left open for it", which was a terrible shock to Balukaka. Here something more is put in the mouth of Nathuram than was contained in the police statement, Ex. 81. He thereupon resolved to inform the authorities and on July 23, 1947, i.e., about six months before the assassination, he sent a registered letter to Balsahib Kher, the then Bombay Premier, who happened to be in Delhi at the time. He acquainted Mr. Kher with the openly declared plans of those people—the future assassins of Gandhiji—of murdering Gandhiji and others and requested him to ask the authorities concerned to take proper precautions for safe-guarding the lives of the Mahatma and other leaders. He then pleaded for the sentences of death to be commuted and thus stop the executions of Godse and Apte. Balukaka has there pleaded for the lives of the condemned prisoners, Godse and Apte, saying that, "Instead of.....murdering these criminals why not try to reform them". He also paid them the compliment of not being men of ordinary calibre which is not different from G. V. Ketkar's 'Kesari' article, Ex. 16. Significantly, not a word was said in this petition about the strikingly important words about Gandhiji living upto 125.

20.106 Mr. Ketkar to sustain his statement has placed on record a printed copy of an article sub-nominee "*He Ram, Kala Divas*", which was published in the "*Purusharatha*", a monthly magazine of May 23, 1956, which is Ex. 166. He did supply a printed copy of the article but not a copy of the whole issue of the magazine of that date, merely a four page Mafathi leaflet without a date. Mr. Kotwal has placed before the Commission the full issue of the magazine which he obtained from the Public Library of Bombay. He has given a photostat copy of the article. The document produced before the Commission by the Government of Maharashtra was the whole issue of that magazine of that date and not merely one article separately printed. The portions in Ex. 166, the document placed before the Commission by Mr. Ketkar relating to what Godse said are not in the article contained in the copy placed before the Commission by the Maharashtra Government. The additional words contained

in Ex. 166 are within brackets in red. As to when Ex. 166 was printed, is not shown on the document as is required; and as there are very material discrepancies between the two, it is very difficult to place any reliance on this document (Ex. 166) produced by Mr. Ketkar. The material portions are important and those are not in the issue obtained from the Library. The words which are in Ex. 166, but not in the copy produced from the Library are shown in red in the photostat copies of the article. The words not in the Library copy, i.e., additions translated into English, are the following and the important passage is "B" at page 12:—

Page 4-'A'—After doing this.

Page 12-'B'—Both of them had later to go to the gallows. This fact is known to all. 'Friends! We will not now allow Gandhiji to remain alive. For all our attempts to silence (lit. defeat) him have failed; The words to this effect were clearly uttered by Nathuram before the crowd that had collected in thousands. It was but impossible that I could sit quiet.

Page 15-'C'—For some of his friends had to express their grief in various ways. They came in his way. Barve could not help.

Page 18-'D'—"Friends! Let the darkness come and then we are there and so also the fair daughters of these Brahmins. We shall see!" Such types of words were they! Some more terrible words were uttered that went cutting through your heart. But my pen is not prepared to get polluted by putting them on paper. What can I do?

Page 22-'E'—And especially among the green-grocers in the Mandai.

Page 22-'F'—He was ashamed.

Pages 25

to 26-'G'—The wretched grandson of Bajirao who maintained Mastani as a keep cast an evil eye on other women. He trampled the saints' words—
 'Character is the man's most precious ornament'. And what do we see today? We see Brahmins flaunting themselves proudly among the people saying 'Among all the castes Brahmins are venerable'. We have reached the shameful state where 'The son of a Brahmin is selling eggs, Bhajivas and milk and curds. He has lost himself in fashions thus bringing disgrace to his forefathers'. I am extremely pained. But who will say and laugh and to whom?

20.107 Then there is evidence of some witnesses who should have known in the usual course of their duties if the words regarding Gandhiji living upto the age of 125 years and Godse's utterance that "he (Gandhiji) would live if anybody will let him upto that age" had been uttered by Godse. These witnesses are the following: Deputy Superintendent of Police Purohit (No. 66) who was at that

time posted as a C.I.D. reporter in Poona and was a shorthand Sub-Inspector. He was present at the Shivaji Mandir meeting. He prepared the secret abstract of the Hindu Mahasabha and R.S.S. leaders' activities in Ex. 114, showing that he is not friendly towards them. His testimony is as follows:—

"As far as I can recollect, I did submit a summary report of a speech of Nathuram Godse and also of Apte. Ex. 111 is a report made by me from my shorthand notes. It is dated June 12, 1947. The meeting on 12-6-1947 was held in Shivaji Mandir. I do not recollect any other meeting where Godse or Apte made any speeches in regard to Mahatma Gandhi, or the Congress or the division of the country. I have no recollection of the speech made in Shivaji Mandir where Godse stated that 'Gandhiji said that he would live for 125 years, yes, if anybody lets him'. If such a statement had been made, it would have been recorded by our reporter and a report of it sent to Government".

20.108 The next witness on this point is Deputy Superintendent of Police, Shidore (Wit. 67) who was also in Poona in the C.I.D. and was a reporter. He reported the meeting held in Tilak Samarak Mandir on July 3, 1947. Ex. 112 was written by a shorthand reporter Kalekar. He also had no recollection of any such speech and he said that if such words in regard to Gandhiji's wish of living upto the age of 125 years had been uttered by Godse they would have found a place in the shorthand records.

20.109 Witness No. 68 is Dy. S. P. Angarkar, who was in the Intelligence Branch as an Inspector. He was specifically asked about Godse's speech relating to Gandhiji's wish of living upto the age of 125 years. He stated that if such a speech had been made, it would have come to his knowledge and he would have brought it to the notice of the D.I.G., C.I.D., through proper channel. The D. I. G., C. I. D., Mr. Rana (witness No. 3) also deposed that no report about Nathuram Godse's speech relating to Gandhiji's wish of living upto 125 years was brought to his notice and the D.S.P. Pravin Sinhji (witness No. 38) was also specifically asked this question. He stated that he had no recollection of any meeting where Nathuram Godse had stated anything indicating danger to the life of Mahatma Gandhi. "If any such meeting had been held and any such speech had been made, I would expect my LIB staff to report this to me.....I am sure that if such a threat existed or such a threat was given, I would have come to know about it and I would certainly have reported to my superiors".

20.110 Whether or not any such threat existed is not the question to be discussed at this stage; for the moment the point before the Commission is whether anything was mentioned by Godse about Gandhiji's claim of living upto 125 years, etc.

20.111 These witnesses, who would in the ordinary course of their duties have heard about it, or made a record of it, if such a speech was made, have stated that they had no such recollection. These words are very telling and significant and if they had been uttered, these witnesses should and would have reported the matter, of course assuming them to be honest, not friends or sympathisers

of Godse or of the school of thought he represented. Their not doing so is an indication of these words not having been uttered. It may be added that Mr. Dehejia (witness No. 84), who was the Home Secretary, and an alert one at that, as is shown by his notings on the files produced before the Commission, had also not heard anything about it.

20.112 If these words were not uttered, then they could not have formed the basis of Mr. G. V. Ketkar's conclusion of danger to Gandhiji's life and consequently he could not have requested Balukaka Kanitkar to warn the authorities to keep alert. Balukaka Kanitkar's police statement also does not refer to his conclusion being based on any such words still less on what Godse said but more on the gloss which in his hearing some R.S.S. volunteers put on the speech of Godse.

20.113 In an article (Ex. 16) in the 'Kesari' of November 15, 1949 the day Godse and Apte were hanged, which significantly is under the caption "National Victims of the Death-Sentence", there is a portion which has been marked Ex. 17-A. It has a sub-title "Previous warnings of danger neglected". This portion, Mr. G. V. Ketkar pressed to the consideration of the Commission in support of his claim of being instrumental in warning the authorities. It runs as follows:—

"Thereafter a similar different note was found in the speech delivered by him in Shri Shivaji Mandir in reply to the speech made by Jayaprakash Narain on the S. P. College ground. Hence it was that Shri Balukaka Kanitkar had sent a registered letter to Hon. Balasaheb Kher stating that the life of Congress leaders was in danger and that it was necessary to tighten up Government measures in that connection. Godse in his speeches used to express his fury against our leaders who were falling a prey to the tactics of Jinnah. The said speech contained a sentence meaning 'Gandhiji says that he would live for 125 years. Yes, he will live, if only allowed to do so'. The inference drawn by Balukaka must have been based on some such sentences only. If, on receiving this letter, Hon. Kher did not feel it necessary to take a serious view thereof, he cannot be much blamed. The seriousness which subsequently attaches to these previous warnings after the dreadful occurrence has actually taken place cannot be well comprehended in advance by anyone. However, Gandhiji had a wonderful power to pacify his extremist opponents who were bent on a quarrel and to win them over to his side by means of his influence. The same had become an object of unflinching faith among all people, great and small, as a result of several experiences. The said faith was deep-rooted not only in the devotees of Gandhiji but also in his opponents".

20.114 No doubt in this article which was written during the life time of Balukaka Kanitkar there is a reference to the sentence... of 125 years' claim of life by Mahatma Gandhi, etc. But it is significant to note that there is no claim by Mr. Ketkar in this portion that it was he who had asked Balukaka Kanitkar to write the letter

to the then Premier, Mr. Kher. This article also said that Godse in his speech used to express fury against Congress leaders who had fallen a prey to Jinnah, and then there is mention about Gandhiji's wish that he would live upto 125 years, and then the article says that Balukaka must have drawn his inference from some such sentences which clearly showed that it was not Ketkar who had asked Balukaka to write the letter but he must have done so from some such statement. It does not even mention that both Balukaka and Ketkar were present at the meeting and as a result of mutual arrangement under which Balukaka wrote to Government. Whatever it may or may not do, it does not support Mr. Ketkar's claim that he had warned the Government against the danger to the Mahatma's life and that he had done so through Balukaka Kanitkar. On the other hand, it only indicates that Balukaka had written a letter giving a warning.

20.115 Mr. Ketkar has then referred to a letter which Balukaka Kanitkar had written to Mr. Ketkar (Ex. 23), dated November 17, 1949, two days after the publication of the article in the 'Kesari'. Because a great deal of reliance has been placed on this letter, it is necessary to examine it in some detail. It states that there was some misunderstanding in the minds of the people who were misinformed about the facts regarding Mr. Kher and the emphasis is on Kher and misunderstanding *qua* him. It does not say what facts the people were misinformed about. It states that 6 months before the murder of the Mahatma he (Balukaka) had, as a precautionary measure, written to the Chief Minister, really Premier, Mr. Kher, who was in Delhi then, and that reference to the letter in the article had paved the way for clearing the misunderstanding. It proceeds to say that injustice had been done to Mr. Kher that he was negligent. But as a matter of fact, there was no lapse on his part. He showed the letter immediately to the Union Home Minister, Sardar Patel, that in the appeal made to the Governor General he (Kanitkar) had specifically mentioned about the assurance given by Mr. Kher. It again emphasises that misunderstanding in the minds of the people about Kher must be removed by publishing the letter to the Governor General in the 'Kesari'. The negligence, it says, was of the local responsible officials—reference being to the Delhi police. According to Balukaka Kanitkar, local officials should have put a fencing 20 to 30 ft. away from the place where Gandhiji sat during the prayers which would have averted the tragedy. It goes onto say that Gandhiji was opposed to search being made of persons who attended the prayers. But in spite of that the local authorities should have conducted the utmost precautions and some sort of cordoning should have been done. Whatever else this letter may show or not show, it does not say that what Balukaka Kanitkar wrote to Mr. Kher was at the instance of Ketkar.

20.116 Mr. Ketkar, when in the witness box, was specifically asked whether he ever stated during the life time of Balukaka that the information which the latter gave was at his instance. His reply to this specific question was as follows—

"I have written in the article (Ex. 16) that Balukaka had written the letter after certain words had been spoken by Godse at a particular meeting".

The answer, to say the least, was evasive and there is no assertion even that he had done so during Balukaka's life time.

20.117 He was next asked whether Balukaka had made any reference in his letter to him (Ketkar), (Ex. 23), that he had sent the warning at his instance. His reply was—

"Yes, because the letter was addressed to *The Kesari* for publication and not sent to me personally".

This explanation does not support the claim of Mr. Ketkar that anything was written by Balukaka at his instance.

20.118 Mr. G. V. Ketkar gave an explanatory statement to the 'Indian Express' which was published in its issue of November 17, 1964. He therein stated that this news item published in the newspaper was generally correct. To quote his own words as given in the newspaper's report, he said—

"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)".

20.119 This report shows that Balukaka Kanitkar was not present at the meeting but it was Mr. G. V. Ketkar who apprised Balukaka Kanitkar of Nathuram's intention and then Balukaka Kanitkar wrote to Government.

20.120 The way this clarificatory statement is worded completely negatives Ketkar's story of both Balukaka Kanitkar and himself being present at the meeting together. The words having been uttered by Godse and the talk subsequent to that between Ketkar and Kanitkar as to the evil designs of Godse are contradicted by the clarificatory statement. It gives one the idea that Balukaka was not present, that only Mr. Ketkar was present, and that Mr. Ketkar gave this information to Balukaka Kanitkar who in turn wrote to Mr. Kher.

20.121 It was urged before the Commission that this claim of the letter having been written to Mr. Kher at Mr. Ketkar's instance is a complete invention with the object of creating defence against criticism and to guard against the fury of the people of Poona, who had put a garland of shoes round his neck after his disclosures and after the severe criticism in the Press where the whole function was described as "a sordid reminder of the ugly spirit which still moved some people in the country" and that "the Poona reception was a shame beyond description".

20.122 Balukaka Kanitkar, in four documents relevant to the point in controversy, has given his version of what was alleged to have been said by Godse at a public meeting at Shivaji Mandir. First, there is the letter which he had sent to Mr. Kher. This is not before the Commission as it was addressed to the Bombay Premier while at Delhi and we do not know what happened to it. All we know is what Mr. Morarji Desai has said. His version is that no names were mentioned to him (Mr. Desai); and that it indicated a general danger to the leaders of the Congress and to Gandhiji.

20.123 The next document in which Balukaka Kanitkar's version can be found is his statement to the police (Ex. 81), wherein the name of Nathuram Godse has been mentioned and where there is a suggestion that the Hindus should take to revolutionary methods and do away with the leadership of the top ranking Congressmen and the suggestion against Gandhiji and Nehru came as a gloss from the R.S.S. volunteers.

20.124 The third document is Ex. 11—the mercy petition—where also mention was made of Nathuram's saying that constitutional methods had failed and the murder of Gandhiji and Pandit Jawaharlal Nehru, the Sardar and the other tall poppies was the only remedy. This goes further than Ex. 81 and puts dangerous words in the mouth of Nathuram; but there is nothing to show that Mr. Ketkar had anything to do with the sending of the warning.

20.125 In the fourth document, the article in the "Purusharatha" (Ex. 166), there is an addition, if not interpolation, in regard to the speech of Nathuram Godse which the copy of the Magazine produced from the Library does not contain.

20.126 These documents are not in accord with each other and there is progressively something, more in each successive documents, but even then there is no mention of two things, namely, (i) about the speech of Nathuram's mentioning about Gandhiji's claim of living upto the age of 125 years and he would if allowed to do so; and (ii) any information having been given by Mr. G. V. Ketkar i.e. whether the letter was written by Balukaka at his instance. In these two matters the documents are consistently in accord and equally silent.

20.127 There is a letter produced by Mr. Ketkar—an appreciative letter—which Balukaka Kanitkar wrote to Mr. Ketkar after he had published the article in the 'Kesari' on November 16, 1949, when Godse and Apte were hanged. Whether that article absolves Mr. Kher of any negligence or not is not the point for discussion at this stage: certainly, it does not give support to the claim of Mr. G. V. Ketkar of his having been instrumental in getting the letter of warning sent through Balukaka Kanitkar.

20.128 Another corroboratory piece of evidence in regard to the letter of Balukaka is the statement of S. R. Bhagwat (Witness No. 69) He wrote the letter (Ex. 115) to Balukaka's son and has admitted doing so and has also sworn to the correctness of the letter.

20.129 Commission is of the opinion that a letter was written by Balukaka Kanitkar to Balasahib Kher. But what its exact contents were, will never be known because both the writer of the letter and the addressee are dead and nobody who is now alive seems to have read the letter. And no copy of the letter is available, because Balukaka Kanitkar himself said when examined by the police in the Gandhi Murder Case (Ex. 81) that he had not kept a copy of the letter but he kept a note of having sent his letter to Mr. Kher in his despatch register. Mr. Kher unfortunately did not place the letter on any official file nor disclose it to the Bombay Secretariat. The only evidence of its having been discussed with the Home Secretary was when, according to Mr. Morarji Desai, the matter of Daji Joshi was discussed between Messrs Kher, Morarji Desai and that official

We have no evidence of its contents or what relevance it had to the issue. The official documents connected with Daji Joshi do not mention it at all.

20.130 The statement of Mr. G. V. Ketkar, although he is rather vague about the dates, shows that in Poona very hostile sentiments were expressed against Gandhiji and Poona papers had indirectly created an atmosphere inducing to violence with occasional news that something terrible was going to happen. The atmosphere in Poona was against the Congress leaders, including Gandhiji, because they had accepted the partition of the country and everybody's impression was that it was at the dictation of Gandhiji that Congress was acting in every matter; but the real reason for hostility against Gandhiji was the partition of the country. Subsequently, there were other causes also e.g. the massacre and looting of Hindus in the Punjab and subjecting them to indignities while they were travelling by trains from the Northern areas like Bannu. Lastly, it was the giving of 55 crores of rupees under a threat of a fast um to death. As these incidents extend over a period from before the partition somewhere about July 1947 right upto the middle of January, 1948, this statement would show that throughout this period there was a hostile atmosphere in Poona which was dangerous as it was tending towards incitement to violence and as the Mahatma was considered to be the inspiration for every action taken by the Congress, people had started putting the responsibility of all these ugly incidents upon him and their ire was directed against him.

20.131 As Mr. G. V. Ketkar deposed that he had disclosed to Mr. R. K. Khadilkar about what he had observed, what he had heard, and about what Godse had told him when the two of them were travelling by car between Bombay and Poona, Commission thought it necessary to examine Mr. Khadilkar who readily consented to appear before the Commission. But he had no recollection of Mr. Ketkar's statement. His own statement is very revealing and he stated this: See paragraphs 132—150.

20.132 There were rumours before the 20th January, 1948 of a conspiracy in Poona to attack Gandhiji. The rumour was that something will happen to Gandhiji because he had succumbed to the pressure of those who were advocating partition, he was responsible for giving away 55 crores to Pakistan; the people were, therefore, saying that there is no escape for Gandhiji.

20.133 One instance of the opposition of the fanatical group of the Hindu Mahasabha against Gandhiji, he mentioned that there was a proposal of a joint meeting to celebrate the anniversary of Tilak's death on 1st August which it was thought would be a good gesture and Mahatma Gandhi was to be invited to be the main speaker. Although Mr. N. C. Kelkar was agreeable, the others were averse to it and led by Nathuram Godse they threatened that they would disturb the meeting and hold a parallel meeting. As a consequence of this the proposal was dropped.

20.134 The atmosphere in Poona was highly tense and critical of Mahatma Gandhi though there were no open threats. The writings in the Press and the trend of public speeches made, as also private talks, showed that people were critical of Mahatma because they

thought that he had betrayed India which they identified with Hindus only. This idea was prominently mentioned in the 'Hindu Rashtra' and the Hindu Mahasabha paper called the 'Kal'.

20.135 He (Mr. Khadilkar) knew Badge, who was then working in the Hyderabad Liberation Movement but he never knew that he was an associate of Nathuram Godse or that he was inclined to violence against the Mahatma. After the bomb was thrown there was consternation in Mr. Khadilkar's party and disappointment in the Hindu Mahasabha camp. The former was quite outraged by the fact that while a Congress Government was in power an attempt should be made on the life of Mahatma Gandhi, because nobody whether communist, leftist or politician of any other hue, wanted Gandhiji to be injured, much less killed.

20.136 It was after the bomb was thrown that Mr. Khadilkar came to know about Balukaka's warning to the authorities of there being persistent rumours in Poona that some conspiracy was hatching to kill Mahatmaji. As Balukaka had informed the authorities, Mr. Khadilkar took no steps to apprise the authorities of this matter. Senior Congress people like Kaka Gadgil, K. Jedhe, S. S. More and others, were all under the impression that Balukaka had given the information and there was no need to do anything more. That is hardly a justification for inaction.

20.137 Before the bomb was thrown the atmosphere was poisoned and after the attempt there was alarm. "The local police intelligence were almost with us and they knew everything", and, therefore, Mr. Khadilkar and his party did not inform the authorities of what was happening. This, in the opinion of the Commission, is an inexcuseable alibi.

20.138 Mr. Khadilkar said that Badge was with Madanlal when the first attempt was made. "I am absolutely certain that before the first attempt was made and after the partition and the giving of 55 crores the atmosphere in Poona was highly poisonous and antagonistic towards Mahatma Gandhi and they thought that if he continued, he would damage the country without there being any remedy; to put it clearly, he would barter away the country to appease Pakistan". Government was being blamed for not taking proper precautions against the movement and they blamed the Bombay Government more because they had to take precautions in Poona. "I would again like to say that Poona police intelligence was with us. They were sensing what was happening in the city..... and we could never imagine that they would not apprise the Government of what the true state of affairs was".

20.139 After the giving of the 55 crores the writings in the Press showed that the anger of the people was directed against those who had betrayed the country rather than against the Muslims and it was not correct that the violence was to be directed against the Muslims but the real fact was that it was directed against the Congress and Mahatma Gandhi. Although Mr. Khadilkar and his friends did not warn the authorities in Bombay or in Delhi, they were all concerned about the safety of Mahatma's life. Unfortunately they showed no demonstrative proof of it.

20.140 Mr. Khadilkar made it clear that Balukaka had written about the danger to the Congress leaders, including Mahatma Gandhi, before the bomb was thrown, but he could not remember if anyone had warned the Government between the throwing of the bomb and the murder of Mahatma Gandhi. It was unfortunate that they relied too much on the intelligence which they, including the witness, thought was "with us".

20.141 The atmosphere for some time was surcharged with communal fanaticism and that also directed against Gandhiji who was considered the prime mover of the appeasement of Muslims.

20.142 Mr. Khadilkar knew Badge to whom he had given a little assistance as he was a poor man but, as said before, he was wholly unaware of the fact that he was a confederate of Godse and people like him.

20.143 The portion of Mr. N. V. Gadgil's article, Ex. 103, dealing with hostile language being used against Gandhiji in Poona was read out to Mr. Khadilkar, and he agreed with it. He added that Prime Minister Nehru was not a target of people's criticism in the Poona Press. He himself had no knowledge of the alleged send-off being given to Godse and others when they left Poona for Delhi on their nefarious mission of assassination.

20.144 When asked why he did not convey the true feelings of the people to the authorities, he said that he was at that time a protestant against the Congress and he thought that they would not take him seriously.

20.145 In cross-examination by Mr. Kotwal, he said that he had no knowledge of the conspiracy, still less as to who were to take part in it, nor that any such offence was likely to be committed. Only he was sensing danger of something happening and he could not go any further, i. e., he did not know what was likely to happen nor who was going to do it. They all sensed danger to Gandhiji from that camp which was advocating Hindu fanaticism and which was in Poona. He was put a specific question whether he connected the movement with Poona, Nagpur, Allahabad, Delhi or some other place, his reply was "Poona". He did not agree with Mr. Morarji Desai that the danger to Mahatma Gandhi was from three quarters e.g. the Hindu fanatics, the refugees, and the Muslims. As far as his knowledge went, the danger was from a small section of Hindu fanatics belonging to Hindu Rashtra Dal. It was the Hindu Mahasabha paper which was bitterly criticising Gandhiji in Poona. Those papers were the 'Kal', the 'Trikal', and the 'Agrani' or the 'Hindu Rashtra'. The witness added that Congressmen to whichever group they belonged were anxious about the safety of the Mahatma and nobody could tolerate harm coming to him and, though the Hindu Mahasabha was opposed to Mahatma, nobody could have imagined that they would go to the extent of killing him. The witness said, "The inference that there was a danger to Mahatma Gandhi's life is drawn from the writings in the Press at that time and in the light of what happened subsequently". Asked whether it was not correct that the murder was not mentioned in so many words, his reply was, "some suggestive writings were there and dark hints were thrown". He mentioned the name of Prof. S. M. Mate who did write something in that strain.

20.146 The 'Agrani' or the 'Hindu Rashtra' was most militant against Mahatmaji.

20.147 When asked if he meant that before the 20th of January the Hindu Mahasabha camp knew that an attempt was going to be made on the Mahatma, his reply was that that was his inference. He added that even if Balukaka had not given that information, he would not have communicated anything to the Congress Ministers because of their strained relations. But Balukaka wrote because he had some definite knowledge. He himself would also have run to Bombay if he had definite information in spite of the differences.

20.148 The Commission asked him whether there was any deliberate lack of vigilance. He replied, "No; I would not go so far as that but I can say that there was general lack of vigilance".

20.149 Mr. Khadilkar added that the writings of G. V. Ketkar indicated that he was the mentor of the fanatical portion of the Hindu Mahasabha.

20.150 Ex. 114 was put to him which deals with the activities of the leaders of the Hindu Mahasabha. He agreed with it generally.

20.151 The statement of Mr. Khadilkar comes to this---

- (i) Poona was seething with venomous antagonism against Mahatma Gandhi. He was considered responsible for the partition, the giving of 55 crores and miseries of the Hindus which was synonymous with the country.
- (ii) Talks in private, speeches in public, public press all reflected this extremely critical attitude against the Mahatma and presaged disaster for him.
- (iii) Mr. Khadilkar and his companions thought that the police knew and they would inform the Government.
- (iv) He himself not being friendly with the Congress party and because the Poona Intelligence Police "was with us", he was reluctant to inform the Government. But he also said that if he had definite information which Balukaka Kanitkar had, he would have gone to Bombay and conveyed the information. Perhaps a registered letter or a talk with the District Magistrate or the D.S.P. would have been sufficient. But these officials were never approached or informed.

20.152 Mr. Khadilkar's evidence is corroborative of the other evidence of the hostile atmosphere in Poona which was reeking with Hindu chauvinism, at least in certain quarters like Savarkarites, who had adopted an utterly uncompromising attitude against Mahatma Gandhi whom they considered the architect of Hindu denigration and appeasement of the Mohammedan.

20.153 Because of the great importance of the first term of reference which runs 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—

the Commission has discussed the evidence at great length. It has set out and analysed the evidence of Mr. G. V. Ketkar and the relevant documents which have bearing on his statement. It has also discussed the evidence afforded by the documents dealing with Balukaka Kanitkar. It has also discussed the evidence of Mr. S. R. Bhagwat, witness No. 69, as also the evidence of police officers whose duty it was to report the speeches made the workers of communal and other parties, the former including the Hindu Mahasabha, the R.S.S., and the Rashtra Dal. The evidence placed before the Commission shows that the claim of Mr. G. V. Ketkar that he and Balukaka together heard a speech made by Nathuram Godse, in which he said that 'Mahatma Gandhi claims that he will live for 125 years; yes, he will if he is allowed to do so' is not made out. The evidence does not show that Balukaka Kanitkar and Mr. G. V. Ketkar were together at the alleged meeting. The statements of Mr. G. V. Ketkar himself are varying and contradictory on this point and there is no reliable evidence before this Commission showing that such a speech was made, or, if it was made, both Balukaka Kanitkar and Mr. G. V. Ketkar were present at the meeting.

20.154 It appears to the Commission that the fact that Balukaka Kanitkar did write a letter to Mr. B. G. Kher about the danger to the life of top Congress leaders, has been made the basis of Mr. Ketkar's claim that it was at his instance that the information was given. As a matter of fact, there is nothing to show that Mr. Ketkar was in any manner instrumental in getting that letter sent.

20.155 The evidence of Mr. Ketkar is full of inconsistencies, inaccuracies and contradictions, and it is difficult to hold on that evidence that Balukaka Kanitkar wrote any letter at the instance of Mr. G. V. Ketkar. Whatever he did, he must have done on his own and the credit of it cannot go to Mr. G. V. Ketkar.

20.156 Mr. Ketkar has stated that in October or November 1947. Nathuram Godse came to him and he (Ketkar) tackled him about his threats to the life of Mahatma Gandhi and that Nathuram admitted to him that he was going to murder Mahatma Gandhi. Mr. Ketkar says so and there is no reason why his statement on this point should not be accepted. But it is surprising that the speech about 125 years made Mr. Ketkar to induce Balukaka Kanitkar to write to Government and he was utterly inactive in regard to a clearer threat given by Nathuram Godse, of which matter only Mr. Ketkar was aware.

20.157 The third occasion on which Mr. G. V. Ketkar came to know about the threat to Mahatma Gandhi's life was when soon after the Birla House bomb incident he met Badge who gave him information about the conspiracy to kill Mahatma Gandhi; who were in it, and that after the failure of the throwing of the bomb, the conspirators were going to repeat their attempt. D. R. Badge was at one time an employee of Mr. G. V. Ketkar. Again, Mr. Ketkar took no steps to prevent such a catastrophic happening, nor inform any authority or anyone else about it.

20.158 The other persons who knew anything about the danger to Mahatma Gandhi's life but not about any conspiracy to murder were Balukaka Kanitkar and Mr. S. R. Bhagwat. There is evidence that the former wrote to Mr. B. G. Kher but there is no clear evidence as to what he wrote. His letter Ex. 11 does say that he had mentioned the danger from "these people" i.e. Godse and Apte, but this he did not say in his police statement, Ex. 81, and what he exactly wrote in his letter to Mr. B. G. Kher is not clearly proved. His later statements steadily improve one on the other. The evidence only shows this, that he apprehended danger to the life of top Congress leaders. The information which was conveyed to Mr. B. G. Kher and by him to Mr. Morarji Desai was vague and nebulous, although Mr. Desai does say that Balukaka did say that Mahatma Gandhi's life was in danger and the atmosphere in Poona was tense.

20.159 Evidence of Mr. Khadilkar does show that the atmosphere in Poona was tense against Gandhiji, that the Hindu Mahasabha newspapers were writing inciting articles but he also does not seem to have done anything to apprise anyone about the danger to Mahatma Gandhi's life. His plea that 'police was with us' is denied by Dy. S. P. Angarkar, and that he not being in the Congress and the likelihood of being misunderstood is hardly a ground for inaction.

20.160 There is evidence of Mr. N. V. Gadgil given before Mr. Pathak that Mr. Khesavrao Jedhe, M.C.A., had give him some enigmatic information about the danger to Mahatma Gandhi's life; but in spite of his knowing that Nathuram Godse etc. had been given a send-off before going to murder Mahatma Gandhi, he took no action in regard to the matter. He did not inform anybody, not even Mr. Gadgil. It is difficult to say what was the extent of his knowledge and what was the source of his knowledge. As both Mr. Gadgil as well as Mr. Jedhe are dead, it is not possible to give any finding in regard to Mr. Jedhe's claim. But this much does appear that the atmosphere in Poona was tense against Congress leaders, including Mahatma Gandhi.

20.161 On the first term of reference, therefore, the finding of the Commission is that some persons, including Mr. G. V. Ketkar, had prior knowledge of the danger to Mahatma Gandhi's life, but with the exception of Mr. G. V. Ketkar nobody had any information in regard to the conspiracy of which the architect was Nathuram Godse. No other witness, excepting Mr. Ketkar, has deposed to the likelihood of any danger to the life of Mahatma Gandhi from Nathuram Godse, still less of any conspiracy.

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CHAPTER XXI

TERM OF REFERENCE (b)—PRIOR KNOWLEDGE

A. DELHI

Information with Sardar

21.1 What information the Sardar had in regard to (i) danger to the life of Mahatma Gandhi, (ii) about the conspiracy to murder Mahatma Gandhi, and (iii) where the danger was from and from whom has been deposed to by three important witnesses, Mr. V. Shankar, I.C.S., Mr. R.N. Bannerjee I.C.S. (Retired), and Miss Maniben Patel M.P., daughter of Sardar Patel.

Mr. V. Shankar, Wit. 1(P), Wit. 10(K)—

21.2 Mr. Shankar who at the relevant time i.e. in 1947-48, was Private Secretary to the Home Minister Sardar Patel, had some important information to give to the Commission.

21.3 In paragraph 9 of his statement before Mr. Pathak, he has said, "Actually, I think, both he and Premier and the Home Minister of Bombay knew that this conspiracy was probably on but the question was who were in it. For instance, even such a man as Mr. N.C. Kelkar, editor of the Kesari was mentioned."

21.4 He stated that from the intelligence reports as also from the discussion which Sardar Patel had with the Bombay Premier and the Bombay Home Minister he (Sardar Patel) knew that there was a move to assassinate Mahatma Gandhi and also that perhaps the centre of the movement was at Poona and eventually it proved to be correct, i.e. the conspiracy of Nathuram Godse and others. He added, "I know that during this period all sorts 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". But the first concrete evidence on the basis of which any effective action could be taken was the confessional statement of Madanlal made to the police after his arrest in connection with explosion of the bomb which on January 20, 1948, was exploded at the prayer meeting.

21.5 Mr. Shankar stated that political thinking took a serious form after Gandhiji's fast. The atmosphere was surcharged against Pakistan both because of the partition and because of Kashmir invasion. People had started interrupting Gandhiji's prayer meetings protesting against both his philosophy and methods of dealing with the situation and for his taking up the cause of the Muslims in India as against what the Hindu and Sikh refugees thought should be done for them so much so that Mahatma Gandhi wanted to go and reside in a Muslim locality in order to prevent the eviction of Muslims which caused a great deal of sensation, but Sardar Patel succeeded in dissuading Gandhiji from doing so. These anti-Gandhi feelings were accentuated because Gandhiji agreed to insist on the payment of 55 crores as a moral issue.

21.6 Further Mr. Shankar said that the police did not get any concrete or tangible evidence of the conspirators until they got the confessional statement of Madanlal and "I know that after that statement both the Intelligence Bureau and the Bombay Police were not on the trail of those whose names had been mentioned by Mr. Madanlal. Special groups of people were sent to trace them out from their reported places of refuge, but they evaded police parties". This must have been on the basis of erroneous information because there is little proof in favour of this statement.

21.7 Mr. Shankar was re-called before this Commission as witness No. 10. He stated that he did not know about the chain of talks between Ketkar and Balukaka Kanitkar or the latter informing Balasaheb Kher or any talk taking place between Mr. Kher and Mr. Morarji Desai and Sardar Patel.

"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." In cross-examination he said that it was not specifically known before Madanlal's statement that there was a conspiracy to murder Mahatma Gandhi. "At least I did not know either about Ketkar or about Kanitkar". He had no recollection of Mr. Morarji Desai giving any information to the Sardar at Ahmedabad nor did he know anything about Professor Jain.

21.8 Before Sardar Patel left for Bihar, i.e. before the 27th January, 1948, he had seen the statement of Madanlal. It may be that a gist of the statement was given to him by Mr. Sanjevi but Mr. Shankar clearly remembered that the Sardar had told Sanjevi to keep persons mentioned by Madanlal under "surveillance".

Commission does not find any proof of this direction having been carried out. He again repeated that before Madanlal's statement, Sardar was ignorant of the conspiracy to murder Mahatma Gandhi.

21.9 In regard to the conspiracy Mr. Kher or Mr. Morarji Desai used to tell Sardar on the telephone but there it appears the reference is not to any particular conspiracy but just the "movement" to kill Mahatma Gandhi.

21.10 Mr. Shankar was shown Ex. 5 and Ex. 6. He could not say what statement was seen by Sardar but it certainly was more detailed than what was contained in Ex. 5.

21.11 Misfortune of the Hindus as a consequence of partition was ascribed by many people to the appeasement policy of the Congress for which Mahatma Gandhi was being held responsible and the Kesari school of thought of Maharashtra was openly blaming him. The matter was not so serious till the Mahatma started his fast and it increased in seriousness still more because of the issue of Kashmir, the plight of the refugees and the atrocities on the Hindus in Pakistan. People were objecting to the philosophy of Mahatma Gandhi.

21.12 According to this witness, and he should know—

- (1) There were rumours of danger to Mahatma's life. The rumours were, however, vague

- (2) Sardar Patel, Balasaheb Kher, Premier of Bombay, and Mr. Morarji Desai knew that there was a "movement" to kill but not who were in it; even Mr. N.C. Kelkar of the Kesari was at one time suspected but there was no tangible evidence about it or what quarter the danger was from.
- (3) Mr. Kher and Morarji Desai used to speak to Sardar Patel on the telephone about a conspiracy but not any particular conspiracy.
- (4) There was a hostile camp—The Kesari Camp—inspired by Savarkar but it was being watched by the Bombay Special Branch. The Commission, however, finds no proof of this watch except what Nagarvala did after Mr. Morarji Desai conveyed to him the information furnished by Prof. Jain.
- (5) Before January 27, 1948, Sanjévi gave Sardar Patel a gist of Madanlal's statement and Sardar had seen the statement and had told Sanjévi to keep a watch "surveillance" over persons mentioned by Madanlal. Mr. Shankar did not say who those persons were.
- (6) Mr. Shankar did not know about Jain or Ketkar or Kanitkar.
- (7) He does not know what information Mr. Morarji Desai gave to Sardar Patel at Ahmedabad on 22nd January, 1948.
- (8) But there is no evidence of the Sardar telling his Secretariat anything about danger to the life of Gandhiji or about any conspiracy to murder Gandhiji.
- (9) He knows nothing about Ketkar or Kanitkar or what they wrote to Mr. Kher.

Mr. Bannerjee, Wit. 19—

21.13 Mr. R. N. Bannerjee, who was the Home Secretary at the relevant time appeared before Mr. Pathak as witness No. 17 and before this Commission as witness No. 19. Before Mr. Pathak he stated that if the police had known about the conspiracy to murder Mahatma Gandhi before the bomb was thrown they should have informed him (Bannerjee) about it. Madanlal in his statement gave the names and particulars and two or three haunts in Bombay of the conspirators and also used the words "Phir Ayega" (they will come again). According to this witness, there was a full story of the conspiracy in the statement of Madanlal of the 20th January.

21.14 Before this Commission he stated that as far as he remembered no newspaper gave out the story of the conspiracy and Mr. Sanjévi never gave him any information in regard to it. The first time they came to know about the conspiracy and about the statement was at the informal post funeral meeting held on 31st January, 1948 at the house of Sardar Patel the details of which have been given in the chapter *sub nomine* 'First Inquiry'.

21.15 Mr. Bannerjee said that in the statement the names of Godse and Apte were given but when his attention was drawn to Madanlal's statement, he said that it must have been guessed from the descriptions given in the statement of Madanlal coupled with the arrest of Godse. Mr. D.W. Mehra who gave him information

about the precautions taken at Mahatma Gandhi's residence at the Birla House did not tell him about the conspiracy and as a matter of fact everybody was surprised when it was mentioned at the informal meeting on the 31st January. Mr. Sanjevi mentioned at the meeting that there were two or three haunts of the conspirators where they could have been nabbed. Mr. Sanjevi, he said, did not keep in touch with him.

21.16 Mr. Bannerjee had no information as to what Mr. Morarji Desai told Sardar Patel at Ahmedabad.

21.17 He could not say how deep was the feeling against Mahatma Gandhi in the Maharashtrian region although there were reports about anti-Gandhi feeling there. In the weekly reports which were being received from Bombay there was no indication that there was danger to Mahatma Gandhi's life. He had no knowledge of Mr. Morarji Desai telling Sardar Patel anything in regard to the danger to Mahatma Gandhi's life in August 1947 or before the bomb explosion, and as has been said above, he did not have any knowledge about what Sardar was told at Ahmedabad on January 22, 1948.

21.18 This witness's statement shows—

- (1) The first time a conspiracy to murder was disclosed by Sanjevi was at the post-funeral meeting of 31-1-1948.
- (2) Sanjevi never told Bannerjee about any conspiracy.
- (3) The statement of Madanlal read out at the meeting disclosed some names, particulars and 2 or 3 haunts in Bombay of the conspirators, and the words "Phir Ayega".
- (4) The names of Apte and Godse were mentioned in the statement but that may be by putting together the descriptions given by Madanlal and the fact of arrest of Godse.
- (5) There was anti-Gandhi feeling in Maharashtrian region of Bombay Province but of its depth he did not know.
- (6) There was no mention of danger in weekly reports coming from Bombay.
- (7) He had no knowledge of Mr. Morarji Desai telling Sardar in August 1947 about danger to the life of the Mahatma or of what he told him at Ahmedabad on January 22, 1948.

Miss Maniben Patel, Wit. 79—

21.19 Then there is the evidence of Miss Maniben Patel witness No. 79, who was a constant and faithful companion of her father and had a fairly good knowledge of what was happening at 1, Aurangzeb Road, her father's official residence; but not those matters which were talked in her absence i.e. when she was excluded or which were talked in the Secretariat where she did not accompany her father. She has stated that she never discussed any matters of State with her father and never asked any questions or showed any undue inquisitiveness in regard to them. To correctly describe her conduct in her father's entourage, even when she was present and any matters were discussed, she sat like a sphinx and uttered not a word.

21.20 Her statement is that she did not know anything about Ketkar or about Balukaka Kanitkar and she could not say if her

Father knew anything about the conspiracy nor what Mr. Morarji Desai told her father at Ahmedabad, but if there was anything serious, she said, Mr. Shankar must have found out the details from Delhi, referring really to the details of the Bomb Case. She has produced her personal diary and in the entries of January 22, 1948 there is no mention of Mr. Morarji Desai seeing Sardar Patel or giving any information.

21.21 Mr. Sanjevi, she said, used to come and see her father and talk to him about the Bomb Case. Daily information used to be sent to him about the statement of Madanlal and what was happening in the Bomb Case. Mr. Shankar showed her father the statement of Madanlal. Really what she meant was that he read out from the statement. She added that her father knew about the danger to Mahatma's life and every possible precaution was taken but she did not know anything about the "conspiracy". She did not know anything about Balukaka Kanetkar nor whether Balasaheb Kher had conveyed anything to her father in regard to the danger to Mahatma Gandhi's life. If Mr. Kher did so, he must have done it on the Secraphone now called Ultaphone or must have talked to him in his office where she was not present.

21.22 She was asked if she knew that certain things had happened in Poona and in Ahmednagar and some speeches had been made there which were indicative of an impending violence against Mahatma Gandhi, her reply was that she did not know but she only remembered that a Hindu Sabha newspaper editor from Poona came about a fortnight before the murder of Mahatma Gandhi, met Sardar Patel at 5 O'clock in the morning during his walks and complained to him about the high-handedness of Mr. Morarji Desai.

21.23 When asked what her father thought about the danger to Mahatma Gandhi's life, she said that he must have taken the matter seriously because he went to the Mahatma and asked permission for the police to search the people going to the prayer meetings, but the Mahatma did not agree.

21.24 She could not say what statement of Madanlal was brought or read to her father nor whether her father was told that the police had been sent to Bombay with a copy of the statement nor whether there was any further information available after her father came back from Patna on the 29th January. If there was any previous knowledge about the danger to Mahatma Gandhi's life then Mr. Kher must have talked to Sardar on the Secraphone. She did not know anything about it.

21.25 She said that she remembered a person named Jain, who had something to do with the information about danger to Mahatma Gandhi's life, but she could not say anything about Mr. Morarji Desai telling her father about Jain's information. She was again asked about the statement of Madanlal being conveyed to her father, her reply was "whatever Mr. Shankar has stated about fuller statement of Madanlal must be correct; the information about Madanlal's investigation was coming in bits to my father". She could not say on which dates the information was given.

21.26 In the end she stated that it was correct that there was a section which wanted to oust her father and her father, therefore, resigned and sent the resignation to Mahatma Gandhi.

Thus, according to Miss Maniben Patel—

- (1) She did not know anything about Ketkar's and Kanitkar's information given to Mr. Kher and by him to her father.
- (2) She does not know about any information given by Mr. Morarji Desai to the Sardar at Ahmedabad on the 22nd January.
- (3) After the bomb incident Sanjevi used to see her father every day and give him the progress of investigation.
- (4) Portions of the statement of Madanlal were given to her father by Mr. Shankar. He read out from the statement of Madanlal.
- (5) She did not know of the happenings and speeches in Poona or Ahmednagar indicative of danger to Mahatma's life.
- (6) The Sardar asked the Mahatma to allow a search of the visitors to Birla House prayer meetings to which the Mahatma was not agreeable.
- (7) Information about investigation was coming to the Sardar in bits.

Mr. D.W. Mehra, Wit. 23—

21.27 Witness No. 23, Mr. D.W. Mehra, stated that before the bomb was thrown at the prayer meeting, there was no indication of any kind of danger to the life of Mahatma Gandhi. He had no knowledge of any instructions to the police to keep a watch on Marathas from Bombay Province. He had given no instructions nor did he suggest to Mr. Sanjevi nor ordered any police officer that persons to whom the descriptions given by Madanlal fitted should be carefully watched. Whether Mr. Sanjevi did so or not, he did not know. But he added that if orders had been given for the search of suspicious looking persons, Mahatma Gandhi would have left Delhi as he had told Mr. Mehra himself.

21.28 Mr. Morarji Desai deposed that in August or September 1947, he conveyed the information to Mahatma Gandhi about the danger to his life but the Mahatma was a believer in God and left the matter there. He also said that he had gone to Ahmedabad on the 21st January 1948 specially to apprise Sardar Patel of the information which Jain had given him.

21.29 There is some documentary evidence relating to Balukaka Kanitkar which shows that Mr. B.G. Kher, while at Delhi, on getting the information from Balukaka Kanitkar, conveyed it to Sardar Patel. But what information was conveyed is not known or proved. Mr. S.R. Bhagwat, witness No. 69, has stated that he wrote to Sardar direct about the danger but no one took him seriously. Of course, this will depend on what he wrote but there is no corroborative proof of Mr. Bhagwat writing except that Mr. Morarji Desai has stated that if he says so, he for one would accept that statement.

21.30 The Commission has set out the evidence which is relevant to the knowledge of Sardar Patel *qua* danger to the life of Mahatma Gandhi or a plot to assassinate Mahatma Gandhi. The only official witness who, had some information about these matters, is Mr. V. Shankar witness No. 10. But even his knowledge is not very

much and whatever information he got was vague. There is no mention by him of Ketkar or Kanitkar. The danger to Mahatma's life about which information was coming could have been from the Kesari Group and even Mr. N.C. Kelkar was at one time a suspect. As Mr. Morarji Desai has said, no names were given. So even if Mr. B.G. Kher did tell the Sardar anything he could not have told him anything specific as to the persons from whom the danger was apprehended. Nathuram Godse and his companions were not mentioned. However, Mr. Shankar has no knowledge of any information given by Mr. Morarji Desai to Sardar Patel at Ahmedabad on the morning of 22nd January, 1948.

21.31 Mr. V. Shankar is vague even about what information resulted from the statement of Madanlal or who were named therein. He has stated that Sardar Patel ordered "surveillance" of those persons and the police were on their trail. But this presupposes knowledge of their names or identities or at least their descriptions and, as far as Bombay is concerned, the only names known were Karkare, Badge and Savarkar. The trailing of the first two was futile as they never came to Bombay except to catch the trains to Delhi and no one took the trouble of getting their antecedents, or who their companions and co-workers were, from the Poona Provincial C.I.D. as it was done after the murder.

21.32 Evidently the Home Minister and his personal staff were being misled by stories of trailing and special groups being on their heels. Mr. Brij Kishan Chandiwala stated before the Commission that a Police Officer had informed him that there were nine conspirators in the bomb case and their identity the police had been able to find out. But what really happened was that the conspirators were eluding all precautions or trailing if there were any. All this comes under the chapter dealing with Police Investigation and will more properly be discussed there.

21.33 Neither Mr. Bannerjee nor Miss Maniben Patel had much knowledge at any rate not as much as Mr. Shankar and, therefore, it is not necessary to refer to their evidence at length. But this much is shown by Miss Maniben Patel that Sardar had entrusted the matter to Mr. Sanjivi who was giving whatever information he had about the case. He was the seniormost Police Officer, the D.I.B., and also I.G.P. at the time. Sardar could not do anything else. Both Mr. K.M. Munshi an eminent Advocate and Mr. R.N. Bannerjee an experienced administrator have said that once that was done, the Minister could not do or be expected to do anything more. He cannot go and investigate himself. Both Sardar Patel and Sanjivi are dead and what information, if any, Sardar had before the 20th January cannot be ascertained. It must lie buried in their bosoms. This much Mr. Shankar has said that the Sardar used to deal with these matters with Provincial Ministers which, as far as, the provinces were concerned, was the proper thing to do. But it appears that Mr. Bannerjee, the kingpin of the Home Office, was not given any information. Ordinarily, these matters would be routed through the Home Secretary but what the practice actually was has not been stated by any witness in any satisfactory manner.

Mr. N.V. Gadgil, Wit. 6(P)—

21.34 The evidence in regard to previous knowledge of Mr. N.V. Gadgil really consists of nothing more than what he was told by

Mr. Keshavrao Jedhe, a member of the Constituent Assembly, and as Mr. Gadgil was a member of the Central Cabinet, the Commission has thought it proper to include his evidence under the head "knowledge of Central Government."

21.35 The late Mr. N.V. Gadgil affectionately called Kaka Gadgil was a Minister in the Central Government. He was a prominent resident of Poona. Before he became a Minister he was at the Bar at Poona and was the Secretary of the District Congress Committee, Poona, and was intimately connected with the local affairs as he was at one time Vice-President of the Municipality. His article, Ex. 103, in the 1964 Diwali number of the Marathi weekly 'Dhanurdhari' shows that there was a growing hostility towards Gandhiji because of the miseries resulting from and brought about by the partition of the country to the Hindus of the Punjab and Bengal. He says: "A very hostile language was being openly used against Gandhi in Poona. By constantly criticising Gandhiji the Poona papers indirectly created an atmosphere conducive to violence. Occasionally, news used to come that something terrible is going to happen. One such news was that Shri Balakaka Kanitkar had sent a Secret letter to Shri (Balasaheb) Kher saying that something was going on against Gandhi. Sardar occasionally used to express concern but no serious notice was taken. Nehru had then started strongly criticising Hindu Leaders". Gadgil also says that there was a feeling amongst the Hindu refugees that Gandhi was not doing anything for them but was helping the Muslims because Gandhiji used to comment every day after the prayer meeting about the doings of the Hindus. Most of the refugees were dejected and disappointed. Some were extremely angry. The giving of the 50 (55 sic) crores added "salt to their injuries." The refugees felt that giving "was like healing the injuries received by the murderer ignoring the man murdered". As a result of what Gandhiji was saying and what Nehru said about the Hindus, anti-Gandhi atmosphere was spreading during those days.

21.36 Keshavrao Jedhe used to stay with him and Jedhe said to Gadgil: "Kaka, some people in Poona are out to do something (dangerous). Be aware!" Unfortunately, Kakashahib Gadgil never asked him to elaborate though he says he should have done so. That is because he never thought that Poona people would do anything that would go against Gadgil himself. The article further says that Jedhe came to Delhi on 15-1-1948 from Poona. He knew that Godse and others had chalked out a plan in Poona and send-offs were being given to them but unfortunately Mr. Jedhe told Kaka Gadgil this only on the night of 30th and when Kakashahib asked him why he did not tell him earlier, Jedhe's reply was that he thought that Kaka knew this before. He then disclosed the names of three or four persons as well as names of some places but he did not disclose this information to him before the 30th January. There is nothing to indicate that Mr. Gadgil conveyed this information to the Police. If he had done so, it should have been mentioned in Police Diaries.

21.37 Another portion which is rather important is that within one or two days after January 30, 1948 Gandhiji was to have gone to Wardha because Sardar's idea was that Gandhiji should be persuaded to stay at Wardha and should be spared from the daily complaints from Muslims and the Maulanas. This fact or something to

this effect has recently been mentioned by one Bikhsu Chamanlal in the "Organiser" of Delhi dated October 26, 1968.

21.38 Fortunately, Mr. Gadgil before his death was examined by Mr. Pathak as witness No. 6. There he stated that when Jedhe said to him about being cautious the witness thought that it was something against him personally and his reply was: "What have I done to raise their anger?" and the reply of Mr. Jedhe was: "All right, I have told you what I heard in Poona" and after that the witness had heard nothing from Mr. Jedhe. It is unfortunate that Mr. Gadgil did not pursue the matter further with his guest; did not ask him what he meant by the cryptic information that he had given and that he should have left the matter there. But that is what happened, another link in the chain of unfortunate omissions. It would be pure speculation now to say as to what the consequence would have been if Mr. Gadgil had been little more careful and had tried to probe into the meanings of the words used by Mr. Jedhe and had tried to get further information in regard to what he was saying. But most probably the information would have been most helpful in the apprehension of the future assassins and might have averted the tragedy. He has also stated that two or three days after the bomb incident Sardar Patel took him into confidence and told him that the information which was being received made him very unhappy and he discussed with him the plans to protect Gandhiji's life—the main proposal being to search everyone attending the prayer meetings. On the 29th Sardar Patel said to him: "It was impossible to persuade Gandhiji to accept this proposal", from which the witness concluded that Gandhiji was not willing to have people searched.

21.39 Mr. Gadgil further stated that at 8.30 P.M. after the murder Jedhe met the witness in the verandah of the witness's house in New Delhi and there he said: "What I had warned you about has happened". The witness asked Jedhe to give him the details and his reply was: "Godse and his friends were being feasted as they were to go to murder Gandhiji and that there was a function at Tilak Samarak Mandir". Thereafter the witness kept quiet and nothing could be done. Mr. Gadgil also stated that beyond what Jedhe told him he had no other information. About the Government of India having any prior information, the witness (Mr. Gadgil) said that Sardar Patel had told him about the information that he had. The witness also said that Sardar Patel had told him that he had some information regarding the conspiracy to murder Gandhiji before the murder took place but the witness knew nothing whether Bombay Government had any information or not. All he could say was that Balukaka Kanitkar had made a statement that he sent a telegram to Mr. Kher prior to the murder that Gandhiji was going to be murdered. This is not a correct version of what Balukaka Kanitkar had said; the matter comes under a different heading and will be discussed there.

21.40 Mr. Gadgil further said that Sardar Patel "right up to 5.20 P.M. on the 30th of January" was trying to persuade the Mahatma to allow search at least of some visitors to the prayer meeting before they attended the meeting but Mahatma's reply was "No! It is God's house and nobody can search."

21.41 Nathuram Godse, Mahatma's assassin, was Secretary of the Provincial Hindu Sabha. Mr. Gadgil said that he had come to

know as a member of Government that Madanlal Pahwa had made a confessional statement after he had thrown the bomb but he never read it. Therefore, he did not know anything about its contents. This witness is now dead and it is not possible to enquire from him now as to when he came to know about the confessional statement, what he came to know about it and from whom. And so is Mr. Jedhe who would have been an important witness whose testimony would have been most valuable to unravel the skein of Poona happenings.

21.42 According to Mr. Gadgil, immediately after the bomb explosion a special precaution was taken in that in every room of the Birla House a plain-clothes C.I.D. man was stationed and in the prayer meeting also quite a number of plain-clothes C.I.D. personnel used to be present. But this is not what the other witnesses have stated. No one has deposed to the stationing of plain clothes policemen in every room of Birla House, but evidently there used to be some at the prayer meeting.

21.43 Two things emerge from this statement; One, the lack of rightly expected inquisitiveness on the part of Mr. Gadgil to find out what exactly Mr. Jedhe meant when he said that Poona people wanted to do something; and he egotistically took the matter to be referring to himself, unless there was something in the context which specially referred to him alone. And secondly, Mr. Gadgil never tried to find out any further details about the confessional statement which he says was made by Madanlal. It will not be too great an exercise in the realm of speculation if one were to say that had Mr. Gadgil used his forensic skill a little more and his unconcern a little less, he might have been able to locate the target of Jedhe's cautionary remark and the identity of Madanlal's confederates, the future assassins, assuming all the time that Madanlal's confession was sufficiently revealing and informative.

21.44 But on the question whether Mr. Jedhe knew anything, or events happened as Mr. Gadgil stated they happened, requires a little careful scrutiny. Mr. Jedhe's statement as to the impending catastrophe was this. He told Kaka Gadgil, "some people in Poona are out to do something (meaning dangerous)". It is possible that he like others had heard rumours of their evil designs.

Action taken by Mr. Randhawa and what he knew—

21.45 Mr. Randhawa stated that it did not come to his notice as Deputy Commissioner and District Magistrate that the life of Mahatma Gandhi was in danger. As a matter of fact, he took him out to a village to open a *panchayat ghar* where a prayer meeting was held. Had he known that there was a danger to Mahatma's life, he would not have dared to take him out to that village. The situation at that time was a confused one and there was danger to everybody's life which came from goondas of both communities but largely from Muslim Leaguers who distributed knives and leaflets and held secret meetings in their mosques. Before the bomb was thrown, the Home Ministry gave him no information as to the danger to Mahatma Gandhi's life.

21.46 After the bomb was thrown, he did not know nor was he informed that the bomb was an attempt on Mahatma Gandhi's life. At an earlier hearing when he was first called, Mr. Randhawa stated

that although he did come to know that the bomb was thrown by a Punjabi refugee yet he was given no information that it was a part of a conspiracy nor was any report sent to him in the course of investigation as to what the investigation was disclosing. The C.I.D. and the Police did not tell him as to how the investigation was proceeding or whether it was leading to a conspiracy.

21.47 Mr. Mehra who was the D.I.G. then used to meet him quite often but he did not inform him about the developments in regard to the bomb explosion particularly in regard to the conspiracy. Mr. Mehra did not tell him as to who were connected with the bomb explosion or as to the conspiracy or as to who the conspirators were. Mr. Randhawa added "I did not know till the murder took place that some Marathas from Poona were involved in the conspiracy." Had he known about the conspiracy, he would have insisted upon the Home Minister calling a meeting at the highest level and 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 I would have had controlled the people who were coming to the prayer meetings". He added that he had saved the life of Mr. M.A. Jinnah when he and other Muslim League leaders were attacked at the Imperial Hotel by Khaksars, implying that he would not have acted differently in the case of Mahatma Gandhi of which the Commission can have no doubt.

21.48 C.I.D. Daily Report, Ex. 141, dated 21st January, 1948, a copy of which was sent to the District Magistrate, mentions as one of the news items the bomb throwing by Madanlal, his arrest and the escape of his companions in a car was also mentioned therein. A special report copies of which have been produced before this Commission (Ex. 84 A&B) also shows that copies were sent to the District Magistrate. But it appears they are received in the office and there they remained.

21.49 The Statesman of the 21st January, 1948, Ex. 106A shows that that newspaper had given out the story as follows—

"Present enquiries tend to show 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 hand-grenade was apparently to be used against the Mahatma himself."

Even other newspapers had said that four men drove away in a small green colour car at the rear of Birla House showing that they were more than one person who were involved in the throwing of the bomb. (See the Times of India, 21st January, 1948).

21.50 Police Superintendent Amar Nath Bhatia, said that the District Magistrate must have been informed through Special Reports. He also said that they (the police officers including the C.I.D. Officials) were meeting the Deputy Commissioner every day and they used to tell Mr. Randhawa what was happening in connection with the case. But his statement seems to be rather confusing because in an earlier portion he had said, "I did not send any report to Mr. Randhawa. The document, Ex. 84A, shows that a copy of this special report was sent to him. Beyond that I cannot say". He added that

he was not aware that Mr. Randhawa had made any complaint against him to the Home Ministry that he was not being kept in touch with the investigation by him (Amar Nath Bhatia).

21.51 The statement of Mr. Randhawa does show this that prior to the throwing of the bomb he had no information of danger to the life of the Mahatma and even after the bomb incident he was not kept in touch with the investigation of the bomb case; and whatever official information was being sent to him remained pigeon holed in his office. The Home Office later took him to task for not keeping himself informed of the investigation. But those were dangerous days. The aftermath of the Partition had produced chaotic conditions and under those circumstances normal working of the District Magistrate must have been considerably dislocated and disturbed.

Mr. J.N. Sahni, Wit. 95—

21.52 About the danger to Mahatma's life, Mr. Sahni witness No. 95, said—

"I have a feeling that pre-information of impending danger to Mahatma's life and Nehru's life was and should have been in the possession of the Government and there were some politicians within the Congress who after the assassination did try to insinuate that such pre-information if properly taken care of could have prevented the assassination, and by implication that either negligence, carelessness or lack of proper measures was the cause of the assassination."

Many people felt that there should have been better arrangements even for Pandit Nehru because there were a number of people who were very violently inclined against Nehru and Gandhiji and therefore tight security measures were necessary. Mr. Sahni spoke to Mr. Nehru because one of his (Nehru's) relations told Mr. Sahni that Mr. Nehru was not agreeing to security measures being taken. When Mr. Sahni spoke to Mr. Nehru his reply was that "he was already feeling like a prisoner and what else could be done for him". After the murder of Gandhiji a special officer, Mr. G.K. Handoo, was appointed to look after the security arrangements *qua* Mr. Nehru.

21.53 Mr. Sahni also said that as a member of the Editors Conference or otherwise he had no information that any such people were forming a conspiracy to murder Mahatma Gandhi. If there was any such information, it must have been with the Government but "one did feel that there was some imminent danger because security measures were being discussed—some criticising the security measures being stringent and others saying that they were inadequate and this talk was rife in the lobby of the Constituent Assembly."

21.54. There were rumours that there was a secret organisation of which the leader was Golwalkar, Bhopatkar or Dr. Khare and volunteers were being trained in Alwar, Bharatpur and in some other places with the objective of overthrowing the Government after killing the top leaders.

21.55 When Mahatma Gandhi was murdered, this was considered to be a part of that plan and stringent measures were

taken to protect strategic points like the radio station, arsenals and places like that and the Defence Minister was specially called and directed to take appropriate measures. In Alwar, Dr. Khare being the Prime Minister, it was easy for him to give arms for training and help to build up a volunteer organisation.

21.56 Editors of newspapers did not know whether Government had any knowledge or pre-information about the likely murder of Mahatma Gandhi nor of the date and place but after the murder it was being said that sweets were distributed at different places like Aligarh, Alwar, Gwalior and some other places also but unfortunately for those people the timing of the murder did not synchronise with the timings of the distribution of sweets which were distributed before the murder actually took place.

21.57 Commission drew the attention of Mr. Sahni to a pamphlet, Ex. 105, which is a document in Hindi, published in Amritsar and alleged to have been distributed in Alwar. This document was produced before the Commission was handwritten. It is undated and starts by saying 'GANDHI MURDABAD'. It is an anti-Gandhi leaflet accusing Gandhiji of helping Muslims and Pakistan and that people should pray to the Almighty that Gandhi should die. It has also accused Gandhiji of his fast being a farce and called him a 'low down fellow'. Mr. Sahni's reply was as follows—

"Q. The poster (Ex. 105) is read to the witness. Would you like to comment upon it?

"A. I would not say that this was the attitude of mind of the Hindus and the Sikhs from the Punjab because whatever else might or might not have happened they 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."

The document, said Mr. Sahni, was in line with the political secret movement which was being helped by the Princes through their chieftains thus creating a fifth column in India to take over when the British power withdrew, at least in their respective states which would become free. "I am particularly mentioning states like Jaisalmer, Jodhpur, Baroda, Alwar, Bharatpur and Bhopal." This movement was led by Golwalkar from Nagpur and Bhopatkar from Poona. The concentration of the leadership was in Nagpur and Poona.

21.58. In cross-examination by Mr. Kotwal Mr. Sahni said that this movement for over-throwing the Government by means of a coup d'état was in Nagpur, Poona, and Alwar and other places. It was organised by Hindu Mahasabha, R.S.S. and some Hindu princes. "To put it more correctly it had behind it the hand of some of the Indian rulers, leaders of the R.S.S., Hindu Mahasabha and some of the Chieftains in some Indian States". Mr. Sahni also said that R.S.S. movement was strong in Marathi-speaking areas, in Punjab, Delhi, Alwar and the north Indian States and also in the U.P. and there were Hindu-Muslim riots throughout northern India including Delhi in August and September, 1947.

Mr. Pyarelal Wit. 54—

21.59 Mr. Pyarelal witness No. 54 had heard that the lives of Congress leaders including Mahatma Gandhi and Pandit Nehru were in danger. He went to the Deputy Commissioner Mr. Randhawa and mentioned the facts to him but he made no comments. Mr. Pyarelal could not say that he did anything in the matter. The general impression at that time was that all those who were opposed to the policies of Mahatma Gandhi and the Government might do this kind of thing, mostly those Hindus who belonged to fanatical school of thought.

21.60 He could not say whether any special precautions were taken after the bomb was thrown. But Mahatma would have been protected if the police had arrested those persons about whom indications had been given in Madanlal's statement. But he himself never saw Madanlal's statement. Somehow or the other people around Mahatma never believed that he would be murdered. The evidence of the witnesses from Birla House who belonged to the Mahatma's entourage shows their complete innocence of knowledge of the danger.

21.61 To sum up this part of the evidence—

- (1) Sardar Patel and his Private Secretary did know of the danger to the life of Mahatma Gandhi but did not know where the danger was from. The whole thing was vague as it was in the case of what Mr. B. G. Kher or Mr. Morarji Desai knew.
- (2) There was a hostile camp at Poona compendiously called the Kesari group really that part of it which drew its inspiration from Savarkar.
- (3) No one in Delhi knew anything about Ketkar or Kanitkar. What the Sardar himself knew about that matter is not proved by Delhi evidence. There is only the writings of Balukaka Kanitkar that Mr. B. G. Kher had told him that he had conveyed this information to Sardar Patel. Mr. Morarji Desai has also said that he informed Sardar Patel. But the information must have been as vague as the statement of Mr. Morarji Desai shows his own state of knowledge to be.
- (4) But the Sardar dealt with it at Provincial level i.e. with the Provincial Ministers and never passed it on to his Secretariat. So the advice of what in Constitutional Law is termed advice to a minister of his Departmental expert does not seem to have been availed of.
- (5) What Mr. Gadgil was told by Mr. Jedhe was never repeated to Sardar Patel; nor did Mr. Gadgil try to find out the area and the boundaries of Mr. Jedhe's knowledge.
- (6) Mr. J. N. Sahni had only a feeling that the Government of India had previous information of impending danger to Mahatma Gandhi's life. He had no information about the conspiracy in his capacity of a member of the Editors Conference or otherwise.

(7) Mr. Pyarelal also had heard of danger to the lives of Congress leaders. The impression then was that it was from fanatical Hindus which might be a very undefined and undefinable entity.

21.62 Whatever information the politicians possessed before the bomb was exploded, remained with them and nothing was disclosed by them to the Police or the magistracy or the permanent Civil Service. The only evidence of the information about the danger to Gandhiji's life which the politicians and the Ministers shared with the permanent Civil Service is contained in just one sentence in the evidence of Mr. Morarji Desai. When his attention was drawn to Ex. 172 the document relating to the reception given to Daji Joshi of Jackson murder fame by the Hindu Mahasabha, Mr. Desai said that the matter was discussed between the Premier Mr. Kher, himself, and the Home Secretary taking into consideration the report of Balukaka Kanitkar, but there is nothing to indicate that anyone of the officials of the Secretariat were consulted or directed to take suitable measures in regard to the information which had been received nor was any direction given to the Police to find out the truth of the rumours of danger to Mahatma's life and where the danger was likely to emanate from.

21.63 Sardar Patel being dead, Miss Maniben Patel was examined and she readily gave all the information that was in her possession and what she could give. And her statement relevant to this matter has already been discussed.

BAKSHI RAM EPISODE

21.64 One Bakshi Ram was arrested in the first week of January 1948 for robbery; under S. 394 I.P.C., and he was lodged in Agra Central Jail. He claimed to be a one time associate of Bhagat Singh and B. K. Datt, the well-known Lahore revolutionaries. This arrest was effected by the Senior Superintendent of Police Agra, Mr. G. K. Handoo, witness No. 48 and some-how or other Bakshi Ram showed some confidence in Mr. Handoo. According to the statement of Mr. Handoo on or about the 23rd January 1948 Bakshi Ram went on hunger strike and insisted on seeing Mr. Handoo and when M. Handoo did see him, Bakshi Ram told him that Mahatma Gandhi was certain to be murdered very soon and that he had read in the newspaper that Madanlal had been arrested in connection with the explosion of gun-cotton slab and that Madanlal was an intermediary between him and about seven Maratha youngmen. Madanlal had asked Bakshi Ram to give instructions to those Maratha youngmen in pistol shooting which Bakshi Ram did at Gwalior, that was sometime in December or a little earlier. These Maratha youngmen never called each other by name but had designated each other by military ranks like Subedar, Jamadar etc. Bakshi Ram had gathered from the cross-talk between these youngmen that they were learning to shoot pistol to commit a political murder of a very high ranking person in Delhi and when Bakshi read in the papers about Madanlal's exploding the bomb he felt convinced that the victim was going to be Mahatma Gandhi.

21.65 Mr. Handoo then cross-examined Bakshi and found his story to be consistent. He recorded his statement and sent copies of

it to the D.I.B., New Delhi, Inspector General of Police, U.P., Mr. B. N. Lahiri and to the D.I.G. Meerut Range Mr. B. B. S. Jetley who was on tour at Agra at the time. He did not hear anything further and then Mahatma Gandhi was murdered. In that communication to the Police Officers, Mr. Handoo gave the description which Bakshi Ram had given him. Bakshi Ram had also told him that one of those youngmen who was their leader was a journalist from Poona but he neither knew his name nor the name of the newspaper.

21.66 Mr. Handoo was asked whether the descriptions given by Bakshi Ram were something like those given by Madanlal in his first statement, and his answer with regard to the complexion was in the affirmative but there was nobody who would correspond to a Maratha looking like a Sikh but no names were given to Mr. Handoo. After the murder the Bureau sent two officers to Agra to interrogate Bakshi Ram to find out the correctness of Mr. Handoo's report.

21.67 Mr. Handoo further said that he was brought to Delhi after the murder of Mahatma Gandhi. He was then called by Sardar Patel and cross-examined in regard to the report which he had sent to the D.I.B. He also met the Director of Intelligence Bureau himself with whom he discussed the information which he had sent and the Director said that he had used the information by sending it to Bombay but there was some hold-up in Bombay. He added that the object of getting him over in such a great hurry was that there was a fear of other leaders being murdered and probably the gang connected with Mahatma Gandhi's murder was a very large and powerful one and would strike at the other leaders also.

21.68 Mr. Jetley who was then D.I.G. of Meerut, witness No. 55 was also examined by the Commission. He stated that he went to Agra in January 1948 and was informed by Mr. Handoo about Bakshi Ram's statement and this information was given to him about a week before the assassination of Mahatma Gandhi, and he corroborated what Mr. Handoo had stated to the Commission. As soon as Mr. Jetley got this information from Mr. Handoo he intimated the fact of Mr. Sanjevi and also to the Inspector General Mr. Lahiri. This he did by telephone. Then both came to Delhi and saw Mr. Sanjevi and told him everything that they had learnt from Bakshi Ram. Mr. Jetley himself did not interrogate Bakshi Ram. He was of the opinion that the information given was not mere imagination but there was something serious in it. He was asked whether he had discussed this matter with Inspector Bannerji, and he said that he had no such recollection and ordinarily an Inspector would not discuss such matters with him direct and he would have talked to Mr. M. K. Sinha.

21.69 Certain documentary evidence has been placed before the Commission to show that Bakshi Ram's statement made to Mr. Handoo was after the murder of Mahatma Gandhi and not before, but that is a matter which requires a decision after careful scrutiny of that evidence in the light of all the facts before the Commission. One of the officers sent to examine Bakshi Ram after the report of Mr. Handoo was received by the D.I.B., was Mr. M. K. Sinha, Deputy Director. Under his directions, Bakshi Ram was interrogated by a police officer and after giving a description of what he

had been doing, including his association with Bharatpur Maharaja and his brother who were trying to induce him to assassinate Mahatma Gandhi and Pandit Jawaharlal Nehru and some other incidents of similar kind, Bakshi Ram stated that after the murderous assault made on Mahatma Gandhi, he told his fellow prisoners that the days of Mahatma Gandhi, Jawaharlal Nehru and Maulana Azad were numbered. He said, "I was not getting any co-operation from the Jail authorities; therefore I could not write about it to anybody." When he learnt about the death of Gandhiji, he went on a fast because his conscience began to prick him and he thought that the Mahatma had been killed but to save the life of Pandit Nehru, it was necessary to inform the authorities concerned. He, therefore, sent a confidential letter to the Inspector General of Police, Delhi, wherein he promised to disclose all that he knew about the bomb. He said that he could freely mix with Dr. Parchure and Lalji, who was a son of Sardar Angre of Gwalior, and he could easily find out the details of the conspiracy and how it progressed during his absence. This document is marked Ex. 190 and the portions dealing with conspiracy are marked Exs. 190A and 190B.

21.70 The next important document in this connection is Ex. 193A a report by C.I.C. Lucknow, at Delhi, Mr. Sampuran Singh, in which he reported that Bakshi Ram was a member of the Hindustan Socialist Republican Army and an associate of Dhanwantri and other revolutionaries of the Punjab. He had also inter-provincial connections with terrorists at Lahore and other places. The report ended "As far as my impression goes, he was a casual or a paid agent of Khan Bahadur Mirza Miraj-ud-din, late Superintendent of Police, Special Branch, C.I.D., Punjab, Lahore." On this report on the margin of this paragraph Mr. M. K. Sinha on February 23, 1948, made the endorsement "This is all CIO(L) knows about Bakshi Ram." There is another paragraph in this report of Mr. Sampuran Singh which said that Bakshi Ram originally belonged to Montgomery district to which Madanlal also belongs. On the margin of this paragraph there is a remark by Mr. Sinha "This perhaps needs verification".

21.71 Mr. Sinha was examined in regard to this Bakshi Ram and he stated that "Jetley, Handoo and myself" accompanied by the CIO visited Agra Jail and interrogated Bakshi Ram. He then asked an officer to take down his statement and Ex. 190C was the statement which was taken down by that officer. He directed the CIO (Lucknow) at Delhi to verify the correctness of this statement and send a note on Bakshi Ram. He sent a note dated February 23, 1948, which is marked Ex. 193. He proved his endorsements on this report which have already been referred to.

21.72 Mr. Sinha further stated that he did not gather from Bakshi Ram that he had given any information previous to the murder. On the contrary he said "I want to expiate for my sins and, therefore, I am making this statement before you". He also said that Bakshi Ram wanted to have the life of Pandit Nehru. He said that the statement of Bakshi Ram must have been recorded sometime about the middle of February 1948. He added that he was not aware of any information which Handoo received from

Bakshi Ram before the murder of Mahatma Gandhi. As far as he knew, nothing was conveyed to him.

21.73 The Intelligence Bureau filed an affidavit on 25-11-1967 in reply to questionnaire of the Commission along with some documents as appendices. Appendix 'A' is Ex. 133 dated February 16, 1948 which is a report of Inspector Bannerjee. In this report, Inspector Bannerjee said—

"On the file which Mr. Jetley gave me to read, I have seen an application from Bakshi Ram addressed to the Inspector General of Police, Delhi, in which he has stated that he wishes to give an important information connected with the Mahatmaji's murder".

The report also said that Mr. Jetley was of the opinion that Bakshi Ram was genuinely pained and if suitably tackled, would probably lead to something very definite. The other parts of the report will be discussed at suitable places later. As this report shows that the information was given to Mr. Handoo after the murder, Commission thought it necessary to re-examine Mr. Jetley and Mr. Handoo.

21.74 Mr. Jetley when recalled was shown Inspector Bannerjee's report. He said that it was difficult for him to remember definitely but he thought that he had seen those papers and added "these papers were shown to me after the murder. It was after the murder that Bakshi Ram wanted to make a statement." Commission read out to him his previous statement that the information had been given to Mr. Handoo before the murder and he said "Now that I have thought over the matter and tried to recollect things, I think the information which Handoo gave me was after the murder..... and what I have stated on January 18, 1968, might not be strictly correct." He added "On trying to recollect things better, I am under the impression that the information was given after the murder, not before" and he repeated the same thing later on in his statement.

Inspector Bannerjee, Wit. 73—

21.75 Inspector Bannerjee, witness No. 73, was examined by the Commission. He proved his report. He said that he went to see Mr. Jetley who gave him a small bundle of papers, a kind of temporary file in a torn cover and he told him (Bannerjee) that Mr. Handoo had given him certain information in regard to the prisoner in Agra Jail and all that was contained in the file. From that he compiled his report which is Ex. 133, and he returned the file to Mr. Jetley. Mr. Jetley has on the other hand stated that he had no talk with Inspector Bannerjee. Inspector Bannerjee has said that in the file which was handed over to him, there was an application from Bakshi Ram and the purport of that application was also recorded in his report, Ex. 133. He also said that Mr. Jetley was of the opinion that Bakshi Ram was a genuine person and was anxious to give all the information that he had.

21.76. In paragraphs 7 and 9 of Ex. 133, report of Inspector Bannerjee, it is stated—

"Should Bakshi Ram be released, as suggested, and would the risk be worth it? Personally, Mr. Jetley does not mind if [digitised by sacw.net]

the dacoity case goes down provided it brings to light the conspiracy which has been hatched in the States of Gwalior, Bharatpur He recommends that unless the Police, here have anything definite at this end, the possibilities of the information given by Bakshi Ram should be investigated

'Mr. Jetley is of the opinion that Bakshi Ram is genuinely pained on Mahatmaji's murder and is anxious to give out all he knows. He fasted for 13 days after Mahatmaji's death and is very much moved and, if suitably tackled, would probably lead to something very definite."

21.77 The statement of Inspector Bannerjee and his report show that Mr. Jetley was struck by the genuineness of Bakshi Ram and wanted his assistance in the solution of the conspiracy case. Evidently Mr. Jetley had not read and considered the antecedents of Bakshi Ram.

Mr. Radhika Narain Shukla, Wit. 61—

21.78 Mr. Radhika Narain Shukla D.I.G., Punjab, was in 1948 a Deputy Superintendent of Police and is witness No. 61 before the Commission. He said that he had interrogated Bakshi Ram in Lahore Fort when he was a detenu there. The D.I.B. asked him to go and interrogate Bakshi Ram in Jail, which he did and submitted his report to the D.I.B. After examining Bakshi Ram, this witness made a report, Ex. 98, dated March 4, 1948, and this report was severely critical of Bakshi Ram and after giving the various offences of violence and robbery which Bakshi Ram had committed, the conclusion which Mr. Radhika Narain Shukla drew was—

"I think Bakshi Ram has created all this sensation to prepare a ground for the diversion of the present charge of robbery against him to that of a political heroism by introducing the fact that he knew something about the plots for the assassination of Mahatmaji etc. His motive in giving such information is to secure his release on bail in the robbery case. I suggest his statements' verification."

This report shows therefore that the estimate of Mr. Jetley of Bakshi Ram's genuineness was wholly mistaken and this report is supported by the assessment of Mr. Sampuran Singh, CIO (Lucknow) at Delhi. When the statement of Bakshi Ram was sent to Mr. Senievi, he wrote a letter, Ex. 191 dated 27th February, 1948, to Mr. Rana in which he said that Bakshi Ram was a notorious character well known for violent crimes and generally undependable and wanted freedom for 48 hours to enable him to make full disclosure in regard to conspiracy. "I do not believe him and I am quite certain that he seeks to be out of the jail only with the object of making good his escape or for attacking some of those who are responsible for leading him to police custody in the present case against him."

21.79 To this letter Mr. Rana's reply Ex. 208, said that from the statements of the accused in the murder case, Bakshi Ram did not appear to be one of the confederates and his name had not transpired in interrogation. If Bakshi Ram's statement is true, it must

be some other conspiracy that he is talking about. Mr. Rana agreed with Mr. Sanjevi that Bakshi Ram was making his statement with some ulterior motive.

21.80 From the report of Mr. Radhika Narain Shukla and of Mr. Sampuran Singh, C.I.O., and after having read the statement of Bakshi Ram, Commission is of the opinion that the estimate of Mr. Sanjevi and Mr. Rana of Bakshi Ram was correct and he had an ulterior objective and acted so well that such a high officer as Mr. B. B. S. Jetley, a D.I.G., got taken in.

21.81 There is documentary evidence which tends to show that Bakshi Ram made a statement in regard to "a conspiracy" after the murder of Mahatma Gandhi. Mr. G. K. Handoo's statement that he also made a statement before was supported by Mr. B. B. S. Jetley but his subsequent statement showed his being unsure of whether it was before the murder or after. As the matter relates to the important issue of previous knowledge, this evidence requires a careful analysis. But the question will have to be looked at taking into consideration the quality of Bakshi Ram's knowledge which he claimed to possess.

21.82 Sometime after the examination of Mr. Handoo, the Superintendent of Police Special Branch, Lucknow sent along with his letter Ex. 189 dated June 12/13, 1968, a letter Ex. 186 dated March 1, 1948 from the Senior Superintendent of Police, Agra, to the C.I.D. Lucknow. The relevant portions of this letter are these.

21.83 On January 30, 1948, after the assassination of Mahatma Gandhi, Bakshi Ram went on a sympathetic fast which was concluded on February 11, 1948, and he desired to make a statement before an officer of the Intelligence Bureau. The District Magistrate of Agra, asked the Senior Superintendent of Police to interrogate him and he did interrogate him on February 13, 1948. His verbal statement deals mainly with two points: assassination of Maharaja of Gwalior and affairs of Bharatpur and Gwalior States and their complicity in the assassination of Mahatma Gandhi.

21.84 The Senior Superintendent of Police informed the D.I.G. Western Range about that statement of Bakshi Ram, who also interviewed, and interrogated him on February 15, 1948, and "the facts of Bakshi Ram's statement were then communicated to the D.I.B. Delhi", and the Inspector General of Police, Gwalior, on February 16, 1948. The D.I.B. held a conference of the D.I.G. Western Range and of the Senior Superintendent of Police at Delhi on February 17, 1948, and he discussed the notes which the Senior Superintendent of Police had taken. On February 18 he sent Deputy Director of Intelligence Bureau, Mr. Sinha, to record the statement of Bakshi Ram. The letter adds "I understand that the Intelligence Bureau, Delhi, have now got a complete statement of Bakshi Ram and are handling it at their level".

21.85 The letter added that Bakshi Ram had been correctly identified and was being prosecuted in the robbery case.

21.86 As this letter appeared to show that the sympathetic fast referred to by Mr. G. K. Handoo was after the murder and not

before, Mr. Handoo was recalled and the letter was put to him.
His reply was—

"These papers are not relevant at all to the Gandhi Murder. This report deals with the threats of assassination of the Maharaja of Gwalior and the complicity of the States of Bharatpur and Gwalior in regard to remifications that may have taken place in the Gandhi murder after the murder had been committed."

He added that it was after this fast and interrogation by him (Mr. Handoo) that the D.I.G., Mr. B. B. S. Jetley, interrogated him on February 15 and the facts of Bakshi Ram's statement were then communicated to the D.I.B. and the Inspector General of Police, Gwalior on February, 16. The Deputy Director Mr. Sinha, was sent to record the statement of Bakshi Ram on February 18, 1948, as stated in Ex. 186. He referred to Ex. 187 from the Senior Superintendent of Police, Agra, in the weekly report of 27th February, 1948, which states that the Senior Superintendent of Police and the D.I.G., Western Range interrogated Bakshi Ram and then they contacted the Intelligence Bureau, Delhi. This document also says this—

"It was suspected that Bakshi is a dangerous member of an anti-Government organisation having his associates in the bordering Indian States of Bharatpur and Gwalior etc. and also has contacts with some Military personnel at Agra."

21.87 Mr. Handoo then referred to Ex. 188 which is the statement of Bakshi Ram sometime in the year 1963 where there is a passage to the effect that he wrote a letter about the murder of Mahatma Gandhi to the Intelligence Bureau but he does not know what happened to it. He again wrote a letter after the murder of Mahatma Gandhi and then certain officers interrogated him in jail. Bakshi Ram also claimed that it was on his information that Dr. Archure was arrested at Agra and an arms factory at Bharatpur was unearthed. This, Mr. Handoo said, clearly indicated that he had advance information before Gandhi's murder which he had sent to Mr. Jetley as top secret. This also showed that Mr. Handoo was approached a second time by Bakshi Ram when this later statement was made.

21.88 Mr. Handoo was then shown the report of Inspector Banerjee, Ex. 133. He said that this did not show that his recollection about Bakshi Ram talking to him a few days before the assassination was incorrect or he was mistaken about the sequence of events. He also added that the report did not contradict him that he had given information to Mr. Jetley and he stuck to his statement in spite of all that Mr. Jetley had deposed. He added that Mr. M. K. Sinha was sent to Agra to interrogate Bakshi Ram after the murder of Mahatma Gandhi and after Mr. Handoo had been to Delhi. His attention was also drawn to the statement of Bakshi Ram taken down by Mr. M. K. Sinha, Ex. 190, where Bakshi Ram had said that his conscience began to prick him because he had not given timely information to the authorities about the plot. Mr. Handoo replied that to his knowledge, Bakshi Ram's conscience also pricked him a day or two after the bomb throwing as a result of which he informed him about the Maratha youths having been brought to him by Madanlal, the man who was arrested on the 20th.

21.89 When Mr. Handoo's attention was drawn to the use of the word "adamant" in his letter, Ex. 186, he said that he meant we that Bakshi Ram wanted to make a statement to the Intelligence Bureau and not to him. "The reason why he wanted to give information to the I.B. was that he appeared to mistrust me suspecting that I had taken no action on his previous statement to me made before the murder of Gandhiji."

21.90 Mr. Handoo added that as far as he could remember the fast after the throwing of the bomb was for about one day and the fast after the murder was for about 10 days. He had no recollection of any folder containing the statement of Bakshi Ram being handed over by him to Mr. Jetley on the 13th or the 15th or the 16th Bakshi Ram, he said, did not ask him for 3 days freedom so as to disclose everything to him. He said that there was no mention of a statement having been made to him earlier in other documents because it was a top secret and was a completely different matter. He added that he definitely remembers that he saw Bakshi Ram before the murder of Mahatma Gandhi and that Bakshi Ram wanted to see the I.B. officers after the murder because he suspected that Mr. Handoo, had not conveyed the previous information to proper authorities but he had conveyed the same to Mr. Jetley as a top secret report. But he did not know whether any action was taken on it.

21.91 In an affidavit dated 25th November 1964 in reply to a questionnaire issued the Intelligence Bureau have stated that Mr. M. K. Sinha, Deputy Director, I. B., was deputed to record Bakshi Ram's statement in Agra Jail and Bakshi Ram there stated that he had prior knowledge about the plot to kill Mahatma Gandhi, Jawaharlal Nehru and Maulana Azad but he could not inform the authorities for want of cooperation of the jail authorities. He resorted to a fast after Mahatma Gandhi's murder and addressed a letter to the I.G.P. Delhi, and he seemed to disclose all these facts as he wanted to save Pandit Nehru.

21.92 The statement which Mr. G. K. Handoo, witness No. 48, had made in regard to Bakshi Ram informing him about the conspiracy to murder Mahatma Gandhi and about the conspirators, is only compatible with the information having been given after the bomb was thrown and before the murder took place. He was supported by Mr. B. B. S. Jetley, who was then the Deputy Inspector General, Meerut Range, but in a subsequent statement Mr. Jetley was rather doubtful as to when the information was given and ultimately said that it was given after the murder. The facts stated by Mr. Handoo in regard to there being an intermediary and the Maratha youngmen being instructed how to shoot a pistol in order that they may be able to commit a political murder of a high ranking person in Delhi, fits in with the information having been given before the murder was committed and it appears that Mr. Jetley has got confused but in view of the antecedents of Bakshi Ram which are shown so clearly by his own statement and by the comments of the C.I.O., Lucknow, Mr. Sampuran Singh and of Deputy Superintendent Radhika Narayan Shukla, in the opinion of the Commission the information given or sought to be given was more imaginary than real and would even have misled the investigators and put them on a wholly wrong track.

21.93 As the question of prior knowledge about the conspiracy to murder is one of the main issues before the Commission and as the statement of Mr. G. K. Handoo, a high ranking Police Officer, was emphatic that Bakshi Ram had given him information before the murder, the Commission thought it only right to get all the available evidence on the subject. Mr. Handoo's statement shows that—

- (1) Bakshi Ram went on a hunger strike to draw the attention of the Jail authorities because he wanted to give important information about the conspiracy and conspirators.
- (2) He was interviewed by Mr. Handoo and was told of Madanlal and seven Maratha youths to whom he gave instructions in pistol shooting.
- (3) These Maratha youths addressed each other their military ranks and never by their names.
- (4) From their talks, Bakshi Ram gathered that their intention was to kill a political leader of some eminence.
- (5) When he heard of the arrest of Madanlal, he concluded that the victim was going to be none other than Mahatma Gandhi.
- (6) Thereafter Mr. Handoo informed Mr. Jetley and the D.I.B. of the information given by Bakshi Ram.

This was the statement of Mr. Handoo. In 1963, when there was no question of any inquiry of previous knowledge, Bakshi Ram made a statement at Hissar of his previous knowledge Ex. 188, which is indicative of two communications by him one before and one after the murder. This is shown by Ex. 188-A.

21.94 Bakshi Ram wanted to appear before this Commission and to was asked to put in an affidavit of what he wanted to depose but that he has not done.

21.95 There is before this Commission documentary evidence which shows that Bakshi Ram went on a hunger strike after the murder of Mahatma Gandhi. But the evidence in regard to what he stated to Mr. M. K. Sinha and other officers is not consistent with the information having been given before the murder.

21.96 The Commission, however, does not think it necessary to go into the question at great length because in the opinion of the Commission the estimate which Mr. Sanjevi had formed of Bakshi Ram and which is supported by the reports of Mr. Sampuran Singh C.I.O., Lucknow, and Deputy Superintendent of Police, Radhika Narain Shukla, is correct and the information which Bakshi Ram wanted to give had more imagination in it than reality and the object of giving information before the murder and after must be the same as has been stated in the correspondence between Mr. Sanjevi and Mr. Rana i.e., of trying to get some excuse for getting out of the jail and then making good his escape.

CHAPTER XXI-B

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CHAPTER XXI-B

B. BOMBAY

PREVIOUS KNOWLEDGE REGARDING (1) CONSPIRACY TO MURDER MAHATMA GANDHI:(2) DANGER TO THE LIFE OF MAHATMA GANDHI

21.97 This chapter falls under both issues (1) and (2) because it deals firstly with the state of knowledge of any person particularly Mr. G. V. Ketkar regarding danger to the life of Gandhiji or of a conspiracy to murder him, and secondly whether any such information was given by them to any authority e.g. the Government of Bombay or the Government of India.

21.98 This chapter may be divided into two parts—(1) the state of knowledge of the officials of Bombay Province confining oneself to Bombay, Poona and Ahmednagar, and (2) state of knowledge of others.

21.99 None of the permanent officials of the Province or of Poona or of Ahmednagar are shown to have any such knowledge and information. But some non-officials do claim to have had this knowledge. None of them, however, even allege to have informed anyone of the officials; but they all claim to have made the Ministers of the Central Government or the Bombay Government or both, the recipients of this important, and what turned out to be tragic information.

21.100 The Commission will first deal with the evidence of officials and begin with high police officials.

N. M. Kamte, Wit. 14(P) Wit. 4(K)—

21.101 Mr. N. M. Kamte, retired Inspector General of Police of Bombay, before Mr. Pathak as witness No. 14, stated that when he was told on the telephone by Mr. Sanjevi that Mahatma Gandhi had been murdered, he was surprised to learn from him that a man from Poona had committed the murder. He rang up Mr. Gurtu and the latter told him that he knew "that the agitators were from Poona and that if he was informed earlier, he could have done something".

21.102 He was witness No. 4 before this Commission. He stated that he came to know about the participation of Poona people in the bomb explosion when Mr. Sanjevi telephoned to him after the murder on January 30, 1948. He thereupon telephoned Mr. Gurtu and his reply was that Poona people were political suspects and were against Mahatma Gandhi for the help that he had given to Pakistan by giving 55 crores. Whatever names were given to Mr. Kamte by Mr. Sanjevi he passed on to Mr. Gurtu. Mr. Gurtu did not tell him that he knew who the participants in the murder were but he did say that the Poona people—Godse and his other companions—were against Mahatma Gandhi.

21.103 Mr. Kamte was recalled and he said "as far as I knew, police had no knowledge that such a thing as conspiracy to murder

Mahatma Gandhi was brewing up. If they knew any such thing they would have taken action in time".

U. H. Rana, Wit. 3—

21.104 Then we have the evidence of Mr. U. H. Rana, D.I.G., C.I.D., Poona, witness No. 3. He was recalled and examined at Baroda because he was suffering from serious coronary trouble. He stated that to his knowledge and from the information that he was receiving from the districts and from the Province, there was nothing to indicate that there was any group or set of persons who were inclined or were intending to murder Mahatma Gandhi or any other prominent Congress leader. When his attention was drawn to the statement of Mr. K. M. Munshi that there was a school of thought in Poona which believed in political violence and whose leader was Savarkar, he said that there was such a school but there was no information that violence from that quarter was likely to be directed against Mahatma Gandhi. Before January 20, 1948, there was no information with the Poona C.I.D. that there was anything in the nature of a conspiracy afoot to murder Mahatma Gandhi. But he could not say if the Poona C.I.D. had any information after the 20th. He added that if they had any, they would have reported to him. Further, Mr. Rana said that in the second half of 1947 there were violent activities in the towns of Ahmednagar and Poona like throwing of bombs and collection of arms but this violent activity had nothing to do with any incitement of violence against Mahatma Gandhi or against any other Congress leader. There was nothing to indicate that anybody was plotting or was likely to plot against him. Asked if anti-Muslim or anti-Razakar movements were only a screen or a reality, he said that they were a reality directed against Muslims. From the reports there was nothing to indicate that the violent activities in Ahmednagar and Poona were directed against the life of Mahatma Gandhi.

21.105 In Bombay Province there were two channels of reporting to Government: one from the District Superintendents of Police through the District Magistrate to Government and the other from the Local Intelligence to Government through the D.I.G., C.I.D. The District Magistrates sent weekly confidential letters to the Home Department, i.e., to the Home Secretary and through him to the Home Minister. Reports from the D.I.G., C.I.D. to Bombay Government have been preserved in the Secretariat and show what the state of affairs in the Province was and what action was taken and this record, copies of which have been produced before the Commission, does not show that there was even any suspicion of likely danger to Mahatma Gandhi and the record does not contain any letter written by Balukaka Kanitkar to Mr. B.G. Kher giving any such information.

Rao Sahib Gurtu, Wit. 22—

21.106 Rao Sahib N. S. Gurtu, witness No. 22, who was examined at Dharwar, was the A.D.I.G., C.I.D., Poona at the time. He stated that the reports used to come to him in regard to the communal activities of the group of persons consisting of Nathuram Godse, Apte, Karkare, Badge and several others. This was what was called Hindu Mahasabha movement. They carried on propaganda against Gandhiji's policies towards Muslims but he never heard of any propaganda for doing

harm to Mahatma Gandhi least of all murdering him. Even though there were reports about manufacturing of bombs by some of the members of this group, there were no reports of their intention of murdering Mahtama Gandhi. When he heard about the throwing of the bomb at Birla House on the 21st he had a vague suspicion that the work might be of the Hindu Mahasabha and R.S.S. group, but not that it was the act of Godse, Karkare, Apte and Badge. As far as he knew, the activities of Karkare which were known to the police were confined to making speeches but there were reports that he was strongly opposed to Mahatma Gandhi's policies and he was promoting Hindu Mahasabha policies. Mr. Gurta never knew that their policy was to murder top-ranking Congress leaders particularly Mahatma Gandhi or Mr. Jawaharlal Nehru or Sardar Patel.

Pravinsinhji Vijaysinhji Wit. 38—

21.107 Police Superintendent Pravinsinhji Vijaysinhji of Poona, witness No. 38, stated that the trend of speeches of the Hindu Mahasabha and the R.S.S. were anti-Muslim but there was no provocation to violence in those speeches. He also said that he had no recollection of any meeting in Poona at which Nathuram Godse made a speech indicating danger to the life of Mahatma Gandhi. If any such meeting had been held and any such speech had been made, the L.I.B. staff would have reported the matter to him. Therefore, he never submitted any diary to the D.I.G. showing that Mahatma Gandhi's life was in danger. He was sure, he said, that if such a threat existed or such a threat was given, he would have come to know about it and he would have reported to his superiors.

21.108 He did not hear of any illegal activities of Apte or Nathuram Godse excepting that the former was suspected in a bomb case. At no time did it come to his notice that Apte and Godse were indulging in illegal or unlawful activities. There was no marked activity in Poona after the bomb explosion at the Birla House. Although he had not heard the news on the radio when the bomb explosion took place, he did hear the news of the murder of Mahatma Gandhi by Nathuram Godse. He did not know any such name as Sathe which shows that either Mr. Barve, the District Magistrate, never talked to him about this man or he did not believe the story which Sathe is stated to have given to Mrs. Barve. There was a governmental order to watch the activities of the Hindu Mahasabha. He had no information that Poona people had gone to Delhi to murder Mahatma Gandhi but the police were not guilty of want of vigilance if they did not come to know anything about Apte and Godse and party and of what they were doing. Talking about the bomb thrown from the Poona City Library, he said that the bomb was not thrown on any particular person but its object was to create a scare. He specifically stated that as the bomb was not thrown on any particular person, the police did not think it necessary to take stringent action.

21.109 He had heard of the Rashtra Dal but did not know the particulars of its activities. He did not know anything about Balukaka Kanitkar's writing to any Minister. He could not remember anything about the speeches made by Nathuram Godse nor whether any allegations were made by socialists led by Jayaprakash Narayan and others that the Hindu Mahasabha and the R.S.S. were going to kill

Mahatma Gandhi. He was shown a report of the meeting of November 23, 1947, Ex. 71, in which it was stated that the Hindu Sabha leaders had been accused of intention to kill Mahatma Gandhi and Pandit Nehru and there was no denial of the allegation made against them by the Hindu Mahasabha speakers. On the contrary, the allegations made were repeated as if it was a matter of pride to the Hindu Mahasabha. Mr. Pravinsinhji had no recollection of it. He could not remember what was contained in D.S.P's Weekly Diary dated 28th November regarding the meeting above referred to.

21.110 He had not heard about Karkare or Madanlal or that they were visiting Poona. He did not know that Badge was an associate of Nathuram Godse or Apte. Hindu Mahasabha workers were sympathetic towards Hyderabad movement and there was a strong rumour that arms were being collected but he had no credible information.

21.111 As far as the Commission has been able to see from this gentleman's evidence, his knowledge of essential events falling within the purview of this Inquiry was very little, if he had any at all. He either did not know anything about the main actors in the tragedy or had no recollection of events. His evidence seems to show that prominent Hindu Sabha workers were confining their activities to anti-Muslim propaganda but there was no indication according to him of there being any danger to Mahatma Gandhi's life. He knew nothing about Balukaka Kanitkar's warning nor even of the speeches which were made at the Hindu Mahasabha meeting in reply to Mr. Jayaprakash Narayan's speeches. All this really did not show that this gentleman was bothered very much about what was really happening in Poona.

G. P. Angarkar, Wit. 68—

21.112 Mr. G. P. Angarkar, retired Deputy Superintendent of Police, C.I.D., Witness No. 68, was an Inspector incharge of L.I.B. at Poona in 1947-48. He appeared before the Commission although at great personal inconvenience because of his ailment. He said that Nathuram Godse was not being watched. He never heard of his making a speech that "Gandhi says that he would live for 125 years but if anybody lets him". If such a speech had been made, it would have been reported to him and he would have at once brought it to the notice of the D.I.G., C.I.D. He said that there were no reports in the Local Intelligence Branch about the activities of Nathuram Godse nor that he was taking or going to take part in any violent activity, still less with the bomb thrown at the Mahatma's meeting. There was nothing to indicate his complicity in that affair. He had no reason to suspect the loyalty of the police.

21.113 The police used to watch the movements of those who were followers of Savarkar in a general way but the activities of Hindu Mahasabha in Poona were not directed particularly against Mahatma Gandhi. The policy of the Agrani was anti-Gandhi and anti-Congress and it was considered to be a pronounced by communalist paper.

Mrs. Sarla Barve, Wit. 39--

21.114 Unfortunately, Mr. Barve, the Collector, being dead, the Commission could not have the advantage of his testimony or his assessment of the situation. His widow, Mrs. Sarla Barve, appeared before the Commission as witness No. 39 but naturally she cannot throw much light on the conditions, events and happenings in Poona. But she has given one piece of information which is of the greatest importance if one could get corroboration of that matter and that is that two or three days before the murder of Mahatma Gandhi a man called Sathe who was a retired school master came to see her husband but as he was not there he saw this lady and told her that people of Poona had gone to Delhi to take the life of Mahatma Gandhi and she repeated the story to her husband who was very restless and had been so since the 27th January 1948. After she had given the information to her husband, he became more restless and was telephoning all the time but she does not seem to know anything more excepting that Sathe was a retired school master.

21.115 Commission wanted to examine Sathe but unfortunately he could not be traced. So this story remains uncorroborated. Commission finds no reason to disbelieve this lady but as it is a matter of great importance, it would not like to base its conclusions on this evidence alone. As the wife of the Collector, she could not have had the same interest in the affairs of the district as her husband would have had. It would be safer to hold this bit of evidence not sufficient to prove pre-knowledge.

21.116 The non-officials who have deposed as to their previous knowledge are Mr. G. V. Ketkar, witness No. 1, Mr. S. R. Bhagwat, witness No. 69, Mr. R. K. Khadilkar, M.P., witness No. 97, and the late Mr. N. V. Gadgil and the late Mr. K. Jedhe, Member of the Constituent Assembly, who gave certain information to Mr. Gadgil. Besides these witnesses, there is some documentary evidence showing the previous knowledge of Balukaka Kanitkar.

R. K. Khadilkar, Wit. 97—

21.117 Mr. R. K. Khadilkar, witness No. 97, after relating the conditions which were prevailing in Poona at the time stated that the writings in the Press and the trend of public speeches as also private talks showed that the people were critical of the Mahatma because he had betrayed India and for them India was synonymous with Hindus only and that he would continue to betray the country. The *Hindu Rashtra* particularly was ventilating these feelings very clearly; and so was the *Kal*.

21.118 After the bomb was thrown, there were rumours in Poona that there was some conspiracy to kill Mahatmaji but as Balukaka had already informed the authorities. Mr. Khadilkar took no steps to apprise the authorities of this. Even senior Congressmen like Kaka Sahib Gadgil, Mr. Jedhe, Mr. S.S. More and others were all under the impression that Balukaka had given the information and there was no need to do anything more. He said before the bomb was thrown the atmosphere was poisonous and after the explosion there was alarm. But as the local police were "with us" Mr. Khadilkar and

party did not inform the authorities. He then added that before the first attempt was made and after the Partition and the giving of the 55 crores the atmosphere in Poona was highly poisonous and antagonistic towards Mahatma Gandhi and people were saying that the Mahatma had bartered away the country to appease Pakistan.

21.119 There seems to be some confusion in the mind of Mr. Khadilkar. Though the Partition had been decided upon in June, it actually took place in August and Balukaka is alleged to have written informing Mr. B.G Kher somewhere in July 1947. So what was happening or the reaction which was created by subsequent events e.g. giving of 55 crores and other activities of Mahatma Gandhi to which objection was taken was much later, and to say that people who were in the know of danger to Mahatma Gandhi's life did not take action because Balukaka had already informed the authorities, does not seem to be an explanation which fits in with the facts and circumstances of the case; and as far as the local police is concerned, Deputy Superintendent Angarkar, witness No. 68, does not accept the position of the "police being with us".

21.120 In cross-examination Mr. Khadilkar said that he had no knowledge of the conspiracy at all, least of knowing that Godse, Apte, Karkare and Badge were going to take part in it. "I did not know of anybody who was going to commit this offence." He added that he did not know that the offence was likely to be committed but the atmosphere was such that they were sensing danger of something happening. In reply to a question by the Commission he said, "We sensed some danger to Gandhiji. We sensed danger through that camp which was advocating Hindu fanaticism or fanning it, that was in Poona. I was very much in Poona."

"Q. Did you connect this with Poona, Nagpur, Allahabad, Delhi or some other place?"

A. Poona."

He then said that the danger to the Mahatma was from Hindu fanatics and Hindu fanatics were all over India. When he was asked about the statement of Mr. Morarji Desai that the danger was from three quarters: Hindu fanatics, refugees and Muslims, his reply was "As a general assessment I should say yes but as far as my knowledge went the danger came from the Hindu fanatics, i.e., the small section of the Hindu Rashtra Dal which was part of Hindu Mahasabha and some R.S.S. quarters."

21.121 When he referred to the atmosphere being tense and critical of Mahatma Gandhi, he meant that some Hindu Mahasabha papers were bitterly criticising Mahatma Gandhi. He added that the danger was from Hindu fanatics and the dangerous newspapers were the *Kal*, the *Trikal* and the *Agrani* or the *Hindu Rashtra*.

21.122. He then said that the sources of information of the Government were vast but he could not say what precautions they should have taken. When asked whether there was any deliberateness in this lack of vigilance on the part of the Government, his reply was that he would not go as far as that but there was general lack of vigilance.

21.123 He was examined by the Bombay Police, by Inspector Pradhan on March 12, 1948. (See Crime Report No. 38).

21.124. Mr. Justice Achhru Ram in the Appellate Judgment said at page 216:—

"Baba Sahib Paranjpe, Raghunath Keshav Khadilkar and Parvin Chandra Sethia were some of the other persons to whom Badge is said to have been supplying arms and ammunition for use in Hyderabad. They were presumably workers of the State Congress.....".

21.125 The statement of Mr. Khadilkar shows therefore—

- (1) That there were rumours in Poona regarding danger to the Mahatma, newspapers belonging to the Hindu Mahasabha school were creating an atmosphere of violence.
- (2) That Hindu Mahasabha people were going to cause injury to Mahatma Gandhi and they were disappointed when the first attempt did not succeed.
- (3) He did not give any information to the authorities because he knew that Balukaka Kanitkar had already informed Mr. B. G. Kher and also because the local police was "with us" which Deputy Superintendent Angarkar has denied.
- (4) He would not say that there was deliberate lack of vigilance on the part of Government, but there was a general lack of vigilance.
- (5) High Court judgment shows that Badge was supplying arms to Mr. Khadilkar for the purposes of user in Hyderabad State.

S. R. Bhagwat, Wit. 69—

21.126 Mr. S. R. Bhagwat, witness No. 69, who also claimed to have previous knowledge of danger to Mahatma's life stated that he had informed Mr. B. G. Kher and Mr. Morarji Desai in Bombay and even Sardar Patel at Delhi of the danger to Gandhiji's life, that the basis of his knowledge was a speech made by Balukaka Kanitkar at one of the street corners where he had said that Nathuram Godse and his friends were saying that Mahatma Gandhi was in favour of Muslims and was not protecting the Hindu interests, he must, therefore, be removed and should not be given any position where he could influence the decision in regard to Pakistan. But he had not said that Mahatma Gandhi should be murdered. He did not know the friends who were saying all this.

21.127 This information may, in the circumstances which occurred later, have an important bearing. But at the time it was given it must have appeared very vague more so than what Balukaka Kanitkar conveyed. It is not only a second-hand information but a third-hand information, i.e., Balukaka was saying that Godse and his friends were saying something about the removal of Mahatma Gandhi from the position that he enjoyed.

21.127-A What Balukaka wrote to Mr. B.G. Kher and what he stated to the police after the murder of Mahatma Gandhi and what he

wrote in his letter to the Governor General in Ex. 11 has been discussed in Chapter 21 paras 91, 102 and 105 showing something added in each successive statement.

R. C. Joshi, Wit. 80—

21.128 Coming to Ahmednagar, Mr. R. C. Joshi, ICS, witness No. 80, who was the Collector and District Magistrate at the time said that before the murder he did not know that there was a conspiracy brewing in the area under his charge to kill Mahatma Gandhi. There were no anti-Congress feelings in Ahmednagar. The propaganda was directed against the Muslims rather than against Mahatma Gandhi and the feelings in Ahmednagar were not anti-Mahatma but were anti-Muslim.

J. S. Rane, Wit. 40—

21.129. Next witness Mr. J. S. Rane, witness No. 40, was the District Superintendent of Police of Ahmednagar at the time. He stated that he called in Intelligence to watch Karkare and Madanlal. They were ordered to be detained because of their activities against Muslims.

Inspector Razak, Wit. 34—

21.130 Inspector Sk. Abdul Razak, witness No. 34, who had been specially sent to Ahmednagar from Poona to make investigation into bomb incident there stated that the activities of Karkare and Madanlal were anti-Muslim and were not directed against Mahatma Gandhi. He made report, Ex. 58, dated January 26, 1948, about Karkare, showing some connection between Karkare and Nathuram Godse.

Sub-Inspector Balkundi, Wit. 37—

21.131 Sub-Inspector Balkundi, witness No. 37, also stated that Karkare and Madanlal were watched for anti-Muslim activities and in Ex. 66 dated 4th January 1948 he has set out their activities.

J. D. Nagarvala, Wit. 83, J. S. Bharucha, Wit. 22—

21.132 Mr. Nagarvala, witness No. 83, said that there was a section of the Hindu Mahasabha which did believe in political assassination as a means of achieving political ends. He did know about Savarkar and about his previous history and that he believed in political assassination but the police did not know who his companions and followers were. That group was not operating in the City of Bombay and therefore their activities were not closely watched by the Bombay Police. Even Savarkar was not under watch. Being a political leader, Government would not agree to his being watched. Further he said that before the throwing of the bomb at Mahatma Gandhi's prayer meeting, he had never heard of Madanlal nor had he heard of Godse, Apte and other persons who were accused in the conspiracy case except Savarkar. Their activities were not known in the City of Bombay. As the Deputy Commissioner of Police, Special Branch, he did not hear about them because their activities were confined to places outside Bombay. Mr. J. S. Bharucha has also made a somewhat similar statement.

21.133 All this evidence from Ahmednagar, Poona and Bombay shows one thing clearly that there was no indication from the reports received by the police that there was any person or set of persons who were contemplating to form or had formed a plot to murder Mahatma Gandhi nor is there any proof that any of these officials had heard of the speech of Nathuram Godse deposed to by Mr. G. V. Ketkar to the effect that Gandhi says that he would live for 125 years; he would do so if anybody lets him. These officers do not also seem to have heard anything about the letter of Balukaka Kanitkar to Mr. B. G. Kher or the information given by Balukaka Kanitkar and by Mr. S. R. Bhagwat to Mr. Kher or Mr. Morarji Desai. Of course, nobody has stated anything in regard to Mr. Khadilkar because he appeared at later stages and no questions were put in regard to him. Evidently, none of these non-official gentlemen thought it fit to take the police into confidence which was the only force which could properly have investigated about the threat to Mahatma Gandhi's life if there was any from Godse etc. Mr. Kotwal is justified in saying that if the non-official gentlemen like Mr. G.V. Ketkar, Balukaka Kantikar, S. R. Bhagwat, Mr. R. K. Khadilkar and even Mr. Morarji Desai had any information they never gave it either to the Secretariat or to the police. Commission can well appreciate the attitude of the politicians or non-officials because upto the time India became free there was not much love lost between the Indian politicians, to whatever school of thought they belonged, and the police; and merely because Independence had come, they could not suddenly change and become friendly with the police or begin to repose trust in them in spite of Mr. Khadilkar's statement (to be discussed later) that Inspector Angarkar was "one with them" and he knew everything which Inspector Angarkar has most emphatically denied.

Pre-knowledge of Bombay Government—

21.134 One of the most important issues in the Inquiry is the factum of the knowledge of any of the authorities of the Bombay Government about Mr. G. V. Ketkar's assertion that he got Balukaka Kanitkar to write to Bombay Government about the speech of N.V. Godse's threat to assassinate Mahatma Gandhi or danger to Mahatma Gandhi's life at his hands. Really the issue involves the question of conspiracy to kill but the Commission has interpreted it to also comprise previous knowledge of danger or threat to the life of the Mahatma. Because of its importance, the Commission thinks it necessary to deal at some length with the evidence of the then Home Minister, Mr. Morarji Desai, and of Mr. V. T. Dehejia the Secretary, Home Department, and to discuss their state of knowledge about Mr. Ketkar's assertions. Of the two Bombay Ministers who should have been in the know of this information, Mr. B. G. Kher is unfortunately dead but Mr. Morarji Desai is fortunately alive to depose as to correctness or otherwise of this claim. In spite of the immunity under the Code of Civil Procedure, he has appeared before the Commission and has made his statement in a straightforward manner without any kind of hesitation or prevarication. He has deposed to facts within his knowledge even of those facts which happened more than twenty years ago. Mr. Morarji Desai was witness No. 96 before the Commission and this is what he has stated about the matter.

Mr. Morarji Desai, Wit. 96—

21.135 The Commission has set out his evidence in his own words wherever it was meet and proper or expedient.

21.136 After his attention was drawn to the statement of Mr. G. V. Ketkar that a letter had been sent at his instance to Mr. B. G. Kher through Balukaka Kanitkar and to the statement of Balukaka Kanitkar that Nathuram Godse had said that Gandhi and Nehru were thorns in the establishment of Hindu Raj and they should be removed, Mr. Morarji Desai was asked—

"Q. Did Balasahib Kher ever talk to you about this letter?"

A. I think he did but as far as my memory goes no names were mentioned in that."

21.137 He had no recollection of what Balukaka Kanitkar had published in the *Purushartha* dated May 23, 1956, Ex. 166, in which it was said that Mahatma Gandhi should be killed. There is some material discrepancy between the copy available in the Public Library and the copy produced by Mr. Ketkar which has been discussed under Issue I. Again Mr. Morarji Desai said, "I do not think I saw the letter. Balasahib Kher told me the contents of the letter. As far as I can recollect no names were there." Continuing he said:—

"From my recollection I can say that the letter seemed to show that the atmosphere was very tense and there was danger to the life of Mahatma Gandhi which several other people were saying and which we also felt because of the atmosphere which refugees had created."

Thus, according to Mr. Desai, the atmosphere was tense, other people were also saying, i.e., it was a matter which was not a secret, the Government circles were also feeling it and it was caused by the advent of refugees from Pakistan.

21.138 He added that no names were mentioned in the letter. "Nathuram Godse's name was not mentioned by Balukaka Kanitkar". Proceeding he said:—

"It is true that about the time when Partition came about the atmosphere in Poona particularly was very tense among the Hindu Mahasabha circles. There was also tendency to advocate violence in the Hindu Mahasabha Press. There was a very tense atmosphere among certain circles against Gandhiji and against the Congress and also against the Congress leaders which was expressed in rather intemperate and violent language."

21.139 Referring to the article of Mr. N. V. Gadgil, Ex. 103, he said, "It is true that in the particular leadership in Poona atmosphere was being created by newspapers conducive to violence." The Government demanded securities from some of them. "It (violence) became stronger when the Partition took place and the refugees came from Pakistan and it was at its height at the time of the fast."

21.140 Balukaka "used to tell me that the atmosphere in Poona was very tense and there was danger to the life of Mahatma Gandhi and also to the life of the Congress leaders generally. He never mentioned any names as to who was going to harm Mahatma Gandhi. The names of Godse and Apte were never mentioned to me. If these names had been mentioned to Balasahib Kher, he would certainly have mentioned them to me." He (Mr. Desai) would certainly have taken action against them if they were mentioned to him.

21.141 He added that there was no complacency on their part nor was the matter being taken lightly ".....all of us including Sardar Patel, myself and my chief Balasahib Kher were worried about it, and we mentioned the matter to Gandhiji about the danger." They could not do anything more than keeping some plain-clothes policemen around Mahatma Gandhi.

21.142 He said that it was incorrect that the only person who knew about it and who tried for six months to prevent the tragedy was Balukaka Kanitkar. Balukaka never sent any telegram to Mr. Kher or to him (Mr. Desai), "but I can say this much that he never mentioned any name to me and I have said earlier if names had been mentioned I would have taken suitable action. The first time any names were mentioned was when Professor Jain talked to me on the 21st January 1948."

21.143 Then he 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."

21.144 Mr. Khadilkar and others gave no information to him but both Mr. Kher and himself (Mr. Desai) were worried about the danger. "Balukaka Kanitkar had already talked to us about the danger to the life of Mahatma Gandhi; others also said so; the rumours were already there; and we realised that there was danger."

21.145 About the information he got from Professor Jain, Mr. Morarji Desai said—

"I was very anxious to give this information (given by Jain) to Sardar Patel. This was the first thing I did at Ahmedabad. I also told him what I had done and he approved of that."

Further he said—

"It would not be correct to say that I was told that some speech was made by Godse or somebody else. The information given to me was in general terms; there was air of violence that the life of Mahatma Gandhi might be in danger."

21.146 Referring to Mr. S.R. Bhagwat, Mr. Desai said—

"I cannot recollect exactly but it is possible that he might have written to me about the danger to the life of Mahatma Gandhi. If he says so he must have done so, but I have no recollection."

21.147 In cross-examination, Mr. Desai said, "I cannot remember having seen the letter written by Balukaka Kanitkar to Balasahib Kher. It has not been put on any Government record. If it had been there, I would have seen it. I was given no names and the information which I received was of a general and vague nature. The information, as far as I remember, was that Mahatma Gandhi's life was in danger. This I may have gathered from what Balasahib Kher told me and from the talk Balukaka had with me. Balukaka used to meet me very often. From this talk and from other information that I had it was not possible for me to locate anybody in particular as the likely assassin of Mahatma Gandhi." Mr. Morarji Desai added that had he known who were involved in this conspiracy, he would have put down the conspiracy by all means at his command.

"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 refugee 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. After I received this information, I am certain I took appropriate and possible action."

21.148 When information came to Government about the welcome to Daji Joshi the matter was discussed between the Home Secretary, Mr. Desai and the Premier "..... after taking into consideration the report by Balukaka Kanitkar in regard to the danger to the lives of Mahatma Gandhi and other top Congress leaders as also on the basis of the C.I.D. reports. We discussed among ourselves about the danger to the life of Mahatma Gandhi which was based on the violent atmosphere that was created in Poona and about which reports were coming to us and which was also related to Balasahib Kher by Balukaka Kanitkar." He then said—

"We did not have any exact information along which we could proceed against any particular persons."

21.149 When his attention was drawn to Ex. 81, the statement of Balukaka Kanitkar before the police in the murder case, Mr. Desai said—

"This letter of Balukaka Kanitkar was received by Balasahib Kher at Delhi and he brought the contents to the notice of Sardar Patel. I had also informed the Sardar about the danger to the life of Mahatma Gandhi sometime in August or September 1947. The Sardar also had this information through his own sources."

"From the intelligence reports of the speeches and the writings of Nathuram Godse reaching us, there was no indication that he was going to murder Mahatma Gandhi or that there was any conspiracy afoot for the purpose."

21.150 Referring to an article from the *Hindu Rashtra*, Mr. Desai said, "I cannot say that Godse was not inclined towards violence but he cleverly clothed his intention by referring to peaceful methods."

21.151 Mr. Desai added that there was not even an inkling of Godse and Apte being in the conspiracy before the murder. "When the murder took place I could not imagine that it had been committed by someone from Poona. I knew that the editor of the *Agrani* was Nathuram Godse".

21.152 Referring to the investigation after the bomb, Mr. Desai said that "we were all working on the theory (including Nagarvala) that the throwing of the bomb was an attempt on the life of Mahatma Gandhi and that there would be a further attempt."

21.153 To sum up the evidence of Mr. Morarji Desai as to his previous knowledge about the conspiracy to murder Mahatma Gandhi or the danger to his life—

- (1) Mr. Morarji Desai admits that the late Mr. B.G. Kher did talk to him about the letter sent by Balukaka Kanitkar but no names were mentioned to him; the contents of the letter were disclosed to him by Mr. Kher but no names were given there.
- (2) His recollection was that the atmosphere was tense. Other people were also talking about it, i.e., it was a matter of common knowledge, the Government circles were also feeling it and this tense atmosphere was the result of the arrival of refugees from Pakistan.
- (3) No names were mentioned in the letter and certainly Nathuram Godse's name was not contained therein.
- (4) When the Partition came, the atmosphere in Poona was particularly tense among the Hindu Mahasabha circles with a tendency towards advocating violence. Among certain circles the atmosphere was against Gandhiji and against Congress leaders which was expressed in rather intemperate and violent language.
- (5) He agreed with Mr. Gadgil's article, Ex. 103, that in a particular leadership in Poona atmosphere was being created conducive to violence which became stronger when the Partition took place and the refugees came and it was at its height at the time of the fast.
- (6) Balukaka Kanitkar in his talk with Mr. Desai used to tell him that the atmosphere in Poona was tense and there was danger to the life of Mahatma Gandhi and also that of the Congress leaders generally, but no names were mentioned by him. Unfortunately, Mr. Desai was not questioned whether he enquired from Balukaka as to the source of this danger and Mr. Desai did not volunteer it. At any rate, it was expedient for the authorities to get the information made specific and get it vetted by the Police (C.I.D.).
- (7) There was no complacency on the part of the Government. They were all worried, including Sardar Patel and Mr. B.G. Kher, and the matter was mentioned to Gandhiji also.

- (8) It was not correct that for six months the only person who tried to prevent the tragedy was Balukaka Kanitkar. Balukaka sent no telegrams to Mr. Kher or to Mr. Morarji Desai nor mentioned any names to them.
- (9) The first time they came to know about any names was when Professor Jain talked to Mr. Kher and Mr. Desai on the 21st January.
- (10) Mr. Khadilkar, witness No. 97, did not give any information to Mr. Kher or to him (Mr. Morarji Desai). Balukaka Kanitkar had told them about the danger, rumours were already there and they realised that there was danger.
- (11) About the alleged speech of Nathuram Godse, no information was given to him. Information was in general terms that there was an air of violence which might endanger the life of Mahatma Gandhi.
- (12) He could not recollect Mr. S.R. Bhagwat writing to him saying about the danger to the life of Mahatma Gandhi but if he (Bhagwat) says so, he must have done so.
- (13) The letter of Balukaka Kanitkar to Mr. B.G. Kher was not put on any official record. So Mr. Desai never saw it. The only information that he had was that the life of Mahatma Gandhi was in danger. This, he might have gathered from the talk with Balukaka and from what Mr. B.G. Kher told him. But from this it was not possible to "locate anybody in particular" or identify any assailant to be.
- (14) From the information he had, Mr. Morarji Desai could not say as to who would harm Mahatma Gandhi but they were likely to be either the refugees or the R.S.S. and Hindu Mahasabha not necessarily from Poona. It could be Muslim fanatics. And this class of people was dispersed all over the country, more in the North than in Bombay.
- (15) When the information regarding welcome to Daji Joshi came in July 1947, it was discussed between the Home Secretary, Mr. Desai and Mr. B.G. Kher, after taking into consideration the report made by Balukaka Kanitkar and also on the basis of C.I.D. reports. The danger to Mahatma Gandhi's life was discussed which was based on violent atmosphere that was created in Poona. This is the only evidence of a permanent official being brought in for discussion as to reports of Balukaka Kanitkar. And the action taken after this information appears to be a measure taken against the threat mentioned by Balukaka.
- (16) They had no exact information in order to be able to proceed against any particular person.
- (17) Balukaka Kanitkar's letter was received by Mr. B.G. Kher at Delhi and he brought it to the notice of Sardar Patel.
- (18) Mr. Desai also informed Sardar Patel about the danger in August or September 1947 and Sardar Patel already had that information through his own sources.
- (19) The speeches and writings of Nathuram Godse did not indicate that he was going to murder Mahatma Gandhi or a conspiracy for the purpose was afoot. But his writings

in his newspaper although inclined with a slant towards violence, were cleverly clothed in words indicating peaceful methods.

(20) When the murder took place, Mr. Desai could not imagine that a Maharashtrian could have done it.

21.154 The Commission has thought it necessary to give an extensive analysis of the statement of Mr. Morarji Desai in regard to his previous information about the danger to Mahatma Gandhi's life. But what has struck the Commission as rather surprising is the emphasis which Mr. Morarji Desai has laid on the fact that the danger to the life of Mahatma Gandhi could be from the R.S.S. and Hindu Mahasabha, from the refugees and from the Muslims not necessarily from Poona and this class of people were more dispersed in the North than in Bombay. If it was a mere statement of fact, it may not be wrong but if it is meant as an excuse for any alleged inaction then it cannot be accepted.

21.155 It is true that the refugees were in an angry mood because of pro-Muslim utterances of Gandhiji and that there were certain inflammatory writings in the Punjab Press. (See Mr. J.N. Sahni, witness No. 95). It is also true as stated by Mr. Brij Kishan Chandiwala that some people did go to Mahatma Gandhi and expressed their feelings in rather angry words. There were also shouts to the effect that 'Marta Hai To Marne Do'—(Let him die if he wants to.). But that was a matter which required the attention of the Punjab Government, of the Chief Commissioner of Delhi or the Government of India. If precautions against those people had to be taken that was indeed their duty but that can be no ground for ignoring the information of tense atmosphere and danger which witnesses have said rather emphatically prevailed in Poona.

21.156 Although Mr. J.N. Sahni has deposed that the refugees were very angry with Mahatma Gandhi because of his pampering the Muslims and his want of sympathy towards them, at the same time he has pointed out that Mahatma Gandhi had done so much for the Punjabi Hindus and Sikhs that in his opinion they could not forget his kindnesses either. Mahatma Gandhi went to Wah in Campbellpur District where a large number of refugees had been collected in a camp. There is no evidence to show that the refugees there showed any sentiments hostile to Mahatma Gandhi. But the Commission would assume without deciding that there was an equally hostile atmosphere created against Mahatma Gandhi in the North, in Delhi, in the Punjab and in the western districts of the U.P. as in Poona, and in the U.P. the R.S.S. had taken to violent activities which are shown to have been directed against the Muslims.

21.157 All this would be a good ground for the Punjab Government or the U.P. Government or the Delhi Administration to get the sources of danger investigated and to take precautions for the protection of Mahatma Gandhi. But the hostile feelings in Poona discernible from the evidence before the Commission was necessarily the responsibility of Bombay Government which required the attention of that Government, if necessary, a careful police inquiry through the C.I.D. The danger due to intense feelings in Poona was the sole responsibility of Bombay Government just as protection against similar state of affairs in Delhi was of the Delhi Administration.

21.158 It must in fairness be pointed out that the evidence before the Commission does not show that any names were given to Mr. Morarji Desai or to any Central Minister. Mr. Desai has denied the mention of any names to him. If any names had been mentioned, the Commission cannot think of any reason why the Bombay Government should not have had a proper investigation conducted. After all as soon as Professor Jain gave information about the conspiracy, Mr. Morarji Desai, in the words of the East Punjab High Court, acted with "commendable promptitude" though it proved fruitless. When the police bungled even with correct names having been given to them, the result of investigation based on vague information might not have been different. But that would be in the realm of pure conjecture and would be no ground for the C.I.D. not being put on to trace the source of danger, even if it was not expected to bear any fruit. But of the expediency of this step the Commission has no doubt.

21.159 Whether the direction given by Bombay Government for collecting a list and particulars of members of the R.S.S. and the Hindu Mahasabha was meant to be an inquiry into the correctness of Balukaka Kanitkar's information is not clear nor has it been so claimed except that this matter was considered along with Daji Joshi's welcome and that also in a cryptic sentence in Mr. Morarji Desai's evidence.

Government of Maharashtra—

21.160 In reply to a question in the questionnaire issued to the Government of Maharashtra by the Commission it stated that it had no knowledge about G.V. Ketkar's statement that the atmosphere in Poona was very hostile to Mahatma Gandhi. The records do not throw any light on that point except that Hindu Mahasabha newspapers were criticising Mahatma Gandhi for pro-Muslim policies. Nor is there anything in the records to show that Poona newspapers were indirectly creating this atmosphere leading to violence. The records do not show that occasional news used to be given that something terrible was going to happen.

Precuations taken by the police at Poona—

21.161 All the documents and the evidence concerning the action and precautions taken by the Poona Police on their own or at the instance of the Government of Bombay have been set out and it would not be necessary to deal with all that matter again. Just to give a short resume the Commission may say that action was taken against the newspapers in Poona for carrying on inflammatory communal propaganda. Orders were also issued in August 1947 to compile a list of the leaders of the Hindu Mahasabha and the R.S.S. with directions to keep a watch on their activities and to send special reports in regard to them. But these special reports were discontinued as from November 1947 because they were not considered necessary any longer. But if there was anything particularly inflammatory or objectionable in the speeches of any particular person, they were to be reported to Government.

21.162 There is no evidence before the Commission showing the reason for not keeping a watch over the activities of people who were described as "potentially dangerous", or who were the "brain

behind the Hindu Sabha movement" or were editing rabid newspaper articles and particularly when they were staunch Savarkarites. The advice of the police for discontinuing special reports was an exhibition of sluggish inactivity. Perhaps, the Governments do or even have to accept the advice of their experts or so-called experts. But if the authorities knew the ideology of the persons named as indeed they did, they should have acted differently and not allowed the C.I.D. to spare themselves a little extra effort which careful watching would have involved.

21.163 Government demanded securities from newspapers indulging in propaganda for violence and forfeited securities of some of them.

21.164 Mr. Desai said that there was no complacency on their part and all of them were worried including Sardar Patel and Mr. B.G. Kher. They did not withdraw any special precautions that they were taking about watching the members of the Hindu Mahasabha etc. All that they did was to withdraw the order regarding special reports and that also "for the present". Their object all the time was to have a close watch on the activities of the Hindu Mahasabha and R.S.S. workers. But there is nothing to show that the police did keep such watch except the routine weekly letters which were wholly insipid and colourless.

21.165 Mr. Morarji Desai was asked in cross-examination whether no action was or could be taken against any particular person because none was named and the danger was not localised in any particular area, he replied that no question of immediate action arose because they did not have any exact information for proceeding against any particular person. Lists of Hindu Mahasabha and R.S.S. were supplied to Government by the police and on the basis of that information a security guard was stationed around Gandhiji's residence soon after his return from Calcutta. He added that going back over the events as they took place and the circumstances which existed, they did all that they could and they gave their best throughout.

21.166 Mr. Desai had, on January 12, 1948, ordered the detention of Karkare because he wanted to prevent his doing any further mischief towards Muslims and he had told Nagarvala about it.

21.167 There was not even an inkling of Godse and Apte being in the conspiracy before the murder took place, and when it did take place, he (Mr. Desai) could not imagine that it could be committed by someone from Poona.

21.168 Mr. Desai expected that Nagarvala would take the help of Ahmednagar police to arrest Karkare and if he was not in Ahmednagar to arrest him wherever he was.

V.T. Dehejia, Wit. 84—

21.169 Mr. V.T. Dehejia, witness No. 84, stated that he did not know Balukaka Kanitkar but had heard about him and he did not know whether he or G.V. Ketkar had informed the Home Minister or the Premier about the impending danger to the life of Mahatma Gandhi. If the Home Minister had received any such information, it was up to him to pass it on to the Home Secretary or the police.

21.170 Neither Mr. B.G. Kher nor Mr. Morarji Desai gave him any information regarding Professor Jain or what he conveyed to them regarding the conspiracy to murder Mahatma Gandhi. He came to know about this information for the first time in February 1948 when a notice of a question in the Assembly was received but that question was subsequently withdrawn.

21.171 The activities of the people in Poona and in Ahmednagar, according to Mr. Dehejia, might be called anti-Government but they were really directed against Muslims and Government's pro-Muslim policy. They were not directed against leaders of the Congress as such or individuals leading the movement at the time. "That is as far as our knowledge went".

21.172 He did not know anything about the conspiracy or the persons who were involved in the bomb case.

21.173 When he was District Magistrate at Poona, he came to know that Mr. G.V. Ketkar's activities were pro-Hindu Mahasabhaite. He knew that there were hostile sentiments expressed against Gandhiji in Poona but they came in waves and there was ebb and flow between the period from the Partition to the fast which Gandhiji undertook in January 1948. In between there was no evidence of strong anti-Gandhi sentiments. Writings in the Press were not anti-Gandhi but they were anti-Congress and anti-Muslim. He could not remember about the speech of Dr. Parchure. The Hindu Mahasabha was likely to create trouble against the Government but not any trouble in the nature of murder of Mahatma Gandhi or any other Congress leader. Some of the writings in the *Agrani* and the *Hindu Rashtra*, Ex. 233A and 233 respectively, were particularly venomous and the speeches of Dr. Parchure, Ex. 131, of Mr. G.V. Ketkar, Ex. 206, were, if anything, slightly less.

21.174 In cross-examination Mr. Dehejia stated that the feelings against Mahatma Gandhi were not against him personally but against his pro-Muslim policies. The R.S.S. and the Hindu Mahasabha were anti-Gandhi and anti-Muslim. Some of the Poona papers were criticising Mahatma Gandhi for his pro-Muslim policies but they were not rabid against him but they were rabid against Muslims and pro-Muslim policies of the Congress. But none of the papers preached violence against Mahatma Gandhi or any other Congress leader.

21.175 The attention of the witness was drawn to the statement of Mr. G.V. Ketkar about the hostile sentiments expressed against Gandhiji in Poona. He replied that there was information about anti-Muslim riots or that there would be serious anti-Muslim riots but there was no information about any threats of murder of Mahatma Gandhi.

21.176 He was asked what his source of information regarding the activities of Hindu Mahasabha and the R.S.S. being anti-Muslim and not anti-Gandhi was, he said that he got reports from the District Magistrates and the D.I.G., C.I.D. and the Commissioner of Police, Bombay and he also read newspapers and got information from people who came to visit him.

Purshottam Trikamdas, Wit. 15—

21.177 When Mr. Purshottam Trikamdas, witness No. 15, returned to Bambay after seeing Gandhiji in the first week of January, 1948, a man came to see him whose name he could not recollect.

He came to him for the first time. He was a Hindu closely connected with Gokul Nathji Maharaj, the main Vaishnava temple of the Vallabhacharya sect in Bombay. He probably was a North Indian. "This man told me about the danger to Gandhiji's life and that he knew something about it. He did say that there was a conspiracy to assassinate Mahatma Gandhi." Mr. Purshottam then questioned him closely and he said that he had come to know from circles close to the Maharaj that there was a conspiracy of that nature and that arms were being procured or had been procured of which he (Purshottam) was not sure. Mr. Purshottam then took him to Mr. B.G. Kher who was a friend of his and the man repeated the story to Mr. Kher. Thereafter he called Mr. Morarji Desai to his chamber and Mr. Kher told him why the man had been brought and what the man had told him. Mr. Morarji Desai then took that man to his own chamber and Mr. Purshottam left. Mr. Jayaprakash Narayan stated that he could not have sent any man to Mr. Purshottam because he did not believe that Mahatma Gandhi's life was in danger.

21.178 Mr. Morarji Desai, when asked about this matter, said that he had a faint recollection of Mr. Purshottam having brought a man to him and when the statement of Mr. Purshottam was read out to him, he said that he could not remember who the man was nor what was said to him. If he had told him anything about a conspiracy to murder Mahatma Gandhi, he must have referred him to the police.

Kanji Dwarkadas, Wit. 7—

21.179 Another witness who has deposed to previous knowledge of the Government of Bombay is Mr. Kanji Dwarkadas, witness No. 7. His statement comes to this: that Mr. B.G. Kher returned to Bombay after conveying to Mahatma Gandhi the danger to his (Gandhiji's) life from Poona Brahmins. But Mahatma Gandhi indicated, "If I have to die, I shall die". Mr. B.G. Kher also told him (Kanji Dwarkadas) that he knew that Nathuram Godse was running a rabid newspaper and that those people were after Mahatma Gandhi, and that the Delhi C.I.D. did not take Bombay Police into confidence and did not inform the Bombay Police of the discovery of a shirt with the dhobi mark of "Nathuram Godse" on it, which as a fact is incorrect. It is very difficult for the Commission to believe that Mr. B.G. Kher knew the name of Nathuram Godse, conveyed it to Mr. Kanji Dwarkadas and held it back from his own colleagues and did not disclose it to the police.

21.180 Mr. Kanji Dwarkadas also deposed that the People's Age was saying from August 1947 that Mahatma was going to be murdered and that the Delhi Police was infiltrated by R.S.S. people and the Deputy Commissioner was behind the movement. This allegation against the Deputy Commissioner seems to be wholly unfounded, because this was a canard started against Mr. Randhawa when he took strong measures against those who were breaking the law and were collecting arms in order to take forcible possession of Delhi and naturally the police force got besmeared in that campaign.

21.181 The evidence of Professor Jain and Mr. Angad Singh and Professor Yagnik falls in a different category and has, therefore, been dealt with separately.

21.182 Commission has been at pains to find out what the knowledge of the Bombay Government was *qua* the danger to the life of [digitised by sacw.net]

Mahatma Gandhi because that, in the opinion of the Commission, is the crux of the whole matter. The Commission has set out at length an analysis of the evidence of Mr. Morarji Desai and of the high ranking police officers and of the members of the permanent service who were then in the Secretariat.

21.183 The question is—

- ✓ (1) What did Mr. G.V. Ketkar know about the danger to the life of Mahatma Gandhi and from whom; what steps did Mr. G.V. Ketkar take to apprise the authorities of whatever he knew?
- (2) How much did Balukaka Kanitkar know of this matter and what did he do to apprise the authorities of whatever he knew?
- (3) What did others like Mr. S.R. Bhagwat, Mr. R.K. Khadilkar, M.P. and Mr. Jedhe and even Mr. N.V. Gadgil know about the matter and what did they do to let the authorities know about whatever was within their knowledge?.

Conclusion

21.184 From the evidence the conclusions which the Commission has arrived at are these—

- (1) The police officers and the District Administration knew nothing about the tenseness of atmosphere in Poona or the extent of the danger it portended against the life of Congress leaders including Mahatma Gandhi, Jawaharlal Nehru and others.
- (2) Balukaka did know something about the tenseness of feelings and of danger to the life of Mahatma Gandhi. The lives of other top-ranking Congress leaders were also in jeopardy according to that evidence. He wrote to Mr. B.G. Kher who according to the evidence before the Commission apprised Sardar Patel about this danger.
- (3) What knowledge Balukaka Kanitkar himself possessed and what exactly he wrote in the letter remains shrouded in mystery. Unfortunately the letter is not before this Commission. It is not on any Secretariat record. Nobody knows where it is but Mr. Morarji Desai has deposed that from what Mr. Kher told him and what Balukaka Kanitkar himself told him, it appeared that atmosphere in Poona was tense and there was danger to the life of the Mahatma. But the information was vague, no names were mentioned as to where the danger was coming from and what was the extent of the danger. It is unfortunate that it could not be elicited from Balukaka Kanitkar as to where the danger was coming from and who was going to harm Mahatma Gandhi or to assassinate him. Balukaka has written a good deal, made many public and street corner speeches and talked to many people but no one can give any names or sources of danger or who all were in danger. Of course, Mr. G. V. Ketkar is an exception and is a chapter by himself.

- (4) Mr. S.R. Bhagwat has stated that he wrote to Mr. Morarji Desai and Mr. B.G. Kher and also to Sardar Patel about the danger. Mr. Morarji Desai was not prepared to contradict this statement. But whatever Mr. Bhagwat has stated before this Commission is also vague and third-hand information because he merely repeats what Balukaka Kanitkar said he had heard from N.V. Godse and his friends and relations who have remained unknown, unnamed and forgotten.
- (5) Mr. Khadilkar deposed about highly tense and critical atmosphere in Poona against Mahatma Gandhi though there were no open threats; the writings in the Press and public speeches as also private talks were highly critical of the Mahatma because of his betrayal of India. The *Hindu Rashtra* and the *Kal* were highly critical and bitter.

Before January 20, 1948, there were rumours of conspiracy in Poona to attack Gandhiji and it was being said that something will happen to Gandhiji, 55 crores being the proverbial last straw. In Mr. Khadilkar's opinion the violent propaganda in Poona was not anti-Muslim but anti-Congress and anti-Gandhi. He himself took no action or steps to inform the authorities because he thought the Local Intelligence knew it and would inform the Government and Balukaka had already written. He did not inform the Government because he was a "Protestant" and he thought he would not be taken seriously. Besides, his knowledge was not definite, otherwise he would have run up to Bombay to inform the Ministers. But Inspector Angarkar denies any such knowledge and Balukaka Kanitkar wrote in July 1947. Mr. Khadilkar was deposing about the events in December 1947 and January 1948. Perhaps, an earlier information given by Mr. Khadilkar to the authorities might have been efficacious but even then it is only "might have".

- (6) Mr. Kanji Dwarkadas, witness No. 7, has given some indirect kind of information. He has stated that Mr. B.G. Kher had told him that he had told the Mahatma that Poona Brahmins were going to kill him. He also told Mr. Kanji Dwarkadas that Nathuram Godse was running a rabid Hindu Mahasabha paper, that these people were after Gandhiji, that Delhi Police did not take Bombay Police into confidence, that recovery of the shirt with "Nathuram Godse" mark alone would have sufficed to trace the conspirators. He also said that the "People's Age", a communist paper, had, in August 1947, published that the Mahatma was going to be murdered and that the R.S.S. was at the back of it.

It is difficult to believe that Mr. B.G. Kher would tell Kanji Dwarkadas about the danger from Nathuram Godse and not his Home Minister, Mr. Morarji Desai, or his Bombay City or Provincial Police.

- (7) Mr. N.V. Gadgil has also said in his article in the *Dhanurdhari* in the 1964 Diwali number (Exhibit 103) that a leadership was being created which was a source of danger to

Mahatma Gandhi. He has also said that Mr. Jedhe, a Member of the Constituent Assembly, staying with him, did talk in conundrums to him about something terrible going to happen. After the murder he said to Mr. N.V. Gadgil that there was information with him that Nathuram Godse and others were feasted before they left Poona for Delhi to commit the murder. It is indeed inexplicable why a man of the responsible position of Mr. Jedhe knowing about this send-off, should take no steps to counter this mischief by informing any Authority about it. By talking about its happening after the murder he could do no good.

- (8) From the evidence produced, the Commission holds that there was some information conveyed to Mr. B.G. Kher which was subsequently passed on to Mr. Morarji Desai and Mr. Morarji Desai even had a talk with Balukaka Kanitkar about this matter but no names were given and the whole thing was vague. Whatever action was taken as a consequence of this information, vague and nebulous thought it was, is contained in the documents dealt with under the heading "Poona", the most important of which was compiling by the Police a list of Hindu Mahasabha leaders, Ex. 114 and Ex. 114-A, and sending special reports about them which was later discontinued.
- (9) There is no evidence of having information of Balukaka Kanitkar particularised and then scrutinised.
- (10) Mr. N.V. Gadgil has also deposed that Mr. K. Jedhe did know about Nathuram Godse and his companions getting a send-off before leaving for Delhi for committing Gandhiji's murder but Mr. Jedhe kept this news to himself and did not tell even Mr. Gadgil.
- (11) It would perhaps have been expedient if this information, whatever it was, nebulous, vague, full of conundrums, without any names, had been conveyed to some high ranking police officer with the direction to investigate the correctness or otherwise of this information. But the Commission cannot help remarking that it would be highly speculative to say what the result of this investigation would have been, and whether the result of giving this information would have been less sterile than the result of positive information given by Professor Jain was.
- (12) Whatever definite information Mr. Morarji Desai had, he, according to his statement, conveyed it to Sardar Patel in August or September 1947 and also to Mahatma Gandhi himself who was, according to the evidence before this Commission, a firm believer in God and his philosophy was that he would serve the people as long as he was required by the Almighty to do and if God willed it otherwise, he would say "Let Thy Will be done".

21.185 The evidence of the witnesses who are permanent civil servants and officials shows utter lack of information about the threats to Mahatma's life or to the life of other Congress leaders including top-ranking Central Ministers. But the evidence of non-officials whether they were in the elected Executive of the Province

or not, does show that there was this likely danger. This has been deposed to by Mr. G.V. Ketkar, Mr. R.K. Khadilkar, Mr. S.R. Bhagwat and documents show that Balukaka Kanitkar not only knew about it but had also conveyed it to Mr. B.G. Kher and Mr. Morarji Desai which was in turn conveyed to Sardar Patel.

21.186 Evidently this threat against Congress leaders and Mahatma Gandhi remained hidden from the officials and the police by a smoke-screen of anti-Muslim movement which successfully deluded them.

Findings—

21.187 On the interpretation which the Commission has accepted, the finding of the Commission is that the following gentlemen must be held to have prior knowledge and they are: Mr. S.R. Bhagwat, Mr. R.K. Khadilkar, Mr. Keshavrao Jedhe and Mr. G.V. Ketkar, all from Poona. In this category would also fall Mr. N.V. Gadgil who was given some information by Mr. Jedhe though wholly hazy and misty and in language which was full of conundrums and would, therefore, be valueless.

21.188 Besides the persons above mentioned, Mr. Purshottam Trikamdas, Barrister-at-Law, witness No. 15, had some information. He has deposed that a man whose name he does not remember came to see him and told him that the life of Mahatma Gandhi was in danger and he took him to Mr. B.G. Kher and then to Mr. Morarji Desai but the latter has no recollection of this fact. Mr. Kanji Dwarkadas, witness No. 7, has also deposed to Mr. B.G. Kher having had some information but the Commission has been unable to derive much benefit from his testimony.

21.189 That is the finding of the Commission on the first term of reference, i.e., term (a).

PRIOR KNOWLEDGE OF PROFESSOR JAIN AND HIS FRIENDS

Professor J.C. Jain, Wit. 27—

21.190 Professor Jagdish Chander Jain, witness No. 27, was also examined in court as PW 67. At the relevant time he was a professor of Hindi Literature at the Ramnraim Ruia College in Bombay, where he has been employed since 1938. According to his statement, he had been taking interest in politics and was detained during the II World War under the Defence of India Rules. He associated himself with what was called the "Progressive" group. According to his statement, he started taking interest in the refugees when they came to India after the Partition of 1947.

21.191 In about September 1947, Professor Jain met Madanlal, a refugee from the Punjab, at Chembur where there was a refugee camp. Jain got attracted towards Madanlal who he thought was an impressive youngman and who was introduced to him by a Mr. Gupta. In order to help him monetarily, Jain gave Madanlal his books to sell on a commission basis.

21.192 In about December 1947 or the beginning of January 1948 Madanlal came to see Jain and was accompanied by a person whom he called "Seth from Ahmednagar". He told Jain that he had been

selling vegetables and fruits and was being helped by the Seth. He mentioned to him the incident of his assaulting Raosahib Patwardhan, a Congress leader, while Patwardhan was addressing a Hindu-Muslim unity meeting. He also showed him some Marathi newspapers attacking the activities of Madanlal. The two then left Jain. Madanlal returned and told Jain the name of the Seth to be Karkare who then was running a big hotel in Ahmednagar and also that Karkare was financing the Hindu Mahasabha movement in Ahmednagar in which Madanlal had started taking part. Madanlal also told Jain that there was an arms and ammunition dump somewhere in the jungle where he was taken blindfolded and which was being guarded by a bearded man like a Sikh. Jain says he knew nothing about Karkare or his activities.

21.193 Sometime later, Madanlal again met Jain and wanted to talk to him in confidence. Jain took him to his house and there Madanlal told him of the conspiracy to commit a murder which on questioning by Jain was disclosed to be to murder Mahatma Gandhi. It flabbergasted Professor Jain and he tried to talk Madanlal out of such an atrocious intention.

21.194 Prof. Jain mentioned this fact to some of his friends amongst whom was Angad Singh, witness No. 28 before the Commission and PW No. 72 in court. He also talked to another college professor Yagnik, witness No. 29 and to Mr. Shriyans Prasad Jain, witness No. 88. His friends evidently did not take Madanlal seriously and Professor Jain himself was not quite convinced about the genuineness or the seriousness of the threat and therefore he did not inform the police. This was sometime in early January 1948. Jain tried to inform Mr. Jayaprakash Narayan also about what he knew that there might be some conspiracy in Delhi. He could not do so because the latter was busy and was not in a mood to listen to what Jain was saying.

21.195 Unfortunately Jain was not convinced about the threat and as he did not know any Congressman of importance, he did not do anything at that stage. The reason given by Jain was "the thing was too serious as well as too uncertain". Three or four days before the explosion, Madanlal again came to see Jain and told him that he (Madanlal) was going to Delhi. Jain warned him against doing anything criminal but Madanlal said that he was going to get married and would see him on his return.

21.196 On the morning of January 21, 1948, Angad Singh came running to Jain and informed him about the bomb explosion in Delhi and also about the arrest of Madanlal in connection with the bomb. Jain and Angad Singh then decided that they must inform somebody in authority. Jain tried to phone Mr. Dayabhai Patel, son of Sardar Patel, but he could not get him as he had gone to see his father off at the Airport. He then thought of S.K. Patil but he had also gone to the Airport. Jain then went to Premier Balasahib Kher whom he saw in the office with great difficulty. He tried to narrate the whole story to Balasahib Kher but he (Kher) had some other urgent engagement so he could not hear the whole story and put him into touch with then Home Minister, Mr. Morarji Desai, who heard his story in which he mentioned the name of Karkare which was the only name given to him by Madanlal; as Madanlal had said that he

did not know the names of other persons. This has to be emphasised because later on Jain claimed to have disclosed the names of Madanlal's confederates which had been given by Madanlal and made a grievance of their not having been arrested. (See Ex. 47, letter of Jain to the Prime Minister, dated April 20, 1948). Madanlal had disclosed to Jain the existence of an arms' dump somewhere in a jungle near Bombay in a secret place and which was guarded by a person who looked like a Sikh having a beard and that Madanlal had been taken to the place blindfolded. This fact also Jain narrated to the Home Minister. Jain gave his address and a neighbour's telephone number to the Home Minister in case he was required at any time. Jain offered to go to Delhi to see Madanlal saying that he would be able to get the whole story from him.

21.197 According to Professor Jain, the Home Minister did not ask him to go to the police nor did he call any policeman to record his statement. Surprisingly enough Professor Jain says that he might have asked Mr. Morarji Desai that his name should not be disclosed because he was living in rather an explosive locality and he did not like to be accused of giving information in regard to the conspiracy which would have endangered his life and that of his family.

21.198 From the whole trend of his statement made before the Commission it appears that Professor Jain did not want his name to be given out by Mr. Morarji Desai to anyone not even to the police. And that is what Mr. Morarji Desai stated in court and also said in Bombay Legislative Assembly.

21.199 In view of this fear element and his anxiety to remain anonymous it does appear a little fatuous to say that no policeman was asked to record his statement or he was not asked to see the police. The two things are mutually contradictory. Professor Jain could not ask that his name should not be disclosed and at the same time complain that he was not examined by the police or asked to go to the police. Similarly, Professor Jain cannot complain that Madanlal's co-conspirators were not arrested when he had not given their names to anyone. To make a grievance of this fact to the Prime Minister by his letter seems to be rather curious.

21.200 After he had given this information, the police did not get into touch with Professor Jain. How could it if even his name was not disclosed to the police? It appears that the Home Minister was trying to keep the name of Professor Jain secret. Professor Jain has also stated, "I know that some important personage had telephoned Mr. B.G. Kher to the effect that such an important information had been conveyed to him and what was being done in regard to that information".

Note—There is no means of checking this statement. Balasahib Kher is dead; the name of the important personage has not been given.

21.201 Professor Jain says that he was disheartened because he tried to contact Mr. Jayaprakash Narayan and he did not take any notice of him. He was perturbed because knowing the locality he was in, he did not feel safe. As a matter of fact, after the murder had been committed, many people came, sat down opposite his house and troubled his children and made their life difficult.

21.202 After the murder, Professor Jain again tried to contact Balasahib Kher and Mr. Morarji Desai but he could not get an appointment because he was told that they could had no time to see him. An appointment was, through the instrumentality of a common friend, a Mr. Madan Shetty, subsequently fixed up with Mr. Morarji Desai. When Jain went to see Mr. Morarji Desai, there were some other people sitting; and Jain has not been able to tell the Commission what conversation passed between him and the Home Minister.

21.203 When asked by the Commission as to why he did not give any information to the police, Professor Jain answered that because he had conveyed the information to the Home Minister he had done his duty. Some two or three days later, Professor Jain again went to see Mr. Morarji Desai and Mr. Desai told him that he had passed on the information to Sardar Patel and Nagarvala was waiting for him and he should go to the police station. Nagarvala happened to come to the Home Minister's place while Professor Jain was still there and was rather brusque with Professor Jain and said to him what if he put him (Jain) under arrest to which Jain's reply was just "try". Professor Jain says that he felt very restless because in spite of the information that he had given, nothing had been done to protect Mahatma Gandhi.

21.204 After saying all that Professor Jain stated that Madanlal had told him that he was going to throw a bomb which would cause confusion and Gandhiji would be overpowered by his party, the idea being to kidnap Gandhiji and to do what they liked with him. This statement seems to be at variance with the conspiracy story statement and on this point Professor Jain does not seem to be quite clear. But this much he has stated that whether the idea was to murder Mahatma Gandhi or merely to kidnap him, he was not convinced of the genuineness of the threat. Then he says that he told the Home Minister "what I had been told by Madanlal was to throw a bomb at the prayer meeting, cause confusion and then to overpower Gandhiji". Because a bomb was actually thrown as Madanlal had said, Professor Jain was convinced that Madanlal was serious in his talk and that is why he went to the Minister.

21.205 About the information of the existence of a dump of arms and ammunition, Professor Jain, on further questioning by the Commission, said that he must have told Mr. Morarji Desai about it. He also said that it never occurred to him that he should write to Mahatma Gandhi and he took shelter behind the fact that he had told the Home Minister and that was quite enough. He had done his duty. That is Professor Jain's reply to every question put to him about his earlier inaction and/or later keeping mum *qua* the police.

21.206 Professor Jain was still perturbed because he could not have a fuller talk with the Home Minister or with the Premier. Mr. Morarji Desai told him that he had passed the information on to the Home Minister and also to Gandhiji but Gandhiji was against any protection.

21.207 The second interview with the Premier was after the murder. This interview took place at the residence of the Premier. When Jain was about to leave the house of the Premier, Mr. Morarji

Desai also arrived. Balasahib Kher told Mr. Desai that Jain was charging the Ministry of negligence. Thereupon Mr. Desai flared up and said to him that he was a conspirator and that he could be put into jail and he asked why information had not been given to him earlier. He shouted at Jain and Jain went on listening. At the end of it Jain said to Mr. Morarji Desai, "If I was a conspirator, you are a murderer" and that he would repeat to the world "you are guilty, you are guilty".

21.208 Professor Jain also stated that Madanlal had told him that he had gone to Savarkar and Savarkar patted him and others on the back and said, "May you be successful". This statement was also repeated to Mr. Morarji Desai.

21.209 In cross-examination, Jain referred to his book 'The Murder of Mahatma Gandhi' and said whatever was stated in it about the incident is correct.

21.210 Madanlal had also told Jain that there was a warrant of arrest against Karkare. This fact was also conveyed to Mr. Desai on January 21, 1948. Jain also told Mr. Desai about Madanlal's attempt to dynamite the house of a Muslim which was prevented by the timely arrival of the police. He said that whatever was written in his book was conveyed to Mr. Morarji Desai. The reason given for not informing the police by Jain was stated rather pontifically that he did not inform the police because Madanlal was a youngman and that Jain himself was rescuing him from the path that he. Madanlal had chosen.

21.211 When the statement of Mr. Morarji Desai in the Bombay Legislative Assembly, Vol. XIV, Pt. I of 1949 at p. 834, was put to witness, Professor Jain, he said it was partially correct.

21.212 He has further stated that he wrote a letter, Ex. 47, to the Prime Minister on April 20, 1948, in which he had said that he had given the names of persons connected with the conspiracy to the Ministers but some of them were going scot-free. When asked whether he did give these names, he said that he had and when asked what the names were he said he has forgotten the names. This letter was handed over to the Prime Minister when he went to Bombay. In this letter is mentioned that on January 21, 1948, he tried to contact Sardar Patel and S. K. Patil but when he could not get them he evidently did the next best thing. He contacted the Premier of Bombay on the telephone and asked for an interview and the same day in the Secretariat he related to Mr. Kher and Mr. Morarji Desai the history of Madanlal with all the details known to him. He also mentioned the other incidents about dynamiting the house, the assaulting of Raosahib Patwardhan and about the dump of arms and about other details including the conspiracy to kill Mahatma Gandhi. In this letter, he has corroborated practically all the statements which are relevant for the purposes of this Inquiry.

21.213 Professor Jain has published a book under the name "The Murder of Mahatma Gandhi". This book was first published in 1949 under the caption "I Could Not Save Bapu". In this book, he has, at pages 13 to 20 and again at pages 67 to 73, substantially reiterated what he had stated before in the trial court and what he has now stated before the Commission.

Conclusion

21.214 Professor Jain's evidence shows—

- (1) that he knew Madanlal.
- (2) Madanlal disclosed to Jain the factum of conspiracy to murder Gandhiji.
- (3) Madanlal knew the name of only one associate but not of any other as Professor Jain later claimed in his letter, Ex. 47, to the Prime Minister. If he did know the names of others he did not disclose them to anyone else for reasons best known to himself.
- (4) Jain did not take Madanlal seriously at first and in this he had the concurrence of his friends.
- (5) It was only after the bomb was thrown that Jain thought the matter to be serious.
- (6) He sought an interview with Premier B. G. Kher which he got with some difficulty. Mr. Kher left him in charge of the Home Minister, Mr. Morarji Desai, as he himself had another engagement.
- (7) What exactly Jain told the Home Minister is not quite clear from Jain's evidence because Jain first said that Madanlal's statement indicated a conspiracy to murder and later on Jain introduced the story of the objective being creating confusion and kidnapping Mahatma Gandhi and doing with him what they liked.
- (8) Jain did not go to the police and his reason of not doing so was that he had disclosed the whole story to Mr. Morarji Desai and he did not think it necessary to go to the police and further he pontifically stated he could talk Madanlal out of this nefarious design. Unless Jain himself could tell us the reason of his not going to the police it will be a mere conjecture to suggest a reason for his not doing so. But one should not forget that he was a "leftist" "a progressive", had had a term of detention and therefore could not have been very fond of the police. Besides, he himself stated he was residing in an eruptive locality.
- (9) Jain had seen the Home Minister and might well have considered to have done his duty. He swears that he told everything to the Home Minister including the previous activities of Madanlal.

Angad Singh, Wit. 28—

21.215 The next witness in regard to this part of the case is Mr. Angad Singh, witness No. 28. He seems to be an old friend of Professor Jain. He stated that he met Madanlal in October 1947 at the house of Jain and he again met him at his house after the meeting addressed by Sardar Patel. Later on he was told that Madanlal had met Professor Jain and told him that they were going to murder top Congress leaders like Mahatma Gandhi, Nehru and others but the witness did not take him seriously. After Mahatma Gandhi's return from Calcutta and after his fast, Madanlal again came to

Professor Jain and told him that his party had decided to murder Mahatma Gandhi and Jain tried to talk Madanlal out of his wild talk but Madanlal told him that he could not get out of it otherwise he himself would be murdered. If this fact was stated then there was no cause of hesitancy on the part of Jain or his friend. Professor Jain had also told him that Madanlal was patted on the back by Savarkar who incited him to kill somebody big rather than assaulting small people.

21.216 On January 21, 1948, when this witness read in the morning newspapers about the attempt on Mahatma Gandhi's life, he went to Jain and seriously talked about the matter. They were convinced about its seriousness and decided to inform the officials. Jain telephoned to the Premier's residence and then he tried Mr. S. K. Patil but both of them had gone to see off Sardar Patel. Later on they got Balasahib Kher on the telephone and an appointment was fixed but Angad Singh could not go because he had some other business. They thought it was better to inform the Premier rather than the Police. Angad Singh also mentioned this fact to Mr. Jayaprakash Narayan who said he was going to Delhi and would mention it to Gandhiji. He also narrated these facts to Mr. Ashoka Mehta and Mr. Moin-ud-Din Harris of the Socialist Party two or three days after the bomb explosion.

21.217 According to this witness, nobody was prepared to save Gandhiji. The portion of this witness's testimony is important in regard to the matter under inquiry. He stated, "I had done everything possible. I had informed the Chief Executive of the Bombay Government; I had informed Ashoka Mehta, Jayaprakash Narayan and Harris. I could do nothing more. I did whatever was possible for me to do. If nobody took any action, it was not my fault."

21.218 A significant part of Mr. Angad Singh's statement is that Madanlal told him that nothing would happen to him as the police were on his side and that even on the occasion of the assault on Patwardhan nothing happened to him because he was asked by the police to throw away the knife and then he was discharged.

Professor Yajnik—

21.219 Another witness on this point is Professor Yajnik, witness No. 29, who was another professor in Ramnarain Ruia College in 1947-48. To him Professor Jain had talked about Madanlal about a fortnight before assassination of Mahatma Gandhi. Jain had said that he had information that there was a conspiracy to assassinate Mahatma Gandhi. This he (Yajnik) was not prepared to believe. Yajnik advised Jain to go and inform the Government and three or four days later Jain informed him that he had done so. After Mahatma Gandhi's assassination this witness asked Jain as to what he had done about the matter and his reply was that he had met the Minister but had received a cold reception from the Home Minister who did not properly hear him and treated him rather brusquely. Professor Yajnik stated that he himself did not believe that anybody would injure Mahatma Gandhi. That is why he kept quiet about the matter till after the bomb was exploded.

21.220 To sum up the evidence of Professor Jain, Mr. Angad Singh and Professor Yajnik, Madanlal came to him (Jain) in September 1947 and again in December 1947. He told him that a Seth, whose

name was subsequently found to be Karkare, helped him. This Seth was running a hotel and his name was disclosed to the Professor in December. Madanlal, a month before the throwing of the bomb, came to see Professor Jain and gave him an account of his exploits in Ahmednagar. On that occasion he was accompanied by the Seth, i.e., Karkare, and then they went away. Sometime later when Professor Jain was returning from his college, Madanlal talked to him confidentially and told him after some conversation that there was a conspiracy to murder and the person to be murdered was Mahatma Gandhi. The Professor started arguing with him and thought that he had talked Madanlal out of that evil intention. But he felt perturbed all the same. So he talked to his friends, Angad Singh, Professor Yajnik and Mr. Shriyans Prasad Jain, who all said that Madanlal was bragging.

21.221 Three or four days before the bomb was thrown, Madanlal again came to see Professor Jain and told him that he was going to Delhi. Professor Jain warned him against doing anything criminal but Madanlal told him a yarn that he was going to get married and on his return would see the Professor.

21.222 It was after the bomb was thrown that the Professor thought that the matter was serious and then saw Mr. Morarji Desai after making unsuccessful attempts to see Sardar Patel, his son Dayabhai, and Mr. S. K. Patil.

21.223 This evidence in regard to the movements of Madanlal slightly vary from what Professor Jain stated in court, but any such variation does not take away from the veracity of the statement which was accepted by the court. (See judgment of Judge Atma Charan at page 57).

21.224 Mr. Angad Singh, witness No. 28, stated that he told Professor Jain not to take Madanlal seriously because refugees did talk in that strain that they would kill Mahatma Gandhi or Nehru or others. He also stated that when Mahatma Gandhi decided to go on fast in connection with rupees 55 crores, the matter of murdering him had been dropped by the conspirators. Jain told him that he had tried to talk Madanlal out of his attempt but Madanlal had replied that he could not now get himself out of it because in that case he (Madanlal) himself would be murdered and that he was being constantly watched by his companions and had come to Professor Jain surreptitiously. After the payment of rupees 55 crores, the conspirators had again made up their minds to murder Mahatma Gandhi, and Angad Singh could not say whether Professor Jain tried to stop him after that.

21.225 Professor Yajnik, witness No. 29, stated that Professor Jain had informed him about his information regarding the conspiracy to murder Mahatma Gandhi but he (Yajnik) did not believe it and asked Professor Jain whether he was joking. When he said that he was serious, then Professor Yajnik advised him to inform the Government. Professor Jain also thought the matter serious. Three or four days later, when he (Yajnik) asked Professor Jain whether he had informed the Government, he said that he had.

21.226 After discussing all this, Mr. Kotwal rightly argued that, in the circumstances, Professor Jain should not have taken Madanlal's statement to him to be mere bragging and he should have taken

earlier action. Commission also is of the same opinion. But Professor Jain, for reasons best known to himself, was trying to give information to Mr. Jayaprakash Narayan, to Mr. Ashoka Mehta, Mr. Harris and others, in which he does not seem to have been successful. And he even consulted his friends Angad Singh and Professor Yajnik whose assessment was diametrically opposite to each other, the former thinking it to be a mere bragging and the latter took it to be serious. But the fact remains that no information was given before the bomb was exploded. But even the information given after the explosion does not seem to have led to any tangible results; perhaps, earlier information might not have resulted differently.

21.227 It may be added that Angad Singh also stated that he gave this information both to Mr. Ashoka Mehta and Mr. Harris. They appeared as witnesses and denied this fact.

21.228 Mr. Purshottam Trikamdas also had some knowledge conveyed to him by a person whose name or identity he does not remember, but he took him to Mr. B. G. Kher and then to Mr. Morarji Desai. But that man also could disclose no names and only said Mahatma Gandhi's life was in danger. Evidently, Mr. Morarji Desai thought that the man was dotty, but Mr. Purshottam considered him to be quite serious.

21.229 So, it comes to this that the only person who had any definite information in regard to danger to Mahatma's life was Professor Jain who had shared his knowledge with his friends who considered the information to be not exactly serious or reliable. But, in the opinion of the Commission, it was the duty of Professor Jain to have conveyed this information even to the highups like the Ministers and leaders of the Congress, if he for some justifiable reason was not prepared to go to Mr. Nagarvala or to Mr. Barucha or even to the Chief Presidency Magistrate against whom Professor Jain could not justifiably have any antipathy or be afraid of him. It is not an easy matter for a private citizen to give information of this kind to a policeman whether high or low because there is always fear of a brusque treatment with interrogations, harassment of being called at police stations etc.

21.230 Mr. Jayaprakash Narayan, witness No. 98, when asked if he could remember sending a man to Mr. Purshottam, Bar-at-Law, with the information of danger to the life of Mahatma Gandhi, replied that he had no such recollection and he could not have done it because he could not believe that any one could contemplate murdering Mahatma Gandhi. He also stated that he had no recollection about Prof. Jain coming to him. He said that there were political differences of the Kesari School and the Savarkarites but not so acute or violent as to lead to murder.

CHAPTER XXII

TERMS OF REFERENCE (c)

22.1 In Chapters 12G and 12H the action taken at Delhi both before and after the bomb has been discussed. Similarly, under Chapters XV-Poona, XVI-Ahmednagar, and XVIII-Bombay, the Commission has at length discussed both the conditions prevailing there, and the action taken before and after the bomb, in those towns and cities.

22.2 After the bomb was exploded at Birla House, there were two investigations, one at Delhi and the other at Bombay although objection has been taken to calling the police proceedings at Bombay as 'investigation'. But the two of them, i.e., the investigation at Delhi and at Bombay, were simultaneous, complementary and supplementary. They have been given separate chapters under this term of reference because it was more convenient to do so.

22.3 As a matter of fact, all the chapters dealing with the conditions in various cities and towns would properly fall within the ambit of term of reference (c), i.e., chapters XII to XVI, and chapter XVIII, but it was more convenient to discuss and deal with them at a previous place and that is why they have been put there.

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CHAPTER XXIII

INVESTIGATION AT DELHI

23.1 The following facts may be given as prefatory.

23.2 The bomb was exploded at Birla House at about 5.30 P.M. on the 20th January, 1948. Madanlal was arrested at the spot. Godse and Apte escaped the same night and went to Cawnpur and Allahabad en route to Bombay. Badge and Kistayya also left the same night by the Bombay Express and went straight to Poona. Karkare and Gopal Godse were in Delhi on the night of the 20th. According to one version, they were both staying at Frontier Hindu Hotel. According to another, Karkare was not staying there. But that is immaterial, Gopal Godse left by the Frontier Mail on the 21st for Poona via Bombay. Karkare stayed at different places according to his own statement and left Delhi on the 23rd at about 3 P.M. and by short rail journeys and bus journeys reached Kalyan on the 26th morning.

23.3 Godse and Apte returned to Delhi by Air India plane on the 27th morning. From the Airport they went to the Delhi main Railway Station, got the Gwalior train and returned to Delhi on the 29th morning and stayed in a retiring room at the Delhi main Railway Station under assumed names. Karkare returned to Delhi by the Frontier Mail on the 28th, stayed the night in the third class railway waiting room and the next day he met Apte and Godse. They were in Delhi on the 29th and the 30th and after the murder Apte and Karkare came to the Delhi main Railway Station and slept the night at the platform mixed up among the refugees. On the next day, they left by G.T. Express for Itarsi at about 2.30 P.M. and from there caught the Allahabad Bombay Express at Itarsi. This will show the short duration of the stay of these various persons in Delhi, and the Commission has to take into consideration the fact that not one of them was known to Delhi Police and the Delhi Police had not taken the proper course of investigation by trying to find out from Ahmednagar and from Poona as to the particulars and the associates of Karkare. At that time, the name of Apte was not known to them. But by the 24th they had come to know of the proprietor of the "Hindu Rashtra".

23.4 The Delhi Police during the period between the 20th and 30th January were depleted in numbers by the Muslim police having gone away to Pakistan and attenuated in ability by the clever Muslim officers going away and by a dilution caused by the entry of a number of officers from different northern provinces. Thus, the police had suffered numerically, professionally, and in cohesion. Besides, there was want of proper direction as the top brass was lacking in confidence in each other, if they were not actually quarrelling with each other.

23.5 What steps were taken by the Delhi Police after the bomb explosion is shown by the Police Case Diary of F.I.R. No. 40, i.e., the

First Information Report, made by Mr. K. N. Sawhney, Magistrate of Karnal. That is a record of their investigational progress, of the persons examined and of facts discovered therefrom. It will also show who were the suspects in the commission of the offence, how their names came to the knowledge of the Police and what efforts, if any, were made to follow up the clues of which they became aware during the course of their inquiries. It will also show their successes, their failures, where they tripped or where they showed exceptional investigation ability.

Case Diaries of F.I.R. No. 40—Bomb Case

23.6 The police diaries of the Bomb Explosion case begin with the first Information Report on January 20, 1948 at 6.00 P.M. under the heading 'F.I.R. No. 40 of 1948'. The first entry is the First Information Report made by Mr. K. N. Sawhney, P.C.S., Magistrate 1st Class, Karnal, (Witness No. 25), who had come to attend the Mahatma's prayer meeting. The First Information was that the informant had come to attend the prayer meeting at about 5.00 P.M. and at 5.30 P.M. he heard a sudden explosion as a consequence of which the loud speakers ceased working and nothing could be heard. On hearing the explosion, he rushed towards the side from which the noise came and he found that there was a hole in the back wall and a young man whose name was later disclosed to be Madanlal, a refugee, was standing there and had been caught hold of by Babu Ram Gupta, Sgt. Ramchander, F.C. Rattan Singh, and Bhoor Singh, an employee of Birla House. Smt. Salochna wife of Nanakchand, and two little boys were also present and they said that Madanlal, the man arrested, had placed the bomb on the wall and had ignited it with a match stick, and that he had alighted from a car in which there were three other persons, and one of the little boys gave the number of the car as DLH 9435 which turned out to be a wrong number.

23.7 According to the evidence of Sub-Inspector Dasondha Singh, (Witness No. 14), who was then S.H.O. in charge of Tughlak Road Police Station, some Head Constables and Constables were present but he was the first officer to arrive at the spot at about 6.00 P.M. Mr. Sawhney made his report in writing which he (the S.I.) sent on to the Police Station with his own endorsement and there the First Information Report under sections 4 and 5 of the Explosive Substances Act was recorded, and subsequently sections 307 and 120B of I.P.C. were added.

Mr. K. N. Sawhney, Wit. 25—

23.8 Mr. Sawhney, witness No. 25, has stated that he did not see the car nor the other companions of Madanlal but the people were saying that Madanlal and three others had got down from a car and Madanlal had ignited the bomb. As a result of the explosion the back wall of the compound was damaged. A little while after the bomb explosion, the Prime Minister, the Hon'ble Mr. Jawaharlal Nehru, arrived. Mr. Sawhney was called by Mahatmaji who said to [digitised by sacw.net]

him. "the boy was bahadur (brave)" and he compared him to Bhagat Singh. And then the Mahatma said: "BACHE HAIN, ABHI YEH SAMJHATE NAHIN HAIN, MAROONGA TO YAAD KARENGE KE BOODHA THEEK KEHTA THA" (These are youngsters. They do not properly appreciate things. When I am dead, then they will remember that what the old man said was right). The Mahatma, according to this witness, took the whole thing in a very philosophical way. He was not un-nerved and did not show any fear but just smiled.

23.9 Madanlal was searched in the presence of the witness (K. N. Sawhney) and a live hand-grenade was found from his pocket

23.10 In his cross-examination he stated that there was no restriction on the visitors to the prayer ground. He also said that he could not say whether the Mahatma knew that there was danger to his life but he was not perturbed at the bomb explosion.

23.11 The First Information Report contains the various particulars which at the moment are not relevant, but what was done by the police is. The Sub-Inspector Dasondha Singh (Witness No. 14) searched the person of Madanlal and among other things he recovered a live hand-grenade with military markings, indicating a murderous intent and not a mode of protest. Then the description of the arrested person was given and the report written at Birla House was sent to the Police Station. Instructions were issued for the despatch of special reports and higher officers were informed of the incident on the telephone. The police officers who thereafter arrived at the spot were Superintendent Amar Nath Bhatia of New Delhi, Superintendent Pt. Jagan Nath of Delhi City, Deputy Superintendent Jaswant Singh of New Delhi, Deputy Superintendent Kartar Singh of C.I.D., Inspector Mehta Kartar Singh of C.I.D. and Inspector Balkishan also of C.I.D.

The articles recovered from Madanlal after immunising were put in a packet and sealed.

23.12 The bomb explosion had caused a hole in the north-western corner of the servants' quarter of Amar Singh Gurkha, who was a chauffeur in the House.

23.13. Description is then given of the servants' quarters at the back and of the place where Mahatmaji used to sit for his prayers. It is not necessary to give a description of the prayer ground which is apparent from the plan. ex. 45 and ex. 274. the former is a pencil sketch and the latter by a Draftsman.

As the case was of special importance, a site plan was ordered to be prepared by a Draftsman. Ex. 274. Madanlal was interrogated, but he did not give any useful information. The interrogation was by Deputy Superintendent Jaswant Singh, Inspector Mehta Kartar Singh, and Superintendent Jagan Nath. Statements were also recorded of the persons who were present at the time of occurrence.

23.14 Head Constable Dharam Singh, who was a Guard Commander at Birla House, stated that Foot Constable Rattan Singh and he were present on duty at the prayer ground, the latter being armed. After the Mahatma took his seat and started his prayers, there was an explosion and the person who exploded the bomb was arrested at the spot and information was sent on the telephone to the officers at once. According to his statement, the search was conducted by these people and among other things a hand-grenade was recovered.

23.15 Deputy Superintendent Jaswant Singh, Inspector Balkishan and Sub-Inspector Dasondha Singh took Madanlal from Birla House to Parliament Street Police Station for further interrogation. Madanlal was interrogated under the direction of Deputy Superintendent Kartar Singh (C.I.D.), Superintendent Amar Nath Bhatia (New Delhi), Superintendent Rikhikesh (C.I.D.). He gave his antecedents of where he came from, of his education and his attempt to join the Navy, of his staying in Bombay, of going to Poona and joining as an electrician in the Civil Military Unit, Poona. He then was sent to Lahore to the R.I.E. After retrenchment, he returned home. After the partition he stayed at various places and reached Bombay during November, 1947 and after staying at a Gurdwara for 3 days he was sent to a refugee camp where he stayed for 6-7 days, then went to Hindu Mahasabha for employment and met the Secretary, a Mr. Savarkar. He stayed there for several days where there were heated discussions about Mahatma Gandhi and the policy of the Government. Mahatmaji's speeches in favour of the Muslims were looked down upon with contempt. He also gave to those people the story of how the Hindus were driven out and their women were molested and being a refugee, "he too bore vengeance in his heart". He then met one "Kirkree" (really Karkare) who held the same views. He (Kirkree) used to incite Madanlal for an attempt on the life of the Mahatma. Karkare also had other Maratha companions of whom one was Maharaj, a Manager of *Rashtria Paper*, who was also in the conspiracy. All conspired together to murder Mahatma Gandhi. But (Karkare) Kirkree did not mention to him the details about the others.

[**NOTE**—The language is rather obscure but this is what is stated in the case diary.]

23.16 No details of movements are given but the statement starts with the movements of January 17, 1947 when Madanlal, "Kirkree" and a Sindhi who joined them en route from Bombay to Delhi. At Delhi they rented a room in Sharif Hotel, Fatehpuri. On 19th January, 1948 they went to Hindu Mahasabha Bhawan at the instance of "Kirkree". The Sindhi then left and the others took up residence at the Hindu Mahasabha Bhawan in room No. 3. The Maharaj and the Maratha were staying in room No. 40 at the Marina Hotel. On 20th January, Kirkree took them to the Marina Hotel where in the latrine of the room he "trained them in the use of arms".³¹ It then describes what weapons were given and to whom. It mentions a young boy, aged 20-21 wearing a Gandhi cap, a Maratha with long hair and a beard like Sikhs with a revolver. The boy who appeared to be a servant of the Maratha had a hand-grenade. Kirkree also had a hand-grenade. All of them, i.e., Kirkree bearded Maratha and the

servant armed as above-mentioned reached Birla House on the 20th January a little before the prayer time.

23.17 The task assigned to Madanlal was to explode the bomb and others were allotted the task of shooting at Mahatma Gandhi with the revolver. He (Madanlal) carried out his job but as it was unsuccessful, the others escaped in a car. He then stated that he did not throw the grenade at the prayer meeting because he had no plan to kill anybody except Mahatma Gandhi. The reason for murdering him was that the Mahatma was evacuating refugees forcibly from the mosques and was instrumental in the giving of 50 crores of rupees to the Muslims and he helped the Muslims. He disclosed that the other culprits might be in the Marina Hotel or in the Hindu Mahasabha Bhawan. He (Madanlal) had made a disclosure because the others had deceived him and run away and he considered it his duty to get them arrested. Then he gave the description of his companions as follows—

1. Mahratta (with beard), thin body, moustach and beard like Sikhs, height 5'-4", aged 32/33. generally wears a turban: light black colour.
2. Mahratta, wheatish colour, thin body, keeps his lips tight, small eyes, size 5'-6", aged 22 years, can speak Punjabi.
3. Kirkree (Marhatta), wheatish colour, round face, small eyes, wears spectacles, thin hairs (some?) on cheeks and chin, height 5'-5", aged 34/35 years. Can speak Hindustani.
4. Mahratta, light black colour, round face, English cut hairs, height about 5'-2/3". aged 20 years.
5. Editor Rashtriya and Agrani (Marhatta Newspaper), Caste Marhatta, name not known, but gives out his name as Deshpande, light black colour, keeps his face muffled with muffler, height 5'-5½". Aged 32 years. Speaks Mahratti only.
6. Mahraj, black face, stout (mazbut) body, height 5'-3", aged 33/34 years".

All this is contained in paragraph 15 of the first day's diary.

23.18 Under the orders of the superior officers, Sub-Inspector Dasondha Singh with Deputy Superintendent Jaswant Singh, Inspector Balkishan and Inspector Mahta Kartar Singh and Inspector Ram Chander of Parliament Street Police Station and other constables went to the Marina Hotel taking Madanlal with them. There they met Ramchander, the Reception Clerk of the Hotel, and Pacheco, Manager of the Hotel. They found that the two men who gave their names as S. Deshpande and M. Deshpande and who were shown as residents of Bombay, had occupied room No. 40 at 8.30 P.M. on January 17 and left on January 20. Copies of the entries in the hotel register were taken and they have been placed in the police diary. The room was then searched and a typed sheet of paper

in English was recovered from one of the table drawers bearing name "Ashutosh Lahiry", General Secretary, All India Hindu Mahasabha. It was the statement of that person in regard to the fast of Mahatma Gandhi. In that statement, Lahiry denied that they could ever be a party to the implementation of the 7-point programme put forward by Mahatma Gandhi, and that they were opposed to the basic policy of Mahatma Gandhi and his followers in regard to the treatment meted out to Muslim minorities in India. It added that, having regard to what was happening in Sind and the cold-blooded massacre of 2000 refugees at the Gujarat (Punjab) Railway Station and numerous instances of what the League leaders had been saying, it was a "most disastrous policy" for the leaders of Indian Government to give effect to the 7-point programme of Gandhiji.

23.19 From this recovery the police suspected a Hindu Mahasabha connection with the bomb throwing.

23.20 After that the diary contains the statements of Ramchandar and Pacheco.

23.21 The police then went to the Hindu Mahasaba Bhawan. It was adjacent to Birla Mandir. Room No. 3 was searched but nothing incriminating was found. And nothing further was done because it was mid-night.

23.22 The entry at 12 mid-night is that the investigation was going on under the supervision of superior officers.

23.23 The diary was closed. But it appears it was sent to the S. P. on the 24th January, 1948.

23.24 Sub-Inspector Behari Lal had been sent to search for car No. DLH 9435. The traffic staff had also been alerted in order to arrest the culprits. It was at this state that the police also added sections 307 and 120B I.P.C. to the list of offences. It mentions that under the orders of the superior officers, further interrogation of Madanlal would be conducted by officers of the C.I.D.

23.25 The diary then contains the statements of the various witnesses who were examined on that night, including those who saw the bomb being exploded and took part in the arrest of Madanlal and the search of his person.

23.26 A significant statement is that of Chhotu Ram who was one of the servants of Birla House. He disclosed, among other things, that Madanlal along with 3 others got down from a car. One of them had light black complexion, lean body, long beard and moustache, height about 5'-4" the second had a wheatish complexion, the third also had a wheatish complexion, small eyes, height about 5'-6". They surveyed the prayer ground and returned later at about 5.00 P.M. One of them wearing a Gandhi cap approached the witness and said to him that he wanted to photograph the Mahatma from the trellis (jali) work of the quarter (near ventilator of my quarter) but the witness hesitated as his family was inside. The young man tried his level best to persuade him and even offered him Rs. 20/- as a temptation. He then asked the man to show his camera and also told him that he could take the photograph from the front side, i.e., in the prayer meeting itself. The man got confused and went

Case Diary No. 2—

23.27 The second diary is of 21st January and begins at 4 P.M. This is also by Sub-Inspector Dasondha Singh. This diary mainly concerns the car that was used by the culprits, which was green in colour, and Madanlal and 3 others alighted therefrom, one of whom had "large (long) hair and beard, middle sized, light black colour;..... the second had wheatish colour, round face height 5'-3/4"; the third wheatish colour, thin body and small eyes, height 5'-6"..." Madanlal was talking in whispers.

23.28 At 5 P.M. the entry was that a special informer had been put on to trace out the offenders, that it was probable that one of the members of the Birla House might have had a hand in the conspiracy, that Inspector Dayal Singh had obtained remand of Madanlal to police custody and he was lodged in Civil Lines Police Station lock-up and was being interrogated by Inspector Jai Dayal, Inspector Dayal Singh and other officers of the C.I.D. As regards the number of the car, it appeared that the accused had used a fictitious number, in fact the number given was that of a GNIT bus; and the car had not upto then been traced.

Case Diary No. 2-A—

23.29 The next Police diary is 2-A of Inspector Dayal Singh dated 21st January beginning at 10.30 P.M. It mentions that a remand had been asked for because the companions of the accused and the remaining property must be recovered at the pointing out by the accused who was produced before the Special Magistrate, New Delhi, and remand was taken up to February 3, 1948. The significant entry is "the accused was interrogated up to this time, but for contradictory (*mukhtalif*) statements he disclosed nothing additional, and did not disclose correct information about his accomplices. The accused was instructed accordingly". The diary ends at 6.30 P.M.

Case Diary No. 2-B—

23.30 The other diary of that date is by Deputy Superintendent Jaswant Singh, No. 2-B, and purports to be from Bombay. At mid-day the entry is that he (Jaswant Singh) and Inspector Balkishan of C.I.D. were ordered to go by air to Bombay for investigation. They had been ordered that they should contact Mr. Nagarvala, Deputy Commissioner of Police, and give him all the facts and he would give his full assistance. They were instructed that if it was necessary to go to Poona to contact Mr. Gurtu, Assistant to the Deputy Inspector General (C.I.D.); they could get the assistance of Mr. Nagarvala "who will send his special officer with them". This diary also shows that they left for Bombay by 4 P.M. plane and reached there at 10.30 P.M. and stayed at the Universal National Restaurant and they would meet Mr. Nagarvala the next day. This diary does not show what documents were taken by the Police officers with them, nor whether they had a requisition under S. 54 (ninthly) with them.

Case Diary No. 3—

23.31 Next we have case diary No. 3 dated 22nd January beginning at 10 A.M. and closing at 6. P.M. by District Inspector Dayal Singh. At 10 A.M. the entry is that Inspector Jai Dayal and this officer interrogated Madanlal. But he was giving contradictory statements. Whatever he had stated had been conveyed to the Deputy Superintendent. The accused confessed his guilt and was prepared to point out "about himself and the accomplices on the spot". At 2.10 P.M. the accused was taken to Birla House. At 2.30 P.M. he gave full account of his entry into Birla House and pointed out the places which he and his companions had visited. Sub-Inspector Dasondha Singh pointed out that the accused was giving incorrect statements regarding himself. The accused was then taken to Civil Lines and he was advised to state true facts and not "indulge in incorrect statements".

Case Diary No. 3-A—

23.32 We have then the most important entry in the case diary, No. 3-A, of Deputy Superintendent Jaswant Singh purporting to be from Bombay. This begins on 22nd January at 8 A.M. and closes at 8 P.M. It states that at 9.10 A.M. these officers met Mr. Nagarvala at his house. "He said that he had already been apprised of the full facts of this case and that he had already had a talk with higher authorities of Delhi on phone and that he had posted special officers of the C.I.D. at strategic points. He had made proper arrangements for the tracing of the alleged suspects and had posted men on the railway station.....". Mr. Nagarvala also told them that he did not want them to stay where they were staying because he did not want their arrival to be known to others which would frustrate the arrest of persons and he ordered them to get into *masti* and meet him at the C.I.D. office. At 10.30 A.M. the entry in the diary is as follows:—

"At this time I along with Inspector reached the office of C.I.D. by taxi and contacted Mr. Nagarvala and again acquainted with full facts of the case and an English note, which incorporates a precis of Madanlal's statement with the note of Superintendent of Police, New Delhi, at its foot, was handed over to Mr. Nagarvala Sahib who read this note carefully and kept it. He returned a written note covering this case, which is attached. Nagarvala Sahib was also acquainted with facts concerning Krakree. It was also brought to his notice that Madanlal accused had stated that he did not know the name of his associates but had said that he was Editor of Hindu Rashtriya or Agrani Newspaper, who was of light black complexion, aged 33/34, height 5'6". It is not known whether this Editor belongs to Bombay or Poona. Apart from this, he was also acquainted with the descriptions of the three other Mahrattas and Maharaj who according to the accused were his companions. Special stress was laid on the immediate apprehension of the Editor of Hindu Rashtriya or Agrani Newspaper, and Krakree of Ahmad Nagar, whose mention was specially made by the accused in his statement; so that they may be interrogated. (ta ke un se daryaft amal men lai jave)".

The relevant portion of this diary in the original Urdu is as follows:-

یہ 10 بجھے دن - نسرو 3 - اس وقت مدد انسپکٹر صاحب دفتر پولیس سی - آئی - ذی بوادی تیکسی پہنچے - مستر نکروالا صاحب کی خدمت میں بیوہ ہوئے - جن کو بو دوبارہ جملہ حالات مقدمہ هذا بتلائی دئی - ایک یادداشت انگریزی جس میں مختصہ ہمان مدن لال ملزم اکٹھیزی میں درج ہے اور اس کے نوچے یادداشت S. P. صاحب نبو دھلی کی درج ہے - جناب سکروالا صاحب کی خدمت میں بیوہ ذی کٹھی - جفہوں نے اس یادداشت کو بنو پوہا اور اپنے پاس یادداشت رکھی - تھہربویں نوٹ متعلقات مقدمہ هذا وابس دن - جو کہ نف معاذ ہے - جناب نکروالا صاحب کو Karkra کے متعلق تمام حالات واضم کئے کئے اور مزدہ ہے بھی عرض کیا کہ مدن لال ملزم نے یہ بھی بتلایا تھا کہ ہرامن ملزمان میں سے ایک ملزم جس کا نام نہیں جانتا - ملدو داشتیہ بہاری اخبار کا ایڈیٹر تھا - جس کا نزک سازوں کا عمر 33/34 سال - وہ تقریباً 5 بیان کرتا تھا - یہ معلوم نہیں کہ وہ ایڈیٹر بمیٹی ہے یونہ کا ہے - اس کے علاوہ دیگر تین معرفت و راجہ صاحب جو کہ اپنے ہرامن ملزم بیان کرتا تھا - کے طبقہ بتلائے کئے - ایڈیٹر عدو داشتیہ یا بہاری اخبار اور Karkra - اسکی احمدنگر کے متعلق مستر نکروالا صاحب کی خدمت میں خاص طور پر ڈو دھا کیا - کہ لئن کا ذکر ملزم کے بیان میں صاف ملے ہے اچھا ہے - ان کی کرفتائی کی بھلہ کوشش کی جاوے - نادہ ان سے دویافت عمل میں آئی جا سکے -

The point to be noted in regard to this diary is that besides the name of Karkare which was written as "Karkara" the editor of the *Hindu Rashtriya* or the *Agrani* newspaper with his description and of his belonging to Poona was also mentioned as also the description of the 3 other Marathas and Maharaj who, according to Madanlal, were his co-conspirators, and special stress was laid on the immediate apprehension of the editor of the *Hindu Rashtriya* or the *Agrani* and Karkare of Ahmednagar.

23.33 At 11.30 A.M. the entry is that Mr. Nagarvala had said that the conspirators consisted of about 25 persons and that he had posted special staff for apprehending Karkare in Bombay and Poona, that he was tracing other suspects, and that he did not want them to be arrested at the moment because this might affect the arrest of other suspects. He also said that he would accompany them to Ahmednagar on receipt of information which he was awaiting and advised them not to go there alone. He sent for an Inspector and instructed him to make arrangements for the lodging of the two Delhi officers.

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that he had booked a call to Ahmednagar as well as to the D.I.G., C. I. D., Poona, and that he would discuss the matter with the Home Member, Bombay, and then take further action.

23.34 At 2 P.M. the entry is that they reached the house of Inspector Kargaonkar; and at 4 P.M. the entry is that they went to the C.I.D. office and the Inspector, C.I.D., Bombay, said that they were not needed and could go back to the house where they were staying and should await orders there.

23.35 At 7.30 P.M. they were informed by their host and two other officers that they had traced the suspects and men had been posted and he was confident that the whole matter will end successfully. But regarding "Karkra" he said that an Inspector of Police was coming from Ahmednagar, and after getting information of the full addresses of Karkare and of the Editor of the *Agrani* or the *Hindu Rashtriya* a report about their arrest would be sent. This diary closes at 8 P.M. at which time the two officers "went off to sleep". "Shab bash" really retired for the night.

23.36 Along with this diary there is a document which for the purpose of identification the Commission has marked as Ex. 5, the original of which is Ex. 5-A, and a photostat copy of the document has been put in the chapter Ex. 5-A. Now this document consists of one page and is written on both sides. Part of it is in the hand-writing of Sub-Inspector Ram Chand Bhatia, witness No. 42, who retired as Superintendent of Police, Jodhpur, and the rest is in the hand-writing of Superintendent Amar Nath Bhatia. There is at the bottom of right hand corner at the back of the page a writing consisting of 11 words written one under the other, which have been enclosed in red pencil mark. The portion upto "we went in a tonga" at the back is in the hand-writing of Ram Chand Bhatia and the rest from A to A-1 is in the handwriting of Superintendent Amar Nath Bhatia. It is a document which is very cryptic and there is a great deal of controversy as to when it was compiled, why it was compiled and whether it was taken to Bombay by the two Police officers or not, or was something else taken by the Police officers. As this is a matter which requires a very careful scrutiny the statement of various witnesses connected with this document will be discussed at length at a later place as separate chapter *sub nomine* "Ex. 5-A".

Diary No. 4 of 23-1-48—

23.37 Diary No. 4 by Inspector Dayal Singh is dated January 23 and begins at 10 A.M. In paragraph 2 therein it is stated that the accused was interrogated. He was asked to disclose true facts. "He said that in fact he had made an incorrect statement but now he was prepared to depose the truth. Therefore I begin to record his statement". While the statement was being recorded, Mehta Puran Chand, Advocate, sought an interview with the accused and he was directed by the Police to seek the permission of the Superintendent of Police. The entry of 8.15 P.M. is "up to this time the statement

of the accused was recorded". As it was late the recording was evidently stopped and the accused was sent back to the lock-up.

Diary No. 4-A of 23-1-48—

23.38 The same day diary 4-A is by Sub-Inspector Dasondha Singh. It begins at 11 A.M. and deals with the investigation at the Marina Hotel, Kaliram, a bearer of the Hotel who was in charge of Room No. 40, was examined by the Police. He stated that two persons, who were Mahrattas and spoke Marathi and knew "little" Hindustani, had on January 17, 1948 given clothes for washing to the "dhobi" which were a white shirt, a Jawahar-cut waistcoat and a towel which bore the mark 'NVG', the other clothes had no markings. The receptionist Ram Chander disclosed as to who carried their luggage when they left. There is no indication of any importance being attached to the discovery of 'N.V.G.' or any use having been made of it.

23.39 The next important entry is at 3 P.M. and it mentions that Inspector Dayal Singh was busy interrogating the accused in Civil Lines Police Station and also that Kali Ram bearer was being secretly watched as a result of the instructions given by Deputy Superintendent Kartar Singh. The statement of Kali Ram recorded by the Police contains a description of the two Mahrattas, who were living in Room No. 40 of the hotel.

Case Diary No. 4-B of 23-1-48 from Bombay—

23.40 Case Diary No. 4-B is by Deputy Superintendent Jaswant Singh purporting to be from Bombay. It is marked as Ex. 39. It begins at 10 A.M. of the 23rd January, 1948. It shows that Mr. Nagarvala gave Jaswant Singh a list of passengers who travelled from Bombay to Delhi between January 13 and 20 but Jaswant Singh did not find anything useful in that list. The entry of 12 noon is that Inspector Kargaonkar had informed them that a Police Inspector from Ahmednagar had come and had contacted Mr. Nagarvala and that "Kirkree was not present in Ahmednagar". But the C.I.D. had been instructed to search for the Editor.

23.41 The next entry is that inquiries were made about Kirkree (Karkare) from Inspector C.I.D., Bombay, and he was requested to inform them about the suspects who were responsible for the occurrence. The Inspector had disclosed to Deputy Superintendent Jaswant Singh that the real name of Kirkree was V. R. Karkra and he was the owner of the Deccan Guest House, Ahmednagar and was a zealous worker of the Hindu Mahasabha; and his co-workers were Badge of Poona, Avtar Singh of Amritsar, Talwar of Karachi, Balraj Mehta of Lahore, who also were Hindu Mahasabha workers. The entry at 12.30 P.M. is that Mr. Nagarvala had returned to the office and said that he was trying to arrest the suspects and he also said to the Delhi officers that they were not needed and whenever he would need them he would send for them. "And ordered in plain

words that we should return to Delhi. At this stage we submitted to the Deputy Commissioner Sahib that according to the statement of our accused Karkra's name and that of editor of 'Agrani' or 'Hindu Rashtriya' had been mentioned; the name of Karkra and the address of the editor of the 'Agrani' or 'Hindu Rashtriya' had been traced (*Nam zad ho gaya hai*). If apprehended, they should be sent to Delhi under special guard. He consented to it and said that on our return to Delhi if we elicit anything useful from the accused Madanlal he will be informed".

23.42 Thus this Police diary makes some very significant assertions: one, that the Delhi Police officers were informed that Karkare was the owner of the Deccan Guest House, four of his associates were mentioned and Mr. Nagarvala had directed these officers to return to Delhi; and that they again informed Mr. Nagarvala that Madanlal had named Karkare and had mentioned the editor of the 'Agrani' or the 'Hindu Rashtriya'. This is a re-assertion of the mention of the editor of the 'Hindu Rashtriya' or 'Agrani' to the Deputy Commissioner.

23.43 Therefore, this diary is a document of the utmost import and significance and read with the diary No. 3-A and Ex.-5-A it will give quite a different complexion to the whole case, very different from what Mr. Kotwal has been trying to present, provided they are a correct representation of facts.

Case Diary No. 5 of 24-1-1948—

23.44 The next diary is diary No. 5 written by Inspector Dayal Singh which begins at 9.30 A.M. on January 24 and closes at 9.30 P.M. At 10.00 A.M. the interrogation of Madanlal was commenced by Inspector Dayal Singh and Jai Dayal. At 12.00 noon the entry was that Inspector Jai Dayal was sent to type the statement, evidently of Madanlal, and that Inspector Dayal Singh continued the interrogation. He received an order from the Superintendent of Police, New Delhi, allowing Mehta Puran Chand to interview Madanlal. It was allowed and after the interview was finished the recording of Madanlal's statement was continued which finished at 9.30 P.M. and it was taken by Inspector Jai Dayal to the Deputy Superintendent of Police, C.I.D.

Case Diary 5-A of 24-1-48—

23.45 Case diary 5-A is again by Sub-Inspector Dasondha Singh showing that the houses of the relations of Madanlal were searched and one of them, Dr. Ahooja, stated that Madanlal visited him on January 17 at about 11.30 A.M. when he arrived from Bombay in company with his friends in connection with some business and he was staying at a hotel near Fatehpuri. Dr. Ahooja also stated that Madanlal's father was injured during the communal riots at the time of partition. The other relations disclosed nothing about Madanlal.

23.46 The next entry shows that after 1 P.M. Inspector Kartar Singh and Sub-Inspector Dasondha Singh went to the Sharif Hotel and there found out that three persons had arrived on January 17 at about 2 P.M. and entered their names in the hotel register. They were B. M. Bias, Madanlal, Angachar, shown as Hindu Businessmen from Bombay—Buleshwar. The register also showed their departure for Bombay. The servants of the hotel gave descriptions of these three guests and also that they had given certain clothes for washing which they took away on the day they left the hotel at about 7 P.M. The entry at 5 P.M. mentions the fact again that the conspiracy was to murder Mahatma Gandhi and that it was probable that one of the servant of Birla House was in the conspiracy or one of the accused was working there under the "guise of a servant".

Case Diary No. 6 of 25-1-1948—

23.47 The diary No. 6 of January 25 begins at 12 noon and is by Sub-Inspector Dasondha Singh. In that it is mentioned that it was possible that some of the accused had taken refuge somewhere in Delhi because it appeared that Hindu Mahasabha and R.S.S. had a hand in the conspiracy and they had a strong "foot-hold" in Delhi. Under the orders of Superintendent Amar Nath Bhatia special men were posted at important places in order to trace the culprits. The next entry in the diary is that Deputy Superintendent Jaswant Singh and Inspector Balkishan had returned from Bombay and their diaries had been incorporated in the case diary and that officers of the C.I.D. and Inspector Dayal Singh were continuing the interrogation of Madanlal accused at the Civil Lines Police Station. The Superintendent of Police, New Delhi, was being constantly kept in touch.

Case Diary No. 7 of 26-1-1948—

23.48 The next diary is No. 7 by Inspector Balkishan from Police Station Civil Lines. It is dated January 26 and begins at 10.00 A. M. He started the interrogation of Madanlal. The next entry is at 7.00 P. M. It says that the accused was further interrogated but he did not give any useful information besides what he had already been given. At 7.30 P.M. the entry is that Madanlal was interrogated "today" but he did not give out any useful information concerning the case (*Mufid Bat zahir Nahin Hoti*).

Case Diary No. 8 of 27-1-1948—

23.49 Diary No 8 which is the next diary is again by Inspector Balkishan. It begins at 10.00 A.M. on January 27, and shows that Madanlal was interrogated. The next entry is at 5.00 P.M. where it is stated that the interrogation of Madanlal was continued upto that time, and he has stated that he has already given his true and correct information and he did not disclose anything useful.

Case Diary No. 9 of 28-1-1948—

23.50 Case Diary No. 9 is dated 28-1-1948 and is by Inspector Dayal Singh but does not give anything useful for purposes of the Report.

23.51 The case diary No. 10 which is by Sub-Inspector Dasondha Singh is the next diary which begins at 1.00 P.M. on January 29. It states that the officers of the C.I.D. were recording the statement of the accused separately and that the car which was used for the commission of the offence was of green colour with a railing on it and was driven by a Sikh. Really, the colour given is 'mongia' (light green). The entry at 2.00 P.M. is that the search for the accused and for the taxi used was being continued.

23.52 The next diary is No. 11 by Sub-Inspector Dasondha Singh and is dated 30-1-1948 after 7.00 P.M., i.e. after the murder. It states that Narayan Vinayak Godse accused in the F.I.R. No. 68, relating to the murder of Mahatma Gandhi, was the same person who had gone to Birla House, along with Madanlal, and is his accomplice in the Bomb Outrage Case. "He is the very accused about whom Madanlal stated as Editor of *Rashtriya* newspaper, Poona, and the one who has stayed in No. 40 Room, Marina Hotel". The rest of the diary is not important. But here again there is a mention of Madanlal's disclosing about the editor of the '*Hindu Rashtriya*'. If Ex. 6 was recorded on the date it purports to have been recorded, this information alleged to have been given by Madanlal does not add to anything deserving special notice of the Commission.

23.53 The next diary is diary No. 12 again by Sub-Inspector Dasondha Singh. It says that he, the Sub-Inspector, was busy in connection with the cremation ceremony of Mahatmaji but he was also looking for the accomplices of the accused but nothing useful was discovered. Accused Madanlal was being further interrogated by the other officers and the staff of Inspector Jai Dayal, Rai Sahib Rikhikesh, Superintendent of Police, C.I.D., gave him the statement of Madanlal which was incorporated in the diary in English. In the diary it runs into several pages, from the bottom of page 115 to the middle of page 154 and contained much more information than what was contained in Ex. 1.

23.54 The Case Diary relating to Case, F.I.R. No. 40, as it has been presented to the Commission, read as a whole shows that on the very first day, i.e., on the night between 20th and 21st January, 1948, Madanlal had made a statement, which is contained in paragraph No. 15 of the first day's case diary, wherein he had described his companions; one of them was a "Maharaj", another editor of the '*Rashtriya*' and the '*Agrani*' paper, and one other was Kirkree (real name Karkare). He also gave the description of all the six persons who were with him which is contained in that paragraph. In the list of these person is Editor, '*Rashtriya*' or '*Agrani*' (Marathi newspapers) which is of extreme importance if true. Madanlal continued to be interrogated and his fuller statement was obtained by the police by January 24, 1948 by 9.30 P.M. because the entry in diary No. 5 of that date in the handwriting of Inspector Dayal Singh is that the statement of the accused was closed. It was typed in the office of C.I.D. and Inspector Jai Dayal had taken it to the Deputy Superintendent of Police, C.I.D. Evidently, it was a copy of this

statement which was taken by Mr. Rana when he left on 25th January, 1948. Peculiarly enough, there is no mention of the word "Agrani" in this document, nor is the "editor" mentioned. The person mentioned is the proprietor of the "Hindu Rashtriya".

23.55 The question then arises why a copy of Madanlal's first statement Ex. 6 or 36 was not taken by the Delhi policemen who went to Bombay and why a mere vague kind of a note with the mention of Karkare and editor was taken. From the diary it appears that they left Delhi by the 4.00 P.M. plane and must have reached the aerodrome which in those days used to be at Safdarjang at about 3 or 3.30 P.M. From the time the statement was recorded, which was midnight of 20th January, 1948, there was enough time for a copy of the statement to be typed and taken.

23.56 It was submitted and that perhaps is true that in general notes of statements are taken down briefly and then they are expanded and written into the diaries. The Commission at this stage is not concerned with the propriety or otherwise of the practice. Even if that was so, whatever description was given must correspond to what is contained in Ex. 6, and the Commission will have to see as to how far the descriptions contained in Ex. 6 equate with the description given in Ex. 5-A, if this was the document which was taken by the Delhi Police officers to Bombay.

23.57 In consequence of the information given by Madanlal on the 20th January, 1948 that two of his companions stayed at the Marina Hotel, the following police officers conducted further investigation there—

Deputy Superintendent Jaswant Singh,

Inspector Balkishan.

Inspector Mehta Kartar Singh of C.I.D., and

Inspector Ram Chander (Ram Chand Bhatia).

In the course of their investigation Room No. 40, where Godse and Apte and stayed under assumed names of S. and M. Deshpande, was searched and a document Ex. p-25, a Press statement of Ashutosh Lahiri dated January 19, 1948, was recovered there but nothing else. This showed a Hindu Mahasabha connection of the conspirators. The statements of some of the employees of the Marina Hotel were then recorded. Amongst them was Ramchander, the Hotel Receptionist. Pacheco the Hotel Manager. The Police also visited Hindu Mahasabha Bhawan but beyond examining a sadhu who stayed in Room No. 3 there they seem to have done nothing more.

23.58 Kaliram, who was the bearer incharge of Room No. 40, was examined by the Police on the 23rd January and he stated that both the occupants of Room No. 40, later identified as Godse and Apte, had given their clothes for washing which he brought and produced before the Police. In the recovery memo it is shown that three of them had the mark "NVG", one a towel, another a khaddar waistcoat, and the third a white drill shirt. These had been washed by Kanyaiyalal, washerman.

23.59 Kaliram appeared as a witness at the trial, P.W. 10, and he repeated the story of Nathuram Godse and Apte giving him clothes for getting them washed and he identified both of those

accused. It does not appear anywhere that the Delhi Police made any use of the recovery of these clothes with the markings in order to trace the identity of the owner of those clothes.

23.60 P. W. 8, Mehan Singh, who was the head-bearer in Marina Hotel identified Karkare and Shankar as having taken tea in Room No. 40 occupied by Godse and Apte. Similarly, Gobind Ram, P. W. 11, also a bearer in Marina Hotel, identified Nathuram Godse, Karkare, Gopal Godse, and Badge, and stated that he had seen them in the Hotel. Thus, within 3 days of the arrest of Madanlal the Delhi Police had got 3 more witnesses who could presumably give description of the conspirators and had also got the initials of one of them showing that the names given by them to the hotel were false.

23.61 Although Madanlal had in his very first statement to the police on the 20th January, 1948, Ex. 36, stated in paragraph 15 of the first case diary, that he and Karkare had stayed in the Sharif Hotel, Fatehpur, the police did not go to that hotel to make any inquiries till 24th January, 1948, as shown by Case Diary No. 5-A of that date. There they learnt that three persons had arrived to stay on 17th January, 1948, and left on 19th January, 1948 at 7 P.M. These three persons were V. M. Vyas which is an assumed name of Karkare, Madanlal and Angachari. The register was signed by Madanlal. It appears that these persons had given some clothes to Ram Singh, Bearer, to get them washed from a laundry. It was discovered that Madanlal spoke Punjabi and the other two appeared to be from Bombay side. This was corroborated by Ram Singh, Bearer of the Sharif Hotel, who gave the name of Madanlal and his description and also the description of the other two but his concept of language other than Hindi and Punjabi seems to have been of the vaguest kind because he stated to the Police that amongst the other two, one spoke Bengali and the other Gujarati and Hindustani. He also said that Madanlal had given "10 clothes" at about 3 P.M. and that on the 19th January at about 7 P.M. one of them who spoke Gujarati came to the hotel and took away those clothes. This statement of Ram Singh about the clothes was corroborated by Hari Singh who was also employed in the hotel and the fact that the clothes were given to the laundry named Glacier Dry Cleaners and Dyes, Fatchpuri, was supported by the manager of that laundry. Hari Singh had given the clothes which had been marked urgent for washing. Whether any further information would have been obtained about the persons who stayed in the Sharif Hotel is difficult to say but the fact remains that the Sharif Hotel was not visited by the police till the 24th January.

23.62 As far as the Frontier Hotel, where after the bomb burst Gopal Godse and Karkare stayed, is concerned, the police never made any inquiries there till after the murder when on March 13, 1948 the police went to the hotel to make investigation on directions coming from the investigators at Bombay.

23.64 The investigation at the Frontier Hotel has been described in the Police Case Diaries thus.

23.65 In accordance with the instructions received from Bombay, investigation was conducted regarding Gopal Godse's stay at the Frontier Hotel. There the Manager was examined and he produced a register of residents in which there were two names which are relevant to the conspiracy to murder case: (i) Gopalam S/o Raju of Bombay; and (ii) G. M. Joshi S/o Joshi of Bhuleshwar, Bombay.

23.66 The Manager Ram Prakash stated that he could identify the visitors who stayed in his Hotel on the 20th. Gopalam came to the Hotel on the 20th January at about 4.00 P.M. and left the next day at 8.00 A.M. and then his description is given. Nothing is said by him about G. M. Joshi. But the register shows that Joshi also left on the 21st January but at 8.00 P.M. It may be mentioned that Karkare in his statement before the Bombay police denied that he stayed in that Hotel. He said that after he found his companions missing from No. 3 of Hindu Mahasabha Bhawan on the 20th evening, he hurriedly took his bedding and went to the Birla Dharamsala where on the pavement he spread his bedding, pulled a blanket on his face and went to sleep.

23.67 A track of investigation, which the Delhi Police did not pursue and therefore missed the opportunity of discovering the identity of the conspirators soon after the bomb was exploded, was pressed for consideration of the Commission by Mr. Kotwal; and that was not conducting any intelligent investigation on the night of the 20th January or on the morning following. Mr. Kotwal submitted that the police should have interrogated the Secretary and other officers and employees of the Hindu Mahasabha Bhawan on the very first night after the bomb just as they did in the case of the Marina Hotel or at least the next morning; because as paragraph 17 of the first Case Diary shows, the police suspected from the recovery of Ex. P-25 in Room No. 40 of the Marina Hotel that the Hindu Mahasabha was at the back of the conspiracy and that superior officers were investigating in regard to this matter. This appears to be an empty rider. He (Mr. Kotwal) referred to many other matters showing the connection between the Hindu Mahasabha, its office bearers and leaders and the conspiracy. All this showed, he submitted, that a careful investigation at the Hindu Mahasabha Bhawan was a necessary requisite of a proper investigation in regard to which the Delhi Police seem to have been rather remiss.

23.68 The first Case Diary of police investigation at Delhi in paragraph 21 states that the Deputy Superintendent of Police, New Delhi, and other police officers went to the Hindu Mahasabha Bhawan which is next door to the Birla Mandir. Room No. 3 where according to Madanjal's statement the accused had stayed, was searched by the police but nothing was found nor was anything taken into possession from there, and as it was late at night (although not yet midnight) nothing further was done.

was also staying at Room No. 3 where Madanlal, Karkare, Badge, Shankar and Gopal Godse had stayed on the night between the 19th and 20th, was interrogated at about midnight on the 20th January. He told them that he was unable to remember anything about the accused persons. It was to this man and to this interrogation that Mr. Ashutosh Lahiri made reference in his Bombay Police statement dated March 14, 1948. He also appears to be the same man who was referred to in Ex. 5-A and in the fuller statement of Madanlal, Ex. 1.

23.70 Mr. Ashutosh Lahiri in his written statement dated May 10, 1969, submitted to this Commission, has said that between the 20th January and 5th February, 1948 when he was arrested, no inquiries were made from him by the police as to how Madanlal found accommodation in the Bhawan. He complained that the police never woke him up although he was sleeping in the northern side of the building, quite oblivious of what was happening. According to Mr. Lahiri, Room No. 3 was not even properly searched.

23.71 Mr. Ashutosh Lahiri also stated that before July, 1947 they had a regular Visitors' Register, wherein the names of persons staying in the Hindu Mahasabha Bhawan were registered, but it could not be maintained after that date due to a large number of refugees coming and staying in the Bhawan. This was taken in possession after the murder case as indicated by Case Diary No. 3-A of Inspector Ram Chand Bhatia but it was not produced before the Commission.

23.72 Mr. Kotwal brought to the notice of the Commission that the document, Ex. P-25, which was a copy of a Press statement issued by Mr. Ashutosh Lahiri on the 19th January, 1948, was found in Room No. 40 of the Marina Hotel occupied by Godse and Apte. It was submitted that the recovery of this Press statement of Ashutosh Lahiri was indicative of Godse or Apte or both having seen Lahiri on the 19th.

23.73 In his Bombay Police statement Mr. Ashutosh Lahiri said that it was on the morning of 21st January, 1948 that he learnt that the police had visited Hindu Mahasabha Bhawan the previous night and had interrogated a sadhu staying in that room about Madanlal who also occupied the same room. Mr. Ashutosh Lahiri complained, "the police, however, never approached me nor asked me any questions about it though I was the General Secretary and responsible for admitting new persons and I could have been available for interrogation". He admitted that he had known Godse for about 8 or 9 years as a worker of the Hindu Mahasabha, Poona, and that during the last 2 or 3 years he had been conducting a daily newspaper first known as 'Agrani' and then 'Hindu Rashtra'; and he also knew Apte and Karkare, but not Gopal Godse, Badge, or Shankar, nor did he know that they had stayed in the Hindu Mahasabha Bhawan room No. 3 between the 15th and 20th January, 1948 nor did he receive any chit for giving Karkare some accommodation in the Bhawan. But he could not say if Dr. Satya Prakash who in his absence was Honorary Superintendent in charge of the Bhawan since January 18, 1948 for three months, received such a chit.

23.74 The argument raised was that if on that night the police had taken the precaution of making inquiries from Ashutosh Lahiri or his substitute Dr. Satya Prakash at the Hindu Mahasabha Bhawan and had not just satisfied themselves with the questioning of a sadhu, they would have been able to get very valuable information in regard to the identity of the accused who had stayed there and had suddenly disappeared which was itself a suspicious circumstance.

23.75 The facts appear to be that all the accused with the exception of Godse and Apte stayed in the Hindu Mahasabha Bhawan on the night previous to the throwing of the bomb and they were there also on the 20th when the bomb was thrown. Godse was known to Ashutosh Lahiri for 8 or 9 years and he also knew that Godse was running a newspaper in Poona. He also knew Apte who accompanied Godse to attend the meeting of the All India Hindu Convention in August, 1947. He also knew Karkare though he did not know the others. What would have transpired as a result of interrogation, and whether interrogation at that stage would have been gainful or not, may indeed be speculative but an acute and careful investigating officer should have interrogated not only him but Dr. Satya Prakash also. Although Mr. Ashutosh Lahiri was interrogated after his arrest, there is nothing to show that Dr. Satya Prakash was ever questioned.

23.76 Another piece of evidence which has been emphasised is the fact that on the 19th January, 1948 at 9.20 A.M. an urgent call was booked from the Hindu Mahasabha Bhawan telephone No. 8024 to Savarkar Sadan at Bombay telephone No. 6020, the particular persons, according to documents subsequently discovered, were Damle or Kasar, the former was the Private Secretary of Savarkar and the latter, his Bodyguard. At 11.55 A.M. this telephone call was cancelled and the charge was Rs. 1—15 As. which is proved by Exs. P-59 and P-70 at pages 24 and 32 of the Court Record, Vol. IV, respectively. They are both dated January 19, 1948. P.W. 23, P.R. Kaila, deposed in Court that the call was ineffective as neither of the particular persons were available at the other end and this call was paid for on 19th May, 1948. These two pieces of evidence perhaps would not have been available at once because they had to be got from the telephone office but they were in existence and could have been called for. At any rate, the factum of the booking of the call was there and diligence could have discovered it from the Hindu Mahasabha Bhawan itself.

23.77 In his statement made to the Bombay Police, Karkare said that Gopal Godse, who was to have arrived the previous night, had not arrived at night nor the next morning which had made Nathuram Godse rather anxious. And he said that "he was telephoning to different places to make inquiries" about Gopal. All three of them, i.e., Godse, Apte and Karkare then went into the Hindu Mahasabha Bhawan office and Apte tried to telephone; Karkare was there but Godse was near the office. At that time Gopal entered the office and Karkare told Apte about this. They, therefore, came out of the Hindu Mahasabha Bhawan office and went out on to the road.

23.78 There is some corroborative evidence in regard to this incident discernible from the murder case Police Diary No. 49 dated 19th March, 1948. There it is stated that Apte came in the morning

and inquired if anybody from Bombay had arrived. Learning that no one had come, he wanted to make a telephone call to Bombay to which Mr. Lahiri (reference is to Mr. Ashutosh Lahiri) agreed provided trunk call charges were deposited in advance, which Apte deposited and then a trunk call was booked as stated above. This supports the contention that had the investigation been done that very night, i.e., the night of the 20th January, or even on the morning of 21st, and had Ashutosh Lahiri been interrogated then, these facts could have come to light. It may be observed that the speculative part remains as to whether the efforts would have been gainful or abortive but the chances are that if properly inquired into there was more than a probability of these facts being unearthed.

23.79 A secret source report is attached to this diary which is dated 5/6th March, 1948. It says—

"It is reported that Mr. Godse wrote a letter to Ashutosh Lahiri requesting the latter to arrange for accommodation for two gentlemen in the Hindu Mahasabha during the 1st week of January. Thereafter, Mr. Apte came and enquired if anybody from Bombay came. Finding none he wanted to have a trunk call with Godse. Mr. Lahiri agreed on the condition that Mr. Apte would deposit an amount in advance, which Mr. Apte did. He phoned, but could not get upto 12 and so left.

It seems both Mr. Apte and Mr. Godse visited Hindu Mahasabha before 30th January".

23.80 It appears that neither the Delhi Police nor the Bombay Police made any use of this information because there is nothing in the statement of Ashutosh Lahiri made to the Bombay Police in regard to this matter, i.e., allowing a telephone call to be made on receipt of an advance charge for the call. But he did deny the receiving of the chit from Godse.

23.81 Ex. 276, a statement prepared from the record, giving the movements of various accused persons shows that Gopal Godse reached Delhi Station on the night of the 18th and slept the night at the platform. He left Old Delhi Railway Station for the Hindu Mahasabha Bhawan at 10.30 A.M. on 19th January. The non-arrival of Gopal had made both Apte and Godse worried and Apte booked a telephone call from the Hindu Mahasabha Bhawan to Savarkar Sadan for Damle or Kasar. And as said above, when Gopal arrived at the Hindu Mahasabha Bhawan at 11.30 A.M. the call was cancelled. The coincidence of circumstances, to say the least, is remarkable.

23.82 Now it is true that all this information about the booking of the telephone call, the time of booking, the persons for whom the call was meant and the cancellation of the call came to light after the murder. But the lapse on the part of the police suggested is this, that it made no inquiries of any kind whatsoever and even Mr. Ashutosh Lahiri, who was arrested in connection with the Murder case, has complained that no inquiries were made, and had proper inquiries been made, not only was there a possibility but a probability of getting some useful information. This information would have been

obtainable if the officers of Hindu Mahasabha were interrogated, because no long distance telephone call could be made without the office knowing it unless Godse and Apte had a free hand at the Bhawan but that information also could be valuable. At any rate, diligence, was lacking and this path was not pursued.

23.83 According to Godse's statement before the Delhi Police dated February 1, 1948 (page 46 of the Murder case urdu case diary No. 3), he met Ashutosh Lahiri at 9.30 A.M. on 19th January, 1948; this fact, however, Mr. Ashutosh Lahiri had denied but this denial was at a time he had been arrested in the Murder case. The fact that P-25, Press statement of Ashutosh Lahiri, which was published on that very day, was found in the room occupied by Godse and Apte would show that the probabilities were in favour of Godse having met Ashutosh Lahiri, and getting Ex. P-25 from Mr. Ashutosh Lahiri. Of course, this is not an absolute proof and is merely inferential but the probabilities are more in favour of Godse having met Ashutosh Lahiri than not having met him.

23.84 The facts established are that Godse was a prominent Hindu Mahasabha worker and might even have been elected its Secretary. Mr. Ashutosh Lahiri, who was also a very prominent worker in the organisation, had issued a repudiation of his organisation having signed the nine-point pledge required by Gandhiji and that was found in Godse's or Apte's possession, at least in their room. The inference would not have been far fetched that the one or the other got it from Lahiri. At least this line of investigation was not will-o'-the-wisp.

23.85 Mr. Kotwal very strongly relied on the fact that the Hindu Mahasabha people knew both Godse and Apte well. For this, *inter alia*, he referred to the following.

23.86 The police statement of Apte at Bombay at page 34 shows that Karkare came to the Marina Hotel on the morning of 18th January, saying that he had not been able to secure accommodation in the Hindu Mahasabha Bhawan. Therefore, Nathuram Godse gave him a chit addressed to the manager of the Bhawan requesting him to arrange necessary accommodation for Karkare. Karkare has stated at page 80 of his police statement at Bombay that when he could not get any accommodation at Hindu Mahasabha Bhawan, Godse said that he would make arrangements for him. He wrote out a chit to the manager of the Hindu Mahasabha Bhawan and he (Karkare) handed over the chit to the manager on reading which he asked him to occupy Room No. 3. He then returned to the Marina Hotel and informed Apte and Godse that he had been given Room No. 3. That was about 11 or 11.30 A.M. on the 18th. It is the knowledge of this chit that Mr. Ashutosh Lahiri has denied. It appears the chit was for two persons i.e., for Karkare and Madanlal because he also stayed in that room.

23.87 Intelligence Bureau File No. 13/HA/(R)/59-IV, Ex. 224C, dated 7th March, 1948, at page 143 shows that an employee of the Hindu Mahasabha, Ram Singh, was traced and he stated that four or five men, one of them a Punjabi and four Marathas stayed in room No. 3 of the Bhawan. He saw them on 20th January, 1948, and had a talk with them. They left at about 8 A.M. and came back at 12 noon and after a short time left in a car. One of them returned at 8 P.M. and

gave him a chit bearing his address of Poona in Hindi for being delivered to one Inder Parkash, member of the Hindu Mahasabha, but he could not do so as Inder Parkash was not in the Bhawan. On 21st January 1948 he handed over this chit to one Shri Krishna Nair, a Congress worker, and a member of the chief Commissioner's Advisory Council. He also said that he could identify all the men who stayed in room No. 3. This man Ram Singh was another person whose interrogation was necessary and could gainfully have been used.

23.88 In the progress report of 9th March, 1948, in the same L.I. file marked Ex. 224-C, page 136, it is stated that Shri Krishna Nair was contacted and he admitted that Ram Singh had given him the chit but he had misplaced it. The progress report in the same file of the same date, Ex. 224-C, shows that this chit had the following address on it in Hindi—

"Care of Kher Shri Vishnupanth Vias Narain Peth Ghai No. 2,
Poona City".

23.89 Shri Krishna Nair also stated that Ram Singh when handing over the chit to him explained that it was given to him by one of the accomplices of Madanlal accused and that he (Nair) could not produce this chit earlier because he had misplaced it.

23.90 It does not appear that any use has been made of this chit either by the Delhi Police or by the Bombay Police nor can one find out whether the address given is fictitious or genuine. This chit could have been useful if—

- (1) the Police had found out whether the address was genuine or not and, if genuine, who was the person mentioned.
- (2) Whether Inder Parkash was known to anyone of the accused persons or not.
- (3) In whose handwriting was this chit.

23.91 Inder Parkash was arrested on February 17, 1948 and interrogated regarding the murder but no question seems to have been put regarding the chit or the three matters above-referred to. Inder Parkash was a member of the Hindu Mahasabha and in 1948 its acting Secretary and was residing in the Bhawan.

23.92 In the absence of these, it is difficult for the Commission to draw any conclusion one way or the other from this chit. But the Commission would like to observe that when this chit was given to Mr. Krishna Nair who held a responsible public office, he should have immediately contacted the police and given them the information and the chit and not taken shelter behind accidental loss, later misplacement.

23.93 Sham Deshpande a Hindu Sabhaite who was mentioned in Ex. 5-A and also in Ex. 1 in the statement on the 24th January was also arrested and his house was searched but nothing objectionable was found.

23.94 There is another piece of evidence which no doubt came into existence after the murder but is relevant to show that the Hindu Mahasabha Bhawan, Delhi, was one of the haunts of the conspirators for the murder of Mahatma Gandhi

23.95 On the 31st January, 1948 a telegram purporting to be from N.D. Apte was sent from Bombay to the Secretary, Hindu Mahasabha Bhawan, at Delhi, the contents of which were as follows—

"ARRIVING DELHI ARRANGE FOR DEFENCE"

This telegram had really been sent by one Miss Manorma Salve, who evidently was a lady friendly with Apte. She was examined by the Bombay police on 13-2-1948 and she stated that on the 28th January (this date appears to be wrong) she met N.D. Apte on receiving his telephone call and went to the Sea Green Hotel to meet him. Apte appeared to be in a hurry and told her that she should send the above telegram if she heard anything regarding Godse within the next 5 or 6 days. All this shows that N.D. Apte was well-acquainted with the officers of the Hindu Mahasabha Bhawan at Delhi.

23.96 Karare's statement made before the Bombay police at pages 84-5 shows that plans of the operation on 20th January were laid on the 19th January, 1948 at 9.00 P.M. showing thereby that *qua* the conspirators the Hindu Mahasabha Bhawan was an important place which the police in the matter of investigation treated in a casual manner. Sub-Inspector Dasondha Singh as P.W. 116, stated: "I did not record the statement of any Ram Singh of the Hindu Mahasabha. I did not record the statement of Sham Deshpande". Deputy Superintendent Jaswant Singh as P.W. 117 said in connection with the investigation at the Hindu Mahasabha Bhawan office on the 20th that when they visited room No. 3 there was no one in it. "We questioned the Chowkidar whose name was Gian Singh and not Ram Singh as to who the occupants of the room were". The Secretary of the Hindu Mahasabha stayed in the Hindu Mahasabha building but he (Jaswant Singh) did not try to contact him. He did not see any refugees in the verandah in front of room No. 3 which was locked at the time but was opened by the chowkidar, but no entries were made in the case diary regarding his visit to the Hindu Mahasabha building. All this, Mr. Kotwal rightly argued, showed that the investigation regarding the Hindu Mahasabha at least on the 20th January was of a casual nature.

23.97 For the reasons given above a vigorous and intelligent investigation at the Hindu Mahasabha Bhawan was a requisite which could ill be neglected. In spite of that track of investigational line being pursued, the pursuit might have proved abortive but the fact that it was never attempted at early stages could only mean losing a valuable opportunity of an early discovery of the identity of the conspirators. And if this information could have been made available to Bombay Police the course of investigation there would not have been tangential.

23.98 The Commission would like to observe that this track of argument has quite an amount of speculative basis; but it is only valid to this extent that there were some very important clues which could have become available to the police if investigational energies had been directed in that direction. Not attempting would have been a sure overlooking them.

Defects apparent on the record

23.99 Investigational processes followed by the Delhi Police in the bomb case do not show that amount of care and acumen and careful

observation and footwork which one would have expected in a case of the magnitude of an attempt to murder Mahatma Gandhi by explosive substances.

23.100 The very fact that a gun-cotton slab was exploded near Mahatma Gandhi's prayer meeting and soon after a hand-grenade was recovered from the culprit was a sure pointer to murderous intentions of Madanlal and his companions.

23.101 The police do not seem to have shown that alacrity which the case required. According to the record, excepting Sub-Inspector Dasondha Singh who seems to have arrived quite early and recorded the First Information Report, no senior officer seems to have come till about 7.00 P.M. and, therefore, no effort was made to find out who Madanlal's companions were or where they had vanished.

23.102 Madanlal was interrogated first in the tent outside Birla House which would hardly be a place where a determined man like Madanlal would disclose anything. He was then taken to the Parliament Street Police Station and was interrogated under the directions of the high police officers and there he made a statement. Assuming without deciding that Madanlal did disclose besides the name of Karkare a person who was the editor of the *Agrani* and the *Hindu Rashtriya* he gave a fairly good description of the others, he also disclosed that two of his companions had stayed at the Marina Hotel and the others had stayed at the Hindu Mahasabha Bhavan and also that he and Karkare had before that stayed at the Sharif Hotel.

23.103 As a consequence of this information, the police rightly went to the Marina Hotel. But they must have gone fairly late and by then, as one would expect, the two culprits residing at Marina Hotel had quickly checked out and taken the first opportunity of leaving Delhi. But the recovery of Ex. P. 25 from room No. 40 where the two companions of Madanlal had stayed at the Marina Hotel should have, as indeed it did, put the police on guard that the two companions had a good deal to do with the Hindu Mahasabha, as the document was dated January 19 and was with them on the 20th at least. With that information the police, after they had searched the Marina Hotel, went to make inquiries at the Hindu Mahasabha Bhavan.

23.104 One should have expected that in a case of this kind another police party would at once have proceeded to the Hindu Mahasabha Bhavan and there conducted a thorough investigation and inquiry. Of course, they could not have Madanlal at two places. But the investigation and inquiry at Hindu Mahasabha Bhavan was of a very trumpery character, and the police just came back without achieving much. Indeed even the General Secretary of the Hindu Mahasabha who was in charge of the giving of accommodation, i.e., Mr. Ashutosh Lahiri, has a grievance that he was not questioned that night.

23.105 At another place the consequences of this failure to make inquiries at the Hindu Mahasabha Bhavan have been discussed. Suffice it to say that it was a serious lacuna which prevented the police from getting on the right track. Whether even after a proper inquiry anything would have come out of it may now be conjectural

but this much is certain that making no inquiries was a serious drawback.

23.106 After the 20th the only activity which the police diaries show is of interrogation of Madanlal which, as far as the Commission is able to see, did not lead to anything more than what the police had already got in the very first statement assuming that the statement, Ex. 6, was made and has been correctly incorporated in the police diary. As a matter of fact, subsequent statements of Madanlal disclosed the omission of the word "Agrani" rather than any material addition.

23.107 It is stated in the police diaries that the plainclothes policemen were alerted and given some descriptions of the suspected persons and were asked to keep a watch at the rail and air terminals. But with those vague descriptions, assuming they were given, no results could have been attained as indeed the fact that Godse and Apte flew back into Delhi and went to the railway station, proceeded from there to Gwalior and back and again stayed in Delhi at the Delhi Main Railway Station and were going to the Hindu Mahasabha Bhavan and coming back from there and reconnoitring Birla House without being identified or recognised shows. It was in this matter that the induction of police officers from Bombay could have been of the greatest help.

23.108 Assuming that the name "Agrani" was given on the very first day and that with that information two police officers were flown to Bombay, there is nothing to show that the D.I.B., the Delhi I.G.P. took any intelligent interest in finding out from Bombay as to what was happening there, nor did he take the slightest trouble to find out the identity of the editor of the "Agrani" and the "Hindu Rashtriya" which could easily be found, as Mr. M.K. Sinha, witness No. 44 has said, from the records available in the C.I.D. If that was so, a telegraphic requisition should have been sent for the arrest of Godse and Apte to Poona and Bombay and as has been discussed elsewhere the Bombay Police with the aid of Poona Police should have been able to arrest them. If even then they failed the reason would not have been inaction.

23.109 Even after the return of the Delhi policemen from Bombay without achieving anything substantial and with the grievance that they had, Delhi police should have at once telephoned or telegraphed to the Poona police giving them information about the editor of the "Agrani" and inquiring as to who he was, who his companions were, what his activities were and what his haunts were and should have made a requisition for their arrest rather than leaving it to Mr. U.H. Rana who went leisurely to Bombay via Allahabad. The Delhi police did absolutely nothing about this and confined themselves to routine investigation. The investigation itself was not of a high order. It also gives one an impression that the Delhi police was entirely paralysed and after the 24th January when their officers had returned assuming that they were insulted and sent back unceremoniously, the officers did absolutely nothing and Mr. Bannerjee is right when he says that it was due to inefficiency and lethargy of Mr. Sanjevi whose helplessness and paralysis is writ large over the whole of Ex. 7, his explanation.

23.110 The Commission is also unhappy to remark that the D.I.G. also was absolutely immobilised in those days either due to illness or due to the fact that Mr. Sanjevi objected to anyone interfering in his work. As far as the Commission has been able to see, Mr. Sanjevi in spite of the very high office he held, and in spite of his having been hand-picked, proved to be unequal to the task. The Commission is sorry to say so because the man is dead and had no opportunity to explain his conduct but on the material before the Commission and taking into consideration his explanation to the Government of India, Ex. 7, and other evidence before the Commission, this appears to be the view of the Commission. The reasons have been set out in the part dealing with lacunae and lapses of Delhi Police.

What action the Bombay and Delhi Police should have taken under the circumstances

23.111 Mr. Kamte, witness No. 4, when asked as to what, in his opinion, the police in Bombay should have done after the warning given by Dr. Jain, 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”.

23.112 Had he been informed as a Police officer that the accused in the Bomb case belonged to the province of Bombay, he would have at once informed the D.I.G., C.I.D., the Commissioner of Police and the Inspector General of Police of all the bordering provinces and had he known that the accused belonged to Bombay he would have placed 20 or 25 persons from Bombay province around Mahatma Gandhi to see that the culprits did not get anywhere near him.

23.113 Had he been shown the statement of Madanlal earlier, he would have got the persons mentioned shadowed and kept under constant watch, and if he had known that the conspiracy was to murder, he would have arrested them all at once, and if he was told that one of the conspirators was the editor of the ‘Hindu Rashtra’, Poona, and the other the owner of Shastrar Bhandar, he would have been able to find out their identity through his subordinates. In his cross-examination Mr. Kamte said that if a request had been made by the D.I.B., he would certainly have sent Bombay men to Delhi.

23.114 The correspondence between Mr. Kamte and the D.I.G., C.I.D., Poona, Mr. Rana, shows what would have been the correct action to take. It consists of letters Exs. 30, 31, 31-A, 32 and 33 which have been dealt with under a separate heading.

23.115 In his letters to Mr. Rana, D.I.G. (C.I.D.), Mr. Kamte has made some telling points of criticism regarding what Mr. Rana should have done and what he had not done. The points of criticism were (a) why did Rana not send his own C.I.D. to make inquiries rather than send Delhi police officers to Bombay: (b) why did he not send

his own C.I.D. to protect the Mahatma; and (c) why did he not get help of Rao Sahib Gurto even on 29th when he got to Poona and "get him on the move". In his letter Ex. 32 dated March 6, 1948 Mr. Kamte said that he 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. Mr. Rana's reply in defence is letter dated April 15, 1948, Ex. 30, wherein he said—

"I did not think it necessary to take further action at this stage in view of the above facts which led me to presume that the gang must have been located in Bombay. However, I had one C.I.D. Head Constable Jadhav and he was directed to move about in Delhi and visit Railway stations and try to locate Karkare whom this Head Constable knew as a communist from Ahmednagar".

Entrusting such a colossal task to one single Head Constable appears to be a wholly futile act.

23.116 Mr. Rana did not think it necessary at that stage to send a few special men from Bombay to Delhi. Mr. Kamte was questioned about his letter Ex. 31-A wherein he had put the following two questions to Mr. Rana—

"Did you take any steps: (i) to arrest them immediately; and (ii) to send men to Delhi to comb out Delhi and to arrest the men there".

23.117 He was presuming, he said, that Mr. Sanjevi must have told Mr. Rana to do the needful, meaning (i) and (ii) of Ex. 31-A.

23.118 Mr. Morarji, witness No. 96, agreed with Mr. Kamte as to the action which the Bombay police should have taken except that (i) no offence could be registered as there was no offence committed in Bombay; and (ii) he could not send police to Delhi unless the Delhi police had asked for it. And the Delhi police should have asked for Maharashtrian police after they got the statement of Madanlal.

23.119 Mr. R.N. Banerjee, witness No. 17, before Mr. Pathak, stated that in the circumstances of the case 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 Bombay sending their policemen to Delhi in order to trace the associates of Madanlal and also to prevent further activities of theirs. They would have been able to identify the conspirators of Madanlal. Before this Commission Mr. Banerjee said—

"I would also like to add that at that time there was a convention that whenever an offence was committed in one province by persons who belonged to another province, the police of the latter province would be called in to assist the local police for apprehending those accused persons".

Again, when he was recalled, he said—

"There were three acts of omission in this case: (1) the Bombay Police did not take 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".

23.120 He added that, as far as he knew, Apte and Godse had some kind of history and the Bombay Police must have known about it and if the Bombay Police had been brought they would have been nabbed or they would not have dared to do what they did.

Mr. M.K. Sinha, Wit. 44—

23.121 Mr. M.K. Sinha Deputy Director, Intelligence Bureau, witness No. 44, said that if he had been in charge of the police in Delhi he would have called Maharashtrian police knowing that the conspirators were from the Maharashtrian part of Bombay Province. He would have placed them as watchers and spotters.

Mr. B.B. Mishra, Wit. 74—

23.122 Mr. B.B. Mishra, Inspector General of Police, Delhi, witness No. 74, in reply to a question as to what he would have done, if he knew that the conspirators were from another Province, said that the normal practice was that information is sent to the police of that Province and after consulting them precautions are taken including the sending for men from that Province to keep a watch if that was required.

Mr. G.K. Handoo, Wit. 48—

23.122 Mr. G.K. Handoo, witness No. 48, said that in the circumstances of the influence of the Hindu Mahasabha all over the country he would have got C.I.D. policemen from all the provinces of India where Hindu Mahasabha had predominant influence and would have stationed them on a special look-out in the prayer grounds. He also said that he interviewed Nathuram Godse later and got from him a list of the leaders in the country who were ear-marked for assassination. They included Prime Minister Nehru, Maulana Azad, Sardar Patel and several others.

23.124 Mr. Handoo was recalled and in reply to a question in that behalf, he described the precautions he would have taken as follows—

"(1) I would have at once kept a careful watch on the haunts of these persons irrespective of whether they were there or not; (2) I would have sent a list of all these names that had come to my notice as also the names of the associates of Karkare along with their associates and addresses to the Inspector General of Police, Delhi, as also to the D.I.G., C.I.D., Bombay, at Poona. I may have also offered to the I.G. Police, Delhi, depending on what reliability of the information that I had received was, "identifiers" of these persons who may have been available to me from my C.I.D. staff".

23.125 In reply to the interrogative questionnaire sent to the Government of India, Question No. 23, they had set out a minute of Sardar Patel dated 2nd April, 1949, Ex. 7-E, where he said that he agreed with the Secretary that plain clothes men from Bombay should have been summoned to Delhi in order to identify the conspirators.

23.126 Mr. H.V.R. Iengar, the Home Secretary, in a note dated 31st March, 1949, Ex. 7-C, had said that "as soon as it became clear that there was a conspiracy among certain Maharashtra Brahmins from Poona, Ahmednagar, and neighbourhood, to commit assassination, plain clothes men 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". He said that Mr. Sanjevi had said that as the Bombay Police did not take the conspiracy to assassinate seriously, the responsibility was theirs. "Personally, I do not accept this view and think that there was a failure in Delhi to insist on this precaution".

23.127 Annexure D to the replies of the Intelligence Bureau to the questionnaire sent to them is a letter from Mr. Sanjevi to Mr. R.N. Banerjee dated February 7, 1948. To that is attached a note on the staff required for investigation of the conspiracy case. It starts by saying that it had been decided to have the headquarters of the investigation staff to be at Bombay under the supervision of Mr. Rana, D.I.G., C.I.D., Poona, and Mr. Nagarvala was to assist him and be in immediate charge of the investigation and then it sets out what staff would be required. It also says that the men selected for the investigation should be "hand-picked" and should be armed with revolvers. Though they would carry their uniforms with them, they would not use them unless required. The whole investigation was to be under the overall control of the Director, Intelligence Bureau. Why were these handpicked men not brought into the investigational process or into the protective force earlier? That might have averted the catastrophe in spite of what Gopal Godse, wit. 33, may say.

23.128 The Inspector General of Police of Maharashtra, Mr. A.G. Rajadhyaksha, wrote to the Maharashtra Government, Ex. 253, dated May 16, 1968, in reply to its letter to him and said that there was no duty cast upon the then Bombay Province to send its officers *suo motu* to Delhi. He has said the proper thing to do was that on the Delhi Police informing the Bombay Police of the statement made by Madanlal implicating persons belonging to the Bombay Province, the Bombay Police could and should have deputed its officers to Delhi to locate the associates of Madanlal if they were still there and this might have prevented the assassination. He also said—

"I would like to say here that the normal procedure is that when a person belonging to a particular State commits an offence in another State and also gives information regarding his associates from the State from which he comes, the local police normally take him back to his State, contact the local police and through them try and locate his associates and others connected with the crime. If it is necessary, the officers from the State contacted also go to the State in which the offence is committed if the associates are likely to be found in that State, but that is only on requisition from the local Police".

23.129 Mr. A.G. Rajadhyaksha appeared as a witness and supported what he had stated in his letter, Ex. 253. He added that it was not for the Bombay Police to send people to Delhi but it was

for the Delhi Police to have asked for it. The established convention was not that the Bombay Police should offer its assistance or send its men to assist but the Delhi Police should have asked for help and in all cases such help is given.

23.130 He also stated that if the Delhi Police came to know that the offenders belonged to Bombay Province, they would have to make inquiries there. And if the Bombay Police was informed independently as it was in the present case by the Home Minister, then the Bombay police "would have to contact that party to find more details, meaning Professor Jain". If the Police knew who the informant was, they would have been able to get more information.

23.131 He added that it would have been more profitable for the Delhi Police to have brought the accused Madanlal to Bombay for local investigation. That would have helped in tracing out the associates quicker.

23.132 He also stated that for the security of persons like Mahatma Gandhi, a large number of policemen in plain clothes should have been kept to watch around the building and also to join the congregation to keep a watch on suspected persons in small sections of the prayer ground. The question was one of general watch—to watch everybody who was acting in a suspicious manner. This set-up of policemen would have spotted anyone who was suspicious looking. But even with all these precautions, it might not have been easy to prevent the murder of Mahatma Gandhi in view of the manner in which it was committed. If it was possible to keep some plain clothes policemen to walk with Gandhiji from the Birla House to the prayer ground, it should have been done.

23.133 If Karkare and Madanlal had been on police records, perhaps names of their associates could have become available. Unless the haunts of Karkare were known, it would be difficult to look for him in different parts of the Province of Bombay.

23.134 The evidence before the Commission shows the following lacunae in the investigation by the Delhi Police.

Lacuna No. 1—

23.135 The first failure on the part of the Delhi Police was not to send for Bombay police to Delhi for stationing them to guard Mahatma Gandhi and to act as watchers and spotters whenever needed, and that Mr. Sanjevi did not get into touch with the Bombay Provincial C.I.D. direct. But this much can be said in this favour that he got into touch with Mr. Rana at Delhi but it turned out to be sterile as Mr. Rana proceeded at a snail's pace and was as commonplace as Mr. Sanjevi and did not requisition his C.I.D. force or put them into immediate action against the proprietor of the '*Hindu Rashtriya*' whose identity he failed to discover, a failure in which he must share the blame with a much more experienced and more senior officer, Mr. Sanjevi, who had come to occupy the top police job in India—of Director of Intelligence Bureau. If this name had been discovered earlier as it should have been, the whole case would burst and the conspirators would have been nabbed" before they got to Delhi.

Lacuna No. 2—

23.136 It was argued that Madanlal should have been sent to Bombay, Poona, and Ahmednagar, with the Delhi police after his statement made on January 24, 1948. He could have been confronted in all these places and would have been interrogated by the police there. Crime Report No. 6 shows that during the interrogation of Madanlal by the Bombay Police on February 4, 1948, Badge was brought from Poona but he denied all knowledge of the conspiracy. When he was confronted with Madanlal accused, who identified him as the Sikh Maratha referred to by him, and after he was subjected to searching interrogation, Badge broke down and made a clean breast of the whole conspiracy and the persons involved therein. He said that the attempt on Gandhiji's life on January 20, 1948, was in pursuance of this conspiracy. It was rightly submitted that what was done after the murder should have been done after the 24th January, if not after the 20th, when Ex. 6 according to Delhi Police was made.

Mr. A.N. Bhatia, Wit. 17—

23.137 Mr. Amar Nath Bhatia Police Superintendent of New Delhi, witness No. 17, said that he did not know anything about Mr. Sanjevi's orders for Madanlal to be taken to Bombay, but D.S.P. Kartar Singh, wit. 26, said that he had a distinct recollection that before the murder it was proposed by Mr. Sanjevi that Madanlal should be flown to Bombay so that the Bombay police could interrogate him and arrangements were made to put that proposal into effect but Mr. Sanjevi countermanded his previous orders and Madanlal was not sent.

23.138 Rai Sahib Rikhikesh, witness No. 13, when recalled said that there was a proposal to send Madanlal to Bombay before the murder but he could not say why it did not materialise.

23.139 This matter was put in the questionnaire to the Intelligence Bureau and to the Government of India. The former in reply to Question No. 28 said that there was no record in the Intelligence Bureau in regard to the matter. The latter in reply to Question No. 36 also replied that in spite of diligent search it was not possible to find any record dealing with the matter.

23.140 The course of investigation in Bombay after the murder and the comparatively quicker and successful results of the investigation in Bombay leads one to the conclusion that if this course had been adopted, the course of events might have been different. It cannot be overlooked that we are looking at the matter 21 years after the occurrence.

Lacuna No. 3—

23.141 In Ex. 1 which is the fuller statement of Madanlal dated January 24, the name of the newspaper "Hindu Rashtriya" of Poona was given and also its proprietor was mentioned. Although it should have been possible for Mr. Sanjevi to find out the identity of the proprietor, he did not do so. A reference may be made to Exs. 198, 199, 199-A, and 201. Ex. 198 is an extract from the Bombay list of newspapers and their proprietors and editors and relates to [digitised by sacw.net]

"Agrani" where the names of Apte and Godse are given as proprietor and editor, respectively. Ex. 199 also relates the "Agrani". Ex. 199-A is an extract relating to "Hindu Rashtra" a Marathi Daily of Poona, wherein N.V. Godse is shown as the printer and publisher, and the paper is described as a Savarkarite group paper. Its proprietor is N.D. Apte and editor N.V. Godse. Ex. 201 shows that a copy of this list of newspapers called the Annual Statement of Newspapers was sent to the Government of India, Home Department, and Government of India, Information and Broadcasting Department.

Mr. M.K. Sinha, Deputy Director, Intelligence Bureau, has stated before the Commission that the names of the editor and the proprietor of a paper could have been available to the police at Delhi from the C.I.D.

Lacuna No. 4—

23.142 The Delhi Police and the Intelligence Bureau failed to use the Intelligence Bureau records because that contained important information regarding Madanlal. Inspector Balkundi of Ahmednagar had sent a report dated 7/10th December, 1947 to the Intelligence Bureau. This is Ex. 195. This was addressed to the Assistant Director (P), I.B., Ministry of Home Affairs. There are endorsements on it showing that Mr. Hooja dealt with it on 14th January and Mr. M.K. Sinha, the Deputy Director, also on the same date. The report of Inspector Balkundi regarding Madanlal in the Intelligence Bureau had a seal put on it with the word "Indexed". This word "Indexed" was stamped on the Provincial C.I.D. report from Ahmednagar which is separately marked as Ex. 66-A. In this report the complaint against Madanlal was in regard to his leading a procession of refugees and shouting slogans against Muslims and "Vir Savarkar Ki Jai" showing that the procession which had been taken out had a Savarkaristic association and complexion.

23.143 Mr. M.K. Sinha, witness No. 44, was asked about this indexed document. He said, "We in the Bureau did not connect this Madanlal with the Madanlal Kashmiri Lal The name of Madanlal Kashmiri Lal is misleading and it would not be possible for the Bureau to at once connect a particular name with the name indexed in the Bureau". He was further examined on this matter and he stated as follows—

"Q. From the fact that Madanlal was from Bombay should it not have struck the members of the Bureau to look into their indexing system?

A. If I were the incharge of the Investigation, I would at once have asked my own office as well as the offices of the various provincial C.I.D. to see whether the names which transpired from the various statements were or were not in the index cards".

It appears that although the subject indexing was done on 29th or 30th January, 1948, the name of Madanlal was not brought on in the index list till December 1, 1948. In this connection Mr. Kotwal argued that Mr. Sanjivi did not make use of his own record. He did not ask his own officers nor did he ask Mr. Reghe who was C.I.O., Bombay.

23.144 The Intelligence Bureau was questioned in regard to the system of indexing and in reply to question No. 1 of the Questionnaire it said—

"There is a system of index cards in the Bureau. The names of persons or subjects connected with general agitation such as: Civil Disobedience, Seditious speeches, etc. were more sparingly marked than those of persons concerned with violence and active revolutionary movements. The names of Indians abroad were also marked more freely than they would be if they were in India. Only the names of persons of very real importance were to be marked when their activities were confined to their own Province. The Bureau's main concern was with persons whose activities were inter-Provincial or international".

23.145 In reply to another question, it was said that when a card is prepared for an individual his identity is indicated and very briefly reasons are also indicated on the card. Madanlal's card shows that he was a refugee and led a procession of refugees in Ahmednagar. The exact date is not given. At any rate, this much is clear that the name of Madanlal had been sent up by the Ahmednagar Police in connection with his activities in Ahmednagar. This document was seen in the Intelligence Bureau by high officials and his name was indexed, though not in connection with anti-Gandhi or political activities.

23.146 In the Times of India of 21st January, 1948, Ex. 106, the name of Madanlal was given out as the person who threw the bomb and it was stated that his companions had escaped in a car but they had not been apprehended till midnight. Madanlal stated that he was from Montgomery and had migrated to Bombay and had returned to Delhi and was staying at the railway station.

23.147 In the Daily Statesman of 21st January (Ex. 106-A) the name given was Madanlal who was carrying a ration card in the name of Balbir Singh and it was stated that three of his companions had escaped in the confusion and that policemen have been posted at all exits from the city. Besides this, it was stated that there was a formidable plot on the life of Mahatma Gandhi; and the hand-grenade found on the person of Madanlal was to be used against Mahatma Gandhi himself.

23.148 In the Hindustan Times of 21st January, Ex. 106-B. account is given of the arrest of Madanlal. This news is given on the front page but in a comparatively unimportant place with an unimportant heading "Bomb Goes Up Near Prayer Ground". There also the bomb throwing was taken as an attempt on the life of Mahatma Gandhi. In that newspaper the statement of Madanlal as given does not disclose that he had gone to or was connected with Bombay.

23.149 Therefore, one would expect the Director of the Intelligence Bureau to get his own records searched for any clues regarding the bomb thrower and one would also expect that the name Madanlal would tingle in the memory of two high officials like the Deputy Director and an Assistant Director; yet these are matters which the Commission cannot lose sight of (1) that the name Madanlal Kashmirilal could easily confuse an officer in Northern India where

father's name is not so appended; (2) there was nothing to connect the arrested Madanlal with Ahmednagar at least not to the knowledge of these two officers; and (3) no nominal index of Madanlal prepared till December 1948, and in the subject index prepared in the end of January 1948, Madanlal was shown as indulging in anti-Muslim activities. Besides, these two high officials were not connected with the investigation of the bomb case and evidently Mr. Sanjevi did not relish any interference whether helpful or otherwise from his subordinates as is shown by the statement of the D.I.G., Mr. Mehra, and Deputy Director, Intelligence Bureau, Mr. M.K. Sinha. But all this hardly excuses the Delhi Police and the Director of the Intelligence Bureau who was also the Inspector General in charge of the investigation of a case of that importance from seeking information from any possible source known to them or they could reasonably have been expected to think of Mr. Sanjevi should have had his own records searched.

Lacuna No. 5—

23.150 Mr. Kotwal emphasised that it was the duty of the Delhi Police to apprehend the accused persons and they could ask the outside Police for their cooperation. He referred to reply of the Government of India to Question No. 8 of the Questionnaire—

"It would be the responsibility of the Delhi Police to ensure that the persons named were apprehended or prevented from coming to Delhi, if they were not already there. To the extent such action related to persons residing outside the jurisdiction of the Delhi Police, it would have been also the responsibility of the other police authorities concerned to extend necessary assistance and cooperation to the Delhi Police".

This is really a matter discussed under No. 1 of this topic and does not require to be assessed separately. But as said under point No. 1 the Delhi police should have adopted this course.

Lacuna No. 6—

23.151 It was suggested by Mr. Kotwal that Mr. Rana was in Delhi from the 20th January to the 25th January 1948, and if he had been asked to be present at the time of Madanlal's interrogation, Madanlal would have been more informative and the very presence of Mr. Rana would have been a help in this direction. This he based on the fact that Madanlal in his statement Ex. 1 at page 29 stated that on one occasion in Ahmednagar he led a procession of 500 refugees through the town of Ahmednagar where various slogans were raised. Thereafter, a meeting was held in Arti Bazar in which high officials participated, amongst whom was the D.I.G. of Police, C.I.D., Poona, Mr. Rana, and a few others. They promised to help the refugees within a few days when a demand was made that Municipal officials should allot sites for fruit shops for the refugees.

23.152 Mr. Rana, witness No. 3, when recalled at Baroda stated that he was not present at the meeting. As a matter of fact, he was not even at Ahmednagar on that day. But he was in that town on the 18th, 19th and 20th December, 1947 and visited Visapur camp. This is a very slender basis for saying that association of Mr. Rana

with the interrogation of Madanlal would have produced more information. At the most it is speculative and that by itself cannot be taken to be a failure on the part of Mr. Sanjevi in his investigational processes.

Lacuna No. 7—

23.153 The Delhi Police officers were sent to Bombay on the 21st January. They returned from there on the 24th January and met the Superintendents of Police of Delhi on the morning of 25th January. Mr. Sanjevi's note, Ex. 7, in paragraphs 5 and 6 sets out what the Delhi Police officers on their return reported to Delhi. In these paragraphs emphasis is laid on the Police officers telling Mr. Nagarvala that one of the accused mentioned by Madanlal was the editor of the "Agrani" or the "Hindu Rashtriya" and that C.I.D. Inspector there told them that Inspector of Police from Ahmednagar had arrived and he had been told to make a search for the editor of the "Agrani" or the "Hindu Rashtriya" and that some names were given to Deputy Superintendent Jaswant Singh when he asked for information in regard to Karkare and his associates. Those names were Badge of Poona, Avtar Singh of Amritsar, Talwar of Karachi, and Balraj Mehta of Lahore. Paragraph 6 also mentions that Delhi Police officers handed over to the Inspector, C.I.D., a brief note on the case with the names and description of the accused wanted as far as known then, a point on which Mr. Nagarvala was not questioned although he was cross-examined at length.

23.154 It is surprising that after this complaint was made to the D.I.B., he never took the trouble to find out from Nagarvala as to what had happened. It is true that he did tell Mr. U.H. Rana of the complaint by the Delhi Police officers but he never found out from Nagarvala himself what had happened. As submitted by Mr. Kotwal, from 21st January, 1948, to 27th January, 1948, the D.I.B. who was also the Inspector General of Police, Delhi, did nothing and even after the fuller statement of Madanlal a copy of which was given to Mr. Rana on the 25th, he took no steps to get into touch with the Provincial C.I.D., Poona, to find out as to who the proprietor of the "Hindu Rashtriya" was. The Commission is not overlooking the fact that Mr. Rana was himself the D.I.G. (C.I.D.), Bombay.

23.155 Even when Rana and Nagarvala rang him up on the 27th evening and Rana told him that Nagarvala had good reasons for not allowing Police officers to move about in Bombay, and Nagarvala gave the information in regard to the theory of kidnapping of Mahatma Gandhi, there is nothing in paragraph 8 to indicate that Mr. Sanjevi demurred in any way to or reacted sharply or even mildly against this rather unusual theory on which Nagarvala was working. All that he said in paragraph 8 is, "I asked him about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal". This paragraph does not go further and say which names or what descriptions had been given to Nagarvala by the Delhi Police officers. Mr. Nagarvala has denied any such question having been put to him.

23.156 If, as it is claimed, Madanlal had indicated in his statement of the 20th January, Ex. 6, the proprietor of "Hindu Rashtriya" or the editor of the "Agrani" to be one of his companions, the Commission is unable to find any reason why the D.I.B. did not at once

find out as to who the persons were and direct either Nagarvala or Raosahib Gurtu to apprehend those persons immediately, or as soon as was humanly possible, and get some Maharashtrian policemen over to keep a watch both at the railway stations and air terminals and at Birla house so as to spot those persons if and when they came to Delhi. Whether Nagarvala was guilty of adopting an unusual line of investigation or not (which the Commission will deal with separately), there is nothing to be said in favour of the Delhi Police in having ignored to take the ordinary precautions to which reference was made by Mr. R.N. Banerjee both before Mr. Pathak and before this Commission. (See his statement before Mr. Pathak at page 38 and before this Commission at page 227, Vol. I).

23.157 No doubt, in Ex. 7, Mr. Sanjevi in paragraph 9 has stated that Delhi Police officers had repeatedly given information to Bombay Police, of all the names and descriptions mentioned by Madanlal, but it is nowhere mentioned what the names and descriptions given by Madanlal were. Unfortunately, this gentleman is dead and the Commission had no opportunity of examining him for finding out his explanation of these matters.

Lacuna No. 8—

23.158 Mr. Rana and Mr. Nagarvala on the evening of January 27, 1948, spoke to Mr. Sanjevi on the long distance telephone and gave all the information in regard to kidnapping theory and Mr. Sanjevi is not shown to have found fault with that theory or rejected it nor did he violently react against it. That appears from the statements of Mr. U.H. Rana and of Mr. Nagarvala.

23.159 In reply to question No. 8 of the Questionnaire to the Government of India, the Government of India stated that it was the duty of the Delhi Police to apprehend the accused persons, and if any action had to be taken outside the jurisdiction of Delhi Police, it was the responsibility of the police authorities in those jurisdictions to extend necessary assistance and co-operation to the Delhi Police.

23.160 In reply to question No. 9 of the Questionnaire the Government of India referred to the Home Minister's reply to Supplementary Question put by Pandit Balkishan Sharma in the Constituent Assembly on February 6, 1948, and to the note of Mr. Sanjevi dated February 4, 1948, Ex. 7-B, which seems to have been the basis of the reply in the Constituent Assembly. In Ex. 7-B it is stated that two police officers of Delhi were flown to Bombay and they contacted Mr. Nagarvala and "put him in full possession of all the facts known to them so far". These officers were not allowed to make any inquiries nor move about freely, and that was because Mr. Nagarvala feared that the presence of police officers from Delhi would be a set-back to his efforts in tracing the absconding men.

23.161 Commission finds little validity in this complaint. These two police officers had precious little knowledge of the City of Bombay which is a vast metropolis with the then population of three millions and a half. How these officers, even if clever and experienced, were to look for and spot Karkare in Bombay is beyond one's comprehension. In the matter of investigational utility their value was practically nil. Then why this complaint?

23.162 The two police officers returned after two days. On the 26th January, Mr. Sanjevi gave a copy of the statement of Madanlal made on the 24th to the D.I.G., C.I.D., Poona, Mr. Rana. This was a detailed statement. On arrival, the D.I.G. and Mr. Nagarvala contacted Mr. Sanjevi on the telephone and Nagarvala promised to send a letter by air next morning with a copy to the D.I.G., C.I.D., Poona, but no letter was received excepting the one sent on the 30th which contained no information about the assassins.

23.163 Unfortunately, the D.I.B. from the 25th to the 30th morning did nothing to find out as to what had been done in regard to the persons mentioned in the fuller statement of Madanlal; and it is still more unfortunate that the statement of the 20th January purported to have been made by Madanlal containing descriptions, names and mentioning the editor of the '*Agrani*' or '*Hindu Rashtriya*' was sent through the police officers of Delhi and yet no contact was made by the D.I.B. or by any other high ranking police officer in Delhi with Mr. Nagarvala to find out from him as to what he had done or was doing in regard to that information and why he was not asked as to why no credence was given to the information alleged to have been given by the Delhi police to him.

23.164 It is indeed a very perplexing situation. According to Delhi Police they took a document which contained the description of some of the accused persons; contained the name of Karkare; and mentioned the editor of the '*Agrani*' or the '*Hindu Rashtriya*' which fact is flatly and emphatically denied by Mr. Nagarvala and it is still more perplexing that the name '*Agrani*' is not mentioned in the fuller statement of Madanlal made on the 24th January and a copy of which was given to Mr. Rana on the 25th January, 1948, nor was it mentioned in his police statement at Bombay after the murder. In spite of the name of the '*Hindu Rashtriya*' having been mentioned, it is astounding that the Delhi Police made no effort to find out the identity of this person. It is still more astounding that the name of '*Hindu Rashtriya*' was admittedly given to Mr. Rana though it is doubtful whether it was to Mr. Nagarvala or not, and yet no effort should have been made by him on his reaching Bombay or even Poona to find out as to who this person was and to warn both the Bombay Police and the Delhi Police to be on a look-out for him. It would be unbelievable if that thing did not happen as it did, that Mr. U.H. Rana should have gone through the statement of Madanlal along with Mr. Sanjevi as Mr. Sanjevi's note shows and neither of them should, on the 25th January, have taken the slightest trouble to find out from the Intelligence Bureau or the Press Information Bureau or the C.I.D. as to who the proprietor of the "*Hindu Rashtriya*" was. Admittedly, there was mention of it in the statement of Madanlal of the 24th.

Mr. U. H. Rana, Wit. 3—

23.165 It may be remarked that Mr. Rana as witness No. 3 has denied that Sanjevi gave him the name of the "*Agrani*" or mentioned its proprietor or the editor or the name of the "*Hindu Rashtriya*", its proprietor or editor, and he was emphatic that the names of these papers were never mentioned to him. He has also stated that the correct position was as given in his correspondence with Mr. Kamte, Inspector General of Police, which are Exs. 30, 31, 31-A, 32

and 33. In his letter, Ex. 30, addressed to Mr. Kamte, he did say that the statement of Madanlal was made available to him on the 25th and it was on that day that he came to know about the mention of the editor of the 'Hindu Rashtra' daily and proprietor of Shastra Bhandar, Poona, and Karkare of Ahmednagar. It appears that there is some mistake in the mind of Mr. Rana because the statement, Ex.1, does not mention the editor of the "Hindu Rashtriya", although it does the proprietor of the "Hindu Rashtriya". In the maze of documents which he studied and on account of the lapse of over 20 years he might have been led into this confusion. The correct position appears to be that on the 25th January Mr. Rana did come to know of the complicity of a person who was the proprietor of the "Hindu Rashtra" mispronounced by Punjabees as "Rashtriya". The question again arises, why was no effort made there and then to find out the identity of this person and why his full particulars were not called for from Poona as they were after the Murder and even his photographs were obtained from there as shown by I.B. file No. 13/HA(R)/39-11, Ex.254-A.

Lacuna No. 9—

Mr. Banerjee, Wit. 19 (K), Wit. 17 (Pathak)—

23.166 Mr. R. N. Banerjee as witness No. 19 before this Commission stated that he did not know of the conspiracy to murder Mahatma Gandhi prior to January 30, 1948, and the first time he came to know about it was on the 31st at the post-cremation meeting. Normally, the police should have informed him of the conspiracy in his capacity as Secretary of the Home Ministry and Mr. Sanjevi was in constant touch with him. Before Mr. Pathak as witness No. 17, he had said the same thing as before this Commission. He added that Mr. Sanjevi had not informed the Deputy Commissioner of Delhi either. Mr. Banerjee said:—

"I would put it to gross incompetence 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. He had said in that meeting that he had not reminded the Bombay Police after the return of the police officers of Delhi who had been sent by him.....Mr. Sanjevi admitted that he had not reminded the Bombay Police".

23.167 According to the Punjab Police Rules, No. 24.15, special reports were to be sent by the Inspector General to the Government of India (Ministry of Home Affairs) but evidently none were sent to Mr. Banerjee. In reply to question No. 27 of the interrogative questionnaire to the Government of India, regarding the duties of the Director of the Intelligence Bureau *vis-a-vis* the Home Ministry, the position was described thus:—

"Q. 27. Would it be his duty to report all important matters, like danger to the life of Mahatma Gandhi, to the Minister of Home Affairs and also to regularly report the steps is taking or has taken to meet the danger?

Ans. It would be the duty of the Director, Intelligence Bureau, to keep the Home Minister and the Ministry of Home

Affairs informed about the threat or danger to important persons like Mahatma Gandhi. It would also be his duty to caution officers and officials working under him to remain vigilant about such threat or danger and to take such other measures necessary to collect further intelligence thereon. He would also warn the State CIDs about such developments and impress upon them their importance and urgency. In all these matters he would keep the Ministry of Home Affairs informed".

23.168. Mr. Banerjee has stated that if he had known anything about this matter, he would have taken as much meticulous care in regard to what police was doing in regard to the Bomb case investigation as he did after the murder.

23.169 It was also argued and rightly that if the Director, Intelligence Bureau, could send his own officers to Alwar, Agra, Gwalior after the murder why should he not have done this earlier after the Bomb throwing.

23.170 Mr. M.K. Sinha, witness No. 44, said that if the information which Madanlal had given in his statement had been given to him as an I.B. officer, he would have got into touch with the C.I.D., Bombay, on the secraphone and would have told them what had happened and requested them to try to arrest the persons whose descriptions had been given by Madanlal. He would also have got into touch with the Inspector General of Police and the C.I.D., at Poona and would have been constantly in touch with them to find out the progress of the investigation.

23.171 Mr. M. K. Sinha when recalled said that the full statement disclosing a conspiracy to murder Mahatma Gandhi should have been reported to the Home Ministry, and in this particular case it was the duty of Mr. Sanjivi as Inspector General of Police, Delhi, to keep the Home Secretary and the Home Minister informed.

Lacuna No. 10—

23.172 It cannot strictly be called a failure on the part of Mr. Sunjivi himself but is a matter which does concern the conduct of the Delhi police. In the noting made in the Government of India Secretariate made on the explanation given by Mr. Sanjivi, Ex. 7, and by Mr. Nagarvala, Ex. 14, there is a remark by Sardar Patel that it was a mistake to have sent a Deputy Superintendent of Police to Bombay, a remark with which the Commission agrees particularly after having seen the whole course of conduct of the two respective forces. Bombay and Delhi police. But that fact alone was no justification for Mr. Nagarvala not trying to find out from the officers what they knew or why they had been sent.

23.173 There is one matter which has not been explained and for which explanation could not be sought from Deputy Superintendent Jaswant Singh because he is dead and Inspector Balkishan was rather ineffective. And that was why did the two Police officers who went to Bombay, besides giving the information which they allege they gave to Mr. Nagarvala and which they have incorporated in their police diaries No. 3-A and No. 4-B, not orally tell Mr. Nagarvala what

was within their knowledge besides what was contained in Ex.5-A. They would easily have told Mr. Nagarvala that they themselves were present at the interrogation of Madanlal as a consequence whereof they had made a search in the Marina Hotel for two Maratha companions of Madanlal who had stayed there but it was found that they escaped soon after the offence and before the search and that they had given their names as S. and M. Deshpande; and that they had searched the Hindu Mahasabha Bhawan where the others including Madanlal had stayed. They should also have mentioned the recovery of Ex. P-25 the statement of the Hindu Mahasabha Secretary, Ashutosh Lahiri, repudiating their acquiescence in Gandhiji's multi-point formula, which would have shown to Mr. Nagarvala that the conspirators were connected with the Hindu Mahasabha movement. That, coupled with the mention of Savarkar's name by Mr. Morarji Desai and the common name Karkare, would have led Mr. Nagarvala to adopt different investigational track and not the sterile track of conspiracy to kidnap. Besides, on search of Madanlal a hand-grenade had been found and of that the two officers should have been aware. They should have apprised Mr. Nagarvala of that fact. The explosion of a bomb, the finding of a hand-grenade, and the association of Savarkar, were all pointers to attempted political assassination by Savarkar's followers rather than kidnapping by Punjabis even if directed by General Mohan Singh of the I.N.A. which that gentleman has strongly repudiated in his statement before the Commission which statement the Commission accepts.

23.174 All these lacunae and omissions and lapses in the investigation by Delhi Police which was being conducted under the D.I.B. who was also the I.G.P. are quite substantial and serious in nature but particularly harmful were—

- (1) not communicating with the Bombay Inspector General of Police or with the Provincial C.I.D. at Poona. And if Mr. Rana's presence at Delhi can be an excuse in not sending him at once to Bombay if Madanlal had actually made the statement, Ex. 6, or at least sending somebody of a higher rank than a Deputy Superintendent of Police to tackle Mr. Nagarvala or sending some requisitioning letter from either himself or from Mr. Mehra or from a Superintendent of Police to give definite information of the facts or about the persons known upto then, as given out by Madanlal;
- (2) not getting Bombay Maratha Police to come to Delhi to act as watchers, spotters and guards at Birla House;
- (3) not flying Madanlal to Bombay as was done after the murder. The police diaries do not indicate that anything useful was obtained from Madanlal after the 24th January 1948;
- (4) not informing Mr. Banerjee of the facts of the case and progress of investigation and in not getting him to move the Home Secretary of Bombay to see what was being done by Nagarvala. If Mr. Banerjee had been brought in earlier, he would have been hammering at Mr. V.T. Dehejia the Secretary, Home Department, who in his turn could have used his administrative experience to get the Provincial Police also on the move. But as to the fertility of this course of action one can only conjecture.

Mr. D. W. Mehra, Wit. 23—

23.175 Witness No. 23, Mr. D.W. Mehra, at the relevant time was the Deputy Inspector General of Police at Delhi. He was a N.W.F.P. Officer. His statement is that there was resentment against the Mahatma because of his insistence on giving 55 crores. There were no big demonstrations outside Birla House at the time but people occasionally objected to the recitation of the Quran at the Mahatma's meetings. Before the bomb was thrown there was no indication of any danger to his life. When his attention was drawn to the statement made by other witnesses that people used to shout "GANDHIJI KO MARNE DO", his reply was that that was never brought to his notice nor could he recollect anything about large crowds collecting outside Birla House and shouting such slogans.

23.176 News of explosion of the bomb was conveyed to him between 6 and 7 P.M. on 20th January. The information was that a bomb had been exploded but no damage had been done and nobody was injured, and that Mr. Sanjivi had taken over charge of the investigation. As he himself had high temperature he could not go to the place of occurrence.

23.177 He attended Mahatma's prayer meetings between the 21st and the 24th after which he fell ill again. He did not do any investigation himself. But he was kept informed about it by Police Superintendent A.N. Bhatia, who told him that Madanlal had given a description of his co-conspirators and they belonged to Bombay province and the name of one of them was Karkare. All that is contained in his note. Additional police was ordered to be posted at Birla House after the bomb incident and Mr. Mehra gave them general instructions as to what was to be done by them. He himself went to the Mahatma and suggested that strict screening of the visitors was necessary. He did not know whether any instructions had been given to the Police to keep a watch on Marathas (really Maharashtrians) from Bombay Province.

23.178 The statement of Madanlal made on 20th was read out to the witness and he was asked whether from that it should have struck the Police that the likely assailants were from Maharashtra; his reply was in the affirmative. When asked if he had given instructions to the Police to keep a watch for this class of persons, he said that he gave no such order, because Mr. Sanjivi was incharge and he was looking after the entire matter. He himself did not make any suggestion in regard to this matter. When asked whether Poona Police, if it had been called in and posted outside Birla House, would have been able to spot the future murderers, he replied, "it is possible that they might have been able to do it. It is also possible that they might not have been able to do it. The question is highly hypothetical".

23.179 If they had ordered even suspicious looking persons to be searched, it would have annoyed Gandhiji and he would have left Delhi. It was not correct, he said, that when an offence is committed by a person from another Province, the Police of that Province would be called in to help in the investigation. It might happen in important cases but not ordinarily. He could not say why Bombay Police was not called in.

23.180 He met Mr. Rana, D.I.G., Poona, and he was told by Mr. Sanjevi that a copy of Madanlal's statement had been given to Mr. Rana but he could not say whether it was a full confessional statement or any other. Nor did he know whether any precautions were taken to watch people arriving in Delhi by air, rail or road. But he was sure that some precautions must have been taken. As far as he could recollect he neither met Mr. Banerjee nor Mr. Randhawa between 20th and 30th January, 1948. When asked how he came to send a note, Ex. 10, to high-powered committee on the 31st January, he said that he was directed by Mr. Sanjevi to get hold of Bhatia or Rikhikesh and after getting the facts from them to prepare a note, which was sent to Mr. Sanjevi to correct. It was retyped and sent to the high-powered committee. Thus, Mr. Mehra accepts no responsibility for the note submitted and throws all responsibility on his subordinates. Mr. Mehra produced a copy of this note, Ex. 10-A, which also gives the names of the persons present at the meeting, which could not have been in the original note, Ex. 10, as no one could then know as to who would be present at the meeting.

23.181 He sent a note to Mr. Banerjee in the second half of March of 1948, Ex. 44. Unfortunately, this is a copy which is not signed and is not dated. This was to clear up some points about which Mr. Banerjee had doubts.

23.182 By January 1948 the communal situation in Delhi had been brought under control.

23.183. He was cross-examined by Mr. Vaidya. He was asked why he wrote that Rana flew to Bombay when he actually went by rail. His reply was that somebody must have told him that Rana was flying and that is why he must have written it. As to who told him he was unable to say.

23.184 When asked if he had seen the original Police diaries submitted to the D.I.G., his answer was in the negative because he was ill during those four days; they must have been sent to his office and endorsements made by somebody in that office. Both the District Police and the C.I.D. were working on this case under Mr. Sanjevi. When Mr. Banerjee's statement that Mehra used to meet him between 20th and 30th January and he never mentioned the fact of conspiracy to him was read out to the witness, he said that as far as he could recollect, he did not meet Mr. Banerjee. He did not think it to be correct that Mr. Randhawa had suggested to him that people coming to prayer meeting should be searched. Nor would he ordinarily go to the Deputy Commissioner to discuss such matters with him. He used to meet Mr. Randhawa at Home Ministry meetings but had not met him during that period because he (Mehra) was ill. He saw Madanlal's statement for the first time in February 1948 and he could not say whether he saw the short statement made on the 20th or the fuller statement made on the 24th, nor could he remember whether it was sent to his house by the Superintendent of Police.

23.185 When asked by Commission whether a statement of such importance would ordinarily be sent to him, his reply was "yes" but it would have been sent to his office because of his illness. But he admitted that a gist of the statement was given to him by Superintendent Bhatia. He himself did not try to find out anything because the

matter was under Mr. Sanjevi's control. He was shown the statement of Inspector Balkishan that copies of statement of Madanlal dated 20th January were sent to all higher Police officers. His reply was that he could not remember. But the copies must have been sent to his office. He himself was giving no directions nor passing any orders.

23.186 Mr. Mehra's attention was drawn to his affidavit of the 4th March, 1967 where he stated that on 21st January he went to see Saydar Patel and told him what had passed between him and Gandhi. He replied in the affirmative. When asked if it was in consultation with him, as stated by Mr. V. Shankar, that the Police force was strengthened at Birla House, he said it was not in consultation with him. He was out of the picture. He had on his own volition resolved to attend the prayer meetings whenever he could. He admitted that he did get information about the explosion of the bomb on the 20th January but could not say who gave him the information whereupon he went to the place of occurrence on the 21st. He was informed by Bhatia or someone else that Jaswant Singh and another had been flown to Bombay, but these officers were not sent after consultation with him. He came to know about it after the officers had been sent. He was later told by Superintendent Bhatia or Rikhikesh that the officers were told not to do anything on their' own but to leave the whole thing to the Police in Bombay because Mr. Nagarvala knew about the conspiracy and he was taking all effective steps but he could not remember when those people told him about the return of the officers.

23.187 Mr. Mehra again repeated that the note which was sent to the high-powered committee was prepared by him because Mr. Sanjevi had asked him to do so. He got the facts from Bhatia or Rikhikesh and prepared a note and sent it to Mr. Sanjevi who made corrections. When asked why in that statement he did not refer to the fuller statement of Madanlal, his reply was that he got the facts from Bhatia and Rikhikesh and whatever they told him to be the statement of Madanlal he accepted it. He did not know at the time that a fuller statement had been made. It was correct that he did not mention either the 'Agrani' or the 'Hindu Rashtra' in his note; that was because he had seen neither of the statements and the facts were given by Rikhikesh or Bhatia.

23.188 When he was asked if it would be correct to infer from this that the 'Agrani' or the 'Hindu Rashtra' or their editors were never mentioned by Madanlal and it was afterwards that the fact was introduced, his answer was that he could not say anything because he had not seen the original statement. He took the facts from Rikhikesh or Bhatia. Reference to all Police officers in his note was to Police officers in Delhi and not Police officers outside Delhi. Presumably the only facts which could have been sent to those officers were the ones which were given in his note at page 3. It was not possible from the descriptions given in his note to identify Nos. 1, 2, 5 and 6 but it might have been possible to identify 3 and 4. He himself had no personal knowledge about anything nor was he consulted. He came to know about the conspiracy to murder Mahatma Gandhi on the 21st probably from Bhatia or Rikhikesh. He himself had no personal knowledge of what statement Madanlal had made or what statement of Madanlal was given to Mr. Rana. Upto the 1st February 1948 he was

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not aware of the steps the Bombay Police had taken as to the information that was sent to them and it was not his duty to find out what was happening there particularly when he was not well. He could not remember discussing question of conspiracy with Mr. Bannerjee on the 21st or after the 21st.

23.189 When cross-examined by Mr. Chawla, he said that in his opinion the bomb was not thrown as a matter of demonstration only. But he could not say whether it was to murder Mahatma Gandhi or to threaten him but it was not an attempt to kidnap Gandhi.

23.190 It was the duty of the Superintendent of Police to inform the District Magistrate of any important occurrence which took place in Delhi; whether he did so or did not he could not say but he should have done so. The D.I.B. had direct approach to the Secretary, Ministry of Home Affairs and he could have given this information to him and he should have done so. When asked what is expected of an officer of the rank of Nagarvala to do when the information was given to him, he said normally an officer of the Bombay Police should have been deputed to help these police officers in the investigation of the case.

23.191 The evidence of this officer is not of much importance because he does not seem to have been able to take much interest in the investigation. He was, as he says, ill most of the time although other witnesses, e.g. Mr. Bannerjee etc. seem to have met him during that period. He himself out of his volition had undertaken to attend Gandhiji's prayer meetings and did as a matter of fact interview him to get his consent to proposals of security measures. As the matter is old, there can be honest differences as to certain events. Secondly, Mr. Sanjevi himself had taken charge of investigation and evidence shows that he was averse to anyone else interfering in his investigation; even his Deputy, Mr. M.K. Sinha was snubbed by him.

23.192 However, this officer sent a note, Ex.10A, to the high powered meeting on February 1 or 31st January, 1948. That did not mention the editor or proprietor of the *Agrani* or the "Hindu Rashtra". But his explanation is that it was prepared by or from the material supplied by his subordinates, i.e., Superintendent Bhatia or Rikhiresh. Whatever be the modus of preparation of the document, it has an apparent and important omission. The Commission is unable to get much assistance from this officer's statement except what has been said above. It appears that illness and Mr. Sanjevi seem to have been responsible for his ineffectiveness.

M. K. Sinha, Wit. 44—

23.193 Witness No. 44. Mr. M.K. Sinha, Deputy Director in the Intelligence Bureau, stated that there was a very strong Hindu Mahasabha and R.S.S movement in Maratha speaking part of Bombay and C.P. and parts of Bihar but he could not say that there was an anti-Gandhi movement although there was a great deal of anti-Gandhi talk in those parts especially because of Gandhiji's attitude towards Pakistan. He received no reports from Bombay or C.P. about anti-Gandhi movement which was likely to burst into violence and he had had no reports of that kind from Ahmednagar or from Poona. As he was Deputy Director 'A' and in charge of communal and political [digitised by sacw.net]

matters in the country, he received no reports from Bombay or C.P. about any movement tending to use violence against Gandhiji or against the Prime Minister Jawaharlal Nehru.

23.194 He had no information about the conspiracy but had heard rumours that the person who had thrown the bomb had made a confession suggesting the existence of a conspiracy. No information was officially received by him in the Bureau in regard to the conspiracy or the persons who were in it. He had heard only rumours that Madanlal had made a confession. Mr. Sanjevi himself gave him no information and knowing Mr. Sanjevi as he did, he could not ask him anything. If any reports were coming from Bombay in regard to persons who were subsequently prosecuted for the murder of Gandhiji, they must have been with Mr. Sanjevi who never took the senior officers of the Bureau into confidence.

23.195 On the day of the funeral he asked Mr. Mehra as to what they were doing to protect Gandhiji. His reply was that Gandhiji did not want police protection.

23.196 He added, "I asked him why he could not have a cordon of plainclothes policemen around Mahatma Gandhi. I cannot remember what he said."

23.197 On 31st January, 1948, after the funeral there was an informal meeting at the house of the Home Minister. Amongst those who were present were the Prime Minister, the Premier of U. P., Mr. R. N. Bannerjee and Mr. Sanjevi. The witness has heard that Madanlal's statement was read by Pantji who asked Sanjevi as to why he did not arrest or arrange to get those persons 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 arrested those persons.

23.198 The witness was shown Ex. 36 or Ex. 6 and he was asked if he could arrest anyone from the description given thereunder. His reply was in the affirmative and he mentioned the person described at No. 5, i.e., the editor of the *Rashtriya and Agrani*, Karkare and Maharaj because the information regarding the editors and managers of the newspapers was always available with the C.I.D.

23.199 The witness was then shown Ex. 5A and he was asked if he could arrest anybody from that. His reply was:—

"It is possible from this statement to trace some of the conspirators in Bombay particularly those who used to visit Deccan Guest House, Ahmednagar. Once Karkare's name was mentioned and he could be located it should have been possible to arrest others. This could have been done by keeping a watch all the 24 hours over Deccan Guest House or over Karkare or wherever he was residing.

Ex. 5A looks like an *aide memoire*."

23.200 He was shown the police case diaries and he said that it had appeared to him that the information about the conspirators

must have been obtained on the first or the second day after the arrest of Madanlal. He added that—

"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."

23.201 The witness said that if information had been given to him about Madanlal's statement, he at once would have got into touch with the Bombay C.I.D. on the secraphone and told them what had happened and that they should try to locate and arrest the persons whose descriptions had been given by Madanlal. If there were two C.I.D.s, he would have got into touch with the Inspector General of Police and he would be in touch with the Bombay C.I.D. or the Poona C.I.D. constantly to find out the progress of the investigation.

23.202 He himself had no information about the hostile camp at Poona. Mr. Sanjevi may have given information to the Home Minister but he gave no information to the witness. He could not say whether Mr. Sanjevi went to Sardar Patel as Inspector General or the D.I.B.

23.203 The witness never saw a copy of the statement of Madanlal before it was handed over to Mr. Pant. Whatever came to the I.B. was regularly kept in the files. The D. I. B. or the I. G. P. should have got information from the Special Branch of the C.I.D. Bombay.

23.204 In reply to a question by the Commission, the witness said—

"If I had been in charge of the police in Delhi, after knowing that the persons in the conspiracy were Maharashtrians, I would have got some plainclothes men from Maharashtra and would have placed them as kind of identifiers so that no stranger or suspicious person approached Gandhiji".

"It would have been better if Madanlal had been taken to Bombay as it was proposed at one time because it might then have been easier to identify persons in the conspiracy and to arrest them".

He added that if the information had been given to him in Bombay he would have the persons mentioned by the Delhi Police to be shadowed and bottled them in Bombay.

23.205 The evidence of this witness shows what attitude Mr. Sanjevi had regarding his subordinates. It also shows that there was a strong Hindu Mahasabha and R.S.S. movement in Maharashtra, Nagpur and Bihar. But the witness could not say if there was an anti-Gandhi movement though there was anti-Gandhi talk. There were no reports of a violent anti-Gandhi propaganda in Ahmednagar or in Poona, nor were there any reports of mentioning violent anti-Gandhi intentions of anyone.

23.206 To protect Gandhiji, a cordon of plainclothes policemen should have been put, he said.

23.207 After the murder, he was put in charge of the security of the Prime Minister and the Deputy Prime Minister.

23.208 If he had been in charge of investigation of the bomb case, he would have sent for Bombay Police as identifiers and would have sent Madanlal to Bombay.

Dasondha Singh, Wit. 14—

23.209 Witness No. 14, Sub-Inspector Dasondha Singh (now Inspector) was the Station House Officer of the Tughlak Road Police Station within the jurisdiction of which lay Birla House. The First Information Report was written at his instance though the informant was Mr. K.N. Sawhney, P.C.S. He reached Birla House about 6.00 p.m. and interrogated Madanlal and then made recoveries from his person. From Birla House Madanlal was taken to Parliament Street Police Station where he was interrogated by senior police officers and whatever was stated by him was taken down by this witness and incorporated in his case diary No. 1. Thus, he is definite that the first case diary contains the statement made by Madanlal on 20th January, 1948.

23.210 This witness said that on the very first evening Madanlal disclosed that one of the conspirators was the manager of the "Rashtriya" paper and another was the editor of the "Rashtriya and Agrani" Maratha newspapers and had given his name as Deshpande. Another name disclosed was Karkare and the rest of it was descriptive as given in paragraph 15 but wrongly taken down as paragraph 16 in his statement.

23.211 No one stated before him that the object of the conspiracy was to kidnap Mahatma Gandhi.

23.212 Before the two officers Deputy Superintendent Jaswant Singh and Inspector Balkishan left for Bombay they took from him a copy of the statement of Madanlal which had been recorded by him and that was the only statement recorded before midnight of January 20, 1948.

23.213 This witness did not know anything about Ex. 5. It might have been given as a list of the statement which Madanlal had made to him. That is in paragraph 15 of diary No. 1.

23.214 The first statement which Madanlal made, according to this witness, had been verified during the investigation to be correct. This witness did not know if anybody had preserved the notes taken down by Deputy Superintendent Jaswant Singh of the statement of Madanlal which he made at Birla House.

23.215 He was asked if the recovery of the clothes marked "N.V.G." and the name given by Godse as Deshpande in the hotel register did not put him on guard as to who "N.V.G." would be. His reply was that it was difficult to make inquiries at that stage.

23.216 In diary No. 11 dated 30th January 1948 written after the murder of Mahatma Gandhi, there is an entry that "Nathuram Vinayak Godse" was the same person who had gone to Birla House with Madanlal and was his accomplice in the bomb case and he was the very man who was described by Madanlal as editor of the Rashtriya newspaper and who had stayed at the Marina Hotel.

23.217 In cross-examination he said that Deputy Superintendent Jaswant Singh was present when Madanlal made his first statement. Therefore, it was not necessary for him to state in the case diary that he had given a copy of the statement to him (Deputy Superintendent Jaswant Singh). He reiterated the fact that Jaswant Singh must have taken a copy of the statement of Madanlal which he, the witness gave to him, i.e., the statement made on the very first day and that it was not necessary to so state in the diary. What the witness did give to Jaswant Singh was the Urdu copy of the statement.

23.218 In cross-examination by Mr. Chawla he said that Madanlal had not given the name of Godse. As far as he knew, Madanlal did not know his name. He only gave the description which was incorporated in the case diary. Madanlal did not tell him what places the conspirators belonged to and in spite of their best efforts they could not get any more information from Madanlal.

23.219 The evidence of this witness shows that—

- (1) Madanlal made the statement incorporated in paragraph 15 the first case diary on 20th January, 1948.
- (2) An Urdu copy of the statement was given to Deputy Superintendent Jaswant Singh but it is not mentioned in the case diary as Jaswant Singh was present at the interrogation of Madanlal.
- (3) In his first statement, Madanlal did not give the name of Godse but mentioned the editor and the manager of the "Hindu Rashtriya" and Agrani Maratha newspapers.
- (4) The editor had given his name to Madanlal as Deshpande.
- (5) He does not know anything about Ex. 5 or Ex. 5A.

Inspector Jai Dayal, Wit. 16—

23.220 Witness No. 16, Inspector Jai Dayal joined in the interrogation of Madanlal on January 21 at 5.00 p.m. but he could not say from memory what Madanlal had stated at an earlier date if he did so at all.

23.221 He stated that the full confessional statement of Madanlal was written by him in English and then it was typed. Paragraph 6 of case diary No. 5 shows that the typed copy was taken by this witness to C.I.D., meaning the officers of the C.I.D.

23.222 He stated that they interrogated Madanlal at great length and whatever they got from him was contained in what is called the full confessional statement. But he could not say whether any copy of it was sent to Deputy Superintendent Jaswant Singh.

Note—This is probably a mistake because Deputy Superintendent Jaswant Singh had left much earlier. Probably the correct thing was about sending it to Bombay and not with Deputy Superintendent Jaswant Singh.

23.223 In cross-examination he stated that he did not know whether Ex. 5 was recorded by him or by somebody else.

Note—At that stage the Commission had not been able to get the original Ex. 5A.

23.224 Before starting the interrogation of Madanlal, he did not have any police papers before him. The only thing he knew was that Madanlal had thrown a bomb and had been arrested at the spot. He did not even know what investigation had been carried out before. He said that the statement made by Madanlal on the 20th night and recorded in case diary No. 1 was not given to him. Before the 23rd January no statement had been made to him by Madanlal. Whatever statement was made was recorded on the 23rd and completed on the 24th. As far as he could remember, during the interrogation of Madanlal Rai Sahib Rikhikesh was not present. The witness was in the investigation of the case for three or four days as from the 21st January. He was only interrogating the accused and recording his statement. The full statement of Madanlal which he recorded was in English.

23.225 So this witness can throw no light on the authorship of Ex. 5A or the occasion of its being prepared, and all he did was to interrogate Madanlal on 23rd January and record his statement in English.

Mehta Kartar Singh, Wit. 21—

23.226 Mehta Kartar Singh, witness No. 21, was an Inspector in the C.I.D. at the time the bomb was thrown. He took part in the investigation soon after the offence was committed and interrogated Madanlal first at Birla House and then at Parliament Street Police Station. The others present at the time were Police Superintendents A. N. Bhatia, Pt. Jagan Nath and Rai Sahib Rikhikesh besides Deputy Superintendent Kartar Singh. After looking at Ex. 36, the first alleged statement of Madanlal, he said that the statement was about that long. Whatever was contained in that document correctly represents what Madanlal stated. He gave one name, i.e., Karkare, and gave the description of others, and whatever was stated at No. 5, i.e., editor of the "Agrani" and "Hindu Rashtriya" was a correct record of what was given by Madanlal.

23.227 He was told that the officers going to Bombay took a document with them containing the description of persons as given by Madanlal. He was shown the *precis* Ex. 5 but as he had not seen it before he could not say whether that was taken to Bombay. He could not say anything about the fictitious number of the car DLH 9435.

23.228 He went with the police party to Marina Hotel on 20th January and they came to know that some of the associates of Madanlal stayed there. On search they only found a "printed hand-bill" and nothing more. The two associates had stayed there under the name of Deshpande.

23.229 They did not send anybody to the railway station or the bus stop at it was late in the night, to prevent the escape of Madanlal's companions but the Superintendent of Police did send some people.

23.230 He himself did not give any description of the accused but Superintendent of Police must have done so.

23.231 He stated that the police practice was that as long as the accused was in police custody, they continued to interrogate him and
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record what was stated by him and when the statement is finished, it is put in as a consolidated statement and Ex. 1 was that statement.

23.232 Hotels were, as a matter of routine, checked every day by the C.I.D. staff and the Frontier Hindu Hotel and the Sharif Hotel must have been so checked on the 20th but he himself did not go to any hotel other than the Marina Hotel. He went to the Sharif Hotel on the 24th. He could not say whether after the description he got from Madanlal any instructions were given to the C.I.D. police to check those hotels with the particular object of finding out the companions of Madanlal.

23.233 In cross-examination, he stated that as a C.I.D. officer he did keep diaries which were sent to his superior officers but he could not say what had happened to them. In his first statement, Madanlal did not give the towns to which the companions belonged but he gave some details from which it was possible to find out their places of residence or of their activities. He gave the name of editor of "Hindu Rashtra" and "Agrani" from which it was easy to find out who he was referring to and it was for the officers who went to Bombay or for the Bombay Police to find out about this newspaper. He was asked if it was not possible to find out about Gopal Godse and Karkare, who stayed for the night of 20th and the 21st at the Frontier Hotel, had there been a routine check by the C.I.D., he replied he could not answer that question.

23.234 In cross-examination by Mr. Chawla, he said that he knew that a statement of Madanlal was taken to Bombay by the police officers because this was discussed among the officers at the time.

23.235 On their return from Bombay, the police officers were complaining of lack of cooperation from the Bombay Police. But he could not remember which Bombay officer's name was mentioned by the Delhi Police officers. He could not say whether Madanlal was deliberately not giving the names of his companions. Madanlal must have been examined for about two hours on the 20th by this witness. Madanlal gave the name of Karkare as "Kirkree" and so it was taken down like that. The other particulars were given by Madanlal and they were so taken down. From the examination of the Marina Hotel registers he concluded that the persons staying there were Maharashtra. Putting the statement of Madanlal with what they learnt at the Marina Hotel, they concluded that the companions of Madanlal were from Bombay side.

23.236 The statement of Inspector Mehta Kartar Singh thus shows—

- (1) In the first statement of Madanlal, the editor of the Rashtra and Agrani was mentioned but it was not disclosed where the conspirators belonged to.
- (2) The mention of the name 'Deshpande' showed that the accomplices were Maharashtra from Bombay side.
- (3) Hotels in the city were checked as a matter of course but as a matter of fact the Sharif Hotel was checked on 24th January and the Frontier Hotel after the murder.

Kartar Singh, Wit. 26—

23.237 Witness No. 26, Kartar Singh, was Deputy Superintendent of Police, C.I.D. at the time of the bomb incident. He said that before and even on the 20th January 1948 the Delhi Police did not know that Mahatma's life was in danger. The statement, Ex. 36, which is paragraph 15 in the first case diary, was taken down in his presence. Beyond giving the name of Karkare and the description of other co-conspirators Madanlal could not give any other information as to their identity, but he did mention the name of a newspaper *Hindu Rashtriya* whose editor was one of the conspirators.

23.238 The witness had a distinct recollection that Mr. Sanjevi had, before the murder, ordered that Madanlal should be flown to Bombay so that he could be interrogated there but somehow or the other Mr. Sanjevi countermanded his previous orders.

23.239 Arrangements were made for watch at the railway stations but the description given was so meagre and so uninformative that it was not possible to arrest anyone. Mr. Sanjevi did all he could in the matter of investigation. The witness was of the opinion that the Bombay C.I.D. was superior to the C.I.D. organisation at Delhi. In Delhi it was at that time disorganised and was a hotch-potch. He had no recollection whether a copy of the fuller statement of Madanlal was sent to Bombay or not. His attention was drawn to case diary No. 6 at page 49 (English copy) where it is stated that officers of the Hindu Mahasabha and other important places should be secretly watched because the Hindu Mahasabha and the R.S.S. had a hand in the conspiracy and they had a strong foothold in Delhi. He said that attempts were made to find out from the places mentioned whether any of the conspirators was still in Delhi.

23.240 Whatever was stated by Madanlal was correctly taken down by Dasondha Singh on the 20th January but the records were not searched by this witness to find out who the editor of the *Agrani* or the *Hindu Rashtriya* was, nor did he know why the orders for sending Madanlal to Bombay were countermanded. From the 21st onwards, important hotels were covered and a watch kept. That was the practice.

23.241 The statement of this witness, Deputy Superintendent Kartar Singh, thus corroborates the fact that—

- (1) The statement, Ex. 36, i.e., paragraph 15 of the first case diary was made by Madanlal and correctly recorded by Dasondha Singh.
- (2) Name of Karkare was disclosed.
- (3) Madanlal did mention the editor of the *Agrani* or the *Hindu Rashtriya* newspaper.
- (4) From 21st onward important hotels were watched. Of this, Commission finds no evidence.
- (5) The Hindu Mahasabha and the R.S.S. were suspected as having a hand in the offence.

Dayal Singh, Wit. 60—

23.242 Deputy Superintendent Dayal Singh, witness No. 60, was a District Inspector of Police in January 1948. He was associated with

the investigation of the bomb case from 21st onwards. He stated that he took part in the interrogation of Madanlal on the 21st and again on 22nd January and interrogation was continued on the 23rd also. He continued the interrogation on the 24th upto 9.30 p.m. but before that Mehta Puran Chand, Advocate, interviewed Madanlal sometime in the day. He said that the statement made by Madanlal which was recorded on the 24th was not in the case diary and the one attached to the case diary No. 12 dated February 1, 1948, was not in his hand-writing.

23.243 Madanlal stated that they would be coming another time but he did not give any names. He made a clean breast and his confessional statement was recorded. What names, if any were given, he could not remember as the matter was 20 years old. He was shown case diary No. 12 and he said that it shows most of the facts stated by Madanlal to him. He added, "I think he did give some names but I cannot remember which ones they were". His duty was only to help in the interrogation of Madanlal. When that was over, his connection with the case finished. He was being assisted by Inspector Jai Dayal.

23.244 In cross-examination he stated that he had not seen the case diary of the previous day before taking over the interrogation nor could he remember if anybody told him that Madanlal had made a statement on the 20th January. The police officers were asking Madanlal to disclose true facts and whatever the witness came to know was recorded in his case diary No. 2A and case diaries 4, 5 and 9. But the recording of the statement of Madanlal finished on the 24th. He gave the original statement of Madanlal taken down by him for being typed to Inspector Jai Dayal. He wrote on a white sheet of paper. He could not remember over how many pages it extended. If the statement had been in Urdu, it would have been attached with the case diary. As it was in English it had to be typed and it was not included in the diary. The statement was never returned to him.

23.245 He did not meet the D.I.G., Mr. Mehra, at the time of the investigation. He did go to his house to explain the facts to him but he was not at home.

23.246 He did not know how many copies of the statement were made by Inspector Jai Dayal. The witness only handed over the original to Jai Dayal for typing.

Mr. Ashutosh Lahiri—

23.247 Statement of Mr. Ashutosh Lahiri who was General Secretary of the All-India Hindu Mahasabha at the relevant time, was recorded by the Bombay Police on March 14, 1948, Ex. 279. Mr. Lahiri there stated that since July 1947, Hindu Mahasabha Bhawan at New Delhi had a large number of refugees staying there. Before July 1947 they used to maintain a register of residents but all this had to be given up because of rush of the refugees. He never knew whether Madanlal stayed at the Bhawan but he came to know about him when he was told on the 21st that the police came to search the Bhawan the previous night at 12 o'clock. The police did not question him although he was available for interrogation but he was told the police had interrogated a Sadhu who had been staying in room No. 3 "for about three weeks previous".

23.248 He knew Nathuram Godse for eight or nine years as one of the workers of the Hindu Mahasabha from Poona. He also knew that he was running a daily newspaper "the *Agnani*" which subsequently became "*Hindu Rashtra*". In 1946, he and Apte came to Delhi a number of time and the last he met him was either in June 1947 when All India Committee meeting was held or it may be in August 1947 when the All Indian Hindu Convention was held but he could not be sure. He also knew Karkare who had gone to Calcutta and then to Noakhali in November 1946 with a letter of introduction to him (Lahiri). He also sent some money for Noakhali Relief Fund but he had not seen him on any other occasion. He neither knew Gopal Godse nor Badge nor Shankar; nor had he heard of their names and nor did he know that they were residing in room No. 3 between the 15th and the 20th January 1948. He denied having received any chit or slip from Nathuram Godse for giving accommodation to any person in the Bhawan but he was unable to say if the Hony. Superintendent temporarily incharge at that time, Dr. Satya Prakash, had received any.

23.249 In his further statement, Ex. 279A, he said that he did not see Nathuram Godse, Apte or Karkare in Delhi in the month of January, 1948, and he had no knowledge if Apte sent any telegram to Savarkar on January 19, 1948, from New Delhi. He did not deposit any money with him (Lahiri) for a telegram or anything else (Reference probably is to a telephone).

23.250 Rai Sahib Rikhikesh, Superintendent of Police, Delhi, sent a progress report on February 13, 1948, regarding the activities of the Hindu Mahasabha and R.S.S. workers. It said that Ashutosh Lahiri had been interrogated but he denied having met Madanlal but he did know Godse since 1939 and had been meeting him off and on. He was at Bombay when Mahatma Gandhi was assassinated which was only natural.

23.251 In his progress report of February 4, 1948, Rai Sahib Rikhikesh sent a copy of the statement of Ashutosh Lahiri dated February 14, 1948. He had denied seeing or knowing Madanlal but he did know Godse since 1939 or so but that was in connection with the Hindu Mahasabha work. He was emphatic that Godse did not see him in the Hindu Mahasabha Bhavan before or after the bomb explosion. He explained the reasons for his not subscribing to the pledge which Gandhiji required. He was arrested on February 6, 1948.

Conclusion—

23.252 The course of investigation followed at Bombay and at Delhi after the bomb was thrown and before the murder has been discussed at great length under the headings "Investigation at Delhi" and "Investigation at Bombay". It is important to remark that the real investigating police was the Delhi Police and if any information was conveyed to the Bombay Police by the Delhi Police, then it could only be on a requisition as provided in section 54 (ninthly) of the Code of Criminal Procedure. That in the present case was not done. At least there is no evidence to show that that section was complied with. The clause ninthly was not applicable to Bombay and therefore the information if it had been sent under ninthly would have been

on a par with information upon which a Police governed by the Criminal Procedure Code would have acted under the first clause of section 54 of the Criminal Procedure Code which corresponds to section 33(a) of City of Bombay Police Act, 1902.

23.253 The Commission has pointed out the various lapses on the part of the Inspector General of Police of Delhi, Mr. Sanjevi. It has also pointed out that the Police daily diaries of Delhi Investigation are not a great compliment to the detective abilities of the Delhi Police. Beyond a very routine kind of investigation which the case diary disclosed, nothing was done with that earnestness and that alacrity which an attempt on the life of Mahatma Gandhi required or deserved. As far as the commission has been able to see, there was routine interrogation of Madanlal which went on from 20th to 24th and even then the disclosure was not of any very great use.

23.254 The Delhi Police have said and the diaries show that Madanlal had disclosed on the very first day the name of Karkare and indicated that one of the conspirators was the editor of the "Agrani" and the "Hindu Rashtriya", and that a precis of this statement of Madanlal's was taken to Bombay and shown to Mr. Nagarvala, Deputy Commissioner of Police there who took notes therefrom. But Mr. Nagarvala did nothing to help the Delhi Police in the matter of investigation and arrest of Karkare.

23.255 Commission has discussed the question of the name of the "Agrani" or the "Hindu Rashtra" being conveyed to Mr. Nagarvala at great length under the heading "Exhibit 5-A". In the opinion of the Commission, that information was not carried as claimed by the Delhi Police. Mr. Nagarvala has denied it and Commission taking all the circumstances into consideration sees no reason for disbelieving Mr. Nagarvala on that point. But the fact remains that if the editor of the anti-Gandhi and militant Hindu Mahasabha paper the "Agrani" was disclosed to the Delhi Police, they made little use of it in order to find who the editor was or to take any steps to get him apprehended, or to keep a close watch to nab him if he landed in Delhi as indeed he did on 27th January and was even reconnoitring Birla House on the 29th and practising revolver shooting behind Birla Mandir on the 30th.

23.256 The clues which the Delhi Police got as to the Hindu Sabha connection of the conspirators was made no use of by the Delhi Police. No investigation was done at the Hindu Mahasabha Bhawan where a majority of the conspirators had stayed and from where they had even booked a long distance call to the Private Secretary or, in the alternative, to the Bodyguard of Savarkar. If it had been investigated and discovered at an earlier stage, it might have led to more fruitful results. Commission is not unaware of the fact that the documents showing the making of the long distance call were not with in the knowledge of anyone in the Bhawan on the day the call was booked; but the point for emphasis is that if an investigation had been done at Hindu Mahasabha Bhawan then the making of the long distance call could have been discovered. Even Mr. Ashutosh Lahiri, who knew Nathuram Godse very well and also knew Apte, and whom Godse and Apte, according to their statement, met on the 19th at

night, has a grievance that he was not examined on the night between the 20th and the 21st although he was staying at Hindu Mahasabha Bhawan. When the Commission observes that this was a serious lacuna in the investigational process it does not mean to say that the result would necessarily have been fruitful. But the fact remains that this track was never attempted and the Police were satisfied with the perfunctory investigation which was done at the Hindu Mahasabha Bhawan on the night of the 20th January, 1948.

23.257 The Police has claimed on the basis of a document, Ex. 244, that they had sent out the local C.I.D. a report giving the description of the alleged conspirators, which they say proves the correctness of Ex. 6, Madanlal's first statement. But that document, a photostat copy of which is attached, has so many contradictory entries on it that it could not have been of any use putting out this information and it is surprising that a document like this should have been produced at such a late stage.

23.258 As to the quality of protective measures taken at Birla House the Commission has discussed the matter at great length. To the Delhi Police the only method which suggested itself was the search of all these persons going to the prayer meetings, to which Mahatma Gandhi was strongly opposed. No other measures suggested themselves to the Police. But what Mr. Handoo and Mr. Jetley have suggested were measures worthwhile trying although in matters like this no one can say that any particular measure would have been foolproof particularly in the case of a person like Mahatma Gandhi who was absolutely free from fear of death and had utmost faith in God. As a matter of fact he went on the 27th January, 1948, to the Urs of Khwaja Qutub-ud-din Bukhtiyar at Mehrauli where a photograph taken and published in the 'Hindustam Times' of 28th January shows him mixed in a crowd and not even Mr. Handoo's protective measures would have worked in a place like that. The question is not what would have succeeded or would not have succeeded; the question is that taking of the suggested protective measures which in the present case was not done.

23.259 The officials of the Delhi Administration and the Secretary of the Ministry of Home Affairs were evidently ignorant of the conspiracy to murder. It was the duty of the Police to have given them proper information. That is not to say that the officers themselves did not show any indifference because one would have expected that when a thing like a bomb is exploded at a meeting of Mahatma Gandhi, the whole Administration would become alert and become anxious to find out what exactly had happened and not leave it to the sweet-will of the Police officials to give them that information. The anxiety of the officialdom in New Delhi to take any intelligent interest in the investigation of the bomb case is not indicated by any tangible evidence.

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CHAPTER XXIV

EXHIBIT 5-A

24.1 Towards the end of his judgment in the Gandhi Murder case, the learned Special Judge, Mr. Atma Charan, made the following remarks in regard to the conduct of the police in the investigation of the bomb case—

"I may bring to the notice of the Central Government the slackness of the Police in the investigation of the case during the period between 20th January, 1948 and 30th January, 1948. The Delhi Police had obtained a detailed statement from Madanlal K. Pahwa soon after his arrest on 20th January, 1948. The Bombay Police had also been reported the statement of Dr. J.C. Jain that he had made to the Hon'ble Mr. Morarji Desai on 21st January, 1948. The Delhi Police and the Bombay Police had contacted each other soon after these two statements had been made. Yet the Police miserably failed to derive any advantage from these two statements. Had the slightest keenness been shown in the investigation of the case at that stage the tragedy probably could have been averted".

24.2 Upon this, explanations, technically termed comments, were called of the Bombay Police as well as of the Delhi Police. Mr. Sanjevi for the Delhi Police gave his side of the story in a note, Ex. 7, to which he attached eight annexures. This note has been dealt with in a previous chapter.

24.3 The Bombay Police, i.e., Mr. Nagarvala, was also required to give its explanation though technically it may not be so designated, which it did and is marked Ex. 14 which has also been discussed in a previous chapter.

24.4 When Ex. 14 was received by the Bombay Government Secretariat, certain notings were made on it, Ex. 168, more important of which were—

- (1) why did the Delhi Police not bring Madanlal's statement of January 20, 1948;
- (2) what efforts were made to establish contact with Delhi Police;
- (3) what action did Rana take on Madanlal's statement;
- (4) did Nagarvala spot an editor of a newspaper whose initials were N.V.G. from Poona;
- (5) did Nagarvala go to Ahmednagar to look for links of Madanlal?

24.5 Ex. 169 shows that Nagarvala's letter, with its annexures, were ordered to be sent to the Government of India, but these papers

were placed before the Advocate General of Bombay who was conducting the prosecution at Delhi. His opinion was that it was not necessary to move the East Punjab High Court for expunction of the adverse remarks against the Police.

24.6 On the note, Ex. 7, reaching the Government of India, the then Home Secretary, Mr. H.V.R. Iengar, ICS, on March 31, 1949, made two pointed remarks in regard to the explanation—

- (1) that in spite of the bomb explosion and statement of Madanlal that there was a conspiracy to commit murder and a similar statement of Professor Jain, it seemed surprising that the Bombay Police should have hesitated to believe that and should have given credence to the theory of a conspiracy to kidnap Mahatma Gandhi. And
- (2) that the Bombay Police took all possible steps to arrest Karkare and Badge but they do not appear to have taken any notice of Godse whose description as editor of the Hindu Rashtriya or the Agrani had appeared in the first statement of Madanlal, which was clear from the report of the investigating officers who took with them annexure 5 which mentioned the editor of that newspaper.

24.7 The note specifically mentioned the denial of Mr. Nagarvala about any information other than the one regarding Karkare which was a discrepancy and contradiction requiring further examination.

24.8 Mr. Iengar's note further said that as the conspiracy was amongst certain Maharashtrians from Poona, Ahmednagar and the neighbourhood, plainclothes policemen from that part of Bombay Province should have been summoned to Delhi so that they might have been able to identify those persons if they came to Birla House.

24.9 Mr. Iengar did not accept the view that for not sending plainclothes policemen to Delhi the responsibility was of the Bombay Police but that the Bombay Police were more to blame because of their refusal to take the idea of the conspiracy to assassinate seriously although rule of commonsense pointed in that direction.

24.10 To sum up, Mr. Iengar's note show that at that stage it was alleged that the identity of editor of Agrani had been disclosed by the Delhi Police, the conspirators were Maharashtrians from Poona, Ahmednagar and neighbourhood and policemen from that area should have been summoned to Delhi; and Bombay Police were more to blame for not taking the conspiracy to murder seriously.

24.11 On this, Sardar Patel on April 2, 1949 wrote his remarks saying that he agreed that plain clothes policemen from Bombay should have been summoned to identify the conspirators and that it was a mistake to have sent a mere Deputy Superintendent of Police to Bombay. The matter was submitted to the Hon'ble Prime Minister. His endorsement on this note is dated April 4, 1949.

24.12 Previous to this Mr. Iengar had sent another note dated March 3, 1949 to the Home Minister showing that the police officers of Delhi who flew on January 21, 1948, conveyed to Mr. Nagarvala the information given by Madanlal about the conspiracy and about Karkare of Ahmednagar and the editor of the Hindu Rashtriya. The

full statement of Madanlal was discussed between Mr. Rana, Deputy Inspector General, C.I.D., Poona and Mr. Sanjevi on 25th January, 1948. The Bombay Police had also, in the meanwhile, received information from Professor Jain about the conspiracy to murder Gandhiji but they were acting under the belief of a wide conspiracy to kidnap Gandhiji and they would not take any action to arrest persons mentioned by Madanlal on the theory that if they were arrested the others would go underground and they thought it safe to arrest Karkare and Badge only. This note was seen by Sardar Patel on March 8, 1949, and he ordered that comments of Bombay Police be awaited. It was sent on to the Prime Minister who saw it on 8th March, 1949. There is a note at page 5 of this file and at the back of Ex. 7D to the following effect—

“P.M. has seen. He would like to see again after the Bombay Government comments are received.

Sd/- A. B. Pai
8-3-49”

24.13 There is another document, Ex. 7A, which is a letter of Mr. Sanjevi to Mr. Iengar dated 20th February 1949. It enclosed Ex. 7B, a note in regard to the protection rather security arrangements made at the Birla House after the explosion. In paragraph 4 of Ex. 7B there is the following significant statement—

“The descriptions given by Madanlal were most meagre and did not give any correct idea of the identity of the accused. The C.I.D. and the uniformed police were combing the city for these men”.

24.14 In paragraph 5 it said that the statement made by Madanlal implicated “6 persons of whom he knew the name of only one. In regard to two he gave a vague description of their appearances”. Further it mentions that a Deputy Superintendent and an Inspector flew to Bombay, contacted Mr. Nagarvala and “put him in full possession of all the facts known to them so far”. These officers were not allowed to make any enquiries and were not permitted to move out freely because as Mr. Nagarvala had said that they would have been a set back to efforts of tracing the absconding men. On the 25th the D.I.G., Mr. Rana, was given a copy of the detailed statement made by Madanlal. He reached Bombay on the 27th; he and Mr. Nagarvala contacted Mr. Sanjevi on the telephone and Mr. Nagarvala promised to send a letter by air next morning but no letter was received till the 1st morning when an officer from Bombay brought a copy of the letter said to have been sent on the 30th. A letter of that date reached Mr. Sanjevi by post on February 3.

24.15 Excepting in Ex. 7B which does not talk about the newspaper the *Agrani* or the *Hindu Rashtriya* the Delhi Police was representing through Mr. Sanjevi even to the Hon'ble the Prime Minister and the Hon'ble the Home Minister that Madanlal had made a statement implicating amongst others Karkare and the editor of the *Hindu Rashtriya* and the *Agrani*, and had given descriptions of the other culprits, and that this information was conveyed to Mr. Nagarvala through police officers who were sent by air on 21st January 1948 that Mr. Nagarvala had a different story, i.e., of a conspiracy to kidnap Mahatma Gandhi and he made no serious efforts to apprehend the editor of the *Agrani* or even Karkare.

24.16 This necessitates determining what information the Delhi Police had when the two police officers were sent to Bombay and what information they sent to the Bombay Police and whether Ex. 5 of which the original is Ex. 5A which seems to have assumed a great deal of importance, was taken by the Delhi Police officers to Bombay or not.

24.17 Thus, one of the most controversial points between the Delhi Police and the Bombay Police is the question as to what information was conveyed by the Delhi Police to the Bombay Police in regard to the statement of Madanlal alleged to have been made on the 20th January 1948, and whether the document Ex. 5A is a precis of the first statement of Madanlal or not. The second question which arises consequent upon this is whether this document was taken by the two Delhi Police officers who travelled from Delhi to Bombay by air on the 21st January and whether they showed it to Mr. Nagarvala when they interviewed him on the 22nd January 1948.

24.18 On the decision of this question will depend whether Nagarvala was given the information that Madanlal had, in his very first alleged statement to the Delhi Police, named amongst his co-conspirators the editor of the *Agrani* or the *Hindu Rashtriya* as Madanlal has pronounced it. If as a matter of fact Nagarvala was told on the 22nd that one of the conspirators was Karkare and the other was the editor of the *Agrani* or the *Hindu Rashtriya* then that fact, coupled with the name of Savarkar, was clear indication of the fact that the conspirators were from the Poona group of Savarkar's followers belonging to the Rashtra Dal. But if no such information had been conveyed on the very first day then it was a matter for inquiry and detection as to who the associates of Karkare and Madanlal were.

24.19 Case diaries Nos. 1 and 2, the former of the 20th and the latter of the 21st January, both written by Sub-Inspector Dasondha Singh, show that the police had been able to gather a fair amount of information from Madanlal. The first diary shows that Madanlal had disclosed one name and the description of six persons stated to be his companions, amongst whom one had a long beard and moustaches like a Sikh; another was Karkare; the third was the editor of "The Rashtriya and The Agrani" (a Maratha newspaper) who gives out his name as Deshpande" and the fourth was a servant. This indicates that the police at Delhi had in their possession on the very first night following the occurrence not only the name of Karkare who incidentally has been described as Karkara or Kirkiree in the police diaries but also had the name of a newspaper, "The Rashtriya and The Agrani" whose editor was one of the conspirators, and a fairly good description of Badge and at least some though perhaps vague descriptions of the rest. And it has been claimed on behalf of the Delhi police that a precis of this first statement, Ex. 5, was taken by the Delhi Police officers to Bombay and shown to Mr. Nagarvala. The original of this document is marked Ex. 5A and that is because it was, after diligent search, found later by an officer of the Law Commission from amongst some files in the Delhi Deputy Commissioner's Record Room. This claim of Delhi Police is denied by the Bombay Police and hotly contested by Mr. Kotwal.

24.20 At the very outset it may be remarked that if this document was in fact taken by these officers to Bombay and delivered to

the Bombay Police officers then the irresistible conclusion must be that the identity of the principal architect of the plot and the brain behind the conspiracy was disclosed by the Delhi Police to the officers of the Bombay Police on January 22, 1948, well before the conspirators achieved their objective of assassinating the Mahatma.

24.21 In support of the contention that this (Ex. 5A) was taken to Bombay, there is documentary evidence submitted for the consideration of the Commission which consists of official documents purporting to have been written in pursuance and in the course of official duties at a time when the present controversy had not arisen and when there could be no reason for making false entries or preparing fake documents and they therefore must, in the absence of good reasons to the contrary, be accepted as genuine documents. It is to test the vitality of this argument that the evidence before the Commission has to be considered, analysed and judged in the light of severe criticism to which it was subjected by Mr. Kotwal and the support which Mr. B.B. Lall for the Delhi Police gave it with equal vigour.

24.22 *Case Diary No. 2-B.* The two Delhi officers sent to Bombay were the late Deputy Superintendent Jaswant Singh and Inspector Balkishan both of whom had, according to Case Diary No. 1, taken prominent part in interrogating Madanlal on January 10, 1948. Jaswant Singh's diary dated January 21, 1948, No. 2-B, only recites that under the orders of the Superintendent of Police, New Delhi, he along with Inspector Balkishan of C.I.D. left for Bombay at 4.00 P.M. and arrived there at 10.30 P.M. The diary does not mention as it should have, according to the statement of Rai Sahib Rikhikesh, Superintendent of Police, C.I.D., what documents, he took with him, what persons were to be arrested or pursued or interrogated, nor does it refer to any requisition sent by the Delhi Police to the Bombay Police as one might have expected under S. 54 ninthly of Cr. P.C. even though it was not applicable to the City of Bombay Police but it did apply to Delhi. The object of going to Bombay is stated to be investigation there. Deputy Superintendent Jaswant Singh was to contact Mr. Nagarvala and if necessary to contact Rao Sahib Gurtu at Poona with Mr. Nagarvala's assistance. There is utter lack of information in this document beyond the object being investigation in Bombay with the assistance of Mr. Nagarvala, a task which was hardly appropriate for Delhi Police officers going to Bombay without knowing anything about it.

24.23 *Case Diary No. 3-A.* The next diary of Jaswant Singh is 3-A dated Bombay January 22, 1948, in paragraph 3 of which it is stated that the two police officers "contacted" Mr. Nagarvala at the C.I.D. office where he was "again" apprised of the full facts of the case "and an English note, which incorporates a precis of Madanlal's statement with a note of S.P. New Delhi at its foot was handed over to Mr. Nagarvala Sahib who read this note carefully and kept it. He returned a (the?) written note covering this case which is attached". The Urdu is as follows:—

"JINHON NE IS YADASHT KO BAGHOR PARHA AUR
APNE PAS YADASHT RAKHI TAHIRI NOTE MUTA-
LIQA MUQADAMA HAZA WAPIS DI JOKE LAF HAZA
HAI".

And the document attached is Ex. 5-A.
[digitised by sacw.net]

24.24 The translation of diary No. 3-A seems to be slightly inaccurate; correctly translated it should be—

“He read the memorandum carefully and kept an extract from it. He returned the written note (the memorandum) regarding the case above-referred to, which is attached herewith.”

This document Ex. 5A is undated and unsigned. It is a disjointed account of events alleged to have been given by Madanlal. It is scrappy and is written in two distinct handwritings and distinct inks on both sides of a foolscap size sheet of paper.

24.25 In his note, Ex. 7, Mr. Sanjevi has referred to this document having been sent to Mr. Nagarvala. It is marked annexure V therein. Ex. 7 was the note which Mr. Sanjevi submitted to the Home Ministry after the learned Special Judge, Judge Atma Charan, passed strictures against the police, and to say the least was mainly explanatory of the position of Delhi Police. It is much more than merely explanatory. It is self-exculpatory and throws the blame on Bombay Police unreservedly. In this ‘note’, Mr. Sanjevi has referred to Ex. 5 which was attached as Annexure V thereto and which Mr. Sanjevi said had been sent with the Delhi Police officers. What Mr. Sanjevi has said therein is this and it is worth repeating here:—

- (1) Jaswant Singh flew to Bombay on 21st January with all the information “so far furnished to the Delhi Police by Madanlal”; i.e., upto the time of the flight.
- (2) The two Delhi Police officers met Mr. Nagarvala first at his house and there gave him full facts of the case and then at his office where again the facts of the case were given to him and Jaswant Singh showed him a note on Madanlal’s statement from which he took extracts for his use..... Thus it emphasises Nagarvala having been given the full facts of the case twice and Ex. 5A being studied by Mr. Nagarvala.
- (3) He also told him (Mr. Nagarvala) that one of the accused was the editor of the “Agrani and Hindu Rashtriya” newspaper and the description of all the absconding persons as given by Madanlal was communicated to him.
- (4) The two Delhi Police officers next day met the C.I.D. Inspector at the Bombay C.I.D. office who told them that a Police Inspector from Ahmednagar had arrived and he had been ordered to search for the editor of the “Agrani” or the “Hindu Rashtriya”; again showing that Bombay Police was fully aware of the identity of two persons whom the Delhi Police wanted to be arrested.
- (5) A Bombay C.I.D. Inspector gave to the Delhi officers the names of Badge, Avtar Singh, Talwar of Karachi, Balraj Mehta of Lahore.
- (6) Then Nagarvala ordered them to return to Delhi and when leaving as directed by Mr. Nagarvala—that is their version—Deputy Superintendent Jaswant Singh drew the attention of Mr. Nagarvala to Madanlal’s statement regarding Karkare and the editor of the “Agrani” or the “Hindu Rashtriya” and requested him that as soon as they were arrested they should be sent to Delhi.

- (7) Copies of the diaries of Jaswant Singh from the 21st to 23rd were sent to Mr. V. Shankar, Private Secretary to the Hon'ble the Home Minister, Sardar Patel. Mr. Shankar has not been asked anything about it and there is nothing in his evidence to support this fact.
- (8) The note Ex. 7 then says that the information conveyed by the Delhi Police to the Bombay Police clearly indicated a conspiracy to murder and gave the identity of the accused.
- (9) The note made a grievance of the Delhi Police officers being sent back and of the treatment which was meted out to them.

This note has been discussed at some length in a previous chapter.

24.26 Thus, the note of the Director of Intelligence Bureau who was in charge of the investigation of the case at that stage, i.e., the bomb case stage, makes out a clear case of inaction, if not negligence, of the Bombay Police and "commendable promptitude" of his own force. He supports his facts by the following circumstances:—

- (1) Two police officers carrying with them Ex. 5A were sent soon after Madanlal made his first statement on January 20, 1948 of which Ex. 5A is alleged to be a precis.
- (2) The two Delhi officers informed Mr. Nagarvala of the fact that they wanted the arrest of Karkare and editor of the "Hindu Rashtriya" or the "Agrani" and this they did by repeating it to Mr. Nagarvala on three occasions and showing him Ex. 5A.
- (3) Inspector Kargaonkar, one of the C.I.D. Inspectors of Bombay, told the Delhi Police officers that an Inspector from Ahmednagar had arrived and had returned to Ahmednagar with necessary instructions; that Karkare was not in Ahmednagar and that he and the Bombay C.I.D. had been ordered to search for the editor of the "Agrani" or the "Hindu Rashtriya".
- (4) He referred to the police diaries of Jaswant Singh containing these facts.
- (5) He supported this version by saying that these diaries or copies thereof were sent to Mr. V. Shankar.

Ex. 5A when written and by whom—

24.27 In this context it is necessary to see when Ex. 5A came into existence and why it was scribed; because if it was not in existence on 21st January it could not have been taken to Bombay. It is necessary therefore to examine the evidence dealing with the authorship of Ex. 5A and the date of its being scribed. The important witnesses on this point are Nos. 42 Mr. R.C. Bhatia who at the time was Inspector in charge of Parliament Street Police Station, No. 13 Rai Sahib Rikhiresh who at the time was Superintendent of Police, C.I.D., New Delhi, and No. 17 Mr. Amar Nath Bhatia who at the time was Superintendent of Police of New Delhi, i.e., the two Police Superintendents of Delhi and the Station House Officer of the Parliament Street Police Station. A photostat copy of Ex. 5-A is attached. (See next page).

R. C. Bhatia, Wit. 42—

24.28 The account of witness No. 42, Mr. R.C. Bhatia, as to how Ex. 5A came into existence was this that during the course of interrogation of Madanlal, he could not remember when it was, he was "asked to take down". It might have been 3 or 4 days after the arrest of Madanlal. The document was shown to him and he said that it was in his handwriting only upto the words "plan chalked out.....Went in tonga" i.e., upto the middle of the back of the page. The rest of the document beginning with the words "with Karkare at about 3.45 P.M. from Marina Hotel" are not in his handwriting nor that portion of the document at the back which was enclosed within a red pencil line: (this was done by the Commission). The portion other than what R.C. Bhatia admits to be in his hand is in a different handwriting and in different ink. And this, according to R.C. Bhatia, is in the handwriting of Police Superintendent Amar Nath Bhatia with whose handwriting he is familiar. He also said that it is not in the handwriting of Deputy Superintendent Jaswant Singh.

24.29 Madanlal, he said, was interrogated several times and it was on one of these occasions that the notes were dictated to him and he was not sure whether what was contained in Ex. 5A was repeated to him during the interrogation. He could not say why the note was prepared. The dictation, he said, must have been by Superintendent Amar Nath Bhatia but he was not sure. But looking at the portion which was in the handwriting of Mr. Amar Nath Bhatia, this witness said that the dictation must have been by him. When his attention was drawn to the diary of Deputy Superintendent Jaswant Singh, the witness said it must have been dictated before Jaswant Singh left for Bombay. The statement of this witness is vague as to sequence of events as to dates and even as to the occasion relating to scribing of Ex. 5A but after the lapse of twenty years it would not be unexpected.

Rai Sahib Rikhikesh, Wit. 13—

24.30 The next witness in this connection is Rai Sahib Rikhikesh who was Superintendent of Police, C.I.D. at the time. Unfortunately, he is in failing health and is unable to see as he has practically lost his eye-sight but happily he readily appeared before the Commission though at great personal inconvenience.

24.31 On 21st January 1948 Madanlal was taken to Civil Lines Police Station where R.S. Rikhikesh interrogated him for about 3 or 4 hours but he disclosed no names. He only gave descriptions of persons. All this the witness took down on a piece of paper which was handed over to Deputy Superintendent Jaswant Singh when he was leaving for Bombay. This was done under the orders of the D.I.B. Mr. Sanjevi. The police case diaries No. 2 and 2-A show that interrogation was by Inspectors Dayal Singh and Jai Dayal under orders of the Deputy Superintendent of Police. When Ex. 5 which is a copy of Ex. 5A was read out to the witness, his reply was that that was not what he had written nor did he send it to Bombay. The original of the document could not be shown to him because unfortunately he is unable to see. He said he had written down the descriptions of the conspirators as given by Madanlal which was something like what

1086.A

Modi Lal 510 Pichoi Lal etc
Palwan of Patpatta Dist. Monganeeey
West Punjab A.D. 20/21

X Refugee went to Bombay in
middle of November

>Contacted Maharashtra workers
for employment

Met Karkare who appeared to
be active worker or President of the
Sikh. Karkare also proprietor of a
hotel at Queen Guest House.
Karkare having come to know that
the accused was a member of
RSS made a plan to trim him to
kill Nehru's Janata role as an
enemy of Hindus.

Came to Delhi with Karkare
reaching here about 17.1.48.

Stayed at Hindu Sharif Hotel
Room No. 2. Servant Ram Singh took
his and Karkare's clothes for washing to
a laundry. The accused gave Rs 15/-
for sewing charges of pants and for
washing charges.

Left the hotel on 19.1.48 in
the evening. Karkare met Sham Deo -
Pandit and in the Hindu Nakashika
Bhawan and got Room No. 3 where
they placed their luggage.

Ex. 5A: (front page) [See para 24.27]

7. ~~guru~~
 7. Were going to Palangai with
 S. Daspunde to see some refugees to
 make them create noise in prayer.
 Our Balu was brought to the salia
 by police.

3 mardhallas came to the
 Salia. Karkare talked to them in
 Marathi. They stayed with us.

On 20.1.48 Karkare left at
 6.

With muffler
 One man came to see
 the 3 mardhallas and took them
 away at 12 noon.

Karkare took the accused
 to Marina Hotel Room No. 40

where the man with muffler

3 mardhallas and one other man
 who was called neelaji.

Plan chalked out.

Went in lange with Karkare
 at about 3.15 pm from Marina Hotel.

Others followed in a car.

4. Bach wrote a handwrote

{
 1st Inglan one pistol "
 2nd " " "
 3rd " " "

(Maharaja) 2 grenades had to signal
 {Car no. Bogus} {LH44135}

Karkare
 man with
 muffler
 redline
 of the Dr.
 Rashtriya
 Agam Akademi

Ex. 5A: (on the back of the page)
 [See para 24.27]

was read out to him from the police case diary No. 1, page 13, paragraph 15 which is marked Ex. 36. The statement was marked Ex. 6 by Mr. Pathak. He remembered that Madanlal had said that the leader of the party was a Maratha who was the editor of a Hindu newspaper, probably "Hindu Rashtriya" but he could not remember if he also mentioned the "Agrani" but he did say that the man was from Poona. He was told by the D.I.B., to give a typed copy of whatever Madanlal had stated upto that time which he did.

24.32 He was asked how it was that in spite of Madanlal's arrest and his mentioning Karkare and the editor of the Poona journal no effective steps were taken to prevent the murder. His answer was:—

"We did our level best. The conspirators came from Maharashtra. It was very difficult for us to make out who was who. Many officers from different parts of India came here and mentioned names of many suspects. Some of them we arrested and interrogated them; others we just interrogated. But we did not succeed in getting any useful information about these persons. It should have been possible for the Bombay Police to have arrested the editor of the Poona Journal because they knew his identity. Similarly there should have been no difficulty in arresting Karkare who had a shop in Ahmednagar."

This emphasises clear information of the identity of two persons (i) an editor whose particulars the Bombay Police should have been known and (ii) the other Karkare of Ahmednagar; both of whom the Bombay Police could easily have arrested.

24.33 The witness then deposed that during the course of the interrogation of Madanlal he got the following names:—

1. Servant of Karkare, but not the name of Karkare whose business was mentioned.
2. The head of the conspiracy was the editor of a newspaper in Poona.
3. Another person mentioned was a discharged Army Officer.
4. A fat Maratha who financed the conspiracy and had a shop at the Chauk at Ahmednagar dealing in arms and ammunition.
5. Shankar. But it may be pointed out that that name is neither in the first statement of Madanlal, Ex. 6, nor in his fuller statement, Ex. 1.

This he had written down on a sheet of paper of half foolscap size which he gave to Jaswant Singh as Mr. Sanjevi had ordered that he should give him the information collected upto the time of their departure for Bombay. And that was the information he had upto then. This particular document on which he jotted down all this, a half foolscap sheet of paper, is not before the Commission and no one knows what happened to it. The police case diaries refer to Ex. 5A and not to this document in the hand of R.S. Rikhikesh. It may be observed that what is stated by R. S. Rikhikesh to be the description given by Madanlal tallies with neither of his statements. Ex. 1 or Ex. 6.

24.34 It appears that this witness has confused the names and descriptions. Shankar's name is neither in Ex. 6 nor in Ex. 1. The discharged Army Officer also was mentioned by Godse after his arrest on January 30, 1948 and is not mentioned in either of the two statements of Madanlal. The name of Karkare was mentioned by Madanlal in both his statements. As a matter of fact, that is the only name mentioned by Madanlal. But his description is differently given in the statements Exs. 1 and 6.

24.35 The name "Shastra Bhandar" is mentioned in Ex. 1 but not in Ex. 6. The description of Maratha is nowhere to be found.

24.36 All this shows that this is a case of *lapsus memoriae* which is not unnatural or unexpected after the lapse of 20 years, even if the physical ailments which afflict this police officer are ignored.

24.37 Thus, according to this witness, Madanlal had mentioned that the leader of the party was a Maratha journalist from Poona, editor of the "Hindu Rashtriya" and another was Karkare by name who had a shop in Ahmednagar—two persons whose identity was clearly disclosed.

24.38 He was recalled and examined again on January 23, 1968 and again it was at a great deal of personal inconvenience that he could come. He stated that the statement of Madanlal which he had prepared was given to Mr. Sanjevi who ordered him to keep it and it was that statement which he gave to Deputy Superintendent Jaswant Singh in the presence of the D.I.B. The statement was written in English with a fountain pen on a sheet of paper of half foolscap size.

24.39 When he took up the investigation he did not enquire if Madanlal had already made a statement. He started afresh, i.e., he started interrogating Madanlal afresh, without reading the previous diaries or without knowing about the previous statement of Madanlal. The "Agrani and Hindu Rashtriya" newspaper was mentioned in the very first statement but Agrani does not figure in the fuller statement which the C.I.D. officers recorded.

24.40 The statement of Madanlal which was recorded later was typed and a copy of it was handed over to the D.I.G., C.I.D. of Poona, Mr. Rana, by the D.I.B. That consisted of about 50 pages "more or less". Thus, R.S. Rikhikesh's statement seems to have reference to the fuller statement of Madanlal, Ex. 1.

24.41 According to Rai Sahib Rikhikesh, Jaswant Singh should have noted down in his diary the witness's handing over the copy of the statement of Madanlal to him. He was not aware if any copy of the statement was given to Jaswant Singh by the Superintendent of Police of New Delhi. Mr. Amar Nath Bhatia. At that stage the witness was only helping the investigation as an officer of the C.I.D. He has also stated and that is a fact given in the police diary also that Madanlal was taken to the Civil Lines Police Station on the 21st. The police diary No. 1 shows that Madanlal was interrogated at Parliament Street Police Station by Deputy Superintendent Kartar Singh, C.I.D., Police Superintendent Rai Sahib Rikhikesh and Police Superintendent Amar Nath Bhatia of New Delhi, which would indicate his knowledge of the first statement of Madanlal, Ex. 36 or 6.

24.42 The witness did not find out from Jaswant Singh what happened to the sheet of paper which he had handed over to him, Jaswant Singh. This was because he presumed that it must have been handed over to Mr. Nagarvala.

24.43 In cross-examination by Mr. Chawla this witness said that he did not give a covering letter for Mr. Nagarvala. He was sitting at Mr. Sanjevi's house when Jaswant Singh came. When Jaswant Singh was leaving, he, the witness, gave him instructions as to what he was to do in Bombay.

24.44 He (Rikhikesh) interrogated Madanlal for about 6 hours. He started about 4 or 5 P.M. and went on till late at night. Madanlal had given full description of his co-conspirators and the places where they were likely to be found. But this seems to be inaccurate because this information so elaborately stated is not even in the fuller statement, Ex. 1. The witness took down the descriptions and the addresses as there was no time to do anything more elaborate. The witness did not give the full statement to Jaswant Singh but descriptions and addresses of the conspirators. The object of sending the officers by air was to take immediate action and effect arrests. He added that he must have given the usual instructions to Jaswant Singh to explain the facts of the case to Mr. Nagarvala and also tell him on behalf of Mr. Sanjevi that the matter was urgent and that he should report back any progress made in the case which seems to have been ignored altogether.

A.N. Bhatia, Wit. 17—

24.45 The next witness relevant to this matter is witness No. 17, Mr. Amar Nath Bhatia, who was then the Superintendent of Police, New Delhi and is now an Advocate. He stated that Madanlal was interrogated at the Parliament Street Police Station where he made the statement, Ex. 6. He named only one person, Karkare, but gave description of six persons.

24.46 Deputy Superintendent Jaswant Singh and Inspector Balkishan of the C.I.D. were sent to Bombay under his directions but the decision was of the D. I. B. and of Police Superintendent Rikhikesh. When asked what instructions he gave to Deputy Superintendent Jaswant Singh, he said:—

"We gave to Deputy Superintendent Jaswant Singh a list of persons who were suspected. By a list of persons I mean the description which we had gathered from the statement made by Madanlal. I gave to Jaswant Singh whatever we had. I could not give him more than what we had. We had also told Jaswant Singh that they were to seek the assistance, cooperation and instructions from the officers in Bombay who would know more about Maratha accused than we did."

Q. Did you tell them as to whose assistance they should seek?

Ans. As far as I know, Mr. Rana had taken upon himself to do everything which was necessary.

(By Commission) Q. Would you be surprised to learn that Mr. Rana had not left Delhi for Bombay till 25th of January?

How could he then have taken upon himself to do everything that was possible.

"Ans. I only know this much that Mr. Rana had taken upon himself to do everything which was possible. I do not know when he left Delhi for Bombay".

24.47 He then said that he did not give any instructions personally but he knew that instructions had been given to the officers to meet Mr. Nagarvala. He was asked whether he sent through Jaswant Singh any statement of Madanlal to be delivered to Mr. Nagarvala his reply rightly was—

"I cannot exactly remember it, but there may be some endorsement on some document under my hand".

24.48 He was then asked how he could have ordered Jaswant Singh to get persons arrested in Bombay whose names and places of residence he did not know because upto the time the officers left for Bombay, Madanlal had only given the name of Karkare and some description of others, his reply was—

"Our anxiety only was to get those persons arrested whose description had been given by Madanlal".

When reminded that the descriptions were inadequate, his reply was that whatever description they could get from Madanlal were sent to Bombay and his opinion was that with the cooperation of the Bombay Police it would be possible to arrest those persons.

24.49 In answer to further questions Mr. A.N. Bhatia stated that as far as he could recollect, that was not the only note which was sent with the officers who went from Delhi. But whatever descriptions they got from Madanlal were sent to Bombay.

24.50 Mr. A.N. Bhatia admitted that whatever was said or was given to Jaswant Singh should have been mentioned in the case diary. His attention was drawn to diary No. 2-B of Jaswant Singh dated January 21, 1948, which does not contain any reference to the statement of Madanlal or to a synopsis thereof. His reply was that he could remember about Mr. Nagarvala but could not say anything about Mr. Gurtu, which was hardly a reply relevant to the question asked.

24.51 His attention was next drawn to the case diary No. 3-A of Jaswant Singh of 22nd January and he was asked if he had any recollection about the matter. He said that some kind of endorsement might have been made on one of those documents by him but he could not recollect what exactly it was.

24.52 He was recalled on October 17, 1967 and was questioned about Ex. 5A. He was asked as to when the document was prepared. He said he could not remember. He said—

"I personally did not have a precis of the statement of Madanlal prepared. I do remember that such a precis of the statement was prepared. Whatever was happening was known to me because I was being constantly told of what investigation was going on. I was asked my advice which I gave and I also gave directions where I thought necessary and in this way the subordinate police officers had the advantage of my advice".

24.53 The witness was shown the document Ex. 5A and asked—

“Q. Have you seen this document before?

A. I must have seen it at about the time it was prepared and may have seen it later also during investigation but I have not seen it since”.

He admitted that the portion A-A1 is in his handwriting. The word “with” before “Karkare” might be in his handwriting. But he was not sure. The reason why he added those words from A-A1 were to complete the precis because they were left out although they were contained in the statement of Madanlal and the document itself was prepared before Jaswant Singh went to Bombay. But the witness could not say whether Jaswant Singh took that very document or a copy of it, but after his attention was drawn to the relevant portions of the diary No. 3-A, he said that it was either Ex. 5A or its copy which must have been taken to Bombay to be shown to Mr. Nagarvala.

24.54 When asked how anything which was not in the case diary was contained in Ex. 5A, Mr. A.N. Bhatia said that Mr. R.C. Bhatia must have taken it from his knowledge of something that was somewhere else but he could not say what that information was and where he got it from.

24.55 His attention was drawn to the portion, “Met Karkare who appeared to be active worker or President of the Sabha” and to the portion relating to “S. Deshpande, Om Baba and with Karkare left at 6.00 on 20th January, 1948” they are not in the police diaries and the answer of the witness was, “I cannot say anything about it”.

24.56 In cross-examination by Mr. Vaidya, he said—

“..... and after looking at the case diary No. 1, I can now say that I asked the Inspector to prepare in English a precis of the statement of Madanlal. Because it was incomplete I added a few words and those words I have already indicated”.

When paragraph 3 of case diary No. 3-A of Deputy Superintendent Jaswant Singh was read out to Mr. Amar Nath Bhatia and he was shown Ex. 5A, he said that this could not be the only precis which was sent to Bombay, but he could not remember what exactly was sent.

24.57 In cross-examination by Mr. Chawla, Mr. A.N. Bhatia said that Ex. 5A might have been written on the 21st or the 22nd January 1948 but he had no clear recollection. One cannot blame him for this after the lapse of 20 years. There must have been, he said, some material before him from which this precis was prepared by the Inspector. The document was written in the evening but he could not exactly remember when. When asked why the document was not mentioned in the case diary, his reply was “because it is my document and it has nothing to do with the case diary. I am cent per cent sure that Ex. 5A was never sent to Bombay. I never sent any document to Bombay. D.I.B. might have sent some document to Bombay. I cannot remember if there was any other document on which I wrote anything”. The witness then said that the precis, Ex. 5A, was only a brief note for his use and he could not believe it could have

gone to Bombay from his table. Jaswant Singh did not see him before he went to Bombay and on his return he did not show any document to him nor did he tell him before he went to Bombay as to what documents were with him.

24.58 Mr. A.N. Bhatia was again recalled (third time) and examined on April 24, 1968. He said he could not remember when Ex. 5A was prepared nor how long it was kept on his table. To a question as to how a document prepared for his benefit which was lying on his table got attached to the diary of Jaswant Singh written at Bombay on January 22, his reply was that the diary which purports to have been written at Bombay could not have been written there and that his stenographer or his reader might have given the document, Ex. 5A, to Jaswant Singh and he might then have attached it to the case diary.

24.59 When asked if he could give any reason why a document exclusively meant for his use was attached to the diary, his reply was "this diary was never written at Bombay but was probably written in my office and it was there put in the file", i.e., in the Case Diary. He said, "I am cent per cent sure that the diary No. 3-A could not have been written in Bombay. The papers containing serial numbers could not have been taken to Bombay".

24.60 Explaining the reason why he wanted a precis to be kept on his table, he said that it was because he was constantly getting enquiries as to what was happening in the investigation and in order to keep himself informed he kept a precis on his table. It only showed the persons who had taken part in the offence and was meant to be an aid to memory. He called it "*aide memoire*".

24.61 Mr. A.N. Bhatia proved endorsement of Rai Sahib Rikhi-kesh, Ex. 1-A, on the copy of the full statement of Madanlal, Ex. 1, which was attached to Mr. Sanjevi's note, Ex. 7. It may be mentioned that the copy of Ex. 5 which was attached to Mr. Sanjevi's note, Ex. 7, and is marked Annexure V therein has the following endorsement—

"True copy. Insp. CID, N.D."

But the Inspector's signature is not there; and underneath it is signed "T.G. Sanjevi" dated 20-2-49. Which Inspector certified the original to be true copy, the Commission has not been able to discover.

24.62 Cross-examined by Mr. B.B. Lall, Mr. A.N. Bhatia said that the document must have been prepared by Ram Chand (R.C. Bhatia) under his orders he must have prepared it from the case diaries. The witness himself got the information contained in portion A-A1 of Ex. 5A from the officers who were interrogating the accused. He added "Really speaking what is given in the portion A-A1 is a gist of what Ram Chand had written in the two pages and something from my own knowledge".

"I prepared this small note A-A1 so that I could at once tell any officer who made enquiries from me".

He put the document on his table. He could not say when his reader or stenographer handed it over to Jaswant Singh but it must have been before the 25th January. He did not miss the document

because he had no occasion to use it. He was emphatic that this document could not have been taken by Jaswant Singh when he went to Bombay nor could Mr. Sanjevi have sent it.

24.63 Examined by Commission, Mr. A.N. Bhatia said if he had anything to do with the sending of the papers he would not have sent that document. No other officer would have done it. He could give no explanation why Jaswant Singh falsely introduced this document into the file before the 25th January 1948.

24.64 As far as Mr. A.N. Bhatia could recollect whatever had been got from the statement of Madanlal had been sent to Bombay. He never showed the document Ex. 5A to Mr. Sanjevi.

24.65 Mr. A. N. Bhatia was then examined as to the special report, Ex. 84 and 84A, which is dated 26th January 1948; but its copy, Ex. 84B, shows that it was prepared on the 22nd January 1948. That document, written two days after the statement, Ex. 6, which after interrogation of Madanlal was recorded in the presence of Mr. A. N. Bhatia himself, contains only this information in regard to the accused that one of the conspirators was known as Karkare, the other as Maharaj and there were four others whose names had not been disclosed by Madanlal. The places in Delhi where the conspirators stayed are given, i.e., Sharif Hotel, Hindu Mahasabha Bhawan and Room No. 40, Marina Hotel. There is no indication of or reference to the editor or the proprietor of the *Agrani* or the *Hindu Rashtriya* or *Rashtriya* in that report nor to the manager or proprietor. He was cross-examined on this point and his reply was that he could not say why the editor of the *Agrani* was not mentioned. His attention was also drawn to other facts which are not mentioned in the case diary.

Inspector Balkishan, Wit. 12—

24.66 There is yet another witness whose testimony is very pertinent on the question of Ex. 5A and that is Inspector Balkishan of the C.I.D., witness No. 12. He was connected with the investigation almost from the beginning because he took part in the interrogation of Madanlal from the time he was taken to the Parliament Street Police Station and he is the scribe of case diaries Nos. 3A and 4B. He stated that Madanlal's statement was recorded in Urdu by Sub-Inspector Dasondha Singh and it covered about 16 to 17 pages. As a matter of fact, the Urdu statement is about five and a half pages. His attention was drawn to the English translation because the original Urdu diary had not yet been traced officers of the Commission; and no one else knew anything about it. His reply was that the matter was very old and his impression was that the statement was longer and was in Urdu. He also stated that Madanlal only gave descriptions of persons and their residences. He did not give the names of any other person excepting Karkare and gave the description of others—one of whom was described as the owner of *Shastra Bhandar* and the other an editor of a Hindu paper. When his attention was drawn to the fact that the only person whose profession is given in Ex. 6 is that of the editor of "the Hindu Rashtriya and Agrani", the witness replied "It may be so and that must be some other later diary". It must be remembered that "Shastra Bhanandra" is neither in Ex. 6 nor in Ex. 5A but is contained in the statement of

Madanlal, Ex. 1, dated January 24, 1948. But again it has to be said that the matter is 20 years old and the witness might well be confusing the statements.

24.67 When Inspector Balkishan was asked after his attention was drawn to Exs. 6 and 1 as to which of these statements he took with him to Bombay, his reply was that he could not remember as to which one he took and he could not say anything even after case diary No. 1 was shown to him. His attention was next drawn to Mr. Sanjevi's note saying that Annexure V, Ex. 5, was sent, even then he could not remember anything about it because the note was with Deputy Superintendent Jaswant Singh and he could not say whether it was Ex. 5 or not. Ex. 5 (copy of Ex. 5A) was shown to him. He could not say whether that was taken by them.

24.68 The attention of this witness was again drawn to a statement that "they gave description of three Marathas may be four" his reply was that he could not remember as the matter was 20 years old. Diary No. 3-A was read out to him and he said they took a precis in English of the statement of Madanlal at the foot of which there is note of Superintendent of Police of New Delhi. Deputy Superintendent Jaswant Singh handed over the statement with the note to Mr. Nagarvala. He had made the entry in the diary at the dictation of the Deputy Superintendent Jaswant Singh. As far as he could remember, the document was in a closed envelope. When he was asked which was the note to which reference is made in diary No. 3-A and which he attached thereto, he said that he could not say anything nor could he say whether the document, Ex. 5A, was the note which was returned by Mr. Nagarvala and attached to the diary.

24.69 When he was asked whether Ex. 5 was the document which was attached to the diary No. 3-A, he said he could not remember. He added that he was standing outside when Deputy Superintendent Jaswant Singh was talking to Mr. Nagarvala. When asked whether he would be able to contradict the statement made by Mr. Nagarvala that no document was given or shown to him, he said that he would not be able to contradict him but added. "I would like to add that the diary is a contemporaneous document and it contains whatever I was told at the time it had happened and that "contradicts any statement to the contrary. Moreover, it is a written word against oral word". Indeed a clever and logical reply.

24.70 In cross-examination by Mr. Chawla, the witness said that diaries are written on the days and the times which they purport to show. They are never ante-dated.

24.71 He also stated that a letter was given by Mr. Sanjevi addressed to Mr. Nagarvala and that they were directed to contact Mr. Nagarvala and acquaint him with the facts of the case and that he would give them police assistance. There is no evidence to support the giving of a letter by Mr. Sanjevi.

24.72 His attention was then drawn to Ex. 36 which is in police diary No. 1 and he was asked if he took a copy of that statement or copy of some other statement. His reply was, "I cannot remember which one we took but as far as I can recollect it was fuller statement of Madanlal, more likely the one which is at page 54 of the diary

and this has been marked Ex. 1 by Mr. Pathak". He also stated that Madanlal did make a statement at midnight of January 20.

Inspector Dasondha Singh, Wit. 14—

24.73 Inspector Dasondha Singh being the Station House Officer of the Police Station of the area wherein the offence of the explosion of the bomb was committed, has written important police case diaries, particularly No. 1. His statement as witness No. 14 was that he correctly took down what was stated by Madanlal on the 20th January, 1948, and the Delhi Police officers took with them a copy of that statement in Urdu, i.e., a copy of paragraph 15 of the case diary. Then he said that Ex. 5 was a brief summary in English of Ex. 6 which they might have taken but he had never seen that document before.

Inspectors Jai Dayal (Wit. 16) & Dayal Singh (Wit. 60)—

24.74 Inspectors Jai Dayal, witness No. 16, and Dayal Singh, witness No. 60, were both examined. The former stated that he had no police papers before he started interrogating Madanlal and the statement of Dayal Singh is also to the same effect. Besides, Jai Dayal's statement as to Ex. 5 was that he could not remember if he wrote it or some one else did.

Dy. S.P. Jaswant Singh—

24.75 Unfortunately Deputy Superintendent Jaswant Singh is dead but he was examined at the trial as PW 117. He stated the object of his going to Bombay was to inform Mr. Nagarvala as to what had happened at Delhi and also to effect the arrest of the accused said to be connected with the offence of the bomb throwing. At that stage no question of Ex. 5A or its correctness or that of case diaries No. 3-A and 4-B had arisen and so naturally he could not have deposed in regard to them even if they could be relevant at the trial. But the Inspector General of Delhi Police has produced with his affidavit a document, Appendix D, which appears to be a statement of Jaswant Singh, really a brief of what he was going to depose in court. There, and it may be for very good reasons, is no mention of any document being shown to Mr. Nagarvala nor is there any mention of any requisition being taken or delivered to Mr. Nagarvala. It is true that Ex. 5A containing confessional statement of Madanlal was inadmissible in evidence but there was nothing to prevent Jaswant Singh saying that a document containing an account of what had happened at Delhi and the information that the police had gathered was given to Mr. Nagarvala.

24.76 The evidence of two of these three witnesses, i.e., witness No. 42, R.C. Bhatia and witness No. 17, Mr. Amar Nath Bhatia establishes a joint scribing if not authorship of this document, Ex. 5A, but it does not show the time or the date or the occasion or the necessity for doing so, still less whether this jointly produced document was carried across the skies and placed into the hands of Mr. Nagarvala to be handed back by him after it had informed him of its import and after his scanning it for bits of important information. Witness R.C. Bhatia (No. 42) only owns up scribing the first page of Ex. 5A and about half of the back page but has no clear recollection of when he did it and he has vaguely stated that it was dictated to him by witness No. 17, Amar Nath Bhatia.

24.77 Witness No. 13, Rai Sahib Rikhikesh's recollection is with regard to another document, different from Ex. 5A which was what he took down as notes from out of the statement of Madanlal but the piece of paper on which he wrote was only a half foolscap size sheet and it was that, that was handed over to Deputy Superintendent Jaswant Singh; but he never found out what happened to it and as far as the evidence before the Commission goes, nothing further is known of that document.

24.78 Witness No. 17, Amar Nath Bhatia, has given a varying account of how Ex. 5A came into existence. He admits that half the portion at the bottom of the back page of Ex. 5A is in his handwriting and that it is a gist of what is contained in the earlier part of Ex. 5A. After his attention was drawn to many documents on the file, his final explanation was that this was a document which was prepared for his use only and he kept it on his table so that it would form as a kind of an aid which could be used whenever any high official asked him about the facts of the case; and finally we have the statement of Inspector Balkishan whose testimony would have been of immense help but unfortunately he is not quite clear whether Ex. 5A was taken by Jaswant Singh and himself to Bombay or not. This, in short, is the state of evidence in regard to this Ex. 5A, its genesis, its *raison d'être* and the occasion for its creation.

24.79 What the statements of the above three witnesses come to is this—

- (1) Two of them, witness No. 42 R.C. Bhatia and witness No. 17 Mr. Amar Nath Bhatia are the scribes of Ex. 5A—three-fourths is in the handwriting of R.C. Bhatia and the other fourth in the handwriting of Mr. A.N. Bhatia.
- (2) There is no accord between these two witnesses as to when the document was written except this that Mr. A.N. Bhatia dictated it and R.C. Bhatia took the first portion down. And it was completed by Mr. A.N. Bhatia by adding what he calls the gist of the whole document.
- (3) This document, says Mr. A.N. Bhatia, is wholly his document meant for his use and was kept on his table to help him in answering enquiries made by higher officers but actually it was never used.
- (4) Mr. R.C. Bhatia does not know if it was sent to Bombay and Mr. A.N. Bhatia is sure that it was never sent and could never have been sent.
- (5) Rai Sahib Rikhikesh, the third witness, had no knowledge about Ex. 5A. What he wrote down was more like what is contained in Ex. 6, the statement of Madanlal, made on the 20th January, 1948. But he wrote on a half foolscap size sheet of paper which was handed over to Deputy Superintendent Jaswant Singh under the orders of Mr. Sanjevi for being taken to Bombay. But he never enquired as to what happened to it.

24.80 Thus two Superintendents of Delhi Police do not support Ex. 5A being sent to Bombay and the third witness, the Station House Officer of Parliament Street Police Station, in whose Police Station confession, Ex. 6, was taken down, is rather vague about its date and its user and even its source. Unfortunately, Commission finds little assistance from the testimony of Inspector Balkishan, witness No. 12.

24.81 And Sub-Inspector Dasondha Singh who was the scribe of Ex. 6 stated that an Urdu copy of that statement of Madanlal was taken by Jaswant Singh.

V. Shankar, Wit. 1(P) Wit. 10(K)—

24.82 Mr. V. Shankar, who was witness No. 1 before Mr. Pathak and witness No. 10 before this Commission, stated that the police did not have any tangible evidence about the conspiracy until they got a confessional statement from Madanlal after which both the Intelligence Bureau and the Bombay Police were on the trail of persons mentioned by Madanlal but Nathuram Godse knowing all this managed to evade the watch.

24.83 Madanlal's statement recorded by the Delhi Police, rather a report of that statement, was, according to Mr. Shankar, put up by him before Sardar Patel. When Ex. 5 was shown to him he said that he only remembered a report of the statement which was received by the Sardar but he could not say whether the statements themselves which were shown to Mr. Shankar were put up before the Sardar the statements shown to him were Ex. 5 and Ex. 6.

R.N. Bannerjee, Wit. 17(P) Wit. 19(K)—

24.84 Mr. R.N. Bannerjee, witness No. 19, who was No. 17 before Mr. Pathak, stated that he did not know of the conspiracy to murder Mahatma Gandhi prior to the 30th of January, 1948, and the first time he came to know about it was after the cremation of the Mahatma's body when a High Powered Committee held an informal meeting on January 31, 1948, at the Home Minister's residence where the confessional statement of Madanlal was read out by Sanjivi, who also said that he had sent a copy of that statement with two policemen to Bombay on the 21st January, 1948. The confessional statement disclosed that there had been a conspiracy to murder Mahatma Gandhi and the conspiracy had been in existence for some time. Madanlal had given the names and particulars of the conspirators and two or three places in Bombay were also mentioned as meeting places or haunts of the conspirators and Madanlal had told the police 'PHIR AYEGA'. Mr. Sanjivi admitted at the meeting that he had not reminded the Bombay Police. The statement which was read out by Sanjivi contained particulars and haunts of some of the persons who were accused and convicted at the murder and according to Mr. Bannerjee if the police had been vigilant, it should have been possible for them to have arrested these people particularly when Nathuram Godse and Apte were in Delhi on 29th and were reconnoitring Birla House and the places roundabout.

24.85 Mr. Bannerjee was shown Ex. 6 and asked whether that statement was read out at the meeting. His reply was that although he could not clearly recollect now yet what was read out gave more particulars about the bomb, the haunts and about 'PHIR AYEGA'. The witness was then shown Ex. 5 and he said that he could not say if he ever saw it before. Everybody understood from Sanjivi's statement at the meeting of the 31st that the full confessional statement made by Madanlal was sent to Bombay. The substance of that statement was that Apte and Godse must have gone back to their two or three haunts in Bombay. He was asked as to how Sanjivi could have mentioned the names of Apte and Godse when those names are

not in the statements placed before the Commission. Mr. Bannerjee's answer was that it may be that after the arrest of Godse, the police must have concluded that the descriptions given in the earlier statement were those of Godse and Apte. Mr. Bannerjee also said that they relied on the efficiency of the police wherein they were proved to be wrong. As far as he could remember, at the meeting of the 31st January, two Bombay haunts of Godse and Apte were mentioned.

24.66 Therefore, the statements of two important officials of the Home Ministry—one Home Secretary and the other Private Secretary to the Hon'ble the Home Minister—show that according to what was represented to them, a statement was sent to the Bombay Police through the police officers but there is nothing to indicate what the statement was. Mr. Shankar, when shown Ex. 5, said that the statement shown to the Sardar was more detailed than that and whether it was Ex. 1 or Ex. 6 he could not say. Similarly, Mr. Bannerjee was not clear as to what statement was read out by Mr. Sanjevi. But he did mention two or three Bombay haunts of Godse and Apte.

Miss Maniben Patel, Wit. 79—

24.87 The third witness who is important in connection with Ex. 5 is Miss Maniben Patel. Statement of Madanlal was shown to her and she stated that a statement of Madanlal was shown to her father and portions of it were read out to him.

24.88 This evidence is more in support of the fuller statement of Madanlal being sent to Mr. Shankar and through him to Sardar Patel. But it is hardly sufficient to prove the existence of Ex. 6 made on 20th January nor does it support that Ex. 5A was sent to Bombay.

U.H. Rana, Wit. 3—

24.89 Another witness whose testimony is relevant to the question of Ex. 5A is Mr. U.H. Rana, witness No. 3. Mr. Rana referred to his letter, Ex. 31, in which he said that Madanlal did not make a clean breast till the 23rd or 24th January and a copy of Madanlal's statement was made available to him on the evening of 25th and he left the same night. He was not told by anyone that Madanlal had made a statement to the police on the midnight of the 20th January, 1948. Sanjevi had told him that amongst the conspirators there was a Sadhu wearing a beard but did not tell him about the manager or editor of the *Rashtriya* newspaper. Nor did Mr. Sanjevi tell him on the 21st morning that Madanlal had given descriptions of six companions or his co-conspirators.

24.90 The statement of Madanlal purported to have been made on the 20th January was read to Mr. Rana and he said that the D.I.B. had not told him anything about these descriptions. He again repeated that on the 21st January Mr. Sanjevi did not tell him that one of the persons described in the statement was the editor of the *Agrani* but it was mentioned to him that one of the associates was a Sadhu with a beard.

24.91 He emphatically said—

"Whatever the position of the Delhi Police might be, as far as my knowledge went, the names of Agrani and Hindu

Rashtriya were not mentioned till the 24th when the statement of Madanlal was read in Urdu and an English translation of which was given to me on the 25th January. From the fact that these officers had returned or were sent back by the Bombay Police and did not go further to Poona, it may be inferred that either the Bombay Police must have had all the necessary clues or the officers themselves did not go to Poona or their own. All my explanations in regard to the whole incident and acts of omission or commission are contained in my replies that I had sent to Mr. Kamte".

24.92 When he met Nagarvala on the 27th January, Nagarvala told him that the Delhi Police officers asked him to help in arresting Karkare and he never mentioned the newspaper *Agrani* or *Hindu Rashtra* or the editor or proprietor. The only name which Delhi officers mentioned to Mr. Nagarvala was Karkare's.

24.93 When he was asked whether he had seen Ex. 5A, his reply was in the negative.

24.94 In cross-examination by Mr. Kotwal he said that Mr. Sanjevi did not ask him to find out about the editor of a newspaper. Upto that time Madanlal had only mentioned three persons, Karkare and a Sadhu and a servant as his associates. From what Madanlal was saying to the investigating officers it appeared that his companions were Marathas from Bombay side but it was not mentioned that anyone of them was connected with any newspaper. As soon as Marathas from Bombay were mentioned, he suspected Savarkar and his group.

24.95 The witness had never heard that the police officers took a *precis* of what Madanlal had said. Mr. Sanjevi, he said, had told him that it would be sufficient if he took the necessary steps on reaching Bombay and Poona but that he should proceed cautiously and discreetly showing that he did not apprehend a repeat attack by Madanlal's co-conspirators. When his attention was drawn to his statement made previously that one of the persons mentioned was the editor of the newspaper, Mr. Rana's reply was that he must have made that statement under a misapprehension. He had not then read his previous letters, Ex. 30 and 31. In reply to Commission he said that he had written in one of his letters that Madanlal had not made a statement till about the 23rd or 24th January. Mr. Rana repudiated the suggestion which was going about that Mr. Morarji Desai never told Nagarvala anything.

24.96 He said that he had seen a notebook with Nagarvala which had 7 or 8 names. After going through Ex. 30 he said that these names did not include anyone who could be said to be an editor of a newspaper. If it had been mentioned to Nagarvala that one of the associates of Madanlal was the editor of a newspaper, that fact would have been mentioned in the diary.

Nagarvala's knowledge of Godse and Apte—

24.97 Mr. Kowal has brought to the notice of the Commission two more circumstances which militate against Nagarvala being aware of the *Agrani* or the *Hindu Rashtriya* or of their editor and

proprietor before the assassination of Mahatma Gandhi. These two circumstances were—

- (1) The information conveyed to Mr. Nagarvala by the detenus Chavan and Limaye that if Godse was the assassin then Savarkar must have been at the bottom of the conspiracy and that Apte must also be in it. And
- (2) when the police went to search the house of Savarkar he met them in front of his room in the house and asked them whether they had come to arrest him, showing as it were a guilty mind.

24.98 He has for the purpose of the first relied on the Crime Report No. 2 of the Bombay Police, dated January 31, 1948. This report mentions that Chavan and Limaye arrested and detained in connection with bomb outrages in Bombay disclosed that if Nathuram Godse was the assailant of Mahatmaji, then the facts would be known to Savarkar, his Secretary Damle and his bodyguard Kasar. Limaye also said that Savarkar must be fully aware of the facts because Godse must have consulted him before carrying out his plot, and Chavan said that Savarkar was at the bottom of this assassination and that if N. Godse had committed the offence, Apte must have been one of his accomplices because Godse never does anything without taking Apte with him. He has also said that both of them had gone to Delhi together. Consequent upon this information, Damle and Kasar were both interrogated by the police. Further, as a consequence of their statements, Savarkar's house was searched and in Bombay it could not have been done unless the police had some tangible proof of the complicity of Savarkar. Savarkar was a prominent Maharashtrian and Hindu Mahasabha leader and his arrest or search of his house was not going to be unnoticed by his fanatical followers and non-fanatical admirers which were hordes. So the police had to be very careful and circumspect. Mr. Nagarvala has deposed that if he was arrested before the murder there would have been a flare up in Maharashtra.

24.99 There is a recital of something which is very significant, that is, when the police party went to search the house of Savarkar, he met the party in front of his room and asked them whether they had come to arrest him in connection with Gandhiji's murder. Of course, this is only a statement made and recorded in a police diary and may not be admissible in evidence in a court of law but if it is true then it shows that Savarkar was all the time expecting to be arrested in connection with the murder, the reason for which is not indicated in the police diary.

24.100 An interrogative questionnaire was issued to the Inspector General of Police, Delhi, to which replies were given on affidavit. Naturally the statement is not and cannot be from personal knowledge of anyone. It must necessarily be, as indeed it is, based on official records or whatever exists in official files after 20 years. In answer to question No. 6, the Inspector General of Police, Delhi, has stated that although Madanlal did not make a statement under section 164 Cr. P.C. he did make a statement before the police which was recorded in diary No. 1 dated 20th January, 1948. The steps taken by the Delhi Police as a result of the statement are also contained therein.

24.101 In reply to question No. 10 as to what document was taken by the two Delhi Police officers when they flew to Bombay on the 21st January, the reply is that as mentioned in the relevant case diary a note in English incorporating a precis of the statement of Madanlal before the police was handed over by Jaswant Singh to Mr. Nagarvala. Thus, the answers given by the Inspector General show that there was a statement of Madanlal recorded on the 20th January, 1948, a precis whereof was sent through Jaswant Singh and handed over to Mr. Nagarvala and that document is Ex. 5A. The case on this point is thus identical with that in Ex. 7, the note of Mr. Sanjevi.

24.102 Now there are two statements purported to have been made by Madanlal to the Delhi Police as is disclosed by the police case diaries. The first one is Ex. 6 or Ex. 36 which was made on the 20th January vide police diary No. 1 and the second is Ex. 1 which was made on the 24th January a copy of which was made available to Mr. Rana on the 25th.

24.103 Mr. Kotwal has drawn the attention of the Commission to the difference in the contents of the two documents, Ex. 6 and Ex. 1, as reflected in Ex. 5A. And his submission is that that comparison of the three documents Ex. 6, Ex. 5A and Ex. 1, i.e., the alleged statement of Madanlal dated January 20, 1948, the document allegedly taken to Bombay and Madanlal's police statement dated January 24, 1948, provides intrinsic evidence that Ex. 5A is not a precis of Ex. 6 and is more that of Ex. 1 and therefore could not have been in existence on January 21st when Deputy Superintendent Jaswant Singh with Inspector Balkishan left for Bombay; and could, therefore, not have been taken by the two police officers. A comparison of the three documents shows the following difference—

Page 29, top in Ex. 1—

"Karkare, also proprietor of a hotel—Deccan Guest House" are not in Ex. 6 but they exist in Ex. 5A and in Ex. 1.

"Room No. 2" are not in Ex. 6 but they are in Ex. 1. Besides, in Ex. 6 the name of the Hotel is "Sharif Hotel" but in Ex. 1 it is "Sharif Hindu Hotel". That is so also in Ex. 5A which may perhaps be a minor discrepancy.

The words "also clothes given for laundry through Ram Singh" are not in Ex. 6 but they are in Ex. 5-A and also in Ex. 1.

"Rs. 15 for sewing charges of pent and for washing charges" are not in Ex. 6 but they are in Ex. 5-A.

The name of "Sham Deshpande" is mentioned in Ex. 1 and in Ex. 5A but not in Ex. 6.

Page 38, middle of Ex. 1—

"Going to Paharganj to get refugees to make noise in the meeting" appear in Ex. 1 and Ex. 5A but not in Ex. 6.

Similarly, "Om Baba was brought to the Sabha by police" and "three Marathas came to the Sabha are not in Ex. 6 but are in Ex. 5A. There is mention of Om Baba in Ex. 1 but none in Ex. 6.

Page 38, middle of Ex. 1—

"On 20-1-1948 Karkare left at 6.00" is not in Ex. 6 but it is in Ex. 1 and in Ex. 5A.

Page 40, middle of Ex. 1—

"Went in tonga with Karkare at 3.45 p.m." is not in Ex. 6 but they are in Ex. 1 and also in Ex. 5A.

24.104 A very much more important omission and that is in Ex. 1 is the non-mention of the editor "Rashtriya" and "Agrani" (Maratha newspaper). In Ex. 1 at item No. 3 the description is Proprietor of "Rashtriya" newspaper but in the body of Ex. 1 the word used is "Hindu Rashtriya". There is no mention of the word "Agrani" in Ex. 1 which is longer and later statement nor does the description in item 3 of Ex. 1 fit in with that of the editor of the "Rashtriya" and the "Agrani" in Ex. 6 which would considerably impair the authenticity of Ex. 6.

24.105 These omissions in Ex. 6 support Mr. Kotwal's contention that Ex. 5A is more like a *precis* of Ex. 1 than of Ex. 6. At this stage it would be pertinent to observe that one would have expected if the statement, Ex. 36 or Ex. 6, had been made and recorded as now deposed, a copy of it would have been taken by Jaswant Singh with him rather than merely a scrappy *precis*. It certainly is more intelligible and informative than its purported *precis* Ex. 5A. Commission has been unable to discover from the evidence any reason why a copy of Ex. 6 which was ready by midnight of January 20 should not have been taken by the police officers to Bombay and a scrappy, sketchy with meagre identifying description of accused should have been flown across the skies and why that document contains more than what Ex. 6 contains and contains things which only Ex. 1 has and even what that document has not got e.g. editor of "Agrani and Hindu Rashtriya". The former evidently became known after the assassination and the latter is in Ex. 1 but reference there is to proprietor and not the editor.

24.106 Sub-Inspector Dasondha Singh, witness No. 14 has stated on oath that para 15 (Ex.36) of case diary No. 1 which is Madanlal's first statement was written by him and the statement was as shown in the diary. He also stated that Jaswant Singh took a copy of the statement in Urdu of that statement. If this is correct then there could be no reason for also taking Ex. 5A. And there was ample time to even get Ex. 36 or Ex. 6 translated into English. Even without an English translation it could have been read out to Mr. Nagarvala who had served in the Province of Sindh also without his having to solve a conundrum which Ex. 5A presented.

Mr. Nagarvala, Wit. 83—

24.107 Mr. Nagarvala, witness No. 83, has on the other hand stated that the two officers who came to see him at his office told him that they had come to arrest "Kirkeree", and Nagarvala said that he would give them all the help that they needed from him. They brought no letter of any kind nor any communication from any senior officer. They had a small slip of paper on which one or two words were scribed in Urdu. That is all that he saw; and when he was asked whether he had stated in any document or had mentioned this to the Home Minister, Bombay, he said that whatever

he had brought out in his Crime Report dated 30-1-1948 is the sum and substance of all the information that he had collected in regard to the bomb case upto then, i.e., upto that date. And he repeated that officers brought no document of any kind whatever. Document Ex. 5A was shown to Mr. Nagarvala and he was asked if Deputy Superintendent Jaswant Singh brought it to him, and his reply was that he was seeing it for the first time. He emphasised that the Delhi Police officers had no other information to give him. Their request was for arresting Karkare, even whose name they did not know properly, and he emphatically denied that any precis of the statement of Madanlal was brought to him nor did Bombay Home Minister give any instructions other than in regard to Karkare and Savarkar. In reply to a question by the Commission, Mr. Nagarvala said, "They had no documents excepting a small piece of paper on which they had something written in Urdu—one or two words written in Urdu". (The reference is to Jaswant Singh). Commission asked him again as to Ex. 5A and he said that he was certain that they did not show it to him and that he had not seen this document before. All they wanted was the arrest of Karkare.

24.108 The conversation as recorded in Ex. 3, i.e., diary No. 3-A, was read out to Mr. Nagarvala and he said that it never took place and as far as he was concerned, it might be a fake.

C.R. Pradhan, Wit. 41—

24.109 Another witness belonging to the Bombay Police whose statement is relevant is C.R. Pradhan who was at the time a Sub-Inspector. He stated that Mr. Nagarvala had told him that the Punjab officers had come for Karkare and he did say that they had not brought any document with them. If they had brought any such document, Mr. Nagarvala would have handed it over to him as he was assisting in the investigation. "I am hundred per cent sure that no paper was given to Mr. Nagarvala".

24.110 The sum total of this evidence is this: Mr. Navargala has stated on oath that Ex. 5A was never shown to him. The two Superintendents of Police of Delhi, Rai Sahib Rikhikesh, witness No. 13, and Mr. Amar Nath Bhatia, witness No. 17, have said that this was not the document which was sent to Bombay. As a matter of fact, Rai Sahib Rikhikesh had not seen this document before and whatever he wrote, was on a sheet of paper of half foolscap size and it was that sheet of paper which according to him was sent to Bombay and Ex. 5A is written on both sides of a full foolscap size sheet of paper.

24.111 In the descriptive part of Ex. 36 (or Ex. 6) the name given is "*the Rashtriya and Agrani*" and persons designated is the editor though "Maharaj" a manager of Rashtriya newspaper is also mentioned in the body of the statement. In Ex. 1 which is the fuller statement made on the 24th January after a more vigorous and continuous interrogation the name of the paper is given as the "*Hindu Rashtriya*" and the person is described as proprietor of that paper. The word "editor" or his name is not there nor is the "Agrani" mentioned. As a matter of fact, the word "Agrani" was used by Nathuram Godse for the first time after his arrest and it was not used anywhere before; because no one knew about it. It could not have been mentioned by Madanlal: it had ceased to exist in July or August 1947 before Madanlal went to Poona with Karkare.

24.112 On 4th of February, 1948, Madanlal was taken to Bombay and was examined there by the Bombay Police. In his long statement he did not use the word "Agram". From all this Mr. Kotwal wants the Commission to draw the inference that the addition of the word "Agram" shows the falsity of both Ex. 5A and Ex. 6 or Ex. 36.

24.113 Mr. Kotwal submitted that even Ex. 244 which is a document dated 22-1-1948 on a blue sheet of paper and purports to have been sent to all the C.I.D. officers and men in Delhi giving description of the accused is a false document because of the mention of "the Agram". This document is signed by Deputy Superintendent Kartar Singh of Delhi C. I. D. it was not before the Commission when that gentleman was examined and therefore he was not asked any question about this document. But this document cannot carry the matter further and must share the fate of Ex. 6. Even if it is not shown to be a false document, it does not show that this information was conveyed to Bombay. Besides, it has the name of Apte which no one knew and it has many corrections in its description of the accused persons which are in some instances quite contradictory of each other. And one description conforms to what was received from the Poona C.I.D. after the murder. Commission considers it unnecessary to subject it to any further analysis or criticism and it will be enough to say that the document is not very helpful in determining the question whether Ex. 5A was taken to Bombay and shown to Mr. Nagarvala. A photostat copy is attached herewith and its very look will show that it has little evidentiary value and is worthless.

24.114 Now there is a sharp conflict of testimony. Mr. Nagarvala has denied on oath that Ex. 5A was ever taken to Bombay or shown to him. Inspector Balkishan's evidence, the Commission regrets to say, is not of that quality that it could be of much assistance to the Commission. By remaining outside while his superior officer was having an interview with Mr. Nagarvala he has pleaded alibi and therefore he can have no personal knowledge. Otherwise too his testimony cannot be said to be characterised by those qualities which would make it useful.

24.115 Fortunately there is some documentary evidence which can be determinative of this controversial question. This evidence consists of three documents of undoubted authenticity which is indicative of neither the name Hindu Rashtriya nor the name Agrani having been disclosed to Delhi Police on the 20th January by Madanlal. These three documents are—

- (1) Special Report of the Superintendent of Police, New Delhi under R. 24.14 of the Punjab Police Rules. Ex. 84, 84A and 84B.
- (2) Report of Mr. D. W. Mehra presented to the High Powered Committee on January 31st or February 1, 1948. Ex. 10 or Ex. 10A.
- (3) Note of Mr. Sanjevi himself, Ex. 7B, to the Home Ministry dated February 4, 1948. This document is referred to in his note Ex. 7 as having been sent as a covering note to the Private Secretary to the Home Minister on February 4, 1948

DESCRIPTION 1/101-A

1. Marhatta, name unknown
 Marhatta, name unknown.

2. Marhatta, name unknown.
 Marhatta, name unknown.

3. Marhatta, name unknown.
 4. Seth Parkarsi.
 37 yrs. brown hair, fair skin, tall & stony body, native features, grey hair, brown eyes, black mustache, white shirt, blue trousers, black shoes, black belt, or Arman Marhatti. News paper, Marhatti name unknown.

5. "Maharaja," (After) 6. Black complexion: strong built; height 5' - 2/3"; aged 33/34 years.

Copy forwarded to all U. Section Officers of the C.I.D. for keeping a look out for these visitors. Every possible efforts should be made to place them out of then.

Gauri Singh
DEPUTY SPKING TRAILER
C.I.D. M.L.

To information

SP. Mr. 32/1 20/9
RSP/P. 4/1 20/9

Ex-248
Ex-249

Ex. 244: (See para 24.113)

24.116(1) The Special Report, Ex. 84 and 84A, bears the signature of Superintendent Amar Nath Bhatia. Under Punjab Police Rules then applicable to Delhi and under R. 24.14 and items 13 and 22 thereof the sending of this report was incumbent on the Superintendent of Police in cases of Explosive Substances Act. copy of the report is Ex. 84B. It purports to have been prepared on January 22 and the report sent out on the 26th from the office of D.I.G. The delays in sending out important documents was endemic in Government machinery in Delhi also.

In para 2 of Ex. 84 all that is said is that one of the accused "is known as Karkare and the other is known as Maharaj.....and four others whose names have not been disclosed by Madanlal came to Delhi". Now the omission of any reference to the "Hindu Rashtriya" or "the Agrani" is most significant because information required to be sent under statutory rules and under the statutory duty of the Superintendent of Police, one should think, has to be complete and descriptive so as to enable the outside police to apprehend the accused person or persons mentioned in the report or to immediately inform the senior police if the accused are within the jurisdiction of another police. One cannot treat statutory rules as merely procedural or just a formality to be complied with in form only without due care and caution. Mr. Amarnath Bhatia has stated that the special report was sent under his signatures and whatever was written therein was correct in the sense that it was taken from the case diaries of the investigation prepared by the C.I.D. Copies of this special report were sent from the office of the D.I.G. to the various officers mentioned in that document. In cross-examination Mr. Amar Nath Bhatia admitted that the information contained in the report though drafted by subordinates must have been from official records, i.e., the case diaries of the bomb case. When an officer of the rank of a District Superintendent of Police sends a special report required to be sent under statutory rules and it is collected from the case diaries, it would not without anything stronger to the contrary be stretching the law if it is presumed to be correct according to what was contained in the case diaries. It is significant that in Ex. 84 and Ex. 84A, there is no mention of "Hindu Rashtriya" or "Agrani" nor of Poona or Bombay. Mr. Bhatia was specifically asked about the correctness of the special report and his reply was that he got the information regarding the accused persons being Karkare, Maharaj, Madanlal and four others from the police diaries and he could not say why the words "Agrani" or "Hindu Rashtriya" were not in the report. The case diary No. 1 in paragraph 14 shows that District Superintendent of Police Amar Nath Bhatia was present when Madanlal was interrogated on 20th January and one should have thought that if the editor of the "Rashtriya" or the "Agrani" was mentioned by Madanlal on the very first occasion, it would not have escaped his attention at the time of the preparation of the special report even if his subordinates had failed to mention them in the information they gave.

24.117(2) In Ex. 10 dated February 1, 1948, which was annexure VI to Mr. Sanjevi's note, Ex. 7, Mr. D. W. Mehra, D.I.G., Delhi has given what was contained in the statement of Madanlal made on 20th January 1948. This document was prepared by the D.I.G. Delhi for

presentation to the High Powered Committee on February 1 or January 31, 1948, perhaps nothing could be higher and the Commission cannot ascribe casualness or ignorance or inefficiency in compiling it. It says that in his statement Madanlal had named the following persons in the conspiracy to kill Mahatma Gandhi:—

(1) Karkare, (2) Maharaj, (3) a Maratha of sallow complexion who generally keeps a muffler round his face and neck.

Other three were—another Maratha, a servant and another Maratha.

Thus, even when a note was being sent by the D.I.G. Delhi, Mr. Mehra, to be presented to the High Powered Committee on February 1, 1948, the editor or proprietor of the *Agrani* or of the *Hindu Rashtra* or of the *Rashtriya* is not mentioned, a most significant omission indeed.

24.118^(*) In Ex. 7B which is annexure VII to Mr. Sanjevi's note, Ex. 7, and is dated February 4, 1948, all that is stated is that on the 20th, late at night, Madanlal made a statement implicating six others of whom he knew the name of only one. In regard to two he gave vague description of their appearance. There is nothing in Ex. 7B to show that Madanlal had stated anything further or that he had named or indicated that there was a person who was either editor or the proprietor of the "Agrani" or the "Hindu Rashtriya" of Poona or of any other place.

24.119 Now if this document Ex. 7B correctly represents what Mr. Sanjevi knew then it is destructive of the claim that besides Kakare, Madanlal had on the 20th disclosed the participation in the bomb throwing of the editor or proprietor or both of the Marathi newspaper the *Agrani* or the *Hindu Rashtriya*.

24.120 Thus, we have two highest police officials of the Delhi Police giving information in two separate documents as to what had been stated by Madanlal in regard to his co-conspirators; in neither of these documents is there mention of the *Agrani* or the *Hindu Rashtra*. And they both refer to what Madanlal had stated to the police on 20th January 1948.

D. W. Mehra, Wit. 23—

24.121 As to how Ex. 10A came into existence is deposed to by Mr. D. W. Mehra, witness No. 23. He was asked how he came to send the note to the High Powered Committee when he was not directly incharge of the investigation. His reply was:—

"I was directed by Mr. Sanjevi on the telephone to get help of Bhatia or Rikhikesh and after getting the facts, prepare a note. This note was sent to Mr. Sanjevi who made certain corrections on it. It was retyped and sent."

When asked why no reference was made to the fuller statement of Madanlal, Ex. 1, Mr. Mehra's reply was that he got the facts from Bhatia and Rikhikesh and whatever they told him to be the statement of Madanlal he accepted that to be correct and on that basis dictated his note, Ex. 10. He did not know at the time that a fuller statement had been made. He also said that it

was correct that neither the *Agrani* nor the *Hindu Rashtra* was mentioned in his note. That was because he had read no statement and whatever was given to him by the two Superintendents, he took to be correct. The following question and answer are, in the context, important:—

"Q. Would it be correct to infer from this that newspaper *Agrani* or *Hindu Rashtra* or their editors were never mentioned by Madanlal and it was afterwards that the fact was introduced?

A. I cannot say anything because I had not seen the original statements. I took down the facts as given to me by Mr. Bhatia or Mr. Rikhikesh or both."

So that if two Superintendents of Police in Delhi when required to give to their D.I.G. facts required to be presented to the highest in the land after scrutiny did not include the editor or proprietor of a highly aggressive and violently anti-Gandhi newspaper the *Agrani* or the *Hindu Rashtra*, it can fairly be inferred that there was no mention of it or of them in the case diaries of the Delhi Police. It can lead only to two alternative conclusions of fact:—

- (1) The name the *Agrani* had not been mentioned by Madanlal nor the *Hindu Rashtriya*.
- (2) The police were trying to avoid that name having been disclosed earlier because if it had been and no steps were taken to trace him then it would have been an admission of negligence simpliciter.

24.122 Coming now to Ex. 7B, the covering note of Mr. Sanjevi dated February 4, 1948, it appears that this document also was based on the information which the police officers had given him. Naturally it is on the same lines as Ex. 10 or Ex. 10A.

24.123 Ex. 7B and Ex. 10 or Ex. 10A prove that neither Rai Sahib Rikhikesh nor Mr. Amar Nath Bhatia was aware after Madanlal's first statement of the name or existence of the "Agrani" or the "Hindu Rashtriya". This supports the contention that on the 20th January 1948 Madanlal could not have given out the names of the editor of the *Agrani* and the *Hindu Rashtra*. It may be mentioned that although Madanlal mentioned in his statement, Ex. 1, the proprietor of the "Hindu Rashtriya" he did not even there mention the name of "the Agrani". Nor did he mention the name in his long police statement made at Bombay which runs into 63 typed pages. It appeared for the first time in Godse's statement after his arrest on 30th January when he was examined for two days by the police at Delhi up to February 1, 1948. It would not be unreasonable to infer therefore that Madanlal did not know the name the *Agrani* and could not have disclosed it in his first statement. Besides, in August 1947, the *Agrani* had ceased publication and had restarted *sub nomine* the "Hindu Rashtra". It is more reasonable to conclude that Madanlal would not know the name the *Agrani* which had by then become defunct and would know its current name if he knew the name at all.

24.124 In the opinion of the Commission that seems to be a reasonable explanation for the omission of the name the *Hindu Rashtri*

or the *Agrani* from the Special Report, Ex. 84, from the report of Mr. D. W. Mehra, Ex. 10, and from the note of Mr. Sanjevi, Ex. 7B. They all must have had a common source, i.e., the police case diaries and evidently on January 20, 1948, the police did not have the name of either "the *Hindu Rashtriya*" or "the *Agrani*".

24.125 To revert to Mr. Nagarvala, he stated before the Commission that had he been told on the 22nd January 1948 that the editor and proprietor of the *Hindu Rashtra* or the *Agrani* was an associate of Madanlal, he would have sent a couple of his officers to Poona to contact the Poona Police because their addresses were available from his own records. (Exs. 198, 199 and 199A). His attention was drawn to the entry in the list of newspapers published in the Province of Bombay and he said that he was quite familiar with them as he was using the book frequently.

24.126 Again Mr. Nagarvala, in his cross-examination by Mr. Kotwal, stated that he kept a note book in which he entered notes of the investigation which he conducted between the 21st and the 30th of January; and the names of the editor or the proprietor of the *Agrani* or the *Hindu Rashtra* were not there. He added in reply to a question by Commission:—

"I would emphatically say that if I had come to know the names of the editor or the proprietor of the *Agrani*, there is no reason why I should not have taken such action as was necessary as I took in respect of others. Ex. 5A had not been shown to me.....there was no reason why I should not have proceeded against them as I did against the others".

He added that the names which the D.I.G. saw in his note book were not names which he learnt from Madanlal's statement.

24.127 In corroboration of this statement, Mr. Kotwal relied on the statement of Mr. Rana, witness No. 3 and Mr. Rana's letter to Mr. Kamte, Ex. 30. In paras 5 and 6 of that letter he had said that he remembered that in that note book of Nagarvala's the names of Badge and Karkare were there for whose arrest Nagarvala had started making efforts since before January 25, 1948. But the names of Godse and Apte were not there. In that letter it was also mentioned that Rana met the Home Minister and told him that Nagarvala was on the right track and should continue on the same lines and that he also told the D.I.B. the same thing. Mr. Rana as witness No. 3 stated—

"I can say that if Nagarvala knew or had been informed that one of the associates of Madanlal was the editor of a newspaper, that fact would have been mentioned in the diary."

Mr. Morarji Desai, Wit. 96—

24.128 Mr. Morarji Desai was examined in this connection and he said that he could not recollect Nagarvala having mentioned to him about the 21 Punjabis and Maharashtrians with 20 workers under each one of them. Details were not conveyed to him. Although investigation was under his (Mr. Morarji's) directions, the editor of the *Agrani* was not mentioned to him nor did Nagarvala tell him that the

Delhi Police officers had mentioned the editor of the *Agrani* as being one of the conspirators.

"There was not even an inkling of Godse and Apte being in the conspiracy before the murder.I could not imagine that it had been committed by someone from Poona. I knew that the editor of the *Agrani* was Nathuram Godse.

'Nagarvala never told me (Mr. Morarji Desai) that the Delhi Police officers who had come to Bombay had asked him to arrest the editor of the *Agrani*. If this name had been mentioned, even the most incompetent man would have arrested him. Nagarvala would have identified him at once if the name of the *Agrani* had been mentioned."

Mr. Morarji Desai was again asked if the names of Godse and Apte were mentioned in the list in which the names of people like Somnath Kapur were mentioned. His answer was, No, because Nathuram Godse's and Apte's names had not even transpired at that stage."

24.129 In his (Nagarvala's) Crime Report, Ex. 185, page 1, it is stated that the Minister told him that Karkare and Madanlal had seen Savarkar immediately before their departure to Delhi and he had ordered him to apprehend and arrest Karkare who hailed from Ahmednagar and also to apprehend the associates of Madanlal and Karkare.

24.130 The Crime Report also mentions about a suspicious looking person coming to the hotel, known as Arya Pathik Ashram, and it was decided to keep a watch on room No. 26. Mr. Lall seemed to suggest that N.D. Apte was staying in Room No. 30 and he was ignored because the emphasis of Mr. Nagarvala's investigation was on Punjabis. To the extent of the emphasis Mr. Lall may not be wrong but his reference to N. D. Apte appears to be erroneous. He had shifted to the Elphinstone Hotel and was not there on the 25th night.

24.131 If Nagarvala had known anything about the *Agrani* or the *Hindu Rashtra*, the Commission can see no reason why he would not have kept a watch on him as he was doing in the case of others though it proved abortive.

24.132 There is then Appendix E attached to the answers to the questionnaire issued to the Inspector General of Police, Delhi. This is an unsigned note of the Superintendent of Police, C.I.D., Delhi which says that after the arrest of Madanlal, investigation was taken over by Mr. A.N. Bhatia, Superintendent of Police, New Delhi. The interrogation of the accused was conducted by the local C.I.D. who had succeeded in finding out the details of the associates of Madanlal who hailed from Bombay, Poona and Ahmednagar. He had given description of other co-accused without their names which he did not know himself excepting that of Karkare, and "Madanlal had clearly given out that two of them were the proprietor and editor of *Hindu Rashtra* then known as *Agrani*. About the third, he had said that although a Maratha, he looked like a Sikh and gave his descriptions as well. This man was the owner of the 'Shastra Bhandar' at Poona." This document then mentions that the accused stayed at the

Marina Hotel, Hindu Sharif Hotel and Hindu Mahasabha Bhavan, Room No. 3. The police searched Room No. 40 in Marina Hotel the same night and recovered a document. A search was conducted in Room No. 3 of Hindu Mahasabha Bhavan but nothing incriminating was found there. In paragraph 4 of that document, it refers to the recovery of the clothes with the initials N.V.G. (Nathuram Vinayak Godse) and secret instructions were given to all the C.I.D. staff to keep a careful watch and arrest these persons and a fuller description was given as stated by Madanlal and not less than seven private sources were detailed to go to the airport, railway stations etc.

24.133 The reference to N.V.G. and to Nathuram Godse is indicative of the instructions being of a date later than the murder because no one knew of that name before and even the initials N.V.G. were discovered on 23rd at about 11 A.M.

24.134 It is unfortunate that a document like Annexure E was produced at a late stage when the witnesses relevant to those documents had already been examined not once but more than once and therefore they could not be asked to comment upon them or be examined in regard to them.

24.135 This note appears to have a great deal of similarity to what is contained in Ex. 7, Mr. Sanjevi's note, and could well be the basis of that note and whatever is said about note 7 would apply equally to this note. Reference has already been made to Mr. Mehra's note, Ex. 10A, and to Mr. Sanjevi's note, Ex. 7B. It is not necessary to repeat what was contained therein except to say that neither of these documents, although they were written so many days after the bomb incident and after the first and even the fuller statement of Madanlal had been recorded and were based on information given by the two Superintendents of Police, contained the name of the "Agrani" or the "Hindu Rashtriya".

24.136 In view of this, the Commission finds it difficult to place much reliance on an unsigned note which is more descriptive of associates of Madanlal than any other authentic document placed before this Commission which came into existence upto the 4th February 1948.

24.137 A review of the evidence oral and documentary dealing with Ex. 5A does not establish that Ex. 5A was a precis of the first statement of Madanlal and the Commission is not satisfied that it was taken to Bombay or shown to Mr. Nagarvala. It is not proved to have been flown across the skies to Bombay, placed in Mr. Nagarvala's hands and then brought back to Delhi to form part of the police case diary No. 3-B.

24.138 To sum up, the evidence on the question of Ex. 5A is as follows—

- (1) The first police case diary dated January 20, 1948 which closed at midnight on that date was written by and deposited by to Inspector Dasondha Singh, witness No. 14. Paragraph 15 of this case diary purports to contain the statement of Madanlal wherein are mentioned the editor of the "Rashtriya and Agrani" Maratha newspaper and its manager.

- (2) Diary Ex. 3-A wherein in para 3 reference is made to the precis of Madanlal's statement with the note of the Superintendent of Police of New Delhi at its foot. It is also stated in that paragraph that verbally Mr. Nagarvala was told twice that Madanlal had named Karkare and had mentioned the editor of the *Hindu Rashtriya* newspaper and it was not known whether the editor belonged to Poona or the City of Bombay.
- (3) Ex. 5A itself is as mentioned in the case diary attached to the police case diary No. 3-A giving corroboration to the statement therein made that the document had been attached to the diary.
- (4) Case diary No. 4-B wherein again it is stated that the accused persons for whom the Delhi Police was looking were Karkare who belonged to Ahmednagar and was owner or the Deccan Guest House at Ahmednagar and was a Hindu Mahasabha leader and also the editor of the *Agrani* or the *Hindu Rashtriya*.
- (5) Inspector Balkishan, witness No. 12, although he has not specifically stated anything in regard to Ex. 5A and has pleaded alibi has stated that what he has written in the case diaries was dictated by Deputy Superintendent Jaswant Singh and he correctly took them down and must be taken to be correct.
- (6) Jaswant Singh was present when Madanlal was examined at the Parliament Street Police Station and even if he did not have Ex. 5A with him he could and would have given a resume of the statement of Madanlal and mentioned the editor provided Madanlal had named him. But the diary does not give any details.
- (7) As against this there is the fact that Madanlal who was interrogated for a long time by the C.I.D. officers did not mention the name of the *Agrani* in his fuller statement Ex. 1, nor in his long statement which he made to the Bombay Police, when he was taken to Bombay on 4-2-1948 and it extends over 63 typed pages.
- (8) The *Agrani* had become defunct in July, 1947 and had restarted under the name "The *Hindu Rashtra*" and it is unlikely that Madanlal would have known the name "the *Agrani*".
- (9) The statements of Inspector R.C. Bhatia and of Police Superintendent A.N. Bhatia do not support the story that the document Ex. 5A could have been taken to Bombay. Superintendent A.N. Bhatia was definite that the document was written for his use and was kept on his table and could not have been taken to Bombay.
- (10) C.I.D. Superintendent of Police, Rai Sahib Rikhikesh has given a different story altogether, i.e., that he had written on a half foolscap size sheet of paper and that sheet he

gave to the police officers going to Bombay under orders and in the presence of Mr. Sanjevi and does not know what has happened to it.

- (11) There is intrinsic evidence to show that Ex. 5A is not the précis of Madanlal's first statement, Ex. 6 or Ex. 36. A comparison of Ex. 6 or Ex. 36, Ex. 1 and Ex. 5A shows that there are many facts stated in Ex. 5A which do not find place in Ex. 6 and are only in Ex. 1 and Ex. 1 was completed on the 24th January 1948.
- (12) Mr. R.N. Bannerjee as witness No. 19 stated that Mr. Sanjevi at the informal meeting of 31st January 1948 said that a copy of Madanlal's statement was taken to Bombay. Ex. 7, however, mentions the sending of Ex. 5A and not a full statement of Madanlal. A copy of Ex. 5A is annexure V and is Ex. 5.
- (13) Inspector Dasondha Singh as witness No. 14 has stated that he gave to Jaswant Singh an Urdu copy of paragraph 15 of case diary No. 1, i.e., Ex. 36. But there is nothing stated in Jaswant Singh's first case diary, No. 2-B dated January 21, 1948, as it should have been vide the statements of the two Superintendents of Police, of New Delhi and of C.I.D. Delhi.
- (14) The Delhi Police officers left at about 4.00 p.m. Paragraph 15 of diary No. 1 had, according to official records, been recorded in the diary by 12 midnight of the previous day. There was, therefore, plenty of time for a copy of the full statement contained in Ex. 36 being taken by the Delhi officers.
- (15) There is a sharp conflict of testimony in regard to Ex. 5A. Mr. J. D. Nagarvala who was Deputy Commissioner of Police has stated on oath that he had never seen Ex. 5A and whatever is contained in case diaries Nos. 3A and 4B might well be a fake.
- (16) There is no mention of the editor or proprietor of the newspaper *Agrani* or the *Hindu Rashtra* in the Crime Report of the Bombay Police officers. If the Bombay Police officers were looking for Karkare and Badge but neither of whom could they arrest or detect, there seems to be no reason why they should have denied the Delhi Police officers telling them about the editor and proprietor of the *Agrani* and *Hindu Rashtriya* also.
- (17) Mr. Rana, D.I.G., C.I.D., has stated on oath that he saw a small diary of Nagarvala in which the names of the suspects of the bomb case were contained and they did not have the name of Godse or Apte or of editor or proprietor of the *Agrani* or *Hindu Rashtra*. This is further corroborated by the correspondence which passed between Mr. Kamte, Inspector General of Police, Bombay and Mr. Rana (Exs. 30—33).

- (18) There are three important documents the authenticity of which is above reproach wherein neither the editor nor the proprietor nor the manager of the *Hindu Rashtriya* or the *Agrani* or both of them put together were mentioned.

One of them, the Special Report, was required under Statutory Rules to be furnished to officers mentioned in that rule. The Commission can see no reason why the principal architect of the conspiracy, which the editor or proprietor of the *Agrani* or the *Hindu Rashtriya* was, should have been omitted in that document. The other two documents though not required under any statutory rule were submitted to the highest in the land and one cannot imagine that they would not contain all the information which was available on the 20th January, 1948.

- (19) The Commission does not think that the production of Ex. 244 which purports to be a direction given to the Delhi C.I.D., officers to search for certain persons whose descriptions are contained therein can make any difference as to the taking or non-taking of the document Ex. 5A to Bombay. That document is full of contradictions and appears to be worthless on the very face of it. Reference has also been made to another document, Appendix 'E' of the affidavit of the Delhi Inspector General of Police to the interrogative questionnaire issued to him by the Commission. This is an unsigned note of the Superintendent of Police, C.I.D., Delhi. It is undated and it is not indicated as to why this note was prepared, nor was it put to Rai Sahib Rikhikesh when he appeared as a witness. Besides, it has all the infirmities which have been pointed out in connection with Ex. 5A and has many more.

24.139 The Commission has, therefore, to balance the above evidence and to determine as to whether Ex. 5A was or was not taken to Bombay police officers by the Delhi Police officers and the information therein contained given to Mr. Nagarvala. The Commission cannot overlook the fact that in support of Ex. 5A there are the police case diaries No. 1, 3 and 4-B which presumably were written on the dates they purport to have been written although even Mr. A.N. Bhatia, the then Superintendent of Police of New Delhi has cast doubts on Ex. 3-A and 4-B having been written in Bombay. His statement was that they must have been written in Delhi and could not have been written in Bombay. And Mr. Rana in Ex. 30 dated April 15, 1948 when the matter must have been fresh in his mind had said Madanlal had made no statement upto 21st January.

24.140 At the same time the Commission cannot lose sight of the importance of the three documents—(a) Ex. 84, 84-A and 84-B; (b) Ex. 7-A, 7B; and (c) Ex. 10-A. These documents have been collectively described as three documents. They are of undoubtedly authenticity and they are so important that one finds it difficult to see why information of such great importance as the mention of the editor and proprietor of the *Agrani* or the *Hindu Rashtriya* (*Rashtra*) should have been omitted therefrom. There is also the oral evidence of Inspector

Dasondha Singh that he did give an Urdu copy of the first statement of Madanlal and the statement of Mr. R. N. Bannerjee which tends to the same conclusion.

24.141 And what is of the utmost importance is the fact that Ex. 5A contains many facts which are not contained in Ex. 6, the statement alleged to be made on the 20th January, but find a place in Ex. 1, the fuller statement of Madanlal made on 24th January and by then, according to Delhi Police case, Ex. 5A had been flown to Bombay and brought back. This fact is wholly destructive of Ex. 5A being a precis of the first statement of Madanlal or its having been taken by Deputy Superintendent Jaswant Singh to Bombay when he flew to that place on January 21 or having been brought back on the 24th.

24.142 From all this it cannot be held to be proved that the document Ex. 5A was in existence on 21st January or was taken to Bombay; or to put it more simply, that any information in regard to the editor and proprietor of the Marathi newspaper the *Agrani* or *Hindu Rashtriya* was conveyed to Bombay Police by Jaswant Singh and Balkishan.

CHAPTER XXV

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CHAPTER XXV

A

INVESTIGATION IN BOMBAY

25.1 In considering the investigation or inquiry by Bombay Police, the following facts have to be kept in view.

25.2 The information by Professor Jain was given to Mr. Morarji Desai on the 21st which he passed on to Mr. Nagarvala in the evening the same day and Mr. Nagarvala alerted his contacts and informers. Godse and Apte returned to Bombay on the 23rd January evening and stayed in various hotels under assumed names and left for Delhi by the Air-India plane on the 27th morning. During this period they went to Thana to hold confabulations with Karkare and Gopal Godse at the house of G.M. Joshi, and at the railway station platform. Therefore, they were in Bombay for about three and a half days. V.R. Karkare reached Thana from Delhi on the morning of the 26th and left Bombay Central for Delhi by the Frontier Mail on the 27th. According to evidence, he was in Greater Bombay for three hours. The rest of the time he was most probably at Joshi's house at Thana. Gopal Godse, after leaving Delhi on the 21st morning, went straight to Poona and was there excepting for a visit to Thana and Bombay for a short time in between. Evidence shows that he was in Greater Bombay for about 6 hours Badge and Kistayya left Delhi on the 20th and went straight to Poona reaching there on the 22nd and they never returned to Greater Bombay of their own accord. When judging the performance of the Bombay Police, these facts have to be taken into consideration.

25.3 In between the period from 22nd to the 30th two things happened. Two Delhi police officers came to arrest Karkare and to seek the aid of Mr. Nagarvala. It is controversial between Delhi police and Bombay police as to what information they had and what information they gave. There is no doubt that they knew about Karkare because they wanted to arrest him. The police diaries are vague in regard to the information they gave to Mr. Nagarvala except that they handed over to him Ex. 5A of which a note was kept by Mr. Nagarvala which fact is denied by Mr. Nagarvala. The second fact is that Mr. U.H. Rana reached Bombay on the 27th evening. He had with him the fuller statement of Madanlal, Ex. 1, which amongst other things made mention of the proprietor of the "Hindu Rashtra" as one of the conspirators. Both Mr. Rana and Mr. Nagarvala say that Mr. Nagarvala did not read this statement. To say the least, this was rather a surprising conduct because if Mr. Nagarvala was even making an inquiry, the information which was contained in Ex. 1 should have been of the greatest importance to him.

Information given to Mr. Nagarvala by Morarji Desai

25.4 What information was conveyed to Mr. Nagarvala, the Deputy Commissioner of Police of Bombay, by Mr. Morarji Desai must necessarily depend upon what information he himself got from Professor

Jain and on what information Professor Jain in his turn received from Madanlal.

25.5 Professor Jain was P.W. 67 at the trial and what Madanlal told him was deposed to by him in the trial court and before the Commission when he appeared as witness No. 27. Professor Jain in court said that Madanlal had told him that the Seth, named Karkare, was financing him, that a party had been formed at Ahmednagar which also Karkare was financing and that that party was collecting arms and ammunition which had been dumped in a jungle. He also told him that Vir Savarkar knowing about his exploits had called him, patted him on his back and had said, "carry on"; and that it was that party which had plotted against the life of Mahatma Gandhi.

25.6 Before the Commission, Professor Jain's statement on this point was that Madanlal had told him that there was a conspiracy to murder and when he (Prof. Jain) asked him who was to be murdered, Madanlal named Mahatma Gandhi which left him flabbergasted. He also told him that Karkare was financing the party which had been formed at Ahmednagar and a dump of arms and ammunition had been collected and hidden in a jungle but Madanlal could not say where that jungle was as he was taken there blindfolded. Madanlal further told him that he was going to throw a bomb which would cause a confusion and Gandhiji would be overpowered.

25.7 Evidence given both by Prof. Jain and by Mr. Morarji Desai as to the information given by Madanlal to Prof. Jain and by Prof. Jain to Mr. Morarji Desai. As said above they have given their respective accounts before the Court at the trial and before the Commission.

25.8 Prof. Jain in Court said that he met Mr. B.G. Kher at the Secretariat and then the Home Minister Mr. Morarji Desai. "I then told them everything what I knew about Madanlal". Before the Commission his statement was that he saw Mr. Kher in his office and narrated the whole thing to him. Then Mr. Kher left and put him (Jain) in contact with Mr. Morarji Desai the Home Minister. "Mr. Morarji Desai listened to my story. I suggested to him that as Madanlal had been arrested, I should be sent to Delhi to talk to Madanlal and then I would try to get the whole story from him.....I told him that excepting Karkare, Madanlal had not given me any other names. Madanlal had said that he did not know other names.....Madanlal disclosed to me that there was a place where the arms had been kept and the place was guarded by some Sikh, a man having a beard.....Madanlal had also told me that he was taken to that place blindfolded. I narrated all this to Mr. Morarji Desai". He added that he realised that the man must have been Badge because he looked like a Sikh.

25.9 Mr. Morarji Desai at the trial stated as P.W. 78 that at about 4.00 P.M. on 21st January, 1948 Mr. Kher sent for him and introduced him to Prof. Jain. Prof. Jain then told him his story. He said that Madanlal had left Bombay for Delhi about 3 or 4 days before the explosion: that before leaving for Delhi Madanlal had discussions with him and had told him that he and his friends had decided to take the life of a great leader. When pressed, he gave the name of Mahatma.

Gandhi. He also named Karkare as the person with whom he was working at Ahmednagar. Jain further said that Madanlal had told him about his visit to Savarkar and also that there was a dump of arms and ammunition and explosives at Ahmednagar, and that some explosives were stored at Poona. Prof. Jain further said that Madanlal had told him that he and his companions were going to Delhi to achieve their objective. After hearing this narrative Mr. Morarji Desai called Nagarvala but he could not come immediately and at the Central Railway Station the same evening at 8.15 he gave the whole narrative to Nagarvala and asked him to arrest Karkare and to keep a close watch on Savarkar's house. He met Sardar Patel at Ahmedabad the following day and gave him the information which Jain had conveyed to him.

25.10 Before this Commission Mr. Morarji Desai was witness No. 96. His statement was the same because his statement in court was admitted and made a part of his testimony before the Commission. He also said that he was anxious to give the information to Sardar Patel and specifically went to Ahmedabad for the purpose, as also because Sardar had to lay the foundation stone of some building.

25.11 To Nagarvala Mr. Desai gave the whole story but did not ask him to arrest Savarkar because there was no evidence against him. "I had a very strong feeling", he said, "that Savarkar was behind the conspiracy and that is the reason why I asked his house to be particularly watched". Mr. Morarji Desai considered the story of Jain to be genuine. Jain was in a nervous state because he was feeling guilty in his mind that he had not informed the authorities earlier. "If Prof. Jain had told us earlier it would have been easy for us to have trailed Madanlal, Karkare and Savarkar and from that it was possible to find the others". Prof. Jain did not say anything about the intentions of these persons to kidnap Mahatma Gandhi and so the first time that they came to know about the kidnapping theory was when the police officers were asked to give their explanations in November, 1949 after the strictures passed by Judge Atma Charan.

25.12 Thus, we have the whole story of what Madanlal told Prof. Jain and what Prof. Jain related to Mr. Morarji Desai who in turn gave the whole story to Nagarvala.

25.13 It was argued by Mr. Kotwal that if these were the facts, i.e. Madanlal and Karkare were from Ahmednagar, dump of arms was also at Ahmednagar, the proper person to be informed of these facts and proper person who should have been asked to take action would be Mr. Kamte, the Inspector General of Police and not Mr. Nagarvala because Mr. Kamte's jurisdiction extended over the whole of the Province of Bombay and Mr. Nagarvala's was confined to only within the City of Bombay and because Mr. Nagarvala could not have taken any action in regard to the conspiracy which was formed outside the city of Bombay i.e. at Ahmednagar. Further, Mr. Morarji Desai had put fetters on Mr. Nagarvala not to disclose these facts to other officers and he himself did not disclose to Nagavalal the name of his informant. But this argument loses sight of the fact that there was the name of Savarkar who was at the base of the whole conspiracy and Mr. Morarji Desai had a strong feeling that Savarkar was behind the conspiracy and that was the reason why he asked Savarkar's house to be

particularly watched. Besides according to the findings of the Court the conspiracy was formed at Bombay and many other places. So the city of Bombay Police had jurisdiction to investigate although the explosion having been at Delhi the police of that place had undertaken the investigation of the bomb case. There may be some justification for not disclosing the name of Jain who had requested Mr. Morarji Desai not to do so because he lived in a dangerous locality and if his name was given out he was likely to be murdered. But it would, in the opinion of the Commission, be difficult to blame Mr. Desai for choosing Mr. Nagarvala rather than Mr. Kamte to take over the investigation or inquiry. At this distance of time after knowing all the facts and the identity of the conspirators it may be said that Mr. Kamte would perhaps have been better; but could the same thing have been said on January, 21, 1948 when the two names were of the Seth, Karkare of Ahmednagar, and Vir Savarkar; and which of them was more important? That is where the choice lay.

25.14 Besides, the matter was one of detection of the crime and criminals. In the ordinary course one would entrust it to the detective branch which the Bombay Special Branch exclusively was and the Inspector General of Bombay was not. The choice was in the sole discretion of Mr. Morarji Desai and there is no ground to hold that the discretion was improperly or wrongly used.

25.15 When asked whether Mr. Morarji Desai was right in passing on the information given to him by Professor Jain to the Deputy Commissioner of Police, Mr. Munshi, witness No. 82, replied "that is the only way that a minister can act. He is not expected to do the investigation himself" Mr. Munshi gave an instance of a similar case when he was the Governor of U.P. Information was received about a conspiracy at Jhansi to murder Prime Minister Jawaharlal Nehru. He passed on the information to the Home Minister, who asked the Inspector General of Police to make enquiries, which showed that the information was without substance.

"No sinister motive can be attached to the Minister. That was the only way in which a Minister can act. He cannot be expected to go himself and carry on the investigation. The Governor or the Minister cannot order the arrest or prosecution without proper investigation of a particular individual merely because he has some information about him. If he did so it would only lead to a total collapse of law and order and constitutional government".

25.16 In support of his arguments that entrusting the case to Nagarvala was a mistake, Mr. Kotwal has relied upon the provisions of the City of Bombay Police Act, 1902 (No. IV of 1902) which will herein be referred to as the "Bombay City Act". In order to support his contention Mr. Kotwal referred to the various section of the Bombay City Act and submitted that under that Act Nagarvala could not have taken any action either to get intelligence regarding the crime or to prevent the commission of the crime because of the limited nature of the powers given by the Bombay City Act.

25.17 Section 1(2) gives the local extent of the Act i.e. it extends to the Greater Bombay only except in certain sections mentioned in

sub-section (2). Section 4 of the Act relates to the constitution of the police force which shows that the police force for Greater Bombay was a distinct entity different from that of the rest of the Province of Bombay and further for all intents and purposes it was subject to the control of the Commissioner of Police of Bombay and not the Inspector General.

25.18 Reference was then made to sections 32 and 33 of the Bombay City Act. These sections are in Chapter IV dealing with Executive Powers and Duties of Police. Section 30 of the Bombay City Act corresponds to Section 151 of the Cr. P.C. It provides—

“A Police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented”.

25.19 Section 32 gives the duties of every police officer and the important part is clause (b) of sub-section (1) which runs as follows—

“(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offence or design to commit such offences, and to lay such information and to take such others steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and with in his view of non-cognizable, offences;”

25.20 Mr. Kotwal also referred to other clauses of this section to show that on a proper interpretation of these clauses, clause (b) also must necessarily refer to the duties of the police officer within his jurisdiction. He submitted that no doubt clause (b) imposes on a police officer the duty of prevention of crime and to take steps to obtain intelligence but that must refer to within the territorial jurisdiction of the police officer because clauses (c), (g) and (1)(i) refer to matters which necessarily mean within the jurisdiction e.g. to prevent nuisance; afford protection; to prevent any loss or damage by fire. The whole Section, he submitted, refers to duties to be performed within the Jurisdiction, and he emphasised this because according to him Nagarvala had no statutory duty which he had failed to perform.

25.21 Section 33 corresponds to Section 54 of the Cr. P.C. He then quoted Sections 57, 59, and 60 of the Bombay City Act which correspond to Sections 154, 156 and 157 of the Cr. P.C. with this difference that in the Sections of the Bombay City Act there is a limitation in that the information of the commission of an offence has to be “within his section”. The argument raised is that if in order to act within sections 57, 59 and 60 the offence must be within the section ie. arrest on First Information Report recorded is limited to offences within the section of the police officer, then the powers under sections 32 and 33 cannot be wider ie. no duty is placed on a police officer to get intelligence or to prevent an offence to be committed outside his Jurisdiction.

25.22 In this connection he also referred to sections 149 and 150 of the Cr. P.C. which are in Chapter XIII dealing with Preventive Action of the Police. Section 149 deals with power of police to prevent cognizable offences and Section 150 with the duty of the Police Officer to communicate information of a design to commit any cognizable offence to any other police office whose duty it is to prevent or take cognizance of the commission of any such offence. Section 151 is the power to arrest to prevent the commission of such offences, which corresponds to section 30 of the Bombay City Act.

25.23 Mr. Kotwal then drew the attention of the Commission to Sections 154, 156 and 157 and submitted that in Section 154 there is no limitation like there is in section 57 of the Bombay City Act in that it does not use the words "within the section" or "within the jurisdiction". From all this the contention raised was that if Mr. Nagarvala was told that the offence was to be committed in Bombay City, under section 33 it would be his duty to get intelligence or to make arrests in Bombay. But if the offence was to be committed without the city of Bombay, then it was no part of his statutory duty either to get intelligence or to prevent the commission of the offence.

25.24 Mr. Kotwal also relied on the reply to question No. 8 of the questionnaire issued to the Government of India, regarding the responsibility of the Delhi police. The question and answer are as follows—

"Q. If it is not within the province of the Ministry of Home Affairs to give any orders in regard to apprehension of persons accused or suspected, please state whose responsibility it was at the time to see that persons named by Madan Lal Pahwa were apprehended or prevented from coming to Delhi if they were not already there?

A. It would be the responsibility of the Delhi Police to ensure that the persons named were apprehended or prevented from coming to Delhi, if they were not already there. To the extent such action related to persons residing outside the jurisdiction of the Delhi Police it would have been also the responsibility of the other police authorities concerned to extend necessary assistance and cooperation to the Delhi Police".

25.25 The submission thus is that the Government of India have themselves accepted the responsibility of the Delhi Police to prevent the commission of the offence in Delhi or to apprehend the offenders and if they were residing outside Delhi, to seek the assistance of police there. This may be so. But this reply does not wholly support Mr. Kotwal's contention because the Government of India has not said that if the police outside Delhi had information of the culprits being within their jurisdiction, they could just stay their hands and do nothing. And the Government was not dealing with information given by Professor Jain.

25.26 The Commission is unable to accept the contention of Mr. Kotwal so broadly stated. If the contention is correct, then it would lead to some extraordinary results. If information was received by an officer of the City of Bombay police that certain persons within his

jurisdiction had armed themselves to go and murder the members of the Government of another Province or of the Centre, then the Bombay city police officer need and even can take no notice of the information given and may twiddle his thumbs and remain totally indifferent and even inactive and allow persons in his jurisdiction to make preparations, to collect arms and to allow them to proceed from Bombay to wherever they are going to commit the offence. Taken to its logical conclusion, if there was an espionage ring having its base in Bombay but operating outside the city of Bombay, it would be free to operate outside Bombay, it could steal any secret and confidential information that it wanted, it could commit acts of sabotage, it could do the most dangerous, the most treacherous acts but as long as its operative field was outside the City of Bombay, the Bombay City Police would be helpless even when after doing all those acts the spies returned to Bombay and were hiding there to the knowledge of the Bombay Police and even when attempting to cross the seas or the skies.

25.27 Still further all offences falling within Chapter VI of the Indian Penal Code—Of offences against the State—could with impunity be committed outside the City of Bombay by persons residing within that jurisdiction without any fear of the Bombay City Police as long as the operative part was without the City. In other words, they could conspire within the City and operate without the City and the Bombay Police would be helpless lookers on. That goes counter to the provisions of the Criminal Procedure Code under which a case of a conspiracy to murder in one district and attempt to murder in another district can be enquired into and tried in either of the two districts. The Privy Council has held that conspiracy and overt acts committed in pursuance of the conspiracy are parts of the same transaction and it is sufficient if conspiracy is to be found in the accusation [*Babulal Chokhani v. King* 65 I.A. 158; A.I.R. (1938) P.C. 130]. The Supreme Court has held, overruling the Calcutta view, that a Court having jurisdiction to try the offence of conspiracy has also jurisdiction to try the offence constituted by the overt acts which are committed in pursuance of the conspiracy beyond its jurisdiction and vice versa. Consequently if the conspiracy was formed, amongst other places, at Bombay with the overt act at Delhi then courts of either of the two places could have enquired into and tried the offences. [*Purushottamdas v. West Bengal* A.I.R. (1961) S.C. 1589; *L.N. Mukerjee v. Madras* A.I.R. (1961) S.C. 1601]. *A fortiori* the police at either places could have investigated the offences—the Delhi Police under Chapter XIV of Cr. P.C. and the Bombay Police under Chapter V of the Bombay City Act. The technical objection raised by Mr. Kotwal must therefore be overruled.

25.28 One of the matters debated before the Commission was as to whether the proceedings taken by Mr. Nagarvala in pursuance of the information given to him by Mr. Morarji Desai were investigational or were merely the working out of an information. The decision of that question is dependent on the nature of information conveyed by Professor Jain to Mr. Morarji Desai and by him to Mr. Nagarvala. That information related to a conspiracy to murder Mahatma Gandhi, a part of which was entered into in Bombay although the overt act was to be and was at Delhi. This would fall within S. 57 of the Bombay City Act as the offence is cognizable.

25.29 The case of the prosecution in court was that Savarkar had joined the conspiracy at Bombay though this part of the case was not proved. Jurisdiction of the Courts and also of the police depends on the allegations made and not on the allegations being proved.

25.30 Mr. N. M. Kamte, Inspector General of Police, Bombay, witness No. 4 was also of the opinion that when Mr. Nagarvala was "working out the information given to him by Mr. Morarji Desai", he was really investigating into a cognizable offence within S. 57 of the Bombay City Act.

25.31 This may give rise to the argument of confusion, as also of illegality, due to there being two First Information Reports and two investigations. It is true that the argument of confusion might arise but there is nothing illegal and two First Information Reports are not unknown in our law books. The only effect of two First Information Reports is that the one prior in time is considered to be the First Information Report and the subsequent one is hit by section 162 of the Criminal Procedure Code.

25.32 In this particular case there was no danger of confusion for two reasons—one, that the investigation at Bombay would have been complementary and supplementary to the investigation at Delhi and would not have been in substitution of the Delhi investigation; secondly, although the matter arose later, the Delhi Police had themselves come to Mr. Nagarvala to give him some information and to arrest Karkare. Of course, the visit became fruitless and whatever information the Delhi Police had went awry but that does not detract from the usefulness of a proper investigation by the Bombay City Police.

25.33 Even if the Commission were to proceed on the basis that what the Bombay Special Branch were doing was an inquiry to work out the information given by Mr. Morarji Desai like any other C.I.D. or police would have done then also the Bombay Special Branch do not come off without blemish. Whether the Bombay Police was investigating under Chapter V of the Bombay City Act or was acting under S. 32(1)(b) to obtain intelligence in the circumstances of this case it would have made no difference as to the ultimate object, e.g. to bring offenders to justice and to prevent the commission of cognizable offences. In either case, the nature of blame was the same.

25.34 Two salient features of the information given by Mr. Morarji Desai were : the complicity of V. R. Karkare of Ahmednagar and the suspicion of V.D. Savarkar of Bombay being also a participant in the conspiracy which had resulted upto then in the explosion of a bomb and an attempt to murder Mahatma Gandhi. The police may not have known much about V. R. Karkare but they were fully aware of the political philosophy of Savarkar, whose followers though not active in the City of Bombay were quite active in Poona. And Karkare's activities could have been obtained from Ahmednagar if an effort was made.

25.35 After the information given by Mr. Morarji Desai the police also came to know about D. R. Badge even though it is said that he was a mere source of supply of illicit arms and not a conspirator; but his arrest had been ordered on the 24th January, 1948

which must be an exercise of power under Ss. 32(1)(b) and Chapter V of the Bombay City Act. His activities also could easily have been found out from the Poona Police just as Karkare's could be got from Ahmednagar and Poona Provincial C.I.D. There is fortunately no indication that the Bombay Special Branch shared the view held by Mr. Sanjevi and Mr. U. H. Rana that the conspirators would not strike so quickly and so soon particularly when one of them had already been arrested. Although Mr. Nagarvala tried to contact the D.S.P. Ahmednagar, he could not get him. He made no second attempt. He got into touch with his brother who was an Hon'ble Magistrate. Perhaps the District Superintendent of Police of Ahmednagar might not himself have been of much assistance in this matter but he could easily have found out from his subordinates regarding Karkare about whom they had complete information. Whether as a matter of fact the D.S.P. would have been useful is not relevant but the fact remains that no efforts were made to find out from him as to the particulars of Karkare or of his associations.

25.36 The combination of Karkare, of Savarkar, and some association of Badge and the evidence of throwing of a bomb were not proof of attempting to kidnap and thereby to immunise Mahatma Gandhi from his activities which were considered as pro-Muslim and anti-Hindu by the Savarkar school of thought. But the group had given enough proof of their real intention to murder. In the opinion of the Commission, efforts should have been made by the Special Branch to get whatever information it could from Ahmednagar and also to make full use of the Provincial C.I.D. which could be a source of useful information both in regard to Karkare as well as in regard to Badge. If Dy. Supdt. Chaubal of Poona and Mr. Gurtu, the A.D.I.G., C.I.D. of Bombay Province could supply useful information after the murder, they could have done so before the murder also. Evidence shows that the Provincial C.I.D. sent, on February 3, 1948, to the D.I.B., Delhi, photographs of Karkare and Apte. and also evidence of association of Karkare and Apte. Nagarvala was then investigating as a Delhi Officer. The same information would have been available to him as a mere C.I.D. fact collecting officer under S. 32(1)(b) of the Bombay City Act as also if he was acting under Ch. V of that Act.

25.37 This information could have been helpful in spotting Karkare and Apte at the Railway and Air terminals by intelligent watchers only and the same would apply to the watch at Savarkar's house. This is on the supposition that Kasar's statement to the Police was true. But even if it was not, the effort was worth making.

25.38 But the main error of Mr. Nagarvala was to pursue the theory of kidnapping which led him to suspect a different group of persons and thus led him into a *cul-de-sac*.

25.39 Commission would like to repeat that it is making these remarks 21 years after the occurrence when all the facts are known and there is no precognitive element in it. Mr. Nagarvala was acting on the information which he was getting from his informants and contacts on which he was entitled to rely and act and could also have been misled by faulty and wrong information supplied. But as it appears to the Commission, a more prudent course was that the

help of the Poona and Ahmednagar police should have been invited. Whether even then the elusive group of Godse's would have succeeded in getting out of the net and would have carried out the object of the conspiracy, no one can say.

25.40 Gopal Godse has said that the conspirators knew of the precautions which were being taken and that even if they had been arrested, there were others who would have carried out the object, i.e., they would have murdered Mahatma Gandhi. But this is also just a "might have". What would have happened, no one knows. What Gopal Godse has said might or might not have been correct. The police knew nothing about it and this could not have affected their course of action.

25.41 The Commission is not oblivious of the fact that the C.I.D. makes inquiries and collects information for the purposes affecting public peace. The Intelligence Bureau also performs the same functions but in regard to more important matters e.g. the security of the country and matters cognate thereto or connected therewith. Both of them are information collecting agencies. The functions of the former would probably fall within S. 23 of the Police Act (V of 1861); under section 32(1)(b) of the Bombay City Act and may be under sections 149, 150 of the Cr. P.C. The latter are not even police officers as they have to surrender their commissions; but that matter is not before the Commission. The question before the Commission is, what were the powers of Mr. Nagarvala when he, according to his saying, was working out the information i.e. whether he was performing a statutory function of investigating into a cognizable offence or he was just trying to collect information. In the circumstances, the Commission is of the opinion that he was discharging an investigational duty under S. 57 of the Bombay City Act, and this is supported by the fact that he ordered the arrest of D.R. Badge. But even if he was acting as a C.I.D. officer the course of inquiry would have been the same as also the objective of preventing the commission of a cognizable offence and bringing offenders to justice as the case may be.

25.42 The Commission has set out herein the relevant provisions of the three Acts, of the Criminal Procedure Code, of the Police Act, and of the Bombay City Act and a comparative table of the relative provisions of the 3 Acts are given in the Appendix III.

"Criminal Procedure Code

"CHAPTER XIII

"PREVENTIVE ACTION OF THE POLICE

Police to prevent cognizable offences

149. Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

Information of design to commit such offences

150. Every police officer receiving information of a design to commit any cognizable offence shall communicate such information to the police officer to whom he is subordinate, and to any other [digitised by sacw.net]

officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences

151. A police officer knowing of a design to commit any cognizable offence may arrest, without orders from Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented."

"The Police Act (V of 1861)

Duties of Police Officers

23. It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances; to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists :

"The City of Bombay Police Act (IV of 1902)

Duties of a Police Officer

32. (1) It shall be the duty of every Police Officer—

* * *

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

* * *

25.43 The Crime Report of Mr. Nagarvala shows the course of investigation or even inquiry followed by him from January 21, 1948 onwards.

Crime Report

25.44 Crime report No. 1 of the Special Branch C.I.D. Bombay, Ex. 185, from January 21 to January 30 was written on January 31, 1948. Mr. Nagarvala was orally appointed investigating officer by Mr. Morarji Desai on this date and was later gazetted as Superintendent of Police of Delhi also with retrospective effect.

25.45 The first Crime report sets out what was done on the 21st when information was given to Mr. Morarji Desai by Prof. Jain and ends with what investigation was done by the Bombay police upto January 30, 1948. It begins by referring to the information given by Mr. Morarji Desai to Mr. Nagarvala at the Bombay Central Railway

Station of the B.B. & C.I.R. at about 6.55 p.m. The Home Minister, it is stated, had received information that the bomb thrown at the prayer meeting at Birla House at Delhi on 20th January, 1948 was an attempt on Mahatma's life by Madanlal and his associates Karkare and others. He was also told that Karkare and Madanlal had seen Savarkar immediately before their departure to Delhi. The orders of the Minister were to arrest Karkare, who belonged to Ahmednagar, and the Minister told him that for his arrest (really for detention) orders had already been passed. The Home Minister also directed him to inquire into the matter and apprehend the associates of Madanlal and Karkare.

25.46 Thereupon Nagarvala got into touch with his informants and contacts and instructed police officers to locate Karkare and his associates.

25.47 By the 22nd January, 1948 the information was that one Balraj Mehta of Shivaji Park was an active member of the conspiracy. Orders were given to watch him and contacts at Ahmednagar were also asked to try and locate Karkare if he was there.

25.48 Information was received that Avtar Singh who was already under detention was also concerned in the conspiracy. A source from Ahmednagar informed Nagarvala that Badge of Poona was a close associate of Karkare and dealt extensively in arms, daggers and knives and he was also in the conspiracy. It was also learnt that Savarkar was fully aware of the conspiracy. As a matter of fact, he was the real instigator and had prepared the plan to murder the Mahatma and that his feigned illness was only a pretence and a cover. Savarkar's house was, therefore, ordered to be watched and 3 watchers Deshmukh, Dawood and Narayan were put on the job. This was on the 22nd January.

25.49 On inquiry it was found that Badge was not in Bombay. It was also learnt that among the other associates there were one Talwar, a Sikh, Somnath Kapur and Chavan, who was already under detention as he was an associate of Avtar Singh.

25.50 Report then mentions that the chief conspirators had a big following of disgruntled Punjabis and some followers of Savarkar belonging to the R.S.S. and they could get military arms and ammunitions and had the backing of disgruntled rich Punjabis.

25.51 Mention is also made of a Deputy Superintendent of Police and an Inspector of Police from Delhi who contacted Nagarvala. They had come to Bombay to arrest Madanlal's associates, one of whom was Karkare. They were told of the efforts already made to arrest Karkare and that on his arrest he would be sent to Delhi. The names of other associates available with the Bombay Police were also given to the Delhi police officers. The trail of Balraj Mehta and the watch on Savarkar's house had not disclosed anything useful.

25.52 On 23rd January reports received were that neither Karkare nor Badge were in Bombay, and that there were both staunch Hindu Mahasabhaites and if they came to Bombay they would be at Parel Hindu Mahasabha office and that that place was already being watched. Balraj Mehta, it was learnt, used to meet his associates at the India Coffee House at Mahatma Gandhi Road. A watch was organised at that Coffee House also but without any tangible results. The same

was in the case of Savarkar's house. It was also learnt from Ahmednagar that Karkare was not there and his whereabouts were unknown.

25.53 On the 24th January watch on Balraj Mehta, Coffee House and the Savarkar Sadan were continued. Inquiries were also made in the Hindu Mahasabha circles about Karkare and Badge but nothing materialised. It was also learnt from Ahmednagar that Karkare had not returned to that place. Necessary arrangements were made to pay a personal visit to Ahmednagar but there is nothing to show that it materialised.

25.54 On 25th January 1948 it was learnt from a source that two Punjabis living in Arya Pathik Ashram, room No. 27, were close associates of Balraj Mehta and were dealing in arms; the description of these two Punjabis is given. In view of this it was decided to keep a watcher in room No. 26. The watchers reported that a suspicious looking person came in car No. BYF 2744 to the Ashram but the watcher did not know whom he visited. The watcher also said that the driver of the car also looked suspicious. It was also learnt that a brother of Karkare was working as a jobber in one of the Bombay mills and was living in Naigaum. A watch was organised on that house also. Information from Ahmednagar was that Karkare had not come to Ahmednagar nor could the whereabouts of Karkare and Badge in Bombay be found out. Savarkar's house was watched as before but nothing important had been revealed. So also about the watch on the Coffee House. It was also discovered that Balraj Mehta was holding long conversations with two persons in Parekh Chambers Shivaji Park, one of whom was a Sikh and the other a Punjabi. But attempts to overhear the talks were unsuccessful because they were talking in Punjabi and the watcher could not understand it. The behaviour of these persons appeared to be suspicious.

25.55 On 26th January, 1948 the information was that Karkare had still not gone to Ahmednagar. Watch was maintained on Balraj Mehta, on India Coffee House, Savarkar's House and Arya Pathik Ashram but nothing came to light. Karkare and Badge could not be apprehended.

25.56 On 27th January, 1948 D.I.G., C.I.D., Poona returned from Delhi and Nagarvala discussed with him the investigation which had so far taken place in Bombay. Watch on Savarkar Sadan, on Balraj Mehta, Arya Pathik Ashram, Karkare's brother's house did not reveal anything but the watches were continued. The D.I.B. Delhi was apprised of the facts by telephone. Arrangements were made to call a man from Ahmednagar to identify Karkare and Badge in Bombay. The D.I.G. Poona was to take necessary action in regard to Badge as he was a resident of Poona and Karkare as he was resident of Ahmednagar.

25.57 On 28th January, 1948 the D.I.G. left for Poona. The watches were continued but nothing of any importance could be discovered.

25.58 On 29th January, 1948 watches were continued as before.

25.59 On the 30th January, 1948 night it was learnt that Mahatma's murderer was a Maharashtrian Nathuram Godse, a staunch follower of Savarkar. So arrangements were made to apprehend the various suspects who were already being trailed.

25.60 What follows would really be an investigation into the murder case but some of the steps taken are important to show in what direction the investigation had been proceeding.

25.61 On 31st January, 1948 it was learnt that if Nathuram Godse was the assailant of Mahatma, then the plot would be known to Savarkar and also to Damle his Secretary, and Kasar his Bodyguard, who both lived at Savarkar's house. This information was as a result of the interrogation of Chavan and Limaye who were already under detention.

25.62 Some very useful information was gathered from N.V. Limaye a detenu who said that Savarkar must be fully aware of the facts and Nathuram Godse must have consulted him before undertaking his mission. W.B. Chavan told the Police that Savarkar must have got the offence committed and that Godse must have been accompanied by his associate N.D. Apte because Godse never did anything without taking Apte with him. Thereafter Damle and Kasar were interrogated and Savarkar's house was placed under strict surveillance. Others interrogated were Balraj Mehta, Rameshwar Singh Thakur, Trilok Nath Mehra, Fakir Chand Chopra, L.G. Thatte and Prahlad Dutt. As a matter of fact Dutt had been injured during the Police raids and had been sent to the hospital. From Damle and Kasar it was learnt that Godse and Apte had seen Savarkar twice or thrice before the bomb was exploded and it appeared from their story that on these occasions the plan to murder Mahatma Gandhi was finalised. They also disclosed that Karkare was an active Hindu Mahasabhaite and had also come to see Savarkar. He was accompanied by a young Punjabi whose name later was learnt to be Madanlal. They had an hour's talk with Savarkar. But neither of them was prepared to depose to anything which took place at the meeting at Savarkar's house. They also disclosed that Badge also used to come to see Savarkar. As a matter of fact Apte and Godse had free access to Savarkar and could come without any appointment or having to wait down-stairs.

25.63 No information could be obtained from Balraj Mehta, Avtar Singh and others, but Thatte disclosed that Apte and Godse were the two main organisers of Savarkar's Hindu Rashtra Dal whose members believed in Savarkar and his ideology. On the basis of this information Police decided to search Savarkar's house. When the Police arrived Savarkar significantly asked Nagarvala whether he had come to arrest him in connection with Gandhiji's murder. But when he was told that it was only a search in connection with Gandhiji's case, Savarkar pretended to be ill and went inside the room and lay down. The mob started attacking his house and it was the arrival of the Police which saved him and his property. He mentioned to the Police that the mob fury was likely to be repeated and wanted Police protection. Poona and Ahmednagar Police were contacted because of Karkare, Badge and others being the accused with instructions to carry out searches at their places of residence and to arrest them.

Several Hindu Mahasabhaites who were anti-Gandhi were rounded up and their houses were searched but nothing important was recovered. Several other persons were arrested. They were all R.S.S. or Hindu Mahasabha workers.

25.64 *Crime Report No. 4 dated 2nd February 1948* shows that prior to their departure for Delhi Godse and his associates were in Thana. Therefore, the Bombay Police went to Thana and with the assistance of the local Police searched the residence of several persons in order to arrest Apte and Karkare and also for getting other evidence. It is not necessary to name these persons because they were interrogated but no useful information was obtained from them. Madanlal was called to Bombay because he had started "on the evil mission" along with others in Bombay.

25.65 *Crime Report No. 5 dated 3rd February 1948*: Poona Police reported that in accordance with the instructions given to them by Nagarvala on 30th January 1948 at 10.20 P.M. they had carried out the searches in Poona of Hindu Rashtra Press and office, Hindu Mahasabha office, residence of Nathuram Godse, and of his parents, Apte's house, Badge's house and Athawle's house and some other places and houses. What was found at the houses of these various persons is set out in this Crime Report.

25.66 It was learnt from one B.D. Kher, an employee of the Hindu Rashtra Press that Godse and Apte had left Poona on or about 16th January 1948 and had not been seen in Poona since. The Poona Police also recorded the statement of several persons but it is not necessary to mention them. The houses of V.G. Gogte and G.V. Gutti, who were associates of Godse, were searched but nothing of any importance was found.

25.67 *Crime Report No. 6 of 4th and 5th February 1948* shows that Madanlal was flown from Delhi to Bombay and his interrogation started immediately. He disclosed that besides Godse who had been arrested in Delhi, the others who took part with him were: Godse's partner of Hindu Rashtra Paper, a Sikh Maratha of Poona, his servant, Karkare, and a Punjabi-speaking Maratha.

25.68 Badge was brought from Poona and he was questioned about his complicity in the bomb outrage. At first he denied his complicity but when confronted with Madanlal, Badge made a clean breast of the whole conspiracy and the persons concerned therein, and he said that an attempt made on Gadhiji's life was in pursuance of that conspiracy. His interrogation also revealed the information regarding the collection of arms and ammunition in Poona.

25.69 On 5th February 1948 Nagarvala took Badge to Poona and with the assistance of the Poona Police started investigation there. The house of Badge was searched. Several articles of arms and ammunition were found. Some other houses were also searched.

25.70 Badge disclosed the name of Gopal Godse as one of the conspirators. Investigation started in regard to him also. Gopal Godse was arrested and so were several others including N.R. Athawle.

25.71 *Crime Report No. 7 of 6th February 1948*: Madanlal's interrogation was continued and he disclosed that he was taken by Karkare to Savarkar's house who complimented him on what he had already done and exhorted to continue his good work. This was on or about 10th January 1948. The interrogation of Madanlal and Badge was continued. Shankar Kistayya was then arrested and was

interrogated. Shankar disclosed that some money was given by an old man to Badge whose description tallies with Savarkar, but Shankar failed to identify Savarkar as the person who gave the money.

25.72 *Crime Report No. 8*—There is nothing important in the Crime Report No. 8.

25.73 *Crime Report No. 9* of 8th February 1948: It shows that Nagarvala went to Poona again and took Gopal Godse, Badge and Shankar with him. He carried on investigation there with the help of the Poona Police. Enquiries were also made about the absconding accused, i.e. Apte and Karkare in Poona and Ahmednagar but proved to be fruitless.

25.74 *Crime Report No. 10* of 9th February 1948: Before proceeding to Poona on 8th February Badge disclosed that in the morning of 17th January 1948 he arrived at V.T. from Poona and met Godse and Apte and engaged a taxi of which the No. was BMT 110 or BMT 101. He remembered the No. of the taxi because he had used it the whole day and in that taxi he took Godse and Apte to the airport. Taxi BMT was traced and its driver disclosed that his taxi had been engaged by three persons at V.T. Railway Station and he gave a receipt for what he was paid.

25.75 *Crime Report No. 11* of 10th and 11th February 1948: Shankar accused volunteered to point out the place in Delhi where he had hidden the explosives under Badge's instructions. So he was brought to Delhi by Mr. Nagarvala and he pointed out the place near the wall of the Hindu Mahasabha Bhavan which was dug up and several items of arms and ammunition were found.

25.76 *Crime Report No. 12* of 12th February 1948: Godse was brought to Bombay and he was interrogated about his co-accused Apte and Karkare. He disclosed the name of two women, Manorma Salve and Shanta Modak, the former a student and the latter an actress. It was through these women that Apte and Karkare were later arrested.

25.77 *Crime Report No. 13* (Ex. 105 A/I) shows that Mr. Morarji Desai in a statement disclosed the name of Prof. Jain as being his informant. Jain was therefore called for recording of his statement.

25.78 *Crime Report No. 14* dated 14th February, 1948 shows that both Apte and Karkare were arrested at Apollo Hotel one after the other, first Apte at 5.30 P.M. and then Karkare at 8.25 P.M. As it had transpired that Karkare had gone to the house of G.M. Joshi at Thana D.I. Sawant along with Apte was sent to Thana. But two other Police Officers were asked to stay on at the Hotel posing as employees. It appears that Karkare had left Thana earlier and when he came to the Hotel he was arrested at 8.25 P.M.; and therefore Apte was brought to the C.I.D. office by D.I. Sawant and Karkare was taken by the other Police Officers there and they were interrogated there.

25.79 *Crime Report No. 16* shows that on 26th January 1948 Apte and Godse came to Krishna Jivanji Maharaj and asked for some money or a revolver and they told him that they were out for some important work but the Maharaj gave them neither.

25.80 *Crime Report No. 17 dated 17th February 1948 (Ex. 105 B/1).* It shows that Prof. Jain was examined on 17th February 1948 and his statement established the complicity of Madanlal, Karkare and Savarkar in the conspiracy to murder Mahatma Gandhi.

25.81 *Crime Report No. 18 dated 18th February 1948* shows that Apte stayed in Arya Pathik Ashram with Manoram Salve after the attempt on Mahatma Gandhi and the entries of the register of the Ashram showed that he did stay there.

Mr. Nagarvala's investigation—

25.82 The criticism of Mr. Nagarvala's investigation between the 21st and the 30th January was put by Mr. Lall in this way.

25.83 He argued that when Mr. Morarji Desai had mentioned the name of Savarkar in conjunction with Karkare and had also told Mr. Nagarvala that there was a conspiracy to murder Mahatma Gandhi, he should have directed his attention to Maharashtra Brahmins to Savarkar and his followers who were mostly in Poona and Ahmednagar and not followed the will-o'-the-wisp of Punjabis and the theory to kidnap. He has also criticised Mr. Nagarvala for not mentioning the kidnapping theory in his Crime Report at all and he wanted the Commission to infer therefrom that what was stated in the Crime Report was not a correct representation of facts and that it was a false document. From the fact that the kidnapping theory is not mentioned in the Crime Report, no inference can be drawn that the crime Report is a false document. By the time the Crime Report came to be written, Mahatma Gandhi had been murdered so that the theory which Nagarvala was working on had been proved to be wrong if not *ignis fatuus*. He had by then been appointed a Special Officer of the Delhi Police to investigate into the murder. It was unnecessary at that stage to mention the tangential investigational line which for some reason or another perhaps wrongly Mr. Nagarvala had hitherto pursued.

25.84 The question in regard to Crime Reports from 21st to 30th would not be whether Nagarvala believed in the theory of kidnapping or in the theory of murder but what had to be shown was which persons were being suspected and there is nothing to indicate in that report that persons who were suspected of conspiracy to kidnap at that time were not persons, who were not suspected or could also not be suspects in the case of conspiracy to murder. Mr. Nagarvala seems to have gone off the tangent: ignored even what Mr. Morarji Desai told him: ignored the fact that the name given to him by Delhi Police was of Karkare which was also the name given to him by Mr. Morarji Desai. To this must be added the fact that Mr. Morarji Desai told him that both Madanlal and Karkare went to see Savarkar and had his blessings before they left for Delhi. And Savarkar according to the evidence before the Commission was opposed to the Gandhian philosophy and leadership. Ordinarily one should have thought that when the fuller statement of Madanlal was brought by Mr. Rana to Bombay on the 27th January, 1948, Mr. Nagarvala would have had the police curiosity or inquisitiveness to see the salient points contained therein. But both Nagarvala and Mr. Rana have stated that

Nagarvala did not read that statement that night. Therefore there is no reason to disbelieve Mr. Nagarvala's statement that he did not know of the mention of the "Hindu Rashtra" or the "Agrani" in Madanlal's statement till after the murder.

25.85 There is some corroboration of this from his letters Exs. 8 and 9. In Ex. 8 dated the 30th January, there is no mention of Godse or Apte, and emphasis is on the kidnapping theory. And Ex. 9 written after the B.B.C. news Apte's name is not there.

26.86 Mr. Lall then drew the attention of the Commission to the matter of Badge whose name has been mentioned in the Crime Report along with Karkare and for whose arrest Nagarvala had made an order on the 24th January 1948. He submitted that Badge's name had appeared even before the bomb was thrown at Delhi. For this he relied on the statement of Sub-Inspector Pradhan of the C.I.D. as he then was. Pradhan has deposed that it was about the 16th or 17th that he received a report that one Badge of Poona had come to Bombay with some associates of his and had gone to some place with arms and ammunition and that Badge was to proceed to Delhi that very night from V.T. He immediately left for V.T. but he was too late as by the time he got there the train had left. After the news of the bomb explosion at Delhi, he concluded from Badge's going to Delhi that Badge was connected with the incident and he informed Nagarvala accordingly and included Badge's name in the list of suspects. They were looking for Badge as well as for Karkare but they could not locate either of them and he suggested to Mr. Nagarvala that he (Pradhan) should go to Poona and make enquiries about Badge there but Mr. Nagarvala replied that an officer from Poona was coming and it would be better to make preliminary enquiries from him. Three or four days later, Deputy Superintendent of Police Deulkar came from Poona and Pradhan made enquiries from him and he said that Badge was an ordinary man just a gondri (a bard). Pradhan accepted Deulkar's word but continued to watch for Badge and Karkare, which is rather peculiar as he knew neither of them nor their identity.

25.87 Nagarvala was questioned about Pradhan's statement of including Badge's name in the list of suspects and the fact that they were looking for him and Karkare but they could not locate them. Nagarvala's reply was if Pradhan says so, it must be correct but he had no recollection of it. He added that even if Pradhan told him as he says he did, he (Nagarvala) would not have put Badge's name in the list of suspects in connection with the bomb incident because he was looking for him as a source of supply of arms.

25.88 Evidently Badge was not known to anybody in Bombay because Mr. Nagarvala on the first Crime Report has stated that arrangements were made to get somebody from Ahmednagar who would be able to identify Karkare and Badge. That would not have been necessary at least in the case of Badge if Pradhan knew him and could recognise him. In his statement in court as PW. 133, Mr. Nagarvala has said that he had ordered the arrest of Badge on the 24th January on certain information. The order for arrest, it may pertinently be remarked, could only be made if Mr. Nagarvala was acting under Chapters IV and V of the Bombay City Police Act. It is stated in the Crime

Report No. 1 that Badge of Poona who was a close associate of Karkare, dealt extensively in arms, daggers and knives and was also concerned in the conspiracy to take the life of Mahatma Gandhi. So it does not seem to be correct that Badge was being looked for merely as a supplier of arms but it may be that the police was looking for him as the person who had supplied the gun-cotton slab to Madanlal. Even on this premises Poona should have been contacted for the whereabouts of Badge and for his apprehension.

25.89 Ex. 110 is a chronological list of investigation at least that is what Pradhan has called it. It has entries made by Pradhan but it also shows that some entries were made by Mr. Nagarvala. An important entry is "Home Minister Bombay informed me of the conspiracy at the Bombay Central Railway Station and directed me to arrest Karkare, associate of Madanlal". This is struck out and on the top of that entry is added which appears to be in the hand of Mr. Nagarvala. "H.M.'s instructions regarding Karkare". Then the entry on the 22nd January is "Name of Badge transpired as one of the associates". "(2) Savarkar aware of conspiracy". This is struck out. About this document, Sub-Inspector Pradhan has said that this is a chronological list of investigation "most of which is in my handwriting and some of it in Mr. Nagarvala's handwriting." This document was for the guidance of Mr. Nagarvala. From all this Mr. Lal wanted the Commission to draw the inference that Badge was in the conspiracy and that is what the Bombay Police thought at the time and further that when Nagarvala says that Badge was not in Poona and therefore he did not look for him there is not correct because Badge has stated that he was at his house all the time and therefore the story about the watch at Badge's house could not be correct. Perhaps he was in Poona or may be he was underground but the tragedy has been that either for reasons suggested by Mr. Kotwal or some other reason, the assistance of the Provincial C.I.D. or the Poona District Police was not requisitioned by Bombay Police. And unfortunately Mr. Rana himself also ignored his own department and his own archives and did nothing to requisition their services. Delhi probably depended on Mr. Rana.

25.90 Mr. Lal then referred to the watch kept on Savarkar's house. Crime Report No. 1 at pages 2 and 3 shows that Savarkar was in the conspiracy and he only pretended to be ill and out of politics. At page 3 it is stated that Savarkar's house was put under an unobtrusive watch. The object was to notice who were visiting Savarkar. Mr. Lal argued that there is evidence to show that Godse and Apte had visited Savarkar's house before they went to Delhi to commit the murder.

25.91 Mr. Lal contended that this could not have been much of a watch if the watchers could not detect those visiting Savarkar and that seems to be the opinion of Mr. Barucha, the Commissioner of Police, which he expressed in Ex. 15, a letter addressed to Mr. Kamte, dated September 10, 1948. It may be mentioned that there is some criticism in Ex. 168 which is nothing on Ex. 14, the explanation of Nagarvala, saying that the watch was not efficient. But evidently Mr. Dehejia did not agree with this criticism. Ex. 9, Mr. Nagarvala's letter

to Mr. Sanjevi dated 31st January, 1948, shows that during the course of enquiries in the last 24 hours, it transpired that the assailant with Apte had seen Savarkar on the eve of his departure to Delhi. But Nagarvala in his statement before the Commission has denied the correctness of this fact and has said that the subsequent investigation showed that this was not correct.

25.92 Even the statement of A.R. Kasar, Savarkar's bodyguard, Ex. 277, puts the visit of Apte and Godse on or about the 23rd or 24th January which was when they returned from Delhi after the bomb incident and not on the eve of their departure which if proved might have been an important link in the conspiracy case. G.V. Damle, Savarkar's Secretary deposed that Godse and Apte saw Savarkar in the middle of January and sat with him (Savarkar) in his garden.

25.93 So that Mr. Lall's attack on Mr. Nagarvala's investigation was three pronged: (1) Badge was suspected as a conspirator and not merely as a source of supply of illicit arms; and no one knew him in Bombay but still no effort was made to get him identified if he came to Bombay, or to get the Poona Police to arrest him as he was all the time in Poona at his house during the period 23rd to 30th January or call for the help of Poona Police. (2) Although Mr. Nagarvala knew that Karkare belonged to Ahmednagar, no effort was made to get the help of Ahmednagar police except trying to contact the D.S.P. once. There was a complete record of Karkare with Ahmednagar Police which if sent for would have been a valuable piece of evidence to crack the conspiracy case. At any rate the Poona Provincial C.I.D. should have been contacted and the information which was received after the murder could have been called for before the murder. (3) The watch at Savarkar's house was most inefficient and ineffective. A proper watch and a tail put on would have disclosed the connection of Godse and Apte with the conspiracy.

It was also argued that the Crime Report was not a true document.

25.94 This line of attack on the investigational processes followed by Mr. Nagarvala savours of a charge not only of inefficiency but also of dishonesty against an officer of the rank of a Deputy Commissioner of Police of Bombay which in the opinion of the Commission, is not well founded. That does not mean that the investigation or even inquiry as it has later been termed by Mr. Nagarvala was in any way free of all blemish. Disregarding the factual criticism against Mr. Nagarvala, there are some broad features of the investigation or inquiry conducted by him which, in the opinion of the Commission, detract a good deal from all the hard work put in, from all the careful planning which was done in keeping a watch at some of the important places and of putting into operation contacts which a properly run and an efficient police like the Bombay City Police always has at its command and which it could without delay put into operation whenever the need arose. And Mr. Nagarvala did move his men and informers and contacts etc. quickly into the field of operation and they did start collecting information and passing them back to Mr. Nagarvala or to his officers.

25.95 The real difficulty with the police inquiry or investigation at Bombay has been that from the very beginning or at an early stage it was steered along a wrong course. There may perhaps be nothing wrong in the theory that a large number of Punjabis disgruntled, frustrated, dishonoured, despoiled and rendered homeless had plotted together to drive away the Muslims from Bombay by the use of violent means. It is not only possible but probable that in the achievement of this objective they had secured the help of Maharashtraian Savarkarites who were equally anxious to drive out the Muslims, but could one extend the objective of this plot to harming Gandhiji by kidnapping him, although they might have been as much anti-Gandhi or anti-Congress as their counterparts in the North.

25.96 One may go further and accept that in the conspiracy to murder the number of participants might have been larger than the number against whom the police could get evidence or prove their case and this is shown by the statement of Gopal Godse, Wit 33. It may be that Mr. Nagarvala's informants were referring to them. But the main question for inquiry was, were they mainly Savarkarites or a conglomeration of others also Gopal Godse's reference appears to be to the former.

It may be and is probably correct that the contacts did give this or this kind of information that all these people had joined together to stop Mahatma Gandhi's solicitude for communal amity, which could only be achieved by avoiding riotous scenes and violence of one community against the other. It is also possible and even probable that all this led the informants of Mr. Nagarvala to believe that this group wanted to kidnap Mahatma Gandhi. But in the circumstances and in view of the information which Mr. Nagarvala had received from the Home Minister coupled with circumstantial evidence before him, this information by the informers and contacts did not merit that amount of serious pursuit which it got right up to the time when the letter Ex. 8, dated 30th January 1948, was written by Mr. Nagarvala to Mr. Sanjevi.

25.97 The bundle of facts which were given to Mr. Nagarvala were destructive of any theory, but the theory of conspiracy to murder Mahatma Gandhi by Savarkarites and if there were any circumstances which lent support to the theory of conspiracy to kidnap, they were far outweighed by the facts which pointed to the conspiracy to murder by a set of Poona Savarkarites rather than a mixed group of Savarkarites and General Mohan Singh's Punjabi discontents.

25.98 Mr. Morarji Desai in his statement before the Commission and his statement in court has set out the information which he gave to Mr. Nagarvala. He related to him the story which had been unfolded to him by Prof. Jain and Mr. Nagarvala in his statement has repeated what Mr. Morarji Desai told him, that Madanlal had exploded a bomb at the Delhi prayer meeting of Mahatma Gandhi and he was accompanied by Karkare from Ahmednagar; that Madanlal and Karkare had seen Savarkar before they went to Delhi and that the

Home Minister had told him that he had received definite information that it was an attempt on the life of Mahatmaji made by Madanlal, Karkare and their associates. All this was an index to the conspiracy being directed against the life of Mahatmaji rather than towards his mere immunisation through kidnapping, and what is still more important the participants were more likely the Poona Savarkarite Maharashtrians rather than a kaleidoscopic group mentioned by Mr. Nagarvala.

25.99 It appears to the Commission that Mr. Nagarvala's greater reliance on his contacts and informants, who were working on a large number of Punjabis like Avtar Singh etc, being in the conspiracy to kidnap, was an error of judgment when viewed in the light of other information with him i.e. the information given by Mr. Morarji Desai about Karkare, Savarkar and dump of arms which heavily tilted the scales in favour of the theory to murder and of the participants being Savarkarite Maharashtrians.

25.100 Mr. Nagarvala's contention is that he was making an enquiry to work out an information and that he was not investigating. The Commission wishes that he had been officially appointed to investigate like he was after the murder. In that case he would not have been deprived of the assistance of the Delhi Police nor would he have been supplied with the scrappy information which the Delhi Police gave him. There was no rapport between the two police forces. They were even at cross purposes; one felt insulted the other, considered it unnecessary intrusion.

25.101 Mr. Nagarvala's attitude towards the Delhi Police is shown by a passage in his statement before the Commission when he said: "The Home Minister had asked me to look for Karkare and his associates. If the Delhi Police alone had come I might have referred them to the local C.I.D. or to the C.I.D. Crime Branch or to the Divisional Police."

25.102 This attitude is rather surprising because any information regarding the safety of a person of the eminence of Mahatma Gandhi could not be so casually or lightly treated and the Commission is not willing to believe that even Mr. Nagarvala would have done it had such a contingency arisen.

25.103 The Delhi Police had sent two police officers to get the help of Mr. Nagarvala for the arrest of Karkare and, according to their police diaries, also of the editor of the *Agrani* which fact is controversial and has been discussed under the heading "Ex. 5-A". But this much appears to be non-controversial that the two officers were present at the interrogation of Madanlal on the 20th January as a consequence of which two places—the Marina Hotel and the Hindu Mahasabha Bhavan—were searched. From the former two names, S and M Deshpande, alleged to be of the companions of Madanlal, were discovered. From the room in the Hotel was also recovered Ex. P-25 a very recent statement of the Secretary of the Hindu Mahasabha, repudiating its acquiescence in Gandhiji's Seven-Point formula showing that the conspirators whoever they were, had a strong Hindu Mahasabha connection. Besides Madanlal had been

searched and a handgrenade had been found on his person. Unfortunately, all this does not seem to have been disclosed to Mr. Nagarvala, and the Delhi Police seems to have emphasised the controversial document Ex.5-A and the information contained therein. If this non-controversial information alone had been conveyed to Mr. Nagarvala, then coupled with the mention of Savarkar and Karkare it would most probably have led Mr. Nagarvala to adopt a correct investigational track leading to a conspiracy to murder by quite a number of Poona Savarkarites and not the *cul-de-sac* of conspiracy to kidnap by a combination of disgruntled Punjabis and angry Maharshtrians. This information to a prudent and careful detective might have, if not would have, deterred persistence in a fatuous pursuit of discovering the identity of a mixed lot of future kidnappers rather than a number of murder conspirators hailing from the districts of Maharashtra parts of Bombay and owning allegiance to Savarkar and his ideology.

25.104 The Commission would like to emphasise that the difference between the two theories, the theory of conspiracy to murder and of conspiracy to kidnap was this; that in the former case the emphasis would have been on Savarkarites of Poona who did believe in political assassination, and in the latter the emphasis could and would have been on a mixed crowd as indeed it was in the present case.

25.105 No doubt, the Commission is viewing this matter twenty-one years after, when all the facts for and against both theories are before it and Mr. Nagarvala was on a search for and collection of these facts and had to work out the clues and had to piece many bits of all kinds of information together like a jig-saw puzzle, but still on the following facts amongst others the proper conclusion, in the opinion of the Commission, was a conspiracy to murder and not a conspiracy to kidnap:—

- (1) The information which had been given by Mr. Morarji Desai to Mr. Nagarvala;
- (2) The explosion of gun cotton slab at the prayer meeting;
- (3) The mention of the association of Savarkar, and Madanlal and Karkare having interviewed Savarkar before they left for Delhi;
- (4) The mention of a dump of arms guarded by a Maratha with a Sikh-like appearance.

25.106 All these facts taken together were destructive of any theory other than the conspiracy to murder by Savarkar and his group and, in the opinion of the Commission, Mr. Nagarvala tripped because perhaps he was badly served by informants and contacts on whom he had every right to rely or there was some erroneous conclusion. Of course, he does say that this was merely an information which had yet to be verified; but did it deserve to be so seriously considered under the circumstances?

25.107 Some criticism has been levelled in regard to the manner in which Badge's name was brought in. Whether Badge was a supplier of arms and the search was on to find out who had supplied the

illicit arms to the persons who were being kept under watch by Mr. Nagarvala, or it was that he was a member of the conspiracy, is immaterial. The fact remains that his name was mentioned in connection with Mahatma Gandhi's murder and efforts should have been made to get him apprehended if he was in Poona and to put a search on if he was anywhere else. A highly technical plea of the limited powers of Mr. Nagarvala under the City of Bombay Police Act is hardly relevant to this matter and may not have any force in view of Ss. 239 and 177 Cr. P.C. and of the decisions of the Privy Council in *Babulal Chokani's case* (65 I.A.158; A.I.R. 1938 P.C. 130) that conspiracy to commit an offence and the commission of the offence are a part of the same transaction; and the decisions of the Supreme Court that the offences of conspiracy to murder and murder itself can be tried at either of the two places if those two offences take place at 2 different places, *Purushottamdas v. State of West Bengal* A.I.R. (1961) S.C. 1589, and *L. N. Mukherjee v. State of Madras* A.I.R. (1961) S.C. 1601. This would presuppose police investigation at either of the two places.

25.108 Even in regard to Karkare an effort was made by Mr. Nagarvala to find out about him from Ahmednagar. But persistence in that effort could have been fruitful in another direction though not in apprehending him at Ahmednagar as he never went there again. Mr. Kotwal has argued that the information which the D.S.P. Ahmednagar had (Ex. 115-C) was scrappy and almost innocuous if not useless. That may be so but this argument ignores the information which S.I.s Balkundi and Deshmukh had collected which would have given the antecedents and associations of Karkare. Even according to Mr. Nagarvala's information Karkare and Badge were friends.

25.109 After the murder, and this is shown by Intelligence Bureau File No. 13/H.A(R)/59-II, Ex. 224-A information was obtained by the Intelligence Bureau from the Provincial C.I.D. Poona, in regard to Karkare and Apté. Apté is shown as a friend of Karkare and photographs of both Karkare and Apté were evidently available from the files of the Provincial C.I.D. which were sent to the Intelligence Bureau after the murder. Or as S.I. Balkundi of Ahmednagar police has stated Karkare's "dossier" could be made available from Ahmednagar. As a matter of fact he supplied Karkare's photograph after the murder. This information could have been obtained earlier for which the blame is more on the D.I.B. but the Bombay City Police (Special Branch) can also not escape sharing this blame, as they were too insular and did not extend their investigational operations beyond the city of Bombay by seeking the cooperation of the Bombay Provincial C.I.D. The photographs are attached herein. (see next page)

25.110 For the inquiry to have been a proper one, it was, in the opinion of the Commission, necessary that contacts should also have been made with the Provincial C.I.D. Poona and with Ahmednagar Police and not merely with the persons with whom they were made by the Bombay City Special Branch.

25.111 The evidence of S.I. Balkundi shows that he supplied the photograph of Karkare and also who his associates were, one of them being Apté. Any enquiry from Ahmednagar should have brought this

information to Bombay Police, also the information that Godse and Apte used to visit Karkare, their activities were watched but nothing was found as a result thereof.

25.112 The Commission cannot help repeating that the kidnapping theory and the theory of conspiracy to murder materially differed in the matter of the participants. In the case of the former the accent would have been on Savarkarite Maharashtrians of the Rashtra Dal brand mainly hailing from Poona and in the case of the latter it could be a mixture of Poonaites, Bombayites and other disgruntled elements mostly Punjabees. The persons to be watched and looked for by the police would have been different in the two cases.

25.113 Mr. Nagarvala had stated in his Crime Report No. 1 that Savarkar was at the back of the conspiracy and that he was feigning illness and was wrongly giving out that he was out of politics. He was asked in his evidence why he did not arrest Savarkar or detain him, his reply was that he could not do so before the murder as that would not only have caused commotion in the Maharashtrian region but an upheaval.

25.114 Another lapse in the investigational processes in Bombay can justifiably be attributed to Mr. Rana. He reached Poona on the 28th January and his evidence shows that he called the D.S.P. of Poona and asked for Inspector Angarkar for the 29th. Rao Sahib Gurru was also there and according to Ex. 30, Mr. Rana's letter to Mr. Kamte, the names of Apte, Godse and Badge were "known from R.S. Gurru". In his testimony before the Commission, Mr. Rana stated that when asked Gurru gave him the names of the editor and proprietor of the Agrani and the Hindu Rashtra and of the proprietor of the Shastra Bhandar to be Godse, Apte and Badge respectively and he gave these names from memory. This is indicative of the fact that even on the 28th no effort was made to find out where the companions of Madanlal were nor any effort made to arrest Badge whom Mr. Nagarvala was looking for. By then Madanlal's statement, Ex. 1 was with Mr. Rana if not with Mr. Nagarvala and Mr. Rana could have as he should have warned Delhi as well as Bombay about them and flown watchers and other alert policemen to Delhi as he did after the murder. Here were future murderers on the prowl and no effort was made at the Poona end to warn Delhi or to take preventive measures. Of course by the 28th January Apte and Godse were in Delhi and Karkare who was from Ahmednagar was also at Delhi. Photographs of the latter two could also have been flown to Delhi. Some effort should have been made in that direction even if it was rather late. But the Police could not divine that the murder will take place on the 30th.

25.115 There had been three previous incidents indicating where strong anti-Gandhi feeling existed and who were at the back of it Mr. K.M. Munshi has indicated the antipathy and antagonism to Mahatma Gandhi and his policies and leadership was known to exist in a goodly measure i.e. the group led by Savarkar. At Panchgani in July 1944 that very group had held a black flag demonstration. at Mevagram also in 1944 (August) they wanted to stop, to put it very

mildly, the Mahatma's car and the leader L.G. Thatte carried a 7" blade dagger. The then British Indian Police stopped the mischief in both these cases but played down the incidents. There was yet another in 1946 and that was the attempt to derail the Gandhi special just beyond Karjat on the Kalyan and Poona section. The situation was saved by the presence of mind of the driver, Mr. Pereira. Two of the party of the Mahatma considered it to be an attempt on Mahatma's life. The police again played it down. The responsible Bombay newspapers also were of the same opinion as the police. Commission has therefore had to accept the police version but all these incidents were coincidentally very ominous.

25.116 If properly analysed they might have helped in unearthing the party behind Madanlal's bomb, particularly when Madanlal had mentioned Savarkar and Karkare and "Maharathas" which is a Punjabee way of describing everyone who is Marathi speaking. Unfortunately the Delhi Police never gave out to the Press or on the radio anything about the result of their investigations i.e., of the name of Karkare, Savarkar and companions being Marathas. Even if due to the fear of the Law of Contempt or due to propriety Savarkar and Karkare could not be mentioned, Marathas could be which would have helped in alerting Poona and Ahmednagar. There was nothing to prevent Mr. U.H. Rana conveying these names to Poona or if not names at least the companions being Marathas. Mr. Rana did nothing when Mr. Gurtu disclosed to him the names of Godse, Apte and Badge but helplessly asked for Angarkar and Deulkar both clever sleuths.

25.116A In not seeking this aid of the Provincial Police, the lapse might have been of the Bombay City Police and more so of the Delhi Police but there is no evidence of any alertness or anxiety on the part of Bombay Provincial C.I.D. or the District Police of Poona or of Ahmednagar to look into the police files about these matters including the 3 incidents above mentioned and volunteer information to Delhi or Bombay. The plea taken is that they were not sure about Madanlal's identity. But even if the police was uncertain, the offering of information would not have been contrary to any rule or regulation.

25.117 Technically, Bombay Provincial Police and the Delhi Police and even the Bombay City Police might have been three separate "forces" but they were the police of one country. It is difficult to accept the proposition that any knowledge or information about "Ahmednagar" Madanlal who had earned notoriety in Ahmednagar and who had committed an offence against Mahatma Gandhi at Delhi, was no concern of the police at Ahmednagar or at Poona.

25.118 This view of multi-sectionalism of police was put forward before the Commission by Mr. Rajadhyaksha, Inspector General of Police of Maharashtra and strongly pressed by Mr. Kotwal but Mr. R. N. Bannerjee's view was different. He based his view on conventions. If the argument means that police of one Province or State has no concern with what offence takes place in another State and it need not supply any information it has about the alleged offender or a party of offenders even in matters of national importance which

the bomb at Delhi was then the Commission would not accept that argument or its validity and would strongly deprecate that argument and view. And if that is the law or convention then sooner the law is changed and proper conventions established the better. Any acquiescence in Mr. Rajadhyaksha's point of view will be destructive of the country's oneness and an aid to the offenders to go scot free. As it is, the position at present is not too good qua apprehension of offenders.

Conspiracy to Kidnap.

25.119 The theory of conspiracy to kidnap Mahatma Gandhi which has been variously described as fantastic, fatuous and even incredible was sought to be given respectability by Mr. Kotwal. He argued that it was no fault of Mr. Nagarvala if during the course of his investigation the evidence disclosed a conspiracy to kidnap Mahatma Gandhi and he tried to investigate into the correctness or otherwise of the information.

25.120 Mr. Nagarvala in his statement before the Commission has stated that as a police officer if he learnt something about a gang wanting to kidnap Mahatma Gandhi he was duty-bound to diligently inquire into the matter. He added that his mind was open and he was not obsessed by anything. When asked by the Commission as to whether he seriously believed in the kidnapping theory, his reply was that he did and he added that a police officer does not allow his likes or dislikes to interfere and affect his enquiries.

25.121 Mr. Kotwal has tried to support the kidnapping theory or to contest its being called fantastic by saying that the object at that time was to stop Mahatma Gandhi's anti-Hindu activities as they were understood by the people of Poona and even elsewhere. The conspiracy was formed on the 9th January and its objective was achieved on the 30th January. There was nothing strange, he said, that at that time, i.e., when Nagarvala was instructed by Mr. Morarji Desai to look into the matter, the theory of kidnapping should not have looked baseless because the original object might have been to stop the payment of 55 crores to Pakistan and kidnapping was a less cruel way of stopping it and after the money had been paid it would have stopped the anti-Hindu activities of the Mahatma or what those people thought was anti-Hindu.

25.122 There is evidence, submits Mr. Kotwal, to show that other people had given credence to this theory. He referred to the evidence of Professor Jain who stated that Madanlal had told him that he would throw a bomb at a prayer meeting and thus cause confusion which would enable them to overpower Gandhiji.

25.123 Rai Sahib Rikhikesh, witness No. 13, said "Madanlal had stated in his statement about the conspiracy to kidnap Mahatma Gandhi" but this is not found in either of the statements of Madanlal, Ex. 6 or Ex. 1. Mr. G. K. Handoo, witness No. 48, had said that the object of his being brought over in a hurry was that there was a fear of other leaders being murdered and probably they thought that the gang connected with the murder of Mahatma Gandhi was a very large and powerful one and would strike at other leaders also. Gopal Godse's statement is that even the arrest of Nathuram and [digitised by sacw.net]

Apte and Karkare could not stop the murder of the Mahatma as others would have done so. This is some evidence of a larger number being involved but it does indicate that all the conspirators might not have been arrested. Of course, this bit of evidence does not support the theory of conspiracy to kidnap but it does support the fact that there was a gang of a large number of powerful people which according to information given by his contacts was conspiring to kidnap.

25.124 In his demi-official letter, Ex. 8, dated 30-1-1948, Mr. Nagarvala wrote to Mr. Sanjivi that a large number of persons had joined together to oust the Muslims and for the purpose had collected weapons of all sorts including bombs, and that his opinion was that this gang thought it would be easy to win over the Delhi Police and to kidnap Mahatma Gandhi.

25.125 Witness No. 4, Mr. Kamte, the then Inspector General of Police when recalled stated, "If I had the information which Professor Jain gave to the Home Minister and the Minister passed it on to Mr. Nagarvala in regard to the kidnapping theory of Mahatma Gandhi. I would have worked on that theory". But as far as the Commission has been able to see, the Minister never gave any information to Mr. Nagarvala in regard to kidnapping.

25.126 Mr. Morarji Desai as witness No. 96 when examined on this point, stated that Jain did not inform him about kidnapping, that the idea of kidnapping was fantastic but even then the kidnapping theory would not have impaired the course of investigation.

25.127 Mr. Nagarvala was further cross-examined about the conspiracy to kidnap and he said that he was not going to forget or overlook the information about the conspiracy to murder but as information of conspiracy of kidnapping had transpired, he had to take it up. Later he again reverted to the subject and said that he had not abandoned the murder theory. The theory of kidnapping was there but that did not mean that the murder theory had been given up. He added that he had to carry out the Home Minister's orders and if during the course of that he learnt about kidnapping, it was his duty to verify that information.

25.128 Mr. Morarji Desai also has deposed that the kidnapping theory could not impair the value of the investigation and that Nagarvala did all he could to work out the information given by him (the Minister) and that they were working on the theory that there would be a further attempt on the life of Mahatma Gandhi.

25.129 Even Mr. Sanjivi had not taken any objection to this theory of kidnapping. Mr. Nagarvala has deposed that he told Mr. Rana about this theory and a long distance telephone call was made to the D.I.B. to whom the theory of kidnapping was repeated but he did not say anything showing that he thought it to be absurd nor did he disapprove of it or deprecate it. Mr. Nagarvala has stated that everyone was satisfied in regard to the kidnapping theory. Mr. Rana also said that when the theory of kidnapping was conveyed to Mr. Sanjivi on the long distance telephone he did not say anything in disapproval of this theory. Further Mr. Nagarvala told Mr. Sanjivi that security arrangements regarding Mahatma should be strengthened.

25.130 Mr. Sanjevi in paragraph 8 of his note, Ex. 7, has stated that Rana rang him up on the 27th evening and gave him the information which he (Rana) and the Bombay Police had of the 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 fire arms and other lethal weapons." But there is nothing to indicate in this note that when Mr. Sanjevi got this information he ticked off both Rana and Nagarvala because if the theory was absurd and fantastic, one should have expected that Mr. Sanjevi would tell both Rana and Sanjevi what he thought of the theory and express his opinion clearly if not forcefully indicating disapproval.

25.131 The evidence discussed above shows that there was information with Nagarvala indicative of the conspiracy to kidnap Mahatma Gandhi and that this evidence was not frowned upon by the higher officers if it did not receive their acceptance. It also shows that investigation could have been as vigorous if Nagarvala was acting on the kidnapping theory as it would have been if he were acting on the theory to murder.

25.132 Mr. Kamte, witness No. 4, Inspector General of Police of Bombay, said that he had no knowledge that the intention of the conspirators was to kidnap Mahatma Gandhi. In his opinion it was fantastic theory.

25.133 Mr. Morarji Desai, witness No. 96, stated that he was not told of the theory of kidnapping and if it had been, he would not have accepted it because it was an impossible kind of theory and he would have disabused Nagarvala's mind about the matter because it was a fantastic idea. He only came to know about it when he saw the explanation of Nagarvala in November 1949.

25.134 This track of investigational procedure, i.e., of conspiracy to kidnap ignored the definite information given by Madanlal to Professor Jain and relayed through Mr. Morarji Desai to Mr. Nagarvala that Madanlal and his companions were going to murder a big leader who was none other than Mahatma Gandhi, that his financier Karkare had formed a party in Ahmednagar which indulged in violence, that there was a dump of arms with the party and finally that Savarkar had patted Madanlal on the back appreciating his actions. Further, if Jain's name had been disclosed to Nagarvala, his interrogation by trained and experienced police officers of the Bombay Police would, in all probability, have weighed the scales heavily in favour of the murder theory and would have enfeebled the theory of kidnapping if not jettisoned it. One can quite appreciate the desire of Jain not to have his name disclosed but he could have been given protection in some other manner and even Nagarvala could have been asked to keep his name secret. Besides, if Jain was anxious to go to Delhi to get more information out of Madanlal which would have unveiled his identity he should not have been afraid to appear before Nagarvala.

25.135 As already remarked, another big difference in the consequences of pursuing the two theories was this. In the conspiracy to kidnap, the suspected participants amongst others were a large

number of Punjabis, names of some of whom are given in the Crime Report, and in the letter of Mr. Nagarvala to Mr. Sanjevi; and in the investigation of the conspiracy to murder theory, the suspected participants were different, i.e., people coming from a particular section of the Maharashtrian community of Poona and Bombay. Of course, they could also have been very many more than those put up for trial. As far as the Commission can see from the evidence before it, the emphasis would in the case of murder conspiracy be directed against the comparatively smaller set of Maharashtrians rather than on a large number of persons, a mixed crowd of Savarkarites and of Punjabi Hindus having a grievance on account of the aftermath of the Partition of the country. In other words, in case of the murder theory, the investigational energies would have been directed against the disgruntled, antagonistic Maharashtrian Savarkarites, who because of strong idealistic and fundamental differences with Mahatma Gandhi would unhesitatingly end the Gandhian menace once for all, which in their view was the only way to ensure a Hindu Hindustan in contrast to a secular India.

25.136 The Commission on the facts placed before it is unable to find that the attempt to give respectability to the kidnapping theory has, in the circumstances, succeeded

Mr. Morarji Desai, Wit. 96—

25.137 Mr. Morarji Desai, witness No. 96, who was at the relevant time Home Minister in the Bombay Government, has, during the course of his statement before this Commission, taken upon himself the responsibility of having advised, by giving benefit of views and knowledge and experience, and having directed the investigation of the case from 21st January, 1948 onwards. He emphasised that he was enquiring from the police as to what it was doing in the matter of investigation of the bomb case and the murder case, that he was keeping in touch so as to express his views on the subject, that the investigation was being carried on "under my direction", and that he had asked Nagarvala to arrest Karkare or to get him arrested through Ahmednagar Police. The Commission is really concerned with the period upto January 30, 1948. Although this question of ministerial powers regarding arresting of offenders and with reference to the Code of Criminal Procedure is discussed at length at another place, the Commission would here like to observe that directing the police how to carry out its statutory duties, or any interference with the statutory duties of the police imposed upon it by the Code of Criminal Procedure, or by the various Police Acts, or any other statute by an elected Executive, is foreign to the notions accepted in countries governed by Common Law. It is for this reason that both the Government of India Act of 1935, in S. 49, and the Indian Constitution, in Article 154, have excluded statutory powers performable by other authorities under an existing statute from the purview of the functions of the Provincial and now the State Governments; and the Code of Criminal Procedure was an existing law.

25.138 It will be best to put Mr. Desai's part in the investigation of the bomb case in his own words both before this Commission as well as at the trial in the court of Judge Atma Charan and the statement made by him in the Bombay Legislative Assembly in March 1949.

25.139 To start with, Mr. Desai as a witness for the prosecution, No. 78, before Judge Atma Charan stated that when Nagarvala met him at the railway station on January 21, 1948, he gave to Nagarvala all the information which he had received from Professor Jain in the afternoon in regard to the conspiracy to murder Mahatma Gandhi without disclosing to him the name of Professor Jain, who wanted his name to be kept secret because of the danger to his life. But he did disclose the name to Sardar Patel. To put it in his own words—

"I told Nagarvala what had been narrated to me by Professor Jain. I asked him to take action in the matter. I asked him to arrest Karkare, to keep a close watch on Savarkar's house and his movements and to find out as to who were the persons involved in the plot."

25.140 He also stated—

"I kept myself in touch with the investigation after 21st January 1948. I had kept myself in touch with the investigation that was going on in the Bombay Province."

25.141 In cross-examination he explained what he meant by "keeping in touch". He said—

"By the words 'keeping in touch with the investigation' I mean that I had from time to time asked Mr. Nagarvala as to what progress was being made in tracing out the person concerned."

25.142 Mr. Desai also stated in court that he considered Jain's version to be genuine because—

"I have got a long experience in judging witnesses. I was myself a Magistrate for over 11 years..... My experience as a Magistrate had automatically come into operation at the time."

25.143 He then said:—

"I had asked Mr. Nagarvala to get in touch with the D.I.G., C.I.D., Poona. I had asked him to do so at the Railway Station on 21st January, 1948."

25.144 The next piece of evidence which relates to this question is contained in Ex. 232, a copy of speech made by Mr. Morarji Desai in the Bombay Legislative Assembly on March 12, 1949, on a Cut Motion. There he said that he conveyed the information that he received from Professor Jain to Sardar Patel at Ahmedabad on the 22nd January. As a matter of fact, he went to Ahmedabad for the purpose of giving this information to Sardar Patel because it was not safe to telephone to him. Talking about his interest in the investigation 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 that 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."

25.145 Before this Commission, he has again deposed as to the interest he took in the matter of investigation after the information received from Professor Jain and after he had conveyed that information to Mr. Nagarvala. To quote from his evidence he said:—

"I was asking Nagarvala about any further progress of the case. In my opinion, the practice which prevails in England that starting and withdrawing of cases is the sole responsibility of the Attorney General is not the constitutional practice in India."

"I did not ask Nagarvala about every minute detail but I asked him how his work was proceeding. I did all that what I thought proper and best in the circumstances."

"I was enquiring from Nagarvala as to the progress of his investigation from the time I gave him the information, i.e., on the 21st January 1948. I also continued taking interest and kept on getting information from Nagarvala about what was happening after the murder was committed."

"Going back again over the events as they took place and the circumstances which existed then and capacities of the different persons involved, engaged in the investigations, I have no doubt in my mind that they did all that they could and they gave their best throughout."

25.146 When the statement made in the Assembly was put to him, he said:—

"I would not have said all this if it were not correct. I was saying all this from my personal knowledge. It is correct that I was asking throughout from the police officers as to what they were doing because I could have had the advantage to express my views on the subject."

25.147 When he was asked about the efforts to locate Karkare, his reply was:—

"No. It is not so because I was keeping in touch with, and I was making enquiries as to what they (the police) had done about Karkare. They were trying to do their level best: I was told that the house of Karkare was kept under watch during those days but could not trace him."

"I told this Nagarvala because Karkare was involved in the plot as disclosed by Jain and I had asked Nagarvala to

arrest him if he was found in Bombay and to get him arrested through Ahmednagar police if he were to be in Ahmednagar."

"Nagarvala was frequently reporting to me about what he was doing—he might have seen me two or three times but exactly how many times, it is now difficult to say. I was anxious to know what Nagarvala was doing about Karkare."

"I have heard from Counsel' portions from the evidence of Nagarvala as to what he was doing *qua* kidnapping theory but that would not impair the value of the investigation which 'was being carried out under my instructions'. But during the investigation, Nagarvala never told me anything about kidnapping, as far as I remember."

25.148 This would show that—

- (1) when Mr. Desai gave to Mr. Nagarvala the information he received from Professor Jain, he asked Mr. Nagarvala to arrest Karkare and keep a watch on the house of Savarkar; because he considered the information received from Jain to be authentic for which conclusion he was relying upon his eleven years magisterial experience;
- (2) he told Nagarvala to take action against anyone who came under suspicion, which Nagarvala would in any case have done if the suspicion was reasonable;
- (3) he had, at the Railway Station, asked Nagarvala to get into touch with the D.I.G., C.I.D., which was unfortunately disregarded;
- (4) he was constantly enquiring from Mr. Nagarvala as to what was being done about the investigation because he wanted "to give him the benefit, if any, of his views and knowledge";
- (5) his experience as a magistrate had automatically come into operation at the time;
- (6) he was asking Nagarvala about further progress of the case;
- (7) he does not accept the English constitutional practice that starting or withdrawing cases is the responsibility of the Attorney-General; that may not be a wholly untenable claim under the Indian law, because the giving of sanctions to prosecute under various statutes is in the discretion of the Government and not of the Attorney-General or the Advocate-General;
- (8) he did not ask for minute details, but about the progress of the investigation both of the bomb case and of the murder case;
- (9) in his opinion, the police did its best; as best as it could;
- (10) he kept on enquiring about Karkare whose arrest he had told Nagarvala to effect if in Bombay and if he was in Ahmednagar; to get him arrested there: he was anxious to know about Karkare;

- (11) Mr. Nagarvala saw Mr. Morarji Desai which turns out to be twice or thrice; might be more;
- (12) Mr. Nagarvala was carrying out investigation under Mr. Desai's "directions" but Nagarvala never told Mr. Desai of the kidnapping theory which according to Mr. Desai, did not impair the quality of the investigation.

25.149 It may be observed here that Mr. Nagarvala was mainly working on this theory of kidnapping as his letter, Ex. 8 dated January 30 to Mr. Sanjevi shows and therefore his energies were mostly directed against what Mr. Lal calls the Punjabees and which led to dissipation of the major part of investigational energies.

25.150 In this connection it will be helpful and fair to discuss what Nagarvala had to say about this matter. In reply to a question as to the kidnapping of Mahatma Gandhi, he said it was not his theory but he learnt that during the course of his investigation and he was having interviews with the Home Minister and was keeping him informed of what his enquiries had disclosed. Explaining this he said:—

"What I mean to say is that I was working on the information given to me by the Home Minister and at the same time telling the Home Minister the result of my enquiries."

25.151 In answer to a question whether the Home Minister kept himself in touch with the investigation. Mr. Nagarvala said:—

"I have already stated that the Home Minister and the Commissioner were being kept informed from time to time of the information that I was working on and the lines on which the enquiries were developing."

25.152 He said that he used to see the Home Minister on an average about thrice a week and get instructions from him on various matters but added that that was the practice then prevalent which the Deputy Commissioners of Police had by tradition been following.

25.153 He later said:—

"I was reporting to the Home Minister personally on what I was doing in connection with the case. Because I got the information and instructions from the Home Minister, I reported to him from time to time as to what I was doing. I would have done the same thing if I had got instructions from the senior officers. Right from the 21st to the 30th I had kept the Home Minister informed of everything that I was doing. I can say that the Home Minister was satisfied with that I was doing because if he had not been, he would have told me and he would not have recommended my name for investigation into the murder. I must have seen the Home Minister during this period several times."

25.154 Mr. Nagarvala, after he was recalled, said:—

"As I have said before the Commission about the kidnapping theory. I did mention this to Mr. Morarji Desai. If he says

that I did not, it may be due to the fact that he has no recollection of it after such a long time. As far as my recollection goes, I remember I did tell him (Mr. Morarji Desai) about this and my records support my statement. I would like to add that I have stated as before that I met the Home Minister between the 20th and the 30th January 1948 on several occasions in connection with what I was doing to carry out the information which he had given to me. His instructions were that I should arrest Karkare and his associations—associations include his associates and his activities—connected with the bomb explosion. I learnt certain things when I was trying to arrest Karkare and his associates. In this connection I met the Home Minister and I must have discussed with him about the kidnapping theory as this was one of the things I learnt while I was making enquiries about Karkare and his associates. And when I met the Home Minister it would be very natural that I would discuss with him all that I had done and all that I had learnt during the course of my enquiries because it was according to me that Karkare was not in Ahmednagar and was not available and could not be located. I would not run up to the Home Minister merely to inform him that I was unsuccessful in arresting Karkare. If I were to see the Minister, I would meet him with the object of informing him of what I had done."

25.155 Unfortunately in this case the statements of Mr. Nagarvala and Mr. Desai are not in accord on the question of kidnapping theory and there is intrinsic evidence which makes this claim of direction giving the benefit of views and knowledge and his ministerial experience coming into automatic operation to be merely euphemistic phraseology.

25.156 If the language used by Mr. Morarji Desai were to be taken in its literal sense, it would invite the application of the principle of "direct responsibility" of a Minister for any blemish in the investigation carried on and done by Mr. Nagarvala or by the Bombay Police before the murder, and would fall under the first rule set out in the speech of Lord Kilmuir referred to in the chapter dealing with Ministerial Powers and Responsibility. This would be an example of a Minister unwittingly inviting direct blame upon himself by the use of euphemistic phraseology and also by claiming to possess authority to act where he had no jurisdiction.

25.157 By merely making enquiries in a case like the present from Mr. Nagarvala on two or three occasions as to how the investigation or inquiry was proceeding would hardly amount to giving directions as to the course of investigation or how Nagarvala should proceed in discharging his statutory duties.

25.158 Mr. Nagarvala's investigation was being steered along a course of which the haven was kidnapping of Mahatma Gandhi. Of such a course even if chartered, Mr. Desai, according to his own testimony before the Commission, was kept ignorant. He has expressly stated that he would not have accepted it, though he is of the opinion

that that would not impair the value of the investigation. Secondly, except that Mr. Desai gave the information to Mr. Nagarvala and asked him to arrest Karkare wherever found, to get into touch with the D.I.G., C.I.D., Poona and to watch the house of Savarkar, he has only been asking about the progress of the case without finding out minute details, which in a case where the life of a person like Mahatma Gandhi was endangered, a prominent Minister belonging to the Congress Party or even to any other party might well do without infringing constitutional propriety. Perhaps, it may be necessary to know all that to discharge his constitutional duty towards the Legislative Assembly. But that also was on two or three occasions as Mr. Morarji Desai himself has defined the word "frequently". Mr. Morarji Desai's statement on the question of kidnapping was emphatic and he considered it fantastic not without good reason. But he added that it could not impair the quality of investigation and it could only have culminated in the murder of Mahatma Gandhi, i.e., the ultimate object of kidnapping was murder.

25.159 Mr. Nagarvala was equally emphatic in asserting that he did mention kidnapping to Mr. Desai otherwise he could not have succeeded in getting Mr. Desai's sanction for taking over the men belonging to the Bomb Squad. The matter is more than 20 years old and *latus memoriæ* cannot be ruled out. Besides, the trend of Mr. Nagarvala's statement shows that he had got from his contacts the fact of a large number of Punjabis and others being in the conspiracy and this was only a kind of information on which he was working and which had yet to be verified. Mr. Nagarvala could have given only this nebulous information to Mr. Morarji Desai without specifically mentioning the objective being to kidnap Gandhiji and that alone could explain this contradiction in testimony of these two witnesses, otherwise this is an inexplicable contradiction. But the Commission would again observe that a Home Minister's interest in the investigation of a case of this national importance may be laudable and perhaps an expected requisite but it cannot be allowed to extend to control or direction or supervision or giving the benefit of experience. The Commission does not accept the validity of the claim that the elected Executive has the authority to control the statutory duties imposed upon the police in the matter of investigation both by the Criminal Procedure Code and by the Police Act and the Bombay City Police Act, 1902. If this claim were to be accepted as valid both in law and in fact then it would render a Minister directly responsible for any vice in the conduct of an investigation. These are matters which both the Government of India Act of 1935 and the Constitution of India 1950 expressly exclude from the functions of the Central Executive or the Provincial and now the State Executive.

25.160 The law in regard to control over statutory authorities as to how they should exercise their statutory powers was decided by the Supreme Court in a case as long ago as 1952. In a matter relating to the permission for erection of a cinema the grant of which or refusal or withdrawal was within the exclusive discretion of the Commissioner of Police, this was made clear by the Supreme Court. See *the Commissioner of Police, Bombay v. Gowardhanas Bhanji*¹. In

¹. A.I.R. 1952, S.C. 16.

that case, a permission for erection of a cinema granted by the Commissioner of Police was subsequently withdrawn under the orders of the Government and it was held that the withdrawal was invalid as it was not within the power of the Government to direct the withdrawal of such permission, the grant, refusal, or withdrawal of permission to erect a Cinema being entirely within the discretion of the Commissioner of Police.

Savarkar's personal staff—

25.161 The statement of Appa Ramchandra Kasar, Bodyguard of V. D. Savarkar (Ex. 277) which was recorded by the Bombay Police on 4th March 1948 shows that even in 1946 Apte and Godse were frequent visitors of Savarkar and Karkare also sometimes visited him. During the period when the question of Partition of India was being discussed all these three used to visit Savarkar and discussed with him the question of the Partition and Savarkar was telling Apte and Godse that Congress was acting in a manner detrimental to the Hindus and they should carry on propaganda through the agency of the Agrani against the Congress, Mahatma Gandhi and his dictatorial policy.

25.162 In August 1947 when Savarkar went to Poona in connection with a meeting Godse and Apte were always with Savarkar and were discussing with him the future policy of the Hindu Mahasabha and told them that he himself was getting old and they would have to carry on the work.

25.163 In the beginning of August 1947, on the 5th or 6th, there was an All India Hindu convention at Delhi and Savarkar, Godse and Apte travelled together by plane. At the Convention the Congress policies were strongly criticised. On the 11th August Savarkar, Godse and Apte all returned to Bombay together by plane.

25.164 In the month of November 1947 there was a conference of All India State Hindu Mahasabha at Mahim and Dr. Parchure and Surya Dev of Gwalior also attended that meeting.

25.165 In the middle of December 1947, Badge came to Savarkar to enquire after his health but he could not see him. But two or three days later he again came and had a 15-minute talk with Savarkar. Karkare, Apte and Godse also met him during that month twice or thrice.

25.166 On or about 13th or 14th January, Karkare came to Savarkar with a Punjabi youth and they had an interview with Savarkar for about 15 or 20 minutes. On or about 15th or 16th Apte and Godse had an interview with Savarkar at 9.30 P.M. After about a week or so, may be 23rd or 24th January, Apte and Godse again came to Savarkar and had a talk with him at about 10 or 10.30 A.M. for about half an hour.

25.167 When the news of Mahatma Gandhi's murder was announced on the radio at about 5.45 P.M., Kasar went and informed Savarkar who said that it was a bad news and then kept quiet. The same night at about 2 A.M. both Damle and Kasar were arrested and brought to the C.I.D. office. Kesar said that he did not know anything about the assassination.

25.168 Gajanan Vishnu Damle, Secretary of Savarkar, was also examined on 4th March 1948 by the Bombay Police. He said that he had known N.D. Apte of the Agrani for the last four years. Apte started a rifle club at Ahmednagar and also was an Honorary Recruiting Officer during the war. Apte was a frequent visitor to Savarkar's house and sometime came with Godse. Savarkar had lent Rs. 15,000 to Apte and Godse for the newspaper when security was demanded from the Agrani. That paper was stopped and the new paper called the Hindu Rashtra was started. Savarkar was one of its Directors and Apte and Godse were the Managing Agents. He knew V.R. Karkare who was a Hindu Mahasabha worker at Ahmednagar for about three years and occasionally visited Savarkar. Badge was also known to him for the last three years. He also used to visit Savarkar.

25.169 In the first week of January 1948, Karkare and a Punjabi refugee boy came to see Savarkar and they both had an interview with Savarkar for about half an hour or 45 minutes. Neither of them came to see Savarkar again.

25.170 Apte and Godse came to see Savarkar about the middle of January 1948, late at night. Last time that Badge paid a visit to Savarkar was in the last week of December 1947. Several prominent Hindu Mahasabha leaders like Dr. Moonje used to come and see Savarkar.

25.171 On or about 26th January 1948, Ashutosh Lahiri, Secretary of the All India Hindu Mahasabha also came to Savarkar Sadan. He was accompanied by two others and from the aerodrome they went straight to Savarkar in his upstairs room. On the next day, Lahiri again came to see Savarkar and was with him for about one and a half hours. He then went to Poona and returned on the 29th January. He again came to see Savarkar on the 30th and had a long talk with him. Lahiri held a Press conference at about 4 P.M. and he was to address a public meeting at Chaupati, which was cancelled due to the assassination of Mahatma Gandhi.

25.172 When the radio news was announced, Damle immediately went to report to Savarkar who said that he would give a statement to the Press next morning. The same night Damle and Kasar were arrested.

25.173 The statements of both these witnesses show that both Apte and Godse were frequent visitors of Savarkar at Bombay and at conferences and at every meeting they are shown to have been with Savarkar. In January 1948 they were travelling with him both from Delhi to Bombay and back. This evidence also shows that Karkare was also well-known to Savarkar and was also a frequent visitor. Badge also used to visit Savarkar. Dr. Parchure also visited him. All this shows that people who were subsequently involved in the murder of Mahatma Gandhi were all congregating sometime or the other at Savarkar Sadan and sometimes had long interviews with Savarkar. It is significant that Karkare and Madanlal visited Savarkar before they left for Delhi and Apte and Godse visited him both before the bomb was thrown and also before the murder was committed and on each occasion they had long interviews. It is specially to be noticed that Godse and Apte were with him at public meetings held at various places in the years 1946, 1947 and 1948.

Investigation showing association of Apte and Karkare--

25.174 Intelligence Bureau file No. 13/HA(R)/59-II, Ex. 224-A, contains some important and revealing documents. At page 11 of this file there is a forwarding letter No. C/3 dated 3-2-1948 from G.S. Chaubal, one of the Deputy Superintendents of Police of the C.I.D. in the office of the D.I.G., C.I.D., Poona and is addressed to Mr. J. D. Nagarvala, Deputy Commissioner of Police with a copy to Mr. M. K. Sinha, Deputy Director, I.B. in the Ministry of Home Affairs. To this letter was attached a document giving a list of relatives and associates of Karkare and his description. Among the friends and associates at No. 10 was N.D. Apte of Poona. This letter was received in the Intelligence Bureau on the 6th February and was seen by Mr. M. K. Sinha, Deputy Director on February 9, 1948. These delays in the receipt of important letters are both astounding and not an uncommon feature of the investigation.

25.175 The next document is at page 13 and is addressed by Mr. Chaubal to the Inspector General of Police, Delhi, with a copy to the Deputy Director, I.B., Government of India. It is dated February 1, 1948. It says that four Head Constables were being sent to watch the activities of Maharashtrians, especially N.D. Apte who is considered inseparable from N.V. Godse and is also the person referred to in Madanlal's statement as proprietor of the *Hindu Rashtra* of Poona. Their duty will be to point out to the police at Delhi these persons with a view to preventing any further outrage. The constables sent were—

Head Constable Kulkarni

Constable Mahajan.

Head Constable Jadhav.

Head Constable Kadam.

The letter further mentions the sending of an Inspector also to interrogate and assist the Delhi Police in identifying Karkare if he happens to be there.

25.176 Another document is at page 14 dated 6-2-1948 from the office of the D.I.G., C.I.D., Poona and is addressed to Mr. M.K. Sinha, Deputy Director, I.B. It is a forwarding letter showing that three copies of photographs of N.D. Apte with a descriptive roll and three copies of V.R. Karkare's photograph were sent therewith. The description of Karkare which is a part of the photograph is as follows:

"Age 35, white complexion, fair-looking, strong built; round face; at times clean shaven, flat nose, height (height?) about 5 feet 7 inches. Usually wears Dhoti, shirt and black cap. Is in the habit of smoking beedies."

This description is considerably different from that in Ex. 6 or Ex. 244.

(See Photographs on next page).

25.177 It appears that N.D. Apte's description was sent by Poona C.I.D. on February 6 and seen by Mr. M.K. Sinha on February 17
 [digitised by sacw.net]

which shows the whole of this information moved at a leisurely speed in the Bureau. The description was as follows:—

"Age about 36, strong built, grey eyes, narrow chin, wheat colour, clean shaven, oval face, broad forehead, straight nose, height 5'6". Does his hair on western fashion, wears pyjamas at times in western attire, smokes, caste—brahmin. Residence at 22 Budhawar, Poona."

25.178 Another letter at page 21 dated 3rd February 1948 is from the D.I.G., C.I.D., Poona to the Inspector General of Police, Bombay with copies to the Deputy Director, I.B., New Delhi and Deputy Commissioner of Police, Bombay. This was also received in the I.B. office on 9th February 1948. The report attached to this letter is dated the 3rd February 1948 and shows what action was taken at Poona and Lonavala (near Poona) showing that police had started taking diligent interest in the investigation. If the information about Karkare and his association with N.D. Apte and the photographs of both Karkare and Apte were in the possession of the D.I.G., C.I.D., it is surprising why nobody asked for it earlier and it is more surprising that Mr. Rana should not have directed his office to send these photographs at least of Karkare whose name was known and the name of his associates to Mr. Nagarvala at Bombay or to Mr Sanjevi at Delhi. Mr. Nagarvala also could have easily asked for this information from the office of the D.I.G., C.I.D., Poona which is equally applicable to the D.I.B. at Delhi who was also Inspector General of Police at that time. The sending of these Head Constables from Poona if it had been done earlier as was suggested in the statements of Mr. N.M. Kamte and Mr. R. N. Bannerjee, might have averted the catastrophe. Of course, it is only a "might have".

25.179 To proceed with the investigation discernible from the I.B. file, we find that at page 23 is a letter from Mr. Sanjevi to Mr. R. N. Bannerjee dated 7th February 1948 saying that it had been decided that headquarters of the investigating staff would be at Bombay, and the investigation would be personally directed by Mr. Rana, D.I.G., C.I.D., Bombay Province and Mr. Nagarvala, Deputy Commissioner of Police, Bombay. It further mentions the staff that would be needed and that it would consist of officers and men from various Provinces and would be 'hand-picked'. Investigation was also to extend into some other States under the States' Regional Commissioners. It was also decided that for enquiries to be made in various Provinces, staff will have to be called for from U.P., C.P., Bihar and Madras, and Delhi would contribute its own quota. The whole thing was to be under the overall control of the D.I.B., Delhi.

25.180 There is evidence of R.S. Rikhikesh that at one stage it had been decided to send Madanlal to Bombay for investigation into the bomb case. If that had been done, the investigation at Bombay might have been more rewarding than it was. Besides the sterile and routine investigation which was carried on at Delhi between the bomb throwing and the murder of the Mahatma might not have been continued to its tragic end.

25.181 At various pages of that file, there is a mention of different persons who were arrested and interrogated but at page 52 is the

Vishnu Ramkrishna Karkare,
of Ahmednagar Age 35(1948)
white complexion,fair -
looking - strong build; round
face; at times clean shaven.



flat nose, height about 5feet
7 inches. Usually wears
Dhoti, shirt and blackcap.
Is in the habit of smoking
beedies.

V. R. Karkare [See para 25.176]



N. D. Apte [See para 25.176]

statement made before a magistrate under section 164 Cr. P.C. of one Devendra Kumar, who was originally resident of Goa and had joined the Hindu Rashtra Dal in March, 1937. He stated that he met N.V. Godse who was Captain of the Dal. The statement shows how the deponent was taught to manufacture bombs and to use guns from bicycles and cars and how to use pistols and revolvers. He was also training others. Among other things he disclosed that it was planned that Mahatma Gandhi, Nehru, Sardar Patel, Maulana Azad and Baldev Singh should all be killed as they were standing in the way of the Rashtra Dal. The party was waiting for a chance to execute this programme. He then added :—

"We were creating hatred against these leaders in the minds of the public and it was planned that as soon as the public was ready the leaders should be killed one by one
When I heard of the sad incident about Gandhiji I became unnerved. I dropped a letter to Savarkar threatening to expose the conspiracy if he did not desist from the execution of the rest of the programme.....".

25.182 Among the names of the conspirators to assassinate Mahatma Gandhi, he named Desh Pandey, Apte, Godse, A. Chavan, Modak, Jog. Damle and Kasar, Secretary and Bodyguard of Savarkar respectively. Keshkar, Joshi, Jogulkar and Chandreshkar Ayer. He gave a list of the manufacturers of bombs and amongst them was D.R. Badge of Narainpeth, Poona. This statement may in the context of the offence mean nothing but it does show that after the murder the police throughout the country became active. Devendra Kumar was examined by a magistrate at Mirzapur in U.P. and the investigation was done by officers of Benaras and Lucknow. This Devendra Kumar was brought to Delhi and was examined by the police there and his statement shows a fair amount of knowledge of the working of the Hindu Mahasabha and the Rashtra Dal and that among the prominent workers of the Savarkar group were Kasar, N.D. Apte, N.V. Godse, Karkare and several others with whose names we may not be concerned. The statement also mentions a session of the Hindu Mahasabha at Barsee where N.V. Godse made a very fiery speech and raised most objectionable slogans against the Congress Government like "Down with Maulana Gandhi", "Down with Gandhiism". Godse also advocated the collection of arms and ammunitions to fight the Congress and the main targets were "Maulana Gandhi", Pandit Jawaharlal Nehru, Sardar Patel, Maulana Azad and Baldev Singh. This was at a meeting of the Hindu Rashtra Dal at Jogeshwari Temple at which Godse, Apte, Karkare, Kasar and several others were present.

25.183 At page 88 is a report made by C.I.D. officers regarding Bharatpur State that State cars were placed at the disposal of the R.S.S. It also shows the complicity of Bachu Singh, the brother of the Maharaja, in the R.S.S. activities.

25.184 At page 161 is the progress report No. 9 which shows that Inspector Abdul Razak was sent to locate Karkare at Ahmednagar and he reported that Karkare was not traceable there but was reported to be hiding in Bombay. This report is dated 9-2-1948. He also gave a list of 14 addresses where he was likely to be found.

25.185 At page 167 there is a report which shows that Sardar Angre's son and Sardar Shatole's son had some interest in the murder.

25.186 At page 170 there is a memorandum from the office of the Inspector General of Police, Delhi, asking Rai Sahib Rikhikesh to send copies of report of his investigation to Mr. Rana at Poona by registered insured post.

25.187 These documents have established that—

- (1) The D.I.G., C.I.D., Poona had or could easily get a very clear record of the identity of V.R. Karkare and N.D. Apte, and it could have been made available to the Bombay Police as also to the Delhi Police, if either or any one of them had made the slightest effort to get it. N.D. Apte's name was not known at the time though Madanlal had disclosed his avocation in his fuller statement, Ex. 1. But the information with Provincial C.I.D. could have helped in unearthing N.D. Apte who was an associate of Karkare as shown by the letter of Deputy Superintendent Chabal dated February 3, 1948, to Deputy Director, I.B. Whether with this information Karkare would have been apprehended or the Mahatma's life saved is a speculative matter because with all the wide-spread net he was not arrested till the 14th February, 1948. But the police should have searched for his antecedents from Poona C.I.D. and Ahmednagar Police. Whether the knowledge about Karkare if given earlier would have been fruitful is a matter of speculation but it was the duty of the police at Poona to give that information and of the investigating police to ask for it.

It will be fair to add that according to the evidence of Deputy Superintendent Balkundi, witness No. 37, the information in regard to V.R. Karkare and his photograph was supplied by him after the murder of Gandhiji when he was called by wireless to Poona.

This however does not detract from the criticism that an earnest and diligent inquiry from the Provincial C.I.D., Poona could have been as helpful before the murder as it was after the murder.

- (2) The Provincial C.I.D. at Poona did send four police officers to Delhi to assist the police there in order to watch the activities of Maharashtrians there specially of N.D. Apte whose identity Madanlal had indicated in his statement as proprietor of the *Hindu Rashtriya*. If these officers could be sent on February 1, 1948 to protect the top ranking ministers of the Central Government, surely they should also have been available to protect Mahatma Gandhi. It is not clear whether it was at the request of Delhi Police or at the suggestion of the Provincial C.I.D. of Poona that these officers were sent. Mr. Kamte said in his letters that they were sent at his instance. But, in the opinion of the Commission that is not relevant; what is relevant is that

they should have been available to Delhi after the bomb incident. According to the evidence of Mr. R. N. Bannerjee, the Home Secretary, and Mr. Kamte, the Inspector General of Police, Bombay, they could have been sent *suo motu* by Poona and according to Mr. Rajadhyaksha, the present Inspector General of Police at Bombay they could only be requisitioned by the Delhi Police. Whatever be the position the fact remains that they could be made available and should have been sent to protect the Mahatma.

- (3) After the murder the police suddenly woke up into diligent activity throughout India of which there was no evidence before the tragedy.

CHAPTER XXVI

FINDINGS

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CHAPTER XXVI

FINDINGS

26.1 The terms of reference of the Commission were as follows—

- (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 and by the officers of said Governments on the basis of the said information.

Term of Reference (a)

26.2 The first term of reference, (a), comprises the following two questions for determination—

- (i) Whether any persons had prior information of the conspiracy of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi; and
- (ii) whether Gajanan Viswanath Ketkar in particular had such information.

26.3 The Commission has already held in the Chapter "Scope of the Inquiry" that the scope is not circumscribed by the technical meaning of the word 'conspiracy' but on a true interpretation of the word, in the present inquiry it would also cover plan or intention to assassinate the Mahatma and danger or threat to his life. On that interpretation the following gentlemen from Poona must be held to have had prior knowledge: Balukaka Kanitkar, S. R. Bhagwat, Mr. R.K. Khadilkar, Mr. Keshavrao Jedhe, M.C.A., and Mr. G. V. Ketkar. In this category, one may include Mr. N. V. Gadgil who was given some information by Mr. Jedhe, though wholly hazy and misty, in language which was full of conundrums and which, therefore, makes it almost valueless. Besides these gentlemen, Mr. Purshottam Trikamdas, Barrister-at-Law, of Bombay witness No. 15, has deposed that a man came to him whose name he does not remember and he said that the life of Mahatma Gandhi was in danger. Mr. Purshottam took him to Mr. Kher and then to Mr. Morarji Desai who has no recollection of this. Mr. Kanji Dwarkadas, witness No. 7, has also given evidence of some information which Mr. B.G. Kher had but the Commission is unable to derive much benefit from his testimony. That is the finding of the Commission on the first question under the first term of reference.

26.4 If the word "conspiracy" is read in its technical sense, then the only persons, who, before the bomb was exploded at Birla House, had any knowledge of conspiracy were Professor Jain and his friends Angad Singh and Professor Yajnik and after the bomb was thrown Mr. G.V. Ketkar also had this information. The others cannot be said to have had any knowledge about the conspiracy. But the former did not have any knowledge of Nathuram Godse whereas Mr. G.V. Ketkar had that knowledge.

26.5 As regards the second question the Commission has found in the discussion in the chapter 'sub nomine' G. V. Ketkar and Balukaka Kanitkar, i.e., under the first term of reference (a), that Mr. G.V. Ketkar whose name has been particularised in the first term of reference, did have, according to his own statement, knowledge of danger to the life of Mahatma Gandhi, knowledge that Nathuram Godse was determined to murder him and also the knowledge of conspiracy to murder Mahatma Gandhi in which besides Nathuram Godse, there were other participants e.g. Badge and Apte.

Term of Reference (b)

26.6 The second term of reference i.e. (b) when quoted runs as follows—

"(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;"

This term of reference gives rise to the following two issues—

- (1) Whether any such persons as are referred to in term (a) and who had information about the conspiracy of Nathuram Godse etc. communicated the said information of the conspiracy etc. to
 - (i) any authorities of the Government of Bombay
 - or (ii) any authorities of the Government of India.
- (2) Whether G.V. Ketkar aforesaid in particular conveyed that information to the late Mr. B.G. Kher the then Premier of Bombay through the late Balukaka Kanitkar.

26.7 The first issue of the second term of reference requires determination by the Commission of the fact whether any of the persons falling within the first term of reference conveyed the information about the conspiracy of Nathuram Godse or to give it an extended interpretation about any plan or intention to assassinate or of any threat or of danger to the life of Mahatma to the authorities therein mentioned; and, whether Mr. G.V. Ketkar in particular through the late Balukaka Kanitkar conveyed the information to the late Mr. B.G. Kher.

26.8 The Commission has held that the scope of the inquiry is wide enough to cover any knowledge of or information relating to danger or of threat to the life of Mahatma Gandhi or of a plan or intention to assassinate him, possessed by the persons referred to in the

first term of reference. Therefore that information or knowledge if conveyed to any of the authorities of the Government of India or of the Government of Bombay would fall under this term of reference.

26.9 The term of reference (b) covers two sets of authorities (1) authorities of the Government of Bombay and (2) authorities of the Government of India. In the opinion of the Commission the word "authorities" there refer to subordinate authorities as the word is used in S. 49 of the Government of India Act and would include the Police, the civil authorities i.e. the District Magistrates or other Magistrates or Secretariats of the two respective Governments, and would also include the Council of Ministers, collectively and the Ministers individually.

Government of Bombay

26.10 The Commission in the previous chapters has discussed at length the knowledge of individual officers at Poona, at Ahmednagar and in Bombay.

26.11 *Poona:* In the chapter dealing with prior knowledge in Bombay the Commission has discussed the state of knowledge of all the Police officers from the Inspector General of Police down to Inspectors of Police. Evidence there discussed shows that none of these officers had any knowledge either of Nathuram's conspiracy to murder Mahatma Gandhi or even of danger or threat to the life of the Mahatma. Their evidence without exception shows that the atmosphere in Poona was tense and there was violence in the writings of Hindu Mahasabha newspapers. There was an intense anti-Muslim feeling and activity, arms were being collected, bombs were thrown but according to these Police officials they were all directed against the Muslims or were to be used for the purpose of meeting the Razakar menace or to help the Hindus in Hyderabad State in their fight against the Razakars and Nizam's misgovernment.

26.12 There is also evidence to show that the Hindu Mahasabha and people of their way of thinking who were very vocal and vociferous in Poona were highly agitated on account of the Partition, on account of the pro-Moslem policy of and the appeasement of Moslems by the Congress, of which they considered that Mahatma Gandhi's was the main responsibility. According to those witnesses there were feelings against the Congress and against Gandhism but there was nothing to show that those feelings were directed against the person of Mahatma Gandhi or they were likely to be directed to causing bodily injury to the Mahatma still less his death. None of the witnesses knew anything in regard to the activities of Nathuram Godse, Apte or Badge excepting in connection with the anti-Moslem, anti-Razakar and anti-Hyderabad movement. No doubt there is evidence that occasionally speeches were made which were capable of being interpreted as direct incitement to violence, towards Congress leaders and one such speech was by Dr. Parchure of Gwalior who said that Gandhi and Nehru will soon reap the fruits of their sins. There was another speech, that of Mr. G.V. Ketkar, where he said that their enemy No. 1 was false nationalism-cum-Gandhiism.

26.13 There is also documentary evidence to show that the activities of Apte, Karkare of Ahmednagar and Badge were such that all three of them were classed as potentially dangerous. Nathuram Godse was termed a Savarkarite with influence in the Hindu Rashtra Dal but it is not indicated as to whether the potentially dangerous activities of these people were directed against the Moslems, the Congress, Gandhism or against Mahatma Gandhi personally. But the list of Hindu Mahasabha leaders and their activities compiled by the Provincial C.I.D. and contained in Ex. 114 and Ex. 114A do show that Apte, Karkare and Badge were being accused of or prosecuted for being connected with bomb throwing or of dealing in illicit arms and were persons who were not exactly innocuous or harmless and did form one group from which danger could be expected but the question was towards whom?

26.14 It is surprising that prominent Poona citizens, like Mr. G.V. Ketkar, Balukaka Kanitkar, Mr. S.R. Bhagwat and Mr. R.K. Khadilkar who have deposed to having previous knowledge of danger to Mahatma's life even if they did not have any knowledge of the conspiracy of Nathuram Godse failed to warn any of the authorities in Poona itself. The same applies to Mr. Keshavrao, Jedhe, M.C.A., who knew of the danger from Nathuram Godse and yet did not even inform his host Mr. N.V. Gadgil. Balukaka Kanitkar claimed to have written to Mr. B.G. Kher, the Premier, who in turn, according to Balukaka's letter Ex. 11, informed Sardar Patel. Mr. Morarji Desai has deposed that Mr. Kher did mention to him about Balukaka's letter which taken along with the talks he had with Balukaka seemed to show that the atmosphere was tense and Mahatma Gandhi's life was in danger which other people were also saying and which they, the Government, also felt due to the atmosphere which the refugees had created. But the source of danger was not disclosed in the letter, no names were given and the information was vague. He also said that there were rumours of a conspiracy but no one knew who were in it. Godse and Apte were never mentioned. If they had been he would have taken prompt action. But it is unfortunate that an important matter like danger to Mahatma Gandhi's life remained buried in the bosom of these gentlemen and non official witnesses who hesitated to inform any authority in Poona and even in Bombay except that only a vague kind of information was passed on to Mr. B.G. Kher and to Mr. Morarji Desai. It has not been proved to have been passed on to the C.I.D., for investigation not even by Ministers so much so that the Poona Police officers denied the very existence of this danger. And thus S. 44 of the Code of Criminal Procedure remained a dead letter in the sense that the salutary duty imposed by that section was wholly ignored.

26.15 It is true that the information was vague, it may even be termed nebulous and uncertain and foggy and no names were mentioned or it did not disclose from whom the danger was apprehended. Balukaka Kanitkar seems to have said that the life of top Congress leaders was in danger which would include Mahatma Gandhi also but there were no names. It was not stated where the danger was likely from nor who were going to kill Mahatma Gandhi and other top Congress leaders. One may draw an inference from what Mr. K.M. Munshi and Mr. N.M. Kamte have deposed: the former that there was a movement in Poona antagonistic to Mahatma Gandhi which may compendiously be called the

Kesari group of which the leadership had been taken over by V.D. Savarkar; according to the latter anti-Gandhi feelings existed amongst Chitpawan Brahmins of Poona and as a matter of fact leaders of thought in Poona were Brahmins. And Mr. Rajagopalachari in his book "Mahatma Gandhi's Teachings and Philosophy" pp. 22-24 has also given "a more ancient grudge" as a reason for the murder. The grudge being of the Kesari group. But that also is very vague as it only mentions a class but not individuals. Was the danger to come from the whole of the Kesari group or was it from individuals in that group? As things turned out, the persons who were responsible for the conspiracy to murder and the murderers of Mahatma Gandhi were Savarkarites belonging to the Hindu Rashtra Dal who were blind followers of Savarkar whom they treated as the Fuhrer. And there is no evidence to show that these conspirators also belonged to the Kesari group excepting that they were Savarkarites which cannot be said to be interchangeable terms. It may be that Godse and Apte belonged to the class of people described by Mr. Kamte, but Badge was only a *Gandoli*, or *Gondri*, a bard, and Karkare was from Ahmednagar, no doubt, an associate of Apte but a Karhade Brahmin.

26.16 The knowledge of this danger which, it is stated, was conveyed to Mr. B.G. Kher and through him to Mr. Morarji Desai could only be of the information which Balukaka Kanitkar himself possessed and that has been discussed at great length in previous chapters—of G.V. Ketkar and Balukaka Kanitkar under Issue (a). Briefly stated there is no proof of what Balukaka Kanitkar wrote in his letter to Mr. B.G. Kher. The letter is not on the Secretariat file; Balukaka kept no copy; Mr. G.V. Ketkar, who has referred to it in his newspaper article in November 1949, Ex. 17A, and even in his review petition of December 1964, said that Balukaka Kanitkar warned against the danger to the lives of top ranking Congress leaders. Even later he mentioned just the leaders without particularising Mahatma Gandhi. And Mr. Morarji Desai has, on oath, stated that no names were mentioned to him by Mr. B.G. Kher, and that the information was vague, although he mentioned that the atmosphere in Poona was tense and Mahatma Gandhi's life was in danger. Even in his talks with Mr. Morarji Desai Balukaka Kanitkar does not seem to have given any names. There is no evidence indicative of the persons or class of persons who were going to be the killers.

26.17 In his Police statement Ex. 81, Balukaka Kanitkar specified that he heard Nathuram Godse make a speech in which he advocated a resort to revolutionary methods and that it was a gloss of some R.S.S. volunteers whose names Balukaka Kanitkar did not know, who named Gandhiji and Nehru as thorns in the establishment of Hindu Raj. Later in Ex. 11, a kind of a mercy petition to H.E. the Governor General, Mr. Rajagopalachari, Balukaka Kanitkar added something to his statement and said that he had already told Mr. B.G. Kher that these people which perhaps means Godse and Apte were going to commit murders of top ranking Congress leaders including Gandhiji, Jawaharlal, Sardar Patel and other toll poppies. This statement is also general. Balukaka's successive statements show an improvement one on the other and there is a little bit of an addition in

each of them. The first letter is not before the Commission but there were no names as far as it can now be gathered. In the second one Ex. 81, Godse's name is mentioned but not as a potential killer and in the third Ex. 11 both Apte and Godse are referred to. And the Purushartha Ex. 166 is a wholly misleading document because of its intrinsic inconsistencies. On this evidence Commission is unable to hold that any names were given in his first letter. The inference that can fairly be drawn from the documentary evidence and other evidence is that the late Mr. B.G. Kher, was informed by Balukaka Kanitkar that there was danger to the life of top Congress leaders without particularising the leaders and without mentioning as to where the danger was from. There is no evidence from which it can be concluded that Balukaka had stated that the assault would come from Godse and Apte and their group. Both Balukaka Kanitkar and Mr. B.G. Kher are dead, so the evidence before the Commission consists of documents Ex. 81 and Ex. 11 and the sworn testimony of Mr. Morarji Desai which Commission finds no reason to reject or not rely upon. Mr. Morarji Desai has also stated that there were rumours of a conspiracy but not who were in it.

26.18 Even this information vague, nebulous, uncertain and even misty as it was, was not conveyed to any police officer or to the members of the Home Secretariat to get it vetted and its veracity tested by careful investigation which, in the opinion of the Commission, should have been done.

26.19 No information was given to the officers of Bombay City Police either of the danger to the life of Mahatma Gandhi or of the conspiracy, not even of the contents of Ex. 114, i.e., the document where the activities of the leaders of the Hindu Mahasabha and of Savarkarites at Poona were set out, nor is there any other evidence to show that in the city of Bombay the activities of these Savarkarites were known. Mr. Nagarvala, Deputy Commissioner of Police has deposed that although the Hindu Mahasabha believed in political assassination, there was no talk of murders to his knowledge. Police knew about Savarkar and his previous history but he was not watched as he was a political leader of importance and Government had to agree before a watch could be put on him.

26.20 From this evidence the conclusion which the Commission has reached is that as far as permanent Civil servants were concerned, whether in the Police or in the civil secretariat or in the civil administration of the districts, no information as to the danger to the life of Mahatma Gandhi or other top Congress leaders was conveyed to them, still less of the conspiracy of Nathuram Godse. The C.I.D. including the District C.I.D. of Poona say that they knew that activities of the Hindu Mahasabha including that of the Savarkarites and of the Rashtra Dal were directed against the Mohammedans; occasionally there was an anti-Congress, anti-Gandhi and anti-Nehru speech, the importance of which has to be judged in the light of surrounding circumstances. There was also the Hindu Mahasabha press which was violent in tone against the Congress leaders for their pro-Muslimism. The Congress had been accused by the Hindu Mahasabha, both by extremists and moderates, of having adopted a policy of appeasement of Muslims which had led to the Partition.

The atrocities which had been committed against the Hindus and Sikhs, who were driven out of the western wing of Pakistan had exasperated the Poona Hindu Sabhaites, militants particularly, still more and the constant carping criticism of the Hindu Mahasabha by socialists and other Congress leaders made them angrier. The top-ranking police officers could not discern from the activities of the Hindu Mahasabha and the R.S.S. and the Rashtra Dal anything which was indicative of danger to the life of Mahatma Gandhi still less a conspiracy of Nathuram Godse to murder Mahatma Gandhi.

26.21 Commission therefore holds that the permanent Civil servants and the Police could not discern any danger to the life of Mahatma Gandhi from whatever was happening in Bombay Province and thus had no previous knowledge of the danger or of any plan or intention to kill him or of the conspiracy of Nathuram Godse; that some non-official gentlemen, residents of Poona, did know of the tenseness of atmosphere and of danger to the life of Mahatma Gandhi and other Congress leaders, but the information they had was rather vague and whatever was conveyed to the authorities e.g. Mr. B.G. Kher could not have been of any higher quality.

26.22 *A fortiori* the information given by Mr. B.G. Kher to Sardar Patel if he did give such information or to Mr. Morarji Desai could not have been of a different quality i.e. it was vague without mention of names, it was nebulous and uncertain. But even that was not got tested by the Police C.I.D. nor inquiries made to find out where the danger was from.

26.23 The evidence in regard to the activities of the Hindu Mahasabha led by V.R. Karkare and by Madanlal has been set out in detail in the chapter dealing with Ahmednagar. The police evidence there shows that the activities of the Hindu Mahasabha and particularly of Karkare and Madanlal consisted in taking out processions against Muslims and there is evidence that propaganda was carried on against Muslims and also against the Congress. A meeting of the socialists to be addressed by Raosahib Patwardhan was broken up by Madanlal; bombs were thrown in different localities and arms were found in the possession of S.V. Ketkar, who was the manager or an employee of Karkare's hotel.

26.24 The Commission has examined practically all the necessary police officers from the D.S.P. down to the Sub-Inspectors and they have all deposed about the activities of Karkare and Madanlal and also of the Hindu Mahasabha. There is also evidence to show that Karkare knew Apte well and Apte had helped Karkare in setting up his business. Even Sub Inspector L.N. Joshi before joining the police had done so. There is also evidence that Godse was known to these people. But in spite of that, there is no evidence to show that there was any conspiracy to murder Mahatma Gandhi or any plans or intention to do so or any threat of danger to the life of Mahatma Gandhi indicated by the evidence of witnesses from Ahmednagar. No doubt, Ex. 114A which was furnished by the Poona Provincial C.I.D. to Government did contain *inter alia* the name of Karkare as potentially dangerous, dealing in arms and a Savarkarite, but beyond that there is nothing to show that there was any activity in Ahmednagar

itself which threatened the life of Mahatma Gandhi. Of course, the evidence of police witnesses and others indicates a great deal of anti Muslim and anti-Razakars activity and also of some propaganda against the Congress but it does not go beyond that and it does not show that any of the police officers or the District Magistrate had any previous knowledge about the threat to the life of Mahatma Gandhi or intention or plan or conspiracy to murder. The Commission would hold accordingly.

26.25 After the bomb explosion at Birla House in Delhi and after the arrest of Madanlal, Prof. J. C. Jain, witness 27, who had been taking interest in Madanlal had thus gained his confidence, gave certain information to Mr. B.G. Kher and to Mr. Morarji Desai. The information was that before going to Delhi for the purposes of carrying out the object of the conspiracy Madanlal had told him of his association with Karkare and his meeting Savarkar and that there was a conspiracy to murder Mahatma Gandhi. Prof. Jain was sceptical about the information and his friends Angad Singh and Prof. Yagnik to whom he disclosed it shared his scepticism and considered Madanlal to be a braggart. But it may be added that Prof. Jain tried to see Mr. Jayaprakash Narayan to give him the information but failed to do so because Mr. Jayaprakash Narayan was too busy. He and his friend Angad Singh conveyed this information to Mr. Ashok Mehta and Mr. Moin-ud-Din Harris but they have no recollection of this matter. And thus again vital information and very definite one at that remained uncommunicated to the police or even to top ranking political leaders.

26.26 After the bomb was thrown Prof. Jain sought not the Police, not the Presidency Magistracy, but first Sardar Patel, then his son, then Mr. S.K. Patil but being unsuccessful in that got Premier B.G. Kher, and through him Mr. Morarji Desai and gave him all that Madanlal had told him: This has been discussed in Chapter dealing with the Prior Knowledge at Bombay, Chapter XXI-B, and also partly in Chapter XVII "Bombay". It is not necessary to discuss it again here, but it is a sad commentary of missed opportunities and is demonstrative of the then distrust of the police and peoples reluctance of approaching it.

Government of India—

26.27 Commission will next deal with the state of knowledge of the authorities of the Government of India. It has already dealt with the information, which was conveyed by Balukaka Kanitkar to the late Mr. B.G. Kher the Premier of Bombay. There is no direct evidence showing that it was repeated to Sardar Patel or to his personal Secretariat or to any one of the Secretaries in the Home Office. In Ex. 11, Balukaka Kanitkar had said that Mr. B.G. Kher had told him that he had received the letter sent by Balukaka to him at Delhi and he showed that letter to Sardar Patel and thus conveyed that information to him. Sardar Patel being dead, and there being no record of the receipt of this information, the Commission had ex necessitate to inquire these facts from his Private Secretary, Mr. V. Shankar and the Secretary of the Ministry of Home Affairs, Mr. R. N. Bannerjee, and from his daughter, Miss Maniben Patel. None of

them has been able to give any positive information on this point. They do not even know the name of Balukaka Kanitkar or of G.V. Ketkar or of S.R. Bhagwat. They all expressed ignorance of the information, which Balukaka Kanitkar in Ex. 11 has mentioned i.e. the information being conveyed to Sardar Patel, but Mr. Morarji Desai has deposed that whatever information Mr. B.G. Kher had received from Balukaka Kanitkar and which Mr. Kher had in turn given to him (Mr. Morarji Desai), was conveyed by him (Mr. Morarji Desai) to Sardar Patel. He added that Sardar Patel already had that information from his own sources.

26.28 All this evidence is lacking in definiteness. It does not show what the information was, where the danger was from and who was planning or intending to kill Mahatma Gandhi and whether it was a single individual or more. From the evidence on this record it cannot be held that the danger was from Godse, Apte, or their group or that it was brought to the notice of Sardar Patel or his Secretariat that Godse and Apte and their associates were going to murder the Mahatma or were intending or planning to kill him or there was a conspiracy in which the principal was N.V. Godse.

26.29 The Commission has dealt at length with the information which Mr. V. Shankar, Mr. Bannerjee and Miss Maniben Patel had. None of them knew about Balukaka's letter or information sent by him. See Chapter XXI-(A).

26.30 The Delhi Police also do not seem to have had any information in regard to Balukaka Kanitkar or the information which he possessed, and which he said that he had got conveyed to Sardar Patel nor did they know anything about Mr. G.V. Ketkar or Mr. S.R. Bhagwat or any of the other persons mentioned above, who claim to have had prior knowledge.

26.31 However, there must have been some information with the Government of India which led to stationing of a small Police force outside Birla House when Gandhiji returned to Delhi in September, 1947; but the size of the Police force does not show that there was any imminent danger or the danger was considered to be serious.

26.32 After the bomb was thrown by Madanlal, there was considerable increase in the number of policemen in uniform at the Birla House and a considerable number of plain clothes policemen were deployed in Birla House though perhaps not in the residential quarters. Their numbers have been given in the sub chapter dealing with security measures at Birla House.

26.33 The evidence before the Commission shows that information was conveyed to Mr. B.G. Kher and Mr. B.G. Kher, being at Delhi at that time, did in his turn inform Sardar Patel, and therefore the information which the authorities in the Government of India received was through him. But the quality of the information could not be of a higher definiteness than what Mr. Kher himself was given and which he disclosed to Mr. Morarji Desai, i.e. there was danger to the Mahatma's life and atmosphere in Poona was tense. But it was vague and no names were mentioned.

26.34 After the bomb was exploded in Birla House and Madanlal had made a statement, a positive threat to the life of the Mahatma by a group of conspirators was clearly indicated. It was clearly a case of conspiracy to murder the Mahatma. The statement of Madanlal showed the existence of a conspiracy in which the participants were "Marathas" as Madanlal called them and the conspiracy was directed against the life of Mahatma Gandhi; at least two names were mentioned by Madanlal, in his first statement of January 20, 1948, i.e. Karkare and Savarkar and proprietor of the Hindu Rashtriya newspaper was disclosed in his statement of the 24th January, Ex. 1. And it was up to the Delhi Police to work out that information by intelligent investigation and to take such measures in regard to the safety of the Mahatma, which the circumstances of the case required.

26.35 If Balukaka Kanitkar had disclosed in his communication the threat from Godse and Apte or either of them then there could be no conceivable reason why the authorities would not have taken precautions against them, because the lives of Ministers were also threatened as shown by Ex. 81 and Ex. 11 and even if they could be lackadaisical in the case of the Mahatma, they could not have been so about themselves.

26.36 Delhi at that time was a Chief Commissioner's Province and a reference to the officers of the Government of India would include the Administration in the Province of Delhi under the Chief Commissioner, that is, the Chief Commissioner, who at that time was Sabibzada Khurshid and the Deputy Commissioner Mr. M.S. Randhawa, both members of the I.C.S. and the latter appeared to the Commission to be an alert officer though during the relevant period, he had to expend a good deal of his time and energy to the law and order situation.

26.37 These are the various authorities which the language used in the terms of reference would comprise.

26.38 There is no evidence to show that either the Chief Commissioner or the Deputy Commissioner had received any information from the persons mentioned in the first term of reference or from any one else, nor is there anything to show that the Delhi Police including the Delhi C.I.D. received any information from these persons. As a matter of fact, there is no evidence to show that the Delhi Police or the Delhi Administration knew anything about Mr. G. V. Ketkar or Balukaka Kanitkar or of Mr. Keshavrao Jedhe or even of Mr. R. K. Khadilkar. All these persons were strangers to the Delhi Police and to the Delhi Administration and excepting the name of Mr. Jedhe even to the Ministry of Home Affairs.

36.39 With regard to the Minister, Sardar Patel himself, or his personal staff or even the Secretary of the Ministry of Home Affairs, the only person who had any information at all was Sardar Patel himself, the others were as ignorant as the Delhi Police or the Delhi Administration. What Sardar Patel knew, has already been discussed, i.e. Balukaka Kanitkar, in his letter Ex. 11, says that Mr. B.G. Kher had told him that he had shown his letter to Sardar Patel and there is the evidence of Mr. Morarji Desai that in August or September

1947, he had conveyed whatever information he got from Mr. B.G. Kher to Sardar Patel and Sardar Patel already had that information through his own sources. There is no document or official record showing what the information of Balukaka was or what information of Balukaka Kanitkar's had been conveyed to Sardar Patel. Even his daughter Maniben Patel was wholly ignorant about it and there is no mention about it in her diary, Ex. 273, which is a fairly informative document.

26.40 There were interpellations in the Constituent Assembly; questions were put by Mr. Anantasayanam Ayyangar and supplementaries by other hon'ble members. There also Sardar Patel never stated that any information had been given to him by anybody previous to the throwing of the bomb regarding the danger to the life of Mahatma Gandhi still less about the conspiracy to murder Mahatma Gandhi. Mr. Morarji Desai, when similar questions were addressed about the matter in the Bombay Legislative Assembly after the murder, did admit that Government had previous knowledge but there the reference was to Prof. Jain and not to Balukaka Kanitkar. But this admission only remained on the Secretariat files as the questions were withdrawn.

Term of reference (c)

26.41 The third term of reference (c) reads 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 said Governments on the basis of the said information."

It is a very wide term and may be divided into the following issues:—

(1) If any one of the persons mentioned in term:

(a) had communicated the information referred to in term (a) to any of the authorities mentioned in term (b), then what action was taken—

- (i) by the officers of the Government of Bombay;
- (ii) by the Government of Bombay;
- (iii) in particular by the late Mr. B.G. Kher.

(2) Similarly if the information as set out in (1) above was given to the officers of the Government of India or to the Government of India what action was taken by them i.e. by the officers or by the ministers.

The Government of Bombay as used in this term of reference must mean the Provincial Government, i.e., the authority or person authorised at the relevant date to administer executive Government in the Province of Bombay. See section 3(47) of the General Clauses Act. Thus, it means the Governor and the Council of Ministers then in office, would necessarily have to be judged in the light of the "Rules of Business". And action, if any, which had to be taken would depend upon the rules of business under s. 59(3) of the 1935 Constitution Act;

and particularisation of Mr. B. G. Kher, would have to be judged in the light of those rules.

26.42 Without going into the legal niceties of interpretation of the "Government of India", the intention of the reference seems to be the Ministers of the Government of India and the officers under the Government of India must be held to comprise the Police, the Delhi Administration, the Directorate of Intelligence Bureau and Civil Secretariat and officers of the Government of India in charge of law and order. This is the interpretation which the Commission has given under the term of reference (b)

26.43 The question comprised within this term of reference cannot be decided in *vacuo*. The conditions prevailing at the time when the events falling within the terms of reference took place must be taken into consideration. It is for this reason that the Commission has set out the three incidents stated to be previous attacks on Mahatma Gandhi's life, which it is alleged, are indicative of continuous ill-will and rancor on the part of a particular specified group. One such incident was in July 1944 at Panchgani; the other was in September 1944 at Sevagram Wardha and the third was an attempt to derail at night the special train in which Mahatma Gandhi was travelling in June 1946 from Kalyan to Poona near a railway station just beyond Karjat. All these incidents were attacks on the life of Mahatma Gandhi at least that is what was alleged; and in two of them, i.e. the Panchgani and the Sevagram incidents, the attackers belonged to the same set which subsequently furnished the conspirators who murdered Mahatma Gandhi, thus showing continuity of danger to the life of the Mahatma from a particular group and continuity of their malevolence culminating in the murder of the Mahatma.

26.44 In the Panchgani incident, there was some evidence that it was an attack on Mahatma Gandhi's life but the Commission has found that it was only a Black Flag demonstration against the Rajaji formula which Gandhiji had accepted. No doubt it was led by N.D. Apte. Another person who is alleged to have participated in the demonstration is now an advocate of the Bombay High Court. But on the evidence it is difficult to hold that it was an attempt on Mahatma's life.

26.45 In the Sevagram incident, although there was evidence of Dr. Sushila Nayyar to show that the leader was Nathuram Godse, the police reports show that he was not there and it was led by a person named L.G. Thatte, who was subsequently interrogated for having knowledge of the conspiracy to murder. From Thatte a knife was recovered and the police promptly arrested the demonstrators then because if it had not done so there was danger of a commotion amongst the people of Wardha and perhaps outside Wardha also.

26.46 In the third incident, Mahatma Gandhi's special train was sought to be derailed at night by keeping boulders across the railway line. Mr. S. Ramakrishnan, Editor of the Bhartiya Vidya Bhavan's "Bhavan Journal", witness No. 100, stated that it was believed to be an attack on Mahatma Gandhi's life by derailing his train. But the police evidence and the accounts given in contemporary newspapers show that it was not meant to be an attack on the life of Mahatma

Gandhi but it was an attempt at robbery by train thieves who mistook the special train to be a goods train. Mahatma's train would ordinarily have been known to every villager and it is unlikely that they would be ignorant of this fact but the police story and story put forward by contemporary newspapers was different and they all said that the would-be attackers were train thieves and wagon breakers and not Mahatma killers.

26.47 In any case all these incidents do show this that there was a set of persons in Poona and round that area who were not very happy with Mahatma Gandhi's policies and were leading processions to protest against what came to be called the "Rajaji formula" and Mahatma Gandhi's meeting with Mr. M.A. Jinnah. The leaders of both these demonstrators belonged to the Savarkarite school of Poona but it is not shown that their intention then was to make a murderous assault on Mahatma Gandhi though they did protest very strongly against his policies. With regard to the train incident, as it has not been proved beyond reasonable doubt that it had connection with politics, the Commission has not taken it into consideration as an attempt on the Mahatma's life. It is a strange coincidence though that the Kalyan-Poona section of train thieves should have mistaken Mahatma Gandhi's special train as a goods train and an appropriate object of derailment for robbery.

26.48 As has been said above, action cannot be taken in vacuo and therefore the Commission has gone into the conditions and the political and communal activities prevailing in Maharashtrian part of Bombay, Ahmednagar, Poona, and also in Delhi which were the principal places which have been proved to have had connection with the conspiracy to murder Mahatma Gandhi, as also the threats against his life and the lives of other Congress leaders.

26.49 In Ahmednagar, V.R. Karkare, a prominent Savarkarite and a prominent Hindu Mahasabha worker is shown in Ex. 114-A as potentially dangerous and also an associate of N.D. Apte. He was also a dealer in illicit arms and weapons. Madanlal who threw the bomb at Birla House was his protege and was under his influence and according to one witness, Mr. Angad Singh, he could not have got out of the conspiracy even if he had wanted to, because of the fear of his own life. Therefore, it was necessary to find out and the Commission has collected and examined evidence relating to the happenings in Ahmednagar. That was in order to find out how far the conditions and happenings there were conducive to creating an anti-Gandhi atmosphere and how the prevailing atmosphere there prevented the authorities from discovering anti-Gandhi trends and acts.

26.50 It may at the outset be mentioned that the Ahmednagar Police witnesses have stated that they had a complete record of the activities of V.R. Karkare. They also had a complete record of Madanlal. Both of them had been ordered to be detained but they fled from Ahmednagar and nothing could be done or has been proved to have been done to arrest them. The Commission was told that a warrant of arrest under the Detention Act was not executable outside the particular district where it was issued. Their evidence also shows that in the town of Ahmednagar there was a great deal of violent activity. Noisy processions were taken out led by Madanlal and

Karkare. Bombs were thrown at four places and occasions. Arms and ammunition were found from S. V. Ketkar, the manager or a lessor employee of V.R. Karkare's hotel. There was a great deal of communal activity within the District because of the razakar movement in Hyderabad State just across the border. There was also an attack on Raosaheb Patwardhan, a prominent socialist worker, by Madanlal which does not seem to have been taken serious notice of by the police and Madanlal bragged about it. The Ahmednagar Police witnesses have also shown that there was some association between Karkare and Apte and also Godse was known to Karkare and visited him with Apte. But unfortunately nobody tried to find out the extent of the association or make use of it after the arrest of Madanlal.

26.51 That was the state of affairs and the type of activities which were being carried on in Ahmednagar but as has been said in the chapter dealing with Ahmednagar, the police officials were not particularly vigilant in regard to these two persons, i.e. Karkare and Madanlal, so much so that although they suspended that Madanlal arrested at Delhi was the same person who was operating in Ahmednagar, they did nothing more than half heartedly and unconvincingly convey their suspicion to the D.S.P., Mr. Rane, and actually made a written report about it on or about 29th January 1948. Of course, they could not anticipate that the assassination would take place so soon.

Mr. Rane stated that he had a faint recollection of the factum of suspicion mentioned by his subordinates. He does not seem to have taken this matter seriously or made enquiries to test the validity of the suspicion. The evidence does not show that either the Bombay Police or the Delhi Police made any effort to find out from the District Police of Ahmednagar as to the antecedents and activities of Madanlal or of Karkare or who their associates were. If any efforts had been made, it should have been possible to find out the connection between Karkare and Apte as it was found soon after the murder when Sub-Inspector Balkundi was called by Dy. Superintendent Chauhal of the Provincial C.I.D. and he supplied him with photographs of Karkare as also the information of his being friendly with N.D. Apte amongst many others.

26.52 In connection with the incidents and activities and happenings in Ahmednagar District, Commission has also discussed the question of razakars and razakar menace because that had been used as a kind of a cloak by the Hindu Mahasabha workers particularly Karkare etc. for their dealing in illicit arms and that cloak and excuse of anti-Muslim and anti-razakar objectives were successful in deluding the Police including the D.S.P. of the district. However in Ahmednagar orders for detention of some refugees and of Karkare and Madanlal were passed under the directions of the Bombay Government.

26.53 Similarly, the Commission has collected evidence in regard to what was happening in Poona. In the opinion of the Commission, the happenings in Poona were more serious and therefore more important and that is the reason why a great deal of time and space has been given to the collection and discussion of evidence from Poona. That was the stronghold of the Hindu Mahasabha next only to Delhi. Out of the eight accused against whom the police put up the case of conspiracy to murder Mahatma Gandhi, three principal ones were

from Poona, i.e. Nathuram Godse, N.D. Apte, D.R. Badge; V.R. Kar-kare was a close associate and V.D. Savarkar was their mentor really their Fuhrer. Dr. Parchure though not belonging to Poona itself was considered second only to Savarkar and was also one of the accused in the conspiracy. All this shows that the brains behind the conspiracy were the Poona people belonging to the Hindu Rashtra Dal group of Savarkarites.

26.54 The conditions in Poona at the time were disturbed and atmosphere surcharged with violence and communal tension; so much so that prohibitory orders had to be promulgated under section 144 Cr. P.C. There was public felicitation of Daji Joshi, who had been convicted of murder of Collector Johnson and Mr. G. V. Ketkar, who claims that he did the forewarning regarding danger to the life of Mahatma Gandhi, presided at the function. There was observance of "Black Day" celebrations as a protest against the partition. One of the speakers there also was Mr. G.V. Ketkar who praised those who had participated in the protest; Ex. 112. The celebrations connected with Independence day were boycotted. There was collection of arms and ammunition. Bombs were thrown; one was from the Public Library in the heart of the town and although there was a confessional statement by the thrower of the bomb, nothing came out of it in spite of Mr. B. G. Kher's directive that the matter should be carefully investigated. Speeches were made in the Tilak Smarak Mandir and Shivaji Mandir, by extremist Hindu Mahasabha leaders. The police was unable to find in those speeches any incitement to violence. But there was one such speech by Dr. Parchure of Gwalior which tended to show incitement to violence but it could not be put into court for want of a Hindi shorthand writer. The speech was in Hindi and the reporter only knew Marathi shorthand.

26.55 Besides these activities there were writings in the Hindu Mahasabha press particularly the *Agrani* or the *Hindu Rashtra* and also the *Trikal*. In the case of the former the security already deposited was confiscated and a heavier security was demanded but cleverly enough the proprietors of the newspaper stopped the publication of the *Agrani* and in spite of the protests of the police were allowed to start almost immediately the *Hindu Rashtra* which if anything was more violent and fire eating than the *Agrani* in its writing against the Congress and Congress leaders though the language was carefully shrouded. The police witnesses have deposed that all these activities were directed against the Muslims and might be considered anti-Muslim activities and whatever there was against Mahatma Gandhi was what they called anti-Gandhi-ism, i.e. propaganda against Gandhian philosophy and not Mahatma Gandhi's person. But here again police witnesses were successfully deluded by an anti-Muslim and anti-razakar smoke-screen.

26.56 According to Mr. Morarji Desai whenever there was any objectionable matter in the newspapers action was taken against them under the Press Emergency Powers Act. Many Hindu Mahasabha workers were detained. But as far as the Commission has been able to see the tone of the Press remained unchanged and the exercise of preventive detention seems to have borne no fruit.

. 26.57 Some prominent Hyderabad State workers were residing in Poona. They were getting a great deal of help in arms and ammunition from the Hindu Mahasabha and the socialists. In this manner, they were collecting arms and one such source of supply of arms appears to have been Badge and whenever any action was taken under the Arms Act these worthy gentlemen interceded saying that the collection of arms was to help their movement, i.e. in the matter of Khanolkar brothers.

26.58 Thus, the extremist elements in the Hindu Mahasabha carried on violent activities under the guise of anti-Muslimism but as Mr. Morarji Desai has deposed they also wanted to embarrass the Congress Government. This produced anti-Congress and anti-Congress leader complex in Poona particularly.

26.59 Mr. G. V. Ketkar, witness No. 1, deposed that he heard a speech made by Nathuram Godse which was indicative of a threat to the life of Mahatma Gandhi; that he got Balukaka Kanitkar to write a letter to Mr. B. G. Kher, warning him of the danger to the life of Mahatma Gandhi; that Nathuram Godse admitted to him when he came to his (Ketkar's) place sometime in October 1947 that he was going to murder Mahatma Gandhi; and that soon after the bomb was thrown, he met Badge who disclosed to him that Godse, Apte, Badge were in the conspiracy and were present when the bomb was thrown and that they would soon be returning to Delhi to achieve their objective.

26.60 Mr. Ketkar claims that in July 1947 he got a letter written on account of the speech made by Nathuram Godse in which he indicated a threat to the life of Mahatma Gandhi, but peculiarly enough he did nothing when in October 1947 he had positive admission of Nathuram Godse that he was going to murder the Mahatma nor when soon after the bomb incident Badge disclosed to him the names of some of the conspirators and that they were going to return to Delhi to murder Mahatma Gandhi; his explanation for not doing so is an exercise in fatuity.

26.61 Besides, Mr. Ketkar, Mr. S. R. Bhagwat, witness 69 has claimed that he knew that the atmosphere in Poona was tense and he had heard Balukaka Kanitkar making speeches about the danger to the life of top Congress leaders. The late Mr. Keshavrao Jedhe M.C.A. had also some knowledge about the danger to the life of Mahatma Gandhi and he even gave some kind of information to Mr. N. V. Gadil who was then a Minister in the Central Government. But unfortunately all these gentlemen avoided giving any information to the local authorities neither to the District Magistrate nor to the District Police nor even to the Provincial Government if they were chary of the local authorities. But Mr. Bhagwat claims to have written to the Bombay Premier and Sardar Patel and says that no one believed him.

26.62 The claim which Mr. G. V. Ketkar has made to the letter which Balukaka Kanitkar wrote, has been discussed separately in the chapter dealing with the first term of reference under the heading 'G. V. Ketkar and Kanitkar'. Commission has found there that Mr. G. V. Ketkar did not give any information or cause any information to be given to Mr. B. G. Kher. It has also found on the

evidence of the documents produced before it that Balukaka Kanitkar did write to Mr. B. G. Kher but it is not clear what he wrote and no one knows where that letter is. Mr. Morarji Desai has deposed that the information was vague and no names were given. The information seems to have been nebulous, vague and hazy. Mr. Morarji Desai also stated: (i) that the letter showed that atmosphere in Poona was tense and Mahatma Gandhi's life was in danger without specifying who the danger was from; and (ii) that there were rumours of a conspiracy at the time of the fast which no one else has deposed to.

26.63 Whatever the information—vague, nebulous or hazy—was not passed on to the Police to be checked, verified and vetted nor was this letter placed on the Secretariat files as it should have been in a matter of such great importance, unless the letter gave uncertain vague and cloudy generalities. It appears from the evidence of Mr. Morarji Desai that when information was received in regard to the felicitations to Daji Joshi, the information received from Balukaka Kanitkar was also considered at a Secretariat meeting at which Mr. B. G. Kher, Mr. Morarji Desai and the Home Secretary, Mr. V. T. Dehejia were present, the Commission has in the chapter dealing with Poona discussed what action was taken thereupon.

26.64 The Bombay Government according to the evidence of Mr. Morarji Desai took action against erring newspapers in Poona, under the Press (Emergency Powers) Act and also ordered the detention of many Hindu Mahasabha members. Although action was taken against the *Agrani*, and the *Kal* and the *Trikal*, there is nothing to show that any action was or could be taken against Godse personally. There is no evidence showing violent activities of Godse or of his intention to murder the Mahatma. Apte and Badge were potentially dangerous, the latter was prosecuted under the Arms Act but the former escaped without any action being taken because the confessional statement of the co-accused was retracted. But even without the retraction, the confession was of no value against a co-accused if it was any evidence at all. The fact remains that whatever the activities of this group of Savarkarites, they were either considered not very serious or were so veiled that the police could not take action.

26.65 Mr. Khadilkar who then was one of the leaders of the Workers and Peasants Party about which Dy. Supdt. Angarkar was not very complimentary, and "a protestant against the Congress" has also said that the atmosphere in Poona was tense. The Hindu Mahasabha Press was indulging in incitement to violence. There were rumours of danger to the life of Mahatma Gandhi. It was even being talked about in private conversations. But even he did not convey this information to any authority and has given three reasons for not doing so:—

- (i) that the police knew about it as Inspector Angarkar was "with us" that is, he knew about it and he thought that the matter would be reported to the authorities;
- (ii) Balukaka Kanitkar had already written about the danger but that was in July 1947; and
- (iii) as Mr. Khadilkar was himself a protestant against the Congress, he was reluctant to give the information to the

authorities or to the Ministers, because no body would have believed him. But he added that if the information had been definite he would have gone to Bombay to give the information.

26.66 Commission has also discussed the evidence of Mr. K. M. Munshi, witness No. 82, that there was a political school of thought in Poona against Mahatma Gandhi. This group was led by Savarkar, who had believed in violence from the beginning of his political career. This group was comprised amongst others of a number of young men highly patriotic devoted to the country, prepared to make any sacrifice but antagonistic to Mahatma Gandhi. Mr. Rajagopalachari in his book "Gandhiji's Teaching and Philosophy" at page 22 has said "assassination may be due to the payment of 55 crores, or it may not be that, but the result of more ancient grudge", showing thereby that this group had not been able to reconcile itself to Gandhiism what to say of being able to appreciate the Gandhian philosophy and the leadership of Mahatma Gandhi and were consequently bitterly opposed to him.

26.67 This group according to the evidence of Mr. N.M. Kamte the Inspector General of Police of Bombay, was a group of Chitpavan Brahmins who were the leaders of thought amongst the Hindus of Poona. They were extremely antagonistic to Gandhiji. Whether the group as a whole was violently anti-Gandhi has not been proved. It would be too sweeping an accusation. But there is no doubt that there were some among them who could not bear Mahatma Gandhi's philosophy and could not see eye to eye with him. They wanted Muslims to go away to Pakistan, wanted Hindu Raj or Hindu Rashtra and therefore they were dead against Gandhiji. They ascribed Partition of India to his policy of appeasement of Muslims. They were opposed to his fast for the giving of 55 crores to Pakistan. They were also against his policy qua Muslims of Delhi and his inactivity in regard to the sufferings of the Hindu and Sikh refugees who had come from Pakistan and this had made them angrier still; and his removal from the scene was their only antidote.

26.68 According to Gopal Godse, witness No. 33, the giving of rupees 55 crores was "the last straw on the camel's back", and after that Nathuram Godse had made up his mind that unless Mahatma Gandhi was removed from political scene of India, he would do incalculable harm to the Hindus of India and would barter away the rights of the Hindus for placating the Muslims. It was this which led to the formation of this conspiracy resulting in the murder of Mahatma Gandhi.

26.69 The evidence of police officers shows that the violence of the Hindu Mahasabha was directed against the Muslims and was communal in nature and that whatever was directed against the Congress or what was anti-Gandhi was meant to be against the pro-Muslim policies of the Congress or of Mahatma Gandhi. And all the incidents which took place were directed against the Muslims. Not one official witness has said that he had any knowledge either from the speeches made or from the articles published or from the acts done by the various groups of persons in Poona which could lead the police to the conclusion that there was danger to the life

of Mahatma Gandhi. But even if that was so one would have expected the police to carefully watch the leaders of this anti-Muslim activity; if for no other reason, at least for curbing their communal frenzy; unless for some cogent reason they could not do it but the Commission cannot think of or accept any such reason.

26.70 The evidence before the Commission indicating danger to Gandhiji is of non-official witnesses and they also excepting one do not particularise danger to the life of Mahatma Gandhi. Their evidence shows danger to the life of top ranking Congress leaders and not merely to the life of Mahatma Gandhi. Mahatma Gandhi was considered responsible for every step which was taken by the Congress including the Partition and other things which followed thereafter. But there was no particularisation of Mahatma Gandhi.

26.71 The police officers as they evidence showed, treated the collection of arms, throwing of bombs, as part of the anti-Muslim activities, and according to them, whatever was said or done against the Congress was because of its pro-Muslim policy. Evidence taken as a whole whether of civil officers or of the police officers did not indicate that the Savarkarites including Godse, Apte and Badge were so violently inclined against Mahatma Gandhi that they were going to murder him. The other non-official witnesses were not precise. They said that the lives of the Congress leaders were in jeopardy without mentioning who the danger was from. With the exception of Mr. G. V. Ketkar, no Poona witness has deposed to danger from Godse, Apte or even Badge.

26.72 As has been said before, whatever the information, good, bad or in-different, whether it was vague or nebulous, hazy or misty, was not passed on to the police for being vetted and for appropriate action which, in the opinion of the Commission, should have been done. But the Commission is very doubtful about the result of this vetting and it would be conjectural to expect any tangible result from this investigation, considering the result of investigation after the definite information given by Professor Jain or by Madanlal. Mr. Morarji Desai admitted that the intelligence was rather poor and continues to be so.

26.73 The action taken in Poona has been discussed in the chapter dealing with "Conditions in Poona". Under the orders of the Bombay Government, the District Magistrate and the District Superintendent of Police were alerted against the celebration of Black Day Celebrations, against the consequences of felicitations on Daji Joshi's release, against the attempt of Hindu Mahasabha to import Sikh refugees to incite the people by relating their tales of misery and against the boycott of the Hindu Mahasabha of the Independence Day celebrations. The Bombay Government also ordered the compiling of a list of the leading workers of the Hindu Mahasabha and R.S.S. which was done. Ex. 114 was the list of Poona and Ex. 144-A of Ahmednagar. The Government also ordered special reports on their activities which were supplied for some time but were discontinued later under the orders of the Government itself on the advice of Mr. U. H. Rana, D.I.G., C.I.D., which in the opinion of the Commission, was a mistake as the watch which otherwise would have been kept was thereby stopped. Whether the activity

was exclusively anti-Muslim or partly anti-Muslim and partly anti-Congress or anti-Congress leaders including the Mahatma, a watch should have been kept on the explosive elements and whether it would have borne fruit or not should have been left in the lap of unpredictable future.

26.74 The speeches of the Hindu Sabha leaders were reported but they do not show that any violence against the Congress was preached therein. Either the speakers were careful or the reporters were not so diligent. According to the police reports, the speeches were anti-Muslim and not anti-Congress. The Poona press, the Hindu Mahasabha section of it, was preaching ostensibly anti-Muslim violence but the Congress leaders also were not immune particularly in the columns of the *Agrani* which was particularly venomous. Securities were demanded from the *Agrani* and the *Kal* and *Trikal* and the *Hindu Rashtra*. In the case of two of them they were confiscated but on the Independence Day they were refunded as a gesture of goodwill. Unfortunately, neither the confiscation nor the refund had any effect on the hymn of hate of which the extracts from the *Agrani* cited in the previous chapters are glaring instances and which even a newly freed nation could ill-afford to endure in spite of slogans of liberty of thought and action.

26.74-A The atmosphere was tense and violence was in the air and rumours of Mahatma Gandhi's life being in danger were afloat. But this was within the knowledge of only some non-official gentlemen who were chary of informing the local authorities and the information given to the Ministers even was vague, uncertain and enigmatic. No action could have been taken on the unconvoyed information with these gentlemen; nor has anything effective been shown to have been done on what was conveyed by Balukaka Kanitkar to Mr. B. G. Kher which also, according to Mr. Morarji Desai, was vague and without any names or showing where the danger was from. But even that information was not passed on to the C.I.D. as should have been done for the purposes of inquiry by them.

26.74-B In cases of collection of illicit arms and possession of arms whatever action was sought to be taken was countermanaged as they were ostensibly being collected for use against the razakars. However, orders had been passed under S. 144 Cr. P.C. regarding arms but it is not shown how efficacious they were.

26.74-C There is nothing to show as to what action was taken about bomb throwing but in one case—of City Library—action taken was feeble as in spite of a confession, the case did not proceed. No watch was kept on the activities of those who were indulging in violent anti-Muslim propaganda; at least, none has been proved. It is surprising that no preventive action seems to have been taken against the confessed bomb-throwers.

26.75 The next place the conditions of which have to be taken into consideration is the City of Bombay itself. According to Mr. J. D. Nagarvala, Deputy Commissioner of Police, when he took over his office on August 1, 1947, there was no violent political activity in Bombay but there was communal tension due to influx of refugees, arms and ammunition were left by the British Army with certain

communities which were freely used in the communal riots, transmitters left by the Royal Air Force were being used for transmission of news to Pakistan. Mr. Nagarvala stated that Hindu Mahasabha did believe in political assassination as a means of achieving political objective but at that time there was no political activity of the Hindu Mahasabha. The police knew about Savarkar and his previous history but no "watch" was kept on him at his residence because for leaders of his status, Government's permission had to be obtained or given for watching them. Savarkar himself was not listed but a kind of watch was kept on him in the sense that whenever he went out of Bombay, plainclothes policemen stationed at the railway station could find out where he was going and informed the headquarters. In other words, tail was not put on him but the police always knew whether he was in Bombay or had gone out of Bombay and where.

26.76 There is also evidence to show that there was a group of persons mostly Punjabis who had joined together with the object of turning out Muslims and forcing them to go to Pakistan. Amongst them were Ayyar Singh of Sher-i-Punjab Hotel who had been detained, Balraj Mehta, Somnath Kapur, one Chavan who was also under detention. They had under them a number of other Punjabis and followers of Savarkar and members of the R.S.S. They had an easy access to military arms and ammunition and had the support and backing of disgruntled rich Punjabis. There was one other in this group, N. V. Limaye, who was also arrested and detained in connection with bomb outrages in Greater Bombay. Thus, there was an organisation which was subsequently suspected by Mr. Nagarvala of being involved in the bomb outrage on Mahatma Gandhi, but their communal activities had come to the notice of the Bombay Special Branch earlier and some of them were detained and activities of others were being watched. Thus, in Bombay also there was an organisation which was anti-Muslim whose object was to oust the Muslims; and they had collected weapons of all sorts including bombs so much so that even ex-Col. Mohan Singh of the I. N. A. was suspected though wrongly of being in it and that was at the bidding of Master Tara Singh, the well known Akali Leader. But it has not been proved that this group had anything to do with the Delhi bomb or anti-Gandhi propaganda much less with attempt to murder him.

26.77 As far as the Police reports are concerned, and as far as the evidence led before the Commission is concerned, there was no indication before the bomb at Birla House that there was a school of thought in Bombay which was out to cause injury to Mahatma Gandhi much less murder him. This does not mean that the police was not aware of V. D. Savarkar's activities but as Mr. Nagarvala has said the Savarkarites were not operating in the City of Bombay and not one of the accused persons in the Gandhi Murder Case was known to the City of Bombay Police or was operating in any way within the City of Bombay. As a matter of fact, the evidence led in the Gandhi Murder Case and the evidence before the Commission shows that the important acts done by the conspirators within the City of Bombay were that Karkare and Madanlal met Savarkar before they went to Delhi for the purpose of throwing the bomb and Apte and Godse also had an interview with Savarkar before

they went to Delhi for the same purpose. It is controversial whether they also had an interview with Savarkar on the eve of their departure to Delhi for the purpose of committing the murder. There is also evidence that this group was attempting to get a revolver from Dikshitji Maharaj.

26.78 One should not ignore the fact that the conspirators on their return from Delhi after the bomb incident came to Thana and were meeting at the house of G. M. Joshi where, it appears, final plans were made as to how the object of the conspiracy, i.e., murder, should be achieved. Thana was technically not within the City of Bombay; even now it is not; but it is so close to Bombay and within such easy reach that excepting for the technicalities one could not say that it is not Bombay itself.

26.79 Two of the conspirators—Apte and Godse--on their return from Delhi on the 23rd January did stay in Bombay hotels under assumed names till the 27th when they left for Delhi, but there is no evidence that the police or any person in authority knew of their presence in Bombay or could have known about their presence. As a matter of fact, their identity or their connection with the bomb thrown at Delhi was disclosed only after the murder. The Commission is, for the moment, ignoring the disputed evidence in regard to the visit of Delhi Police officers and Ex. 5-A.

26.80 All this has been discussed in various chapters dealing with the previous knowledge of the authorities in Bombay, the investigation followed in Bombay, and in the discussion and analysis of the evidence of Mr. J. D. Nagarvala and of Mr. Morarji Desai, and of Mr. J. S. Bharucha.

26.81 Thus the evidence discloses that the police and permanent officials in Bombay City knew precious little about the danger to the life of Mahatma Gandhi. As stated already, the activities of Hindu Mahasabha group and of the extremist elements like the Savarkarites in Poona and Ahmednagar were blatantly and cleverly directed against the Muslims, the razakars and Hyderabad State. Behind the smoke screen of extreme communal activity, the anti-Congress and anti-Gandhi activity was successfully hidden from the view of the police who seem to have been wholly oblivious of lurking danger to Congress leaders including Gandhiji and who do not seem to have been very successful, if they were active at all, even in regard to controlling communal frenzy.

26.82 It cannot be said that anti-Gandhi faction in Poona and Ahmednagar was so apparent and prominent that a tail could be put on it nor were they so insignificant that they could be ignored. But the difficulty was their successful anonymity. Non-officials like Balukaka Kanitkar and Mr. R. K. Khadilkar could sense danger in Poona, the police should also have been able to do it. It could not afford to ignore it. But was the Poona Police trained and sufficiently large for ferreting out this kind of information? Evidence does not show that they were. Besides, they could easily be deluded by the movement being given an anti-Muslim slant.

26.83 It was under these circumstances and keeping in view these conditions that measures had to be taken by the Government

of Bombay and "particularly" by the late Mr. B. G. Kher, the Premier who perhaps had to act through his Home Minister, Mr. Morarji Desai. The only antecedent knowledge that the Premier and Mr. Morarji Desai had has been discussed in the chapter dealing with "Prior Knowledge in Bombay". According to evidence before the Commission, Balukaka Kanitkar had written to Mr. B. G. Kher about the danger to the life of Congress leaders. Mr. Morarji Desai had also talks with Balukaka Kanitkar but as Mr. Morarji Desai has stated the information was vague and no names were given.

26.84 Mr. S. R. Bhagwat's evidence also relating to Poona does not go any further than what Balukaka Kanitkar was saying in his speeches in the town of Poona about the danger to the life of Congress leaders which, if true, must have been common knowledge in Poona; but surprisingly enough the local police did not know about it. Although Mr. Morarji Desai could not remember Mr. S. R. Bhagwat writing to him or talking to him yet he was quite willing to accept the statement of Mr. Bhagwat on the subject. Mr. R. K. Khadilkar who had information in regard to tenseness of atmosphere indicating violence and danger to the Mahatma's life does not profess to having given any information to Mr. Morarji Desai or to anyone else nor did the late Mr. N. V. Gadgil convey any information to Mr. Morarji Desai; as a matter of fact, he himself knew precious little excepting what he could have gathered from an enigmatic and vague statement of the Mr. Keshavrao Jedhe, M.C.A. and what Sardar Patel told him.

26.85 Thus, the Commission has no evidence before it of any definite information having been conveyed to Mr. Morarji Desai excepting of course what he was told by Professor Jain after the bomb was thrown at Birla House. That is a separate chapter and has been separately dealt with in the chapter "Prior Knowledge in Bombay".

26.86 In the conditions which were prevailing, i.e., intense communal tension in Ahmednagar, Poona and also in certain parts of Bombay the action which the Government of Bombay took was ordering the detention of certain persons, demanding and forfeiting securities from newspapers and action under S. 144 Cr.P.C. As the Commission has held above, the Ministers did not, as should have been done, pass on the information whatever it was in regard to the danger to Mahatma Gandhi and to the lives of other "tall poppies" in the Congress to their police to get it verified after proper investigation and take appropriate action thereafter. But the Commission has its doubts that anything would have come out of that investigation. "The intelligence side" was not well equipped or trained, as Mr. Morarji Desai has himself admitted and the anti-Gandhi and anti-Congress Rashtra Dal members were too clever to work openly or to give up their obfuscation.

26.87 In another chapter, the Commission has expressed its opinion that it is not open to a Minister to order the arrest of anyone. All he can do is that if he has any information he can ask the police to go into it and if it portends danger to any citizen, the police will in its discretion, arrest the man from whom danger is apprehended. The Government can use preventive detentions but in regard to them

also there is a limit because the Law Courts fortunately are not very happy at the indiscriminate manner in which preventive action is taken and resort is not had to the ordinary processes of punitive action allowed under the Criminal Procedure Code which is the basis of citizens' liberty. Besides, this each weapon of detention leads to police lethargy and want of acuteness in investigation.

Bombay Inquiry or Investigation

26.68 There then remains "the inquiry" or investigation conducted in Bombay after the information given by Professor Jain to Mr. Morarji Desai which was passed on by him to Mr. Nagarvala. This matter has been discussed at great length in the chapter dealing with Investigation in Bombay, Chapter XXV, where the lacunae have been pointed out.

26.89 Before taking up the discussion of this topic certain facts have to be emphasised. The bomb at Delhi was thrown on 20th January by a Punjabi, Madanlal, who was one non-Maharashtrian in the conspiracy of Maharashtraans, perhaps a subterfuge. Information by Professor Jain to Mr. Morarji Desai was given on 21st January and conveyed to Mr. Nagarvala the same evening and Mr. Nagarvala put his informers and contacts on the job soon thereafter. There were two names mentioned to Mr. Nagarvala—Karkare of Ahmednagar and V. D. Savarkar of Bombay—and he knew of the arrest of Madanlal.

26.90 Two Delhi Police officers met Mr. Nagarvala on the 22nd and gave him some information. Mr. Nagarvala says that they knew nothing except the name of Karkare whom they wanted to arrest. The rest of the information alleged to be conveyed by Delhi Police is a matter of acute controversy.

26.91 Mr. Nagarvala suspected some Punjabis and some Maharashtraans Savarkarites as being involved in the bomb case and in the conspiracy which he thought was one to kidnap Mahatma Gandhi. He persisted in this theory right upto the 30th when Mahatma Gandhi was murdered by Nathuram Godse. His justification for this persistence is the information by his informants and contacts which he had to consider. This matter has been discussed under the heading 'Kidnapping theory'. Thereafter Mr. Nagarvala was appointed as investigating officer but even then it took a fortnight for the case to be investigated and cracked and all the accused were arrested or the names became known to the police.

26.92 The principal actors in the tragic drama were Apte and Godse. Godse was arrested at the spot. Apte and Karkare were both present at the bomb explosion on the 20th. Apte was also present at the murder scene. At the time the bomb was exploded, Badge, his Kistayya, and Gopal Godse were also present. After the bomb incident all the conspirators except Madanlal escaped from Delhi. Apte and Godse reached Bombay on the 23rd via Cawnpur and Allahabad and returned to Delhi on the 27th by Air-India plane. In between Apte went to Poona for a day on the 24th to meet Gopal Godse. Thus, actually they were in Bombay for four days, living in different hotels under assumed names. Gopal Godse and Badge and

his servant went straight to Poona except that Gopal Godse came to Thana to the house of G. M. Joshi for a short time. Karkare returned to Thana on 26th morning and returned to Delhi by the Frontier Mail leaving Central Station on 27th January. Evidence shows that Karkare came to Dadar from Kalyan at 12.30 p.m. on the 27th, purchased a ticket at the Central Station at 3 p.m., left for Delhi at 5.45 p.m. and thus was actually in Greater Bombay for about five hours. Savarkar was all the time in Bombay and before the murder, he could not be arrested or his house searched for fear of setting the whole of the then Maharashtra on fire as deposed to by Mr. Nagarvala nor could the Government have at that time ordered his preventive detention for the same reason. These dates show a well laid out plan and quick action on the part of the conspirators which even the Bombay Police with all its informants and contacts could not discover or counter. That was in spite of the conspirators not been particularly secretive about themselves. Besides, as shown elsewhere, there was utter lack of cooperative effort in the Province of Bombay Police and between the Bombay and Delhi Police. There was, in the latter case, not only lack of rapport but there was mutual recrimination. It may be added that it took about a fortnight to arrest Karkare and Apte after the latter's name came to be known. This shows that apprehension of the accused was not an easy matter but it would be different about taking security measures at Delhi.

26.93 There are two rival contentions in regard to the position of the Bombay Police when acting on the information passed on by Mr. Morarji Desai: one, that it was an investigation under S. 57 of the Bombay City Police Act because part of the conspiracy was entered into within Greater Bombay and the other is that it was merely working out an information in order to find out the correctness of what Professor Jain had told them, and what action, if any, should be taken on that information. Actually, it would make no difference as to which contention is accepted.

26.94 Mr. N. M. Kamte, the Inspector General of Police of Bombay was of the opinion that on the information given to him, Mr. Nagarvala should have recorded a First Information Report and proceeded on to investigate. Mr. Morarji Desai disagreed with that view. The view of Mr. Kamte seems to be correct because a part of the conspiracy was entered into at Bombay as the charge in the murder case shows. The argument of illegality of two first information reports and the likelihood of confusion arising therefrom has been discussed in the chapter "Bombay Investigation" and does not require repetition except to say that there is no illegality in such a procedure and in this particular case, there would have been no confusion as the two investigations were complementary and supplementary to each other and not substitutory.

26.95 Even if the Commission were to proceed on the basis that the Bombay Special Branch were merely working out an information like any C.I.D. of Police similarly informed would have done and that S. 57 of the Bombay City Act did not apply then also the inquiry was not without blemish because the salient points of information about Karkare and Savarkar being involved in the offence were somehow badly blurred during the course of the Bombay

inquiry. The particulars and associates of Karkare were not asked for or obtained from Ahmednagar and the Provincial C.I.D., Poona. The subsequent emergence of the name of Badge was also not made use of by enquiring from Poona. If the information which was obtained from Poona after the murder had been obtained before, it is possible the watch at the railway stations and at the airport and at the house of Savarkar would have been more fruitful. All this has been discussed in the chapter "Bombay Investigation".

26.96 Commission would again emphasise that it is giving opinion 21 years after the events when all the facts are known and Mr. Nagarvala at the time was working on the basis of clues and informations which had to be pieced together like a jig-saw puzzle and he had to depend on informers and contacts who were not always paragons of truth or models of efficiency. Of course, the cleverness of the police lay in separating the grain from the chaff.

26.97 Gopal Godse's statement about their group being aware of the precautions taken has also been discussed in the same chapter. He has categorically stated that even the arrest of their small group would not have saved the Mahatma as there were others who would have finished the job.

26.98 Besides, the time at the disposal of the Bombay Special Branch was very short as mentioned in the beginning of this part of the discussion. But still the lacunae above-mentioned remained and they required immediate attention. If in spite of proper action the tragedy was not prevented, well, the blame would then have to be put elsewhere.

26.99 What is the responsibility of a Minister for the failure of the police carrying out proper investigation is a very difficult and intricate subject to decide. As stated in a previous chapter, there are no accepted conventions in India. In India and even in Delhi large number of murders are committed and a sizeable number go untraced. In how many cases there is a previous knowledge of danger is not easy to say but there have been cases where people have apprehended danger and the police has been unable to avert the danger. It may be that in every case the responsibility of the Minister as the political head of the Department may not come into operation but the judge of all these matters is the Parliament. It would depend upon cases and cases also on the extent of police inefficiency and maladroitness. But the case of Mahatma Gandhi might be different. This has been discussed in the chapter dealing with Ministerial Responsibility *qua* the Civil Services.

But this has to be considered along with and subject to S. 49 of the Constitution Act, 1935 according to which functions of the Police under the Criminal Procedure Code are not transferred to the executive authority of the Governor.

26.100 There is also evidence that the Delhi Police sent two of their officers with some information regarding what Madanlal had stated at Delhi. The Delhi Police have said that they flew the officers to Bombay in order to tell Mr. Nagarvala the information that they possessed. But the difficulty is that there is no evidence of the information which these two officers possessed and gave. In their

police diaries the two officers have made a vague statement of saying that the facts of the case were disclosed to Mr. Nagarvala. But what were the facts of the case? Was Mr. Nagarvala told that Madanlal had made a statement as a consequence of which the Marina Hotel had been searched and the Hindu Mahasabha Bhawan raided? Did they tell him that Madanlal was searched soon after the arrest and a live handgrenade was found on him? Nothing is disclosed as to these vital matters. Unfortunately, the emphasis of the Delhi Police has been on Ex. 5-A which has not been proved to have been taken to Bombay and there is no evidence beyond this Ex. 5-A to show what information was conveyed to Mr. Nagarvala. Mr. Nagarvala on oath has denied that Delhi officers told him anything. He has also stated that his questioning these officers showed that they knew nothing more than Karkare's name. Therefore, he did not know what Madanlal had stated.

26.101 Assuming, though not deciding, that Madanlal had mentioned that one of the conspirators was the editor of "the Agrani and the Hindu Rashtriya", and this information was given to Mr. Nagarvala on the 22nd January, the Commission can find no reason why it should have been absolutely ignored by him in spite of the pet theory of kidnapping on which he was working. After all, Mr. Nagarvala was an able officer and if there had been a mention of the editor of the Agrani, there could be no reason why Mr. Nagarvala should not have found out his name from the documents he had with himself. On the other hand, it appears that had this paper or its editor been mentioned, that might have, though it may merely be speculative, led Mr. Nagarvala back to another investigational channel if not at least to give predominance to the Maharashtrian part of the conspirators rather than to the Punjabis.

26.102 But it may be added that in spite of the erroneous line adopted by Mr. Nagarvala, he was farsighted to warn the D.I.B. on January 27 to be careful about the safety of Mahatma Gandhi. That was on the basis of 20×20, i.e., 400 would be kidnappers and if proper precautions were taken in Delhi, the assassins might not have been successful or left unwatched.

26.103 Another intriguing part of the case is why did Nagarvala not ask the police officers from Delhi as to why they had come if they had no information. It may be that he was not the investigating officer *qua* the bomb case as there was no F.I.R. in Bombay but surely two junior officers had come to Bombay to arrest Karkare, even ordinary curiosity should have prompted Mr. Nagarvala to make further enquiries from the officers and if he could not get anything from them, he should have telephoned to Mr. Rana, his own D.I.G. though having no jurisdiction in Bombay City. The Commission has been unable to appreciate this position of Mr. Nagarvala and still less his statement that if the Minister had not told him to enquire into Jain's information, he would have referred the Delhi officers to a police station officer. Surely an attempt on Mahatma's life could not be so lackadaisically treated even by the Deputy Commissioner of Bombay Police. Perhaps, Mr. Nagarvala's statement was just a slip, a *lapsus linguae*.

26.104 Sardar Patel was right when he said that these junior officers should not have been sent to Bombay to meet Mr. Nagarvala.

26.105 Mr. Nagarvala was asked as to why V. D. Savarkar was not detained and his reply was that to arrest him after the bomb incident but before the murder would have set the whole of Maharashtra region of Bombay Province afame.

26.106 The Commission, therefore, holds—

- (i) that the information, vague and even misty, which had been conveyed by the letter of Balukaka Kanitkar or the letter of Mr. S. R. Bhagwat should have been ordered to be investigated; and
- (ii) after the definite information of Professor Jain, the Bombay Police whether it was investigating or working out an information and therefore making an inquiry, every kind of effort should have been made to find out what the Ahmednagar Police and the Poona Police knew about Karkare and Badge, and certainly every effort should have been made to get information from the Provincial C.I.D. and the photographs which were belatedly obtained after the murder should have been obtained earlier and made such use of as the police thought proper.
- (iii) When the Delhi Police officers had come all the way from Delhi to arrest Karkare, attempt should have been made to find out what they knew and if they knew only about Karkare, further information should have been sought from them. And if they could not satisfy Mr. Nagarvala, then he should have asked Mr. Rana or even the Superintendent of Police, Delhi.
- (iv) In the matter of the life of Mahatma Gandhi and even his kidnapping, the Bombay Police should not have stood on so called proprieties and prestige. A little more interest in even subordinate police officers might have been rewarding. This is not to say that the complaint of the officers of maltreatment is accepted by the Commission. The way they just returned to Delhi does not show that they were very cooperative or careful. They might well have asked for instructions from Delhi.
- (v) Proceeding on the theory of kidnapping was an error and it appears to the Commission that the facts stated indicated a conspiracy to murder and did not support the theory to kidnap.
- (vi) In spite of an erroneous track of pursuit of kidnapping theory, Nagarvala did warn the D.I.B. by telephone on 27th January of the great danger regarding Mahatma Gandhi and if that had been heeded and acted upon, it is probable that the assassin might not have been able to get near Mahatma Gandhi.

26.107 The Commission would again emphasise that these remarks are being made not when police officers were making the inquiry or an investigation on small clues but after all the facts are known and all investigational processes have been disclosed and the results have followed which led to a tragic end.

26.108 The conditions prevailing in Delhi which have been discussed at great length in the chapter dealing with the subject show that there was a great deal of communal tension in Delhi, the refugees, who had come from West Punjab and N.W.F.P. were disheartened and frustrated when they could not get accommodation to live in, not even in empty Muslim houses. There was commotion when the Mahatma went on fast insisting on the payment of 55 crores to Pakistan and knowing so the people thought, that the money would be misused for getting sinews of war for fighting the Indian soldiers in Kashmir and on his insistence on the acceptance of his multi-point formula. Delhi was at that time disturbed. The police and the magistracy under Mr. M. S. Randhawa were engaged in maintaining law and order in the city. Mr. Randhawa's statement shows that conditions were very disturbed, communal riots were going on, murders were taking place, even the lives of the officers were not safe, and when he went out in the morning to look to the maintenance of law and order in the city he was never sure that he would return home safely. Besides this, there is evidence to show that the police had been depleted by the going away to Pakistan of the Muslim Police, both officers and men, a sizeable majority were Muslims, some of whom even carried away their fire-arms.

26.109 Not only was there depletion in the ranks of the police officers and men there was a similar depletion among the magistracy. Therefore, the maintenance of the law and order had become more difficult. Over and above the burden of maintaining law and order in the city and in the areas round about, there was the advent of refugees which had made the position worse, and to that was added the strain due to Mahatma Gandhi's fast which had made him very unpopular particularly among the refugees and the Hindu Mahasabha resulting in processions being taken to Birla House with slogans "Marta hai to marne do" (If he wants to die let him die). Besides, there were meetings of the Hindu Mahasabha on the 18th and 27th January 1948 where speeches in rather intemperate language were made and Mahatma Gandhi was blamed for the Partition and the miseries of the refugees and weakening of the Hindus. All this had created a very confused and confounded situation in Delhi.

26.110 After Mahatma Gandhi's fast, according to Pyare Lal's book "Mahatma Gandhi, the Last Phase" Vol. II, p. 722, "there was a great deal of improvement in the communal situation; but on the 20th January 1948, a bomb was thrown at Birla House and the police had then to direct its attention to the investigation of that offence". High ranking officers were put on the investigation including the D.I.B. himself but the course of investigation as disclosed by the police diaries and evidence of police officers does not show that high degree of investigation skill and purposeful enquiry which was expected of the high officers employed particularly when the D. I. B. himself had taken over the investigation and he had come with a big reputation from Madras.

26.111 In the chapter dealing with the Investigation by the Police in Delhi, the Commission has pointed out the course of investigation and the failures of the police have been pointed out sufficiently succinctly to say that the quality of investigation by the field officers

was not of that high order which one would have expected. It was a colourless investigation and little effort seems to have been directed to tracing the associates of Madanlal and there was little direction from the top.

26.112 The Commission has pointed out that after the disclosures by Madanlal in his first statement, assuming it to be correctly recorded, no efforts were made to find out anything at the Hindu Mahasabha Bhawan. Although two police officers were sent to Bombay and they had returned without achieving anything at all, no efforts were made to find out why their visit was so unproductive and telecommunication was significantly avoided. It may be that the alleged statement of Madanlal, Ex. 6, is a controversial matter, but without doubt a fuller statement was made on the 24th January which has been marked Ex. 1. In that statement, Karkare and Savarkar's names were mentioned and the proprietor of the Marathi newspaper "the Hindu Rashtriya" was mentioned. No effort was made to find out who this proprietor was and a copy of this statement was sent to Bombay through Mr. U. H. Rana, D.I.G., C.I.D., Poona, who chose to go to Bombay not by air, nor by a direct route, but via Allahabad, showing thereby that after the arrest of Madanlal the police had become somewhat complacent and did not expect from the escapee conspirators such unusually quick action which was, in the days gone by the characteristic of the Maratha Army. The Delhi Police and even Mr. U. H. Rana, as he himself has admitted, did not expect that the conspirators would act with such swiftness to achieve their nefarious design, a wholly unfortunate misjudgment.

26.113 Whatever may have been the failure of Bombay Police, they may have non-cooperated with the Delhi Police and might have proceeded along a wrong channel, there was no justification for the Delhi Police not to have carried on their investigation diligently and intelligently and with a keen sense of professional efficiency and skill. The trouble was it was a new force made up by officers from the Punjab, N.W.F.P. and Sindh—a kind of a milange of different and disparate and not equally skilled elements not all used to difficult investigations. Besides, that police was wholly unfamiliar with V.I.P. security. The Commission has been unable to discover what exactly the Delhi Police did beyond some routine investigation which seems to have achieved nothing and left the field open for the conspirators to achieve their objective.

26.114 It did not suggest itself to Delhi Police to get police from Bombay and if necessary from other Provinces to act as watchers and spotters at Birla House. Nor did the Bombay Police send any officers as it did after the murder. This is without deciding the question of convention which appears to be controversial. Expert police witnesses, Messrs M. K. Sinha, G. K. Handoo and B. B. S. Jetley, particularly Mr. Handoo have deposed on security matters but those were neither tried at Birla House nor were they considered or thought of by the heads of Delhi Police. It is doubtful if they

¹ See History of India by Powell, Vol. II,

were familiar with them. It is true that Mahatma Gandhi was not prepared to allow visitors to be searched and was not anxious to have police protection. Plain clothes policemen even were unwelcome to him. Short of search many other methods could be adopted which have been suggested by Mr. G. K. Handoo and which have been at some length discussed in another chapter 'The Conditions in Delhi'. This lack of proper planning in security arrangements at Birla House was an avoidable lapse. But whether this would have been a complete protection or shield against the assassin's bullet or bomb is more than anyone could say. According to Gopal Godse's statement even the arrest of Nathuram Godse and Apte and Karkare would not have saved the Mahatma as others would have taken their place; so determined was this band of Maharashtrian group in removing Mahatma Gandhi from leadership. This required careful detective work by Maharashtrian and Bombay Police which even that better trained force was unable to provide. But the suggested protective plan was worth adopting and acting on and not doing so was a serious error. Of course, it is possible that Mahatma would have objected to this vigilance also. But that is a different topic.

26.115 The evidence afforded by the photostat copy attached at another place of the Mahatma's presence at the *Urs* of Khwaja Qutub-ud-Din at Mehrauli is a baffling piece of evidence. At that place and in that crowd, no precautionary measures appear to have been possible. This piece of evidence shows that the Mahatma had not taken the warning of danger seriously and that the crowds at Delhi were not so inimical to him as Mr. Morarji Desai suspected in spite of their processions and angry slogans and that Mr. J. N. Sahni's assessment of their mood was correct. (See Delhi Conditions). It also shows that the real danger was from the Poona Savarkarite Rashtra Dal.

26.116 Commission agrees that the proper constitutional position is that if any information of danger comes to the knowledge of a Minister, his duty is not to investigate himself or to be giving orders for arrest but to convey the information to a high police officer in whom he has confidence. That is the opinion of Mr. K. M. Munshi and that is the opinion of Mr. R. N. Bannerjee, one an eminent lawyer, the other an experienced Civil Servant. But it is for the police to take proceedings for the investigation of offences and apprehension of the offenders. In cases of danger to a person or apprehension of violence, the police has to take appropriate measures and in the case of an offence being committed they are by statute charged with the duty of investigation, searching for and apprehending of offenders. It was for the police to apprehend by the use of proper investigational methods, the persons whose names were given by Madanlal or whose names came to their knowledge. While dealing with the police investigation in Delhi, Commission has pointed out the lacunae and lapses on the part of Delhi Police.

26.117 Mr. Bannerjee has rightly said that the police was guilty of lethargy and inefficiency and the Commission is of the opinion that in the circumstances those precautions should have been taken, which were deposed to before the Commission and in their depositions suggested by police experts. But its result might not be predictable.

26.118 The Commission is unable to hold that the failure of the Bombay Police or their non-cooperation or their wrong investigational tracks, was any justification for the inefficiency shown by the Delhi Police. That however does not exonerate the Bombay Police of the blemishes in their investigation or of rigidness.

26.119 The three principal lacunae of Delhi Police were the failure to provide unobtrusive protection to Mahatma Gandhi and the failure to get Bombay Police to guard and act as watchers and spotters and the failure to get the identity of the proprietor of "the Hindu Rashtriya" and put the Poona Police on to trace him and his associates.

FINDINGS SUMMED UP

26.120 The findings of the Commission on the three terms of reference are as follows:—

Term of Reference (a)—

(i) Mr. G. V. Ketkar of Poona did have prior information about danger to the life of Mahatma Gandhi in October or November, 1947.

(ii) He did have information of the conspiracy of Nathuram Godse which he learnt from his talk with D.R. Badge on or about January 23, 1948.

(iii) Upto the time he met Badge, he did not know that Apte and Badge were in the conspiracy to murder Mahatma Gandhi; but he must have known about Nathuram Godse's complicity as Nathuram had told him in October or November of his intention or plan to assassinate the Mahatma.

That is the finding of the Commission on the first term of reference.

26.121 Its findings on the second i.e. (b) are as follows:—

Term of Reference (b)—

(i) Mr. G. V. Ketkar did not communicate any information to the Government of Bombay or to the Government of India or any of its authorities.

(ii) In particular, Mr. Ketkar did not get any information conveyed to the late Mr. B.G. Kher through the late Balukaka Kanitkar. This claim made by him is not established. Balukaka Kanitkar conveyed the information, the information of danger to the life of Mahatma Gandhi and other top leaders of the Congress, on his own and out of his own volition.

26.122 The findings of the Commission on the third term i.e. (c) are as follows:

Term of Reference (c)—

(i) On the basis of the information conveyed to the Government of Bombay, and in particular to Mr. B.G. Kher, no action to try and get the information checked is proved to have been taken by the Government of Bombay or Mr. B.G. Kher, or by any authority under

that Government. The information, in the opinion of the Commission, was vague, misty, nebulous and obscure but the matter should have been referred to the Police C.I.D. and got properly vetted and confirmed. It must be added that it will be highly speculative and conjectural on the part of the Commission to say what the result of this investigation would have been. It might well have been as unproductive, sterile and fruitless as was the result of investigation following definite information given by Professor Jain or the confessional police statement of Madanlal.

(ii) There is no evidence from Delhi Secretariat or official records or from evidence of Delhi witnesses to show that the information given by Balukaka Kanitkar to Mr. B.G. Kher was conveyed to Government of India, i.e. Sardar Patel. Balukaka Kanitkar in a subsequent letter, Ex. 11, did say that Mr. B.G. Kher told him that he had conveyed the information to the Sardar. But there is no corroboration of this bald statement either in the evidence of Sardar's Private Secretary Mr. V. Shankar or of Mr. R.N. Banerjee or of Miss Maniben Patel. Mr. Morarji Desai has stated that he informed the Sardar of this danger but he has also stated that Sardar already knew about it from his own sources.

(iii) The information of Balukaka Kanitkar was neither conveyed to any officer of the Government of Bombay nor to any officer of the Government of India.

(iv) There is evidence of Mr. Morarji Desai that information given by Balukaka was taken into consideration when the threat relating to welcome to and felicitation of Daji Joshi was discussed. At that meeting Messrs Kher and V.T. Dehejia and Mr. Morarji Desai were present.

(v) There is evidence of Mr. V. Shankar that whatever information Sardar had in regard to danger to the life of Mahatma Gandhi whether conveyed to him by Mr. Morarji Desai or received through his own sources was communicated to and discussed with the Provincial Governments which, in the opinion of the Commission, was the proper thing to do under the Constitution.

(vi) The precautions taken at Birla House and the adequacy thereof have been discussed in sub-chapters (G) and (H) of Chapter XII. To put them shortly, the previous police staff of five was increased as follows:—

- (1) 1 Assistant Sub-Inspector, 2 Head Constables and 16 Constables—Uniformed Police.
- (2) 1 Sub-Inspector, 4 Head Constables and 2 Constables in plain-clothes, all armed with revolvers.
- (3) 3 plain-clothes men on the path leading from Birla House to the place where prayer was held.
- (4) A small detachment of troops for moving patrols all round the compound.

(vii) The Commission has held that the proposal of the police to search every person going to the prayer meeting was not acceptable to Mahatma Gandhi and could not be put into operation without his consent. But it should have been possible to devise other protective

measures, such as those suggested by three expert police witnesses—Mr. B.B.S. Jetley, Mr. G. K. Handoo and Mr. N. M. Kamte. What was suggested was—

- (a) that police from Bombay should have been called in to act as watchers and spotters and others should have been stationed outside Birla House.
- (b) High ranking police officers should have been put in immediate charge of security as was done in the case of other V.I.P.s but after the murder.
- (c) Plain clothes police should have been deployed as if they were domestics and Congress volunteers to be flanking Mahatma Gandhi when he was going to the prayer meetings or returning therefrom.
- (d) Congress volunteers should also have been asked to flank Mahatma Gandhi if there was any strong objection to the presence of police flanking him. This was the practice which was generally followed before the partition in the northern provinces.
- (e) At the Birla House the members of Mahatma's party were totally oblivious of the danger to his life even after the bomb incident and it appears that the Congress volunteers for that reason had become rather lax.
- (f) Mr. J. P. Narayan as witness has stated that before the murder if anybody had told him that the Mahatma's life was in danger, he would not have believed it.

(viii) Evidence shows the Mahatma attending the Urs of a Mohammedan saint, Kutub-ud-din Bakhtyar at Mehrauli on January 27, 1948, where he has been shown in a photograph taken from the Hindustan Times dated 28th January being as close to the crowd as possible. This would have made the task as difficult as possible. But that was no ground for not taking proper precautions which the experts had suggested even though in spite of that the mishap could have taken place. The presence of the Mahatma at the Urs and an account of it is given in a photostat copy of the Hindustan Times dated January 28, 1948 which has been attached at another place.

(ix) The information which was conveyed to the Bombay Police as a result of information given by Professor Jain to Mr. Morarji Desai and the inquiry following thereupon proved sterile, because the inquiry became tangential i.e. instead of trying to make an inquiry as to a conspiracy to murder, they took the unproductive track of conspiracy to kidnap. Thereby the definite information conveyed to them got bogged in the attempt to search for the would be kidnappers rather than the future murderers. Thus the inquiry was *mal-a-propos*.

(x) The investigation of the Delhi Police after the arrest of Madanlal was not of a high professional order and it lacked investigational skill and drive which one should have expected from a trained police force and particularly in the case of threat to the life of a person of the eminence of Mahatma Gandhi taking into considera-

tion the knowledge of the factum of a conspiracy to murder Mahatma Gandhi which information Madanlal after his arrest gave to the Delhi Police.

(xi) The D.I.G., C.I.D., Poona, Mr. U. H. Rana seems to have ignored the importance and utility of Madanlal's fuller statement, Ex. 1, wherein the mention of the proprietor of "*the Hindu Rashtriya*" was a very valuable clue, which if pursued would have disclosed the identity of Apte and with a little more diligence also of Godse. Whether they could have arrested them or not would still be speculative.

(xii) It is unfortunate that Mr. Nagarvala was not allowed an opportunity to read and study Madanlal's statement, Ex. 1, and it is surprising why he did not evince any interest in that statement and insist of reading it through to find out what Madanlal had disclosed. This action is quite at variance with his later action after the murder, when he got Madanlal over to Bombay and interrogated him at great length. No doubt, then he was the principal investigator and previously he was what he calls, working out an information. It might be that his inquiry was complementary to the investigation by the Delhi Police, but a study of Madanlal's statement should have been as helpful then as it was after the murder.

(xiii) The powers of the Police to move in in a case like the present where information was given to Bombay Police of a conspiracy to murder Mahatma Gandhi at Delhi have been debated before the Commission. It was argued that in such cases the Bombay Police, as then constituted, was helpless and had no power to investigate and take action. That makes S.44 Cr. P.C. otiose. If that argument is accepted, this will apply not only to the then Bombay City Police but would apply also to offences falling under and governed by the Criminal Procedure Code. The Commission has not agreed with the submission made before it that a police within the City of Bombay or anywhere else is powerless in such cases. But a different opinion is possible on this point and the Commission would suggest that the Government may get this question examined and get the matter clarified because if the contention raised before the Commission is correct then it will create a serious lacuna in dealing with offenders and offences likely to be committed by persons who are within the jurisdiction of one police but are likely or are going to commit the offence within the jurisdiction of another police.

(xiv) Evidence shows that Godse and Apte were staying at different hotels under assumed names. Where the hotel keeper has no means of knowing that the names being given are false, there may be no easy remedy. But where, as in the case of Arya Pathik Ashram the manager, Gaya Prasad Dubey, P.W. 63, was aware that Apte had given a false name and yet he allowed that to be done without demur, the law should be made stringent and should make the hotel keeper liable in such cases to higher penalty than merely a small fine.

(xv) In considering the measures taken by the authorities this crucial fact has to be kept in view that the Congress Governments had just come into power after several years of struggle by the Congress and its helpers against the British Government, in which the

strictness of police interference with the liberty of the subject played a very important part. The Congress Governments could not suddenly adopt or allow the adoption of strict measures by the police, a tail put on by them on and keeping, as it were, under surveillance citizens of India even if they happened to be rather bad citizens.

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SHASTRI BHAVAN,
NEW DELHI
September 30, 1969.

(J. L. KAPUR)
Commission of Inquiry
(Mahatma Gandhi Murder Conspiracy)

APPENDIX I

NUMBER OF DOCUMENTS EXHIBITED BEFORE THE COMMISSION

Grand Total	407
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Sittings of the Commission for Examination of Witnesses and Hearing Arguments

Place	No. of days
1. Bombay	72
2. New Delhi	77
3. Dharwar	1
4. Nagpur	1
5. Poona	3
6. Baroda	7
7. Chandigarh	1
GRAND TOTAL	162

SITTINGS OF THE COMMISSION FOR EXAMINATION OF WITNESSES AND HEARING ARGUMENTS

I. Bombay

Dates	No. of days
December, 1966	
15 & 16	2
March, 1967	
6, 7, 8 & 9	4
June, 1967	
23	1
September, 1967	
5, 6, 8, 9, 11, 12, 13, 14, 15 & 16	10
February, 1968	
9, 10, 14 & 15	4
June, 1968	
3, 4, 5, 6, 7, 8 & 10	7
August, 1968	
5, 6, 7, 8, 9, 10, 12 & 13	8
September, 1968	
11, 12, 13, 14 & 16	5
November, 1968	
13, 14, 19, 20 & 21	5
January, 1969	
20, 24, 25, 27 & 28	5
March, 1969	
10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 & 22	12
May, 1969	
8, 9, 10, 12, 13, 14, 15, 16 & 17	9
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Total:	72

II New Delhi

Dates	No. of days
April, 1967 10, 11, 12, 13 & 14	5
May, 1967 8, 9, 10, 11 & 12	5
July, 1967 17, 18, 19, 20, 21 & 22	6
October, 1967 16, 17, 18, 19, 20 & 21	6
November, 1967 13	1
January, 1968 17, 18, 19, 20, 22 & 23	6
April, 1968 22, 23, 24, 25, 26 & 27	6
July, 1968 22, 23, 24, 25, 26 & 27	6
December, 1968 16, 17, 18, 19, 23 & 24	6
January, 1969 6, 7 & 14	3
February, 1969 17, 18, 19, 21, 24, 25, 26, 27 & 28	9
March, 1969 1 & 3	2
April, 1969 7, 8, 9, 10, 11, 14, 15, 16, 17, 18 & 21	11
May, 1969 27, 28 & 29	3
June, 1969 3 & 4	2

Total: 77

III. Dharwar

Dates	No. of days
June, 1967	<u>1</u>
20	Total: <u>1</u>

IV. Nagpur

February, 1968	
6	<u>1</u>
	Total: <u>1</u>

V. Poona

February, 1968	
12 & 13	<u>2</u>
January, 1969	
20	<u>1</u>
	Total: <u>3</u>

VI. Baroda

October, 1968	
11, 12, 14, 15, 16, 17 & 18	<u>7</u>
	Total: <u>7</u>

VII. Chandigarh

January, 1968	
10	<u>1</u>
	Total: <u>1</u>

I. Arguments on Mr. Nagarvala's Objection Petition

1. Mr. Nagarvala	11-9-68
2. Mr. Kotwal	12 and 13-9-68
3. Mr. Lall	14 and 16-9-68
4. Mr. Kotwal's reply	16-9-68

II. Arguments on the main case**1. By Mr. R. B. Kotwal**

At Bombay	At New Delhi
27-1-68	26-2-68
28-1-68	27-2-68
10-3-68	28-2-68
11-3-68	1-3-68
12-3-68	3-3-68
13-3-68	7-4-68
14-3-68	8-3-68
15-3-68	9-4-68
17-3-68	10-4-68
18-3-68	11-4-68
19-3-68	14-4-68
20-3-68	15-4-68
21-3-68	16-4-68
22-3-68	17-4-68
8-5-68	18-4-68
9-5-68	21-4-68
10-5-68	23-5-68
	29-5-68
Total . 17 days	3-6-68
	4-6-68
	Total . 20 days

GRAND TOTAL—37 DAYS

2. By Mr. B. B. Lall

At Bombay	At New Delhi
12-5-68	18-2-68
13-5-68	19-2-68
14-5-68	24-2-68
15-5-68	25-2-68
16-5-68	26-2-68
17-5-68	27-2-68
Total . 6 days	27-5-68
	Total . 7 days

GRAND TOTAL—13 DAYS

List of Witness Examined by the Commission

Witness No.	Name	Date of Examination	Place of Examination	No. of days
1	2	3	4	5
1	Mr. G. V. Ketkar . . .	6th & 7th March '67	Bombay . . .	4
	Mr. G. V. Ketkar (recalled)	12th Feb., 1968 . . .	Poona . . .	
	Mr. G. V. Ketkar (recalled)	20th January, 1969 . . .	Bombay . . .	
2	Mr. M. G. Kanitkar . . .	6th March, 1967 . . .	Bombay . . .	3
	Mr. M. G. Kanitkar (recalled)	9th March, 1967 . . .	Bombay . . .	
	Mr. M. G. Kanitkar (recalled)	8th August, 1968 . . .	Bombay . . .	
	(No. 9 before Pathak Commission on 1-12-65)			
3	Mr. U. H. Rana . . .	7th March, 1967 . . .	Bombay . . .	8
	Mr. U. H. Rana (recalled)	11th, 12th, 14th, 15th, 16th, 17th and 18th Oct., 1968.	Baroda . . .	
4	Mr. N. M. Kamte . . .	8th & 9th March, 1967 . . .	Bombay . . .	4
	Mr. N. M. Kamte (recalled)	15th Feb., 1968 . . .	Bombay . . .	
	Mr. N. M. Kamte (recalled)	20th Nov., 1968 . . .	Bombay . . .	
	(No. 14 before Pathak Commission on 2-12-1965)			
5	Mr. N. K. Khot . . .	8th March, 1967 . . .	Bombay . . .	1
	(No. 16 before Pathak Commission on 2-12-1965).			
6	Mr. N. Y. Deulkar . . .	8th & 9th March, 1967 . . .	Bombay . . .	3
	Mr. N. Y. Deulkar (recalled)	14th Feb., 1968 . . .	Bombay . . .	
	(No. 12 before Pathak Commission on 1-12-65)			
7	Mr. Kauji Dwarka Das	9th March, 1967 . . .	Bombay . . .	1
8	Mr. William D'Souza	9th March, 1967 . . .	Bombay . . .	1
	(No. 11 before Pathak Commission on 1-12-1965)			
9	Mr. B.A. Halldipur . . .	9th March, 1967 . . .	Bombay . . .	3
	Mr. B. A. Halldipur (recalled)	18th July, 1967 . . .	New Delhi . . .	
	Mr. B. A. Halldipur (recalled)	21st April, 1969 . . .	New Delhi . . .	
10	Mr. V. Shankar . . .	10th April, 1967 . . .	New Delhi . . .	1
	(No. 1 before Pathak Commission on 1-10-1965)			
11	Mr. Brij Kishan Chandiwala	10th April, 1967 . . .	New Delhi . . .	1
	(No. 2 before Pathak Commission on 9-10-1965)			
12	Malik Balkishan . . .	11th & 12th April, 1967 . . .	New Delhi . . .	3
	Malik Balkishan (recalled)	20th July, 1967 . . .	New Delhi . . .	
	(No. 7 before Pathak Commission on 27-11-1965)			

1	2	3	4	5	
			B/F.		33
13	Mr. Rikhikesh	12th & 14th April, 1967 . .	New Delhi . .		3
	Mr. Rikhikesh (recalled) . .	23rd January, 1968 . .	New Delhi		
14	Mr. Dasondha Singh	13th April, 1967	New Delhi . .		3
	Mr. Dasondha Singh (recall- ed)	6th June, 1967	New Delhi		
	Mr. Desondha Singh (recall- ed)	21st July 1967	New Delhi		
15	Mr. Purshottam Trikamdas . .	8th May, 1967	New Delhi		1
16	Mr. Jai Dayal Anand	8th May, 1967	New Delhi		2
	Mr. Jai Dayal Anand (recalled)	17th July, 1967	New Delhi		
17	Mr. A. N. Bhateria	9th May, 1967	New Delhi . .		3
	Mr. A. N. Bhateria (recalled) . .	17th October, 1967	New Delhi		
	Mr. A. N. Bhateria (recalled) . .	24th April, 1968	New Delhi		
18	Dr. M. S. Randhwara	10th May, 1967	New Delhi		2
	Dr. M. S. Randhwara (recalled)	10th January, 1969	Chandigarh		
	(No. 5 before Pathak Commission on 16-10-1965)				
19	Mr. R. N. Banerjee	11th May, 1967	New Delhi		3
	Mr. R. N. Banerjee (recalled)	26th April, 1968	New Delhi		
	Mr. R. N. Banerjee (recalled)	14th January, 1969	New Delhi		
	(No. 17 before Pathak Commission on 21-1-1966)				
20	Mr. Prithi Chand	11th May, 1967	New Delhi		2
	Mr. Prithi Chand (recalled) . .	21st July, 1967	New Delhi		
21	Mehta Kartar Singh	12th May, 1967	New Delhi . .		2
	Mehta Kartar Singh (recalled)	18th July, 1967	New Delhi		
22	Mr. N. S. Gurtu	20th June, 1967	Dharwar . .		1
23	Mr. D. W. Mohra	23rd June, 1967	Bombay . .		2
	Mr. D. W. Mohra (recalled) . .	7th April, 1969	New Delhi		
24	Pandit Jagannath	17th July, 1967	New Delhi		1
25	Mr. Kedar Nath Sawhney	18th July, 1967	New Delhi		1
26	Sardar Kartar Singh	19th July, 1967	New Delhi		1
27	Dr. J.C. Jain	5th Sept., 1967	Bombay		2
	Dr. J.C. Jain (recalled)	13th August, 1968	Bombay		
	(No. 15 before Pathak Commission on 2-12-1965)				
	Total				62

1	2	3	4	5
			B/F	62
28	Mr. Angad Singh . . .	6th Sept., 1967	Bombay . . .	1
29	Mr. Y. B. Yajnik . . .	6th Sept., 1967	Bombay . . .	1
30	Mr. Mani Shankar Purohit . . .	8th Sept., 1967	Bombay . . .	1
31	Mr. G. S. Chaubal . . .	9th Sept., 1967	Bombay . . .	1
32	Mr. N. K. Deshmukh . . .	9th Sept., 1967	Bombay . . .	1
33	Mr. Gopal Godse . . .	11th Sept., 1967	Bombay . . .	2
	Mr. Gopal Godse (recalled)	13th Feb., 1968	Poona	
34	Mr. S. K. Abdul Razak . . .	12th Sept., 1967	Bombay . . .	1
35	Mr. S. S. Rane . . .	12th Sept., 1967	Bombay . . .	1
36	Mr. L. N. Joshi . . .	13th Sept., 1967	Bombay . . .	1
37	Mr. A. S. Balkundi . . .	13th Sept., 1967	Bombay . . .	1
38	Mr. Pravin Singhji . . .	14th Sept., 1967	Bombay . . .	1
39	Mrs. Sarla Barve . . .	14th Sept., 1967	Bombay . . .	1
40	Mr. J. S. Rane . . .	15th Sept., 1967	Bombay . . .	1
41	Mr. Pradhan . . .	15th Sept., 1967 (part heard)	Bombay . . .	2
	Mr. Pradhan	for further examination on 9th Feb., 1968.		
42	Mr. R. C. Bhatin . . .	16th Oct., 1967	New Delhi . . .	1
43	Chhotu Ram . . .	16th Oct., 1967	New Delhi . . .	1
44	Mr. M. K. Sinha . . .	18th & 19th Oct., 1967	New Delhi . . .	3
	Mr. M. K. Sinha (recalled)	23rd July, 1968	New Delhi	
45	Mr. P. N. Seth . . .	18th October, 1967	New Delhi . . .	1
46	Mr. Atam Prakash Baghai . . .	19th October, 1967	New Delhi . . .	1
47	Mr. Pannalal Chaube . . .	19th October, 1967	New Delhi . . .	1
48	Mr. G. K. Handoo . . .	20th October, 1967	New Delhi . . .	3
	Mr. G. K. Handoo (recalled)	22nd July, 1968	New Delhi	
	Mr. G. K. Handoo (recalled)	18th Feb., 1969	New Delhi	
49	Mr. Kundan Singh . . .	20th Oct., 1967	New Delhi . . .	1
50	Ganesha Singh Pakhtoon . . .	21st Oct., 1967	New Delhi . . .	1
51	Gopi Krishna Katarey . . .	21st Oct., 1967	New Delhi . . .	1
52	Mr. J. S. Baruoh . . .	13th November, 1967	New Delhi . . .	1
53	Dr. Sushila Nayar . . .	17th January, 1968	New Delhi . . .	1
54	Mr. Pyarolal . . .	17th January, 1968	New Delhi . . .	1
55	Mr. B.B.S. Jatley . . .	18th January, 1968	New Delhi . . .	5
	Mr. B.B.S. Jatley (recalled)	19th January, 1968	New Delhi	
	Mr. B.B. S. Jatley (recalled)	23rd April, 1968	New Delhi	
	Mr. B.B.S. Jatley (recalled)	25th July, 1968	New Delhi	
	Mr. B.B.S. Jatley (recalled)	14th January, 1969	New Delhi	
56	Mr. Hiralal . . .	18th January, 1968	New Delhi . . .	1
57	Mr. N. B. Sawant . . .	19th January, 1968	New Delhi . . .	1
	Total			102

1	2	3	4	5
			Brought forward .	102
58	Mr. Benoy Bhutan .	19th January, 1968 .	New Delhi .	1
59	Mr. M.M.L. Hooja, DIB .	20th January, 1968 .	New Delhi .	1
60	Mr. Dayal Singh .	20th January, 1968 .	New Delhi .	1
61	Mr. Radhika Narain Sukla .	23rd January, 1968 .	New Delhi .	1
62	Dr. N.B. Khare .	6th February, 1968 .	Nagpur .	1
63	Mr. S.A. Khatib .	6th February, 1968 .	Nagpur .	1
64	Mr. P.D. Akhlesaria .	9th February, 1968 .	Bombay .	1
65	Mr. K.K. Hivale .	9th February, 1968 .	Bombay .	1
66	Mr. P.R. Purohit .	10th February, 1968 .	Bombay .	1
67	Mr. P.G. Shidhore .	10th February, 1968 .	Bombay .	1
68	Mr. G.N. Anarkar .	12th & 13th February, 1968	Poona .	3
	Mr. G.N. Angarkar (recalled)	22nd January, 1969 .	Khed Shivpur (Poona).	
69	Mr. S.R. Bhagwat .	12th February, 1968 .	Poona .	1
70	Mr. A. David .	14th February, 1968 .	Bombay .	1
71	Mr. P.S. Gokhale .	15th February, 1968 .	Bombay .	1
72	Mr. D.V. Athale .	15th February, 1968 .	Bombay .	1
73	Mr. P.C. Bannerjee .	22nd April, 1968 .	New Delhi .	1
74	Mr. B.B. Misra .	22nd April, 1968 .	New Delhi .	1
75	Prof. Ram Singh .	23rd April, 1968 .	New Delhi .	1
76	Bakshi Bal Mukand .	25th April, 1968 .	New Delhi .	1
77	Girdhar Sharma Sidh .	25th April, 1968 .	New Delhi .	1
78	Mr. Ram Lal .	26th April, 1968 .	New Delhi .	1
79	Miss Maniben Patel .	27th April, 1968 .	New Delhi .	1
80	Mr. R.C. Joshi .	3rd June, 1968 .	Bombay .	2
	Mr. R.C. Joshi (recalled)	20th November, 1968 .	Bombay	
81	Mr. S.V. Kotkar .	3rd June, 1968 .	Bombay .	1
82	Mr. K.M. Munshi .	4th June, 1968 .	Bombay .	1
83	Mr. J.D. Nagarvala .	5th, 6th, 8th and 10th June, 1968; 5th, 6th, 7th, 8th, 9th & 12th August, 1968; 11th, 12th, 13th, 14th & 16th September, 1968; 14th, 19th, 20th and 21st November, 1968.	Bombay .	19
	Mr. J.D. Nagarvala (recalled)	24th January, 1960 .		1
	Total .			150

1	2	3	4	5
			Brought forward	150
84	Mr. V.T. Dehejia . . .	7th June, 1968 . . .	Bombay . . .	4
	Mr. V.T. Dehejia (recalled)	13th & 14th November '68 . .	Bombay . . .	
	Mr. V.T. Dehejia (recalled)	19th November, 1968 . .	Bombay . . .	
85	Mr. B.B. Paynaster . . .	8th June, 1968 . . .	Bombay . . .	1
86	General Mohan Singh . . .	22nd July, 1968 . . .	New Delhi . . .	1
87	Mr. Ashoka Mehta . . .	24th July, 1968 . . .	New Delhi . . .	1
88	Mr. Shriyans Prasad Jain . . .	8th August, 1968 . . .	Bombay . . .	1
89	Mr. Ajanta Jain . . .	10th August, 1968 . . .	Bombay . . .	1
90	Mr. D. Haribahu Gadekar . . .	10th August, 1968 . . .	Bombay . . .	1
91	Mr. M. Harris . . .	12th August, 1968 . . .	Bombay . . .	1
92	Mr. Ombale . . .	12th August, 1968 . . .	Bombay . . .	1
93	Mr. M.M. Joshi . . .	13th November, 1968 . . .	Bombay . . .	1
94	Mr. S.N. Sawant . . .	25th January, 1969 . . .	Bombay . . .	1
95	Mr. J.N. Sahni . . .	16th December 1968 and 6th January, 1969 . . .	New Delhi . . .	2
96	Mr. Morarji Desai . . .	16th, 17th, 18th, 19th 23rd and 24th December, 1968 . . .	New Delhi . . .	6
97	Mr. R.K. Khadilkar . . .	17th December, 1968 and 7th January, 1969 . . .	New Delhi . . .	2
98	Mr. J.P. Narayan . . .	17th February, 1969 . . .	New Delhi . . .	2
	Mr. J.P. Narayan (recalled)	21st February, 1969 . . .	New Delhi . . .	
99	Mannaben Gandhi . . .	10th March, 1969 . . .	Bombay . . .	1
100	Mr. S. Rama Krishnan . . .	13th March, 1969 . . .	Bombay . . .	1
101	Mr. A.G. Rajadhayaksha . . .	17th March, 1969 . . .	Bombay . . .	1
			Grand Total . . .	179

APPENDIX II

*Excerpts from Parliamentary Debates (Rajya Sabha)--Vol. L. No. 6—
24th November, 1964. (Calling Attention Motion)*

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA): Sir, following the recent release of the three convicts of the Mahatma Gandhi Murder Case, certain reports have appeared in the Press which have caused intense pain and resentment. According to these reports, which have subsequently been confirmed by the State Government, a meeting was organised at Poona on November 12, 1964 to felicitate two of the convicts—Gopal Godse and Vishnu Karkare—on their release. Presiding over the meeting, Shri Ketkar, Editor of Tarun Bharat, claimed that he had known of the intention of Nathuram Godse to assassinate Mahatma Gandhi and had conveyed this information to the late Shri B.G. Kher, the then Chief Minister of Bombay, through Balukaka Kanetkar. He is further reported to have said that he had made an attempt to dissuade Nathuram Godse from carrying out his intention. Shri Ketkar repeated the statement substantially at another meeting held on November 15, 1964 at Poona to mark the death anniversary of the assassin of Mahatma Gandhi. As both Balukaka Kanetkar and Shri Kher are now no more, it has not been possible immediately to verify Shri Ketkar's claim of having communicated his knowledge of the intention to assassinate Gandhiji to Shri Kher. Government are marking a thorough inquiry into the matter with the help of old records and in consultation with the Government of Maharashtra.

Whatever the truth or otherwise of this matter, the fact that the death anniversary of the assassin of one of the greatest men of all times, whose memory is highly venerated and cherished not only in this country but throughout the world, should be observed and that the other ex-convicts should be felicitated on their release at a public function has come as a profound shock to the Government and the people of this country. It is amazing that an act so revolting to human decency and the highest values cherished by this ancient land since the dawn of time should hold an appeal even to an infinitesimal section of our people.

SHRI A.D. MANI (MADHYA PRADESH): Sir, I would like to know from the Home Minister whether he has received a detailed report on what happened at the meeting. According to what has been published, 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—this is important (Madanlal 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". Sir, I should like to ask the Home Minister and the Leader of the House, who happens to be here.....

SHRI P.N. SAPRU (UTTAR PRADESH): I did not follow the last sentence.

SHRI A.D. MANI: The last sentence was this. 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". Sir, I should like to ask the Home Minister and the Leader of the House, who is an eminent Judge, whether under law the conspiracy to kill Gandhiji ended with the murder trial of Godse or the conspiracy is a continuing conspiracy. If some persons had known more about it, that fact should be ascertained from them by the Government. It is not a question of making an enquiry through the Government of Bombay. The persons said that he knew about the murder plan. I would like to ask the Home Minister whether any attempt has been made by the Government of India to ask Mr. Ketkar to give all those details he knows.

SHRI BHUPESH GUPTA (WEST BENGAL): Sir.....

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): There are some Members who had given the notice. Would you like to answer one by one or would you hear them all and then reply?

SHRI A.D. MANI: One by one, so that he may not get confused.

SHRI GULZARILAL NANDA: As you like, Sir. So far as this particular question is concerned, it is a matter not of my opinion, but what the proper legal course and possibilities would be and I understand that it should be possible to take action against a person for having been an accessory before the act. In that sense possibly the conspiracy would not have terminated at that point. But in this case how exactly that has a bearing on the situation, I am not able to say immediately. We are in touch with the Maharashtra Government. So far as now ascertained, the position is that this gentlemen claims, of course, knowledge, but also that he had tried to dissuade this person and further that he had tried to prevent such a thing happening by giving an early intimation to some persons who could have done something about it.

SHRI ABID ALI (MAHARASHTRA): In the notice which I had submitted, this was also mentioned. I had requested the Government to kindly mention their reaction to the receptions which are being organised for the ex-prisoners recently released. In this connection, I would also request the Hon. Minister to let the House know about the action they contemplate with regard to what has been mentioned. In this connection, as he knows, a copy of the Bhagawat Gita and a picture of Lord Krishna, which were with the person who was hanged and a Bhagava Jhanda of the Hindu Maha Sabha, which he had pinned on his shirt, when he was hanged, were also displayed at this meeting. The photo of the hanged Godse was decorated and displayed there. Sir, in this connection it is known that the Government of Maharashtra has sought the advice of the Government of India. May I know whether they have received their communication and what they contemplate to do in this behalf? The situation is full of anxiety very much, not only of this Godse, but also the photo of Mao is being decorated and displayed at many places. It is a very serious question

that such traitors should be going on in this way and their photos are displayed, decorated, garlanded and respected. The Government has to be alert. Of course, it is alert about it. But the House would like to know what is contemplated by the Government, so that such things are stopped.

(*Interruptions*)

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): One by one. Let him reply to this.

SHRI GULZARILAL NANDA: From what we have known from both press reports and the other information that we have obtained, it is obvious that what occurred there at that reception can only be called in the nature of an atrocious manifestation of an ugly mentality bordering on insanity and I cannot characterise it in terms less severe. Now, what has to be done about it? What Government can do is merely one part. I see that there is report that Mr. Naik, the Chief Minister, told pressmen here yesterday that the State Government would take necessary action against those who had recently arranged a public reception at Poona to felicitate Gopal Godse and Vishnu Karkare on their release from prison, etc.

So, it appears that the Maharashtra Government is considering this question.

The other part of the question was about the dangers, the hazards that it creates. I think the best answer to that certainly is an awakened community sensitive to all these happenings and therefore, creating a widespread feeling against such manifestation. That social awakening is really the best and most adequate answer for this. Whether anything in the nature of a legal action is possible or not I cannot say, but we are in touch with the Maharashtra Government. We have not received any communication from them, which the Hon. Member referred to, but we shall certainly be in touch with that Government, and any information or help or advice that that Government seeks from us certainly we shall be prepared to give.

About the other thing which was brought into this question, I think there may be some other occasion to answer that unless the idea of the Hon. Member is that there are instigations to violent activity which are associated with certain names. Wherever there is any violent activity, certainly we have to put it down or any effort or attempt or any kind of a feeling generated for that purpose.

SHRI CHANDRA SHEKHAR (UTTAR PRADESH): Mr. Vice-Chairman, with your permission I may read only a few lines of the report that appeared in the Indian Express of November 15th—

"Several of those present offered pooja to a photograph of Nathuram Godse hung decoratively in an outline of undivided India. Those who offered Pooja included Gopal Godse, Vishnu Karkare, both of whom were sentenced to life imprisonment and were released last month and a free lance journalist".

The report further says—

"Speakers on the occasion including Mr. N.G. Abhyankar, RSS leader, Mr. P.V. Davare and Mrs. Shantabai Gokhale said that Nathuram was a 'martyr'.

Mr. Abhyankar described Nathuram as a 'true follower of Bhawan Krishan and Chatrapati Shivaji'.

I am more concerned about that aspect of the question. It is not only that certain people held a reception for Godse but these people are guilty of a criminal offence for perpetuating a cult of violence, a cult of political assassination that Nathuram Godse represents. It is not a question of people getting awakened as the Hon. Home Minister has said. As it is a criminal offence under the present law of the land, why did not the Government move in the matter, whether it is the Maharashtra Government or the Union Government, to take action against those persons who are trying to glorify a person who is the symbol of political anarchy, who is the symbol of political shame. This is the supreme affront that the Indian nation can face that the assassin of the Father of the Nation is being glorified as a martyr and indirectly people are inciting that this cult of violence and political assassination should continue. It is a peculiar hint that the particular editor who is mentioned by the Home Minister sends in a report to say that the published reports of that speech are generally correct. This is a clear confession. I wonder why the Home Ministry here and the Government of Maharashtra did not move in the matter and arrest all those persons. Those persons who are preaching only for economic interest of poor people, are being dealt with under the Defence of India Rules. But these murderers who are preaching political assassination are going scot-free, and it is a very sorry affair that the Home Minister should say that the people should get awakened and boycott these people and not see eye to eye with them. May I know from the Home Minister what positive, immediate action he is contemplating? Why was no action taken? This is a criminal offence under the present law of the land.

SHRI GULZARILAL NANDA: If the Hon. Member had followed my earlier reply, he would have found an answer to the question that he has raised. I said that whatever has to be done in the matter, legal action or whatever it is, that is being considered by the Maharashtra Government, and there is no question of any kind of consideration being given to any person who is culpable in this matter. I said that in addition it is the community which has to resist and to see to it that such things are not possible.

SHRI BHUPESH GUPTA: Sir, there are clearly two things with which we are concerned here: (1) disclosures about the plan to murder Mahatma Gandhi that were made at that particular meeting by Mr. Ketkar; (2) the organisation of the reception itself. With regard to the first, I should like to make the following submission. I should like to know the position of the Government in the matter. At the time of the assassination of Gandhiji there was a feeling abroad that there had been some dereliction of duty somewhere, that he had not been given the protection which should have been given to him. Now

this is a startling revelation after all that. A person publicly states that the intention to murder was communicated to him and that he had also communicated the same through an intermediary to the then Chief Minister of the Bombay State, and this report he has owned up—and Mr. Ketkar is there, others may not be there. Am I to understand that in view of the circumstances of the case and having regard to the grave misgivings that we had in 1948 when Gandhiji fell to the assassin's bullet, all that we have to do is to find out things from old records? 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 went, 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.

I think it is not enough for the Union Home Minister today, after the startling revelation that had been made by Mr. Ketkar, to say that the records will be looked into. The country would like to be assured of a thorough, searching enquiry into the entire episode, the entire circumstances in order to find out whether there was a deliberate dereliction of duty on the part of some people, whether some people in high authority suppressed it after having got the news through Mr. Ketkar directly or indirectly. This is what I would like to know. Therefore, I would suggest here a high-powered enquiry into the whole matter.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You have made your point about a high-powered enquiry.

SHRI BHUPESH GUPTA: I cannot imagine this matter being treated in this manner, the manner in which the Central Government now wants to treat it. Our suspicions have been roused again, the country's suspicions have been roused again. I do not know whether Mr. Ketkar had been summoned here to make his disclosures or whether the Home Minister had sent emissaries to Mr. Ketkar to get statements from him as to what he knew at that time, what he did, and so on. Therefore, I charge the Government of India of not moving in this matter with the alertness and agility that are called for in a situation of this kind. Secondly, with regard to the reception, Mr. Naik's statement had been brought in. What Mr. Naik said is rather shocking. Mr. Naik made a statement. He said that it was not organised by any party but by only some individuals and asked, "Why blame the party for some individuals' action?" and so on.

Now, am I to understand that the Bombay Government is going to deal with this matter properly? First of all, we would like to know whether the Government of Mr. Naik knew about the proposal for holding a reception which was held on the 12th. We know from the newspapers that invitations were sent, arrangements had been made prior to that date, and certainly there is a thing called Intelligence there, the State Intelligence, the Central Intelligence.

What were they doing? Did they know that the plan was afoot in order to organise a reception to felicitate the murderers of Mahatma Gandhi on the 12th of November? Arrangements were made. And you see, the very organisation of the meeting itself would show that lots of things had been done. It was not suddenly done or too secretly done that the Government could not have known about it. Therefore, I take it that the Government was in the know of things, that some such thing was going to take place. Why did not the Government act before it was late? I would like to know whether the Central Government was sent any report, what the Central Intelligence or its subsidiary Bureau or whatever it is there was doing in Bombay, what the Intelligence of the Bombay Government was doing, what the administration in Poona, its police and C.I.D., were doing. We would like to know these.

Secondly, when the meeting was in progress, there was no interference whatsoever; it went on. Do I understand then that, when the news that the meeting was in progress, that the reception was being held, reached the Government of Bombay did not send any police or officials of the Government to watch that particular meeting and find things out? I would like to know that thing also. If they were present, what were they doing? If they were not present on behalf of the Government of Bombay or the Poona Administration or the Poona authorities, why were they absent? Therefore, there also we have very strong grounds to complain against the Bombay Government. I, therefore, demand that the Central Government should take the initiative in this matter wholly and fully and must not leave things in the hands of Mr. Naik. Mr. Naik's statement is utterly disappointing. He has shown utter incompetence in this matter. He did not act even when the meeting was in progress nor had he acted after the thing was over. Now we are told that some action will be taken after so many days. Yet, it was open to them to act immediately.

Therefore, I think that this is a very serious matter, this holding of the meeting. Imagine Mahatma Gandhi is not just one person killed in India among persons killed. It is not the case of an ordinary assassin or a political assassin. Mahatma Gandhi was killed and the killers were these people. There are no two Mahatma Gandhis, there have not been two. And we cannot think of such monstrous killers and assassins as we say in this particular case, and this is how the Government of India is reacting to this matter. And the Hon. Minister says, the nation's conscience will be roused. Yes, the nation's conscience has been roused. But we should like to know what the nation is getting from the Government of India and the administration of the State Government which are financed by the nation. 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.

Shri ABID ALI: And also about Mao.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA): The Home Minister.

SHRI ABID ALI: Do not forget him.

SHRI GULZARILAL NANDA: If the intensity of feelings on a subject is to be judged only by the pitch of one's voice, he may score

over me but I cannot. I do not have words to say. But personally, I can myself feel it. I think as if that scene of murder is being enacted before us again when I read about that meeting and the description of what had occurred there. But what is to be done? This question arose in some form even at the time of the trial. I have before me the judgement of the High Court. When this point was raised—not in the context of any information that this gentleman got or gave to anybody—it was then urged that some persons in authority in the Bombay Government then had not acted in time. This question was very thoroughly dealt with, examined, and the Court pronounced that all that was possible in those circumstances was done. Therefore, I am now taking the one point which the Hon. Member raised, as to what the Government then did. There are specific pronouncements on that subject. The Maharashtra Government and ourselves are in close contact about this. We have instituted, started, initiated a search into the records and everything possible, anything, any clue that could be obtained from it, will certainly be obtained and similarly, the Maharashtra Government are also engaged in this. Whatever it may lead to, whatever kind of enquiry is left to be pursued, well, that is going to be taken up. And as far as any action by the Maharashtra Government is concerned, as I said, Sir; we are awaiting the reply of the Maharashtra Government.

SHRI D. THENGARI (UTTAR PRADESH): On behalf of the Jana Sangh, I strongly condemn the statement of Mr. Ketkar and the functions held at Poona on the 12th and 15th of this month. The Jana Sangh would support every move of the Government of India when it deals firmly with all the culprits who believe in violence as a method of revolution, whether those culprits proceed from Poona or Telengana.

Then there are certain questions, Sir. Is the Government aware that Mr. Ketkar

(*Interruptions*)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Go on with your questions.

SHRI D. THENGARI: Is the Government aware that Mr. Ketkar subsequent to his statement that has been referred to resigned from the editorship of "The Tarun Bharat"?

AN HON. MEMBER: Yes.

(*Interruptions*)

SHRI A.D. MANI: Let him ask questions.

SHRI D. THENGARI: Again, may I know whether Mr. N. G. Abhvankar whose statement has been referred to has resigned from the Rashtriya Swayam Sewak Sangh after this statement?

Again, Sir, may I know whether the Government is aware of the statement by Mr. M.G. Kanitkar, son of Mr. Balukaka Kanitkar, in the course of which he stated that the Government was forewarned by Mr. Balukaka Kanitkar and was urged to take precautions?

SHRI GULZARILAL NANDA: Sir, the Hon. Member chooses to give this information.

APPENDIX III

Comparative chart of some of the duties, powers etc. of police officers under the Cr. P. C., the Police Act and the City of Bombay Police Act.

Code of Criminal Procedure (Act V/1898)=Cr. P.C.

The Police Act (V/1861)=P.A.

The City of Bombay Police Act (IV/1902)=B.P.A.

<i>General</i>	<i>Bombay</i>
1. 54 (1) First Cr. P.C.	1. 33 (a) B.P.A.
For being concerned in a cognizable offence	Similar provision.
2. 54(1) Secondly Cr. P.C.	2. 33(b) B.P.A.
For possession of implement of house-breaking	Similar provision.
3. 54(1) Thirdly Cr. P.C.	3. 33 (c) B.P.A.
Proclaimed offender	Similar provision.
4. 54(1) Fourthly Cr. P.C.	4. 33(d) B.P.A.
Possession of stolen property	Similar provision.
5. 54(1) Fifthly Cr. P.C.	5. 33(e) B.P.A.
Obstructing police officer on duty and escaping from lawful custody.	Similar provision.
6. 54(1) Sixthly Cr. P.C.	6. 33(f) B.P.A.
Desperter from the Army, Navy or Air Force	Similar provision.
7. 54(1) Seventhly Cr. P.C.	7. 33(g) B.P.A.
Extraditable offence committed outside India	Similar provision.
8. 54(1) Eighthly Cr. P.C.	8. 33(h) B.P.A.
Breach of rule under Sec. 565(3) Cr. P.C.	Similar provision.
9. 54(1) Ninthly Cr. P.C.	9. No corresponding provision.
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 warrant by the officer who issued the requisition. ⁶²	
10. 55 Cr. P.C.	10. 36 B.P.A.
Arrest of vagabonds, habitual robbers etc.	Similar provision.
11. 56 Cr. P.C.	11. 39 B.P.A.
Deputation of a subordinate to arrest without warrant.	Similar provision.
12. 57 Cr. P.C.	12. 34 B.P.A.
Refusal to give name and residence	Similar provision.
13. 58 Cr. P.C.	13. No corresponding provision.
Pursuit of offenders into other jurisdictions.	
14. 60 Cr. P.C.	14. 34 and 66 B.P.A.
Person arrested to be taken before Magistrate or officer in charge of police station.	Similar provision.

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15. 61 Cr. P.C.	15. 87 B.P.A.
Person arrested not to be detained more than 24 hours.	Similar provision.
16. 63 Cr. P.C.	16. 88 B.P.A.
Discharge of person apprehended . . .	Similar provision.
17. 154 Cr. P.C.	17. 57 B.P.A.
Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it.	The officer in charge of a section on receiving any information relating to the commission within his section of any cognizable offence shall forthwith reduce into writing in manner prescribed, the statement made by the informant and the informant shall sign the statement so reduced into writing which shall be kept and recorded in manner prescribed.
18. 155 Cr. P.C.	18. 58 B. P. A.
Information in cognizable cases and investigation there-into	Similar provision.
19. 156 Cr. P. C.	19. 59 B. P. A.
Investigation into cognizable cases . . .	Similar provision.
20. 157 Cr. P. C.	20. 60 B. P. A.
Procedure where cognizable offence suspected,	Similar provision.
21. 160 Cr. P. C.	21. 61(a) B. P. A.
Police officer's power to require attendance of witnesses.	Similar provision.
22. 161 Cr. P. C.	22. 61(b) B. P. A.
Examination of witnesses by the police. . .	Similar provision.
23. No corresponding provision . . .	23. 62 B.P.A.
	Special powers of Commissioner of Police to require attendance and obtain statements of witnesses.
24. 162 Cr. P. C.	24. 63 B. P. A.
Statements to Police not to be signed or admitted in evidence.	Similar provision.
25. 163 Cr. P. C.	25. 64 B.P. A.
No inducement, threat or promise to be offered	Similar provision.
26. 94 Cr. P. C.	26. 65 B.P. A.
Summons to produce document or other thing	Similar provision.
27. 165 Cr. P. C.	27. 66 B.P. A.
Search by police officer without warrant .	Similar provision.
28. 166 (1) Cr. P. C.	28. 68 B. P. A.
When officer in charge of a Police Station may require O. C. of another Police Station to cause a search to be made.	When officer in charge of a section may require an officer in charge of another section, and the Commissioner of Police may require the officer in-charge of a P.S. in any part of the Presidency of Bombay to cause a search to be made.

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29. 166(3) Cr. P. C.	When officer in charge of a police station may search without warrant any place in the limits of another police station.	29. No corresponding provision.
30. 100 Cr. P. C.	Power of Magistrate to issue search warrants for persons wrongfully confined.	30. 69 B. P. A. " Power of Commissioner of Police to search for persons wrongfully confined.
31. 167 (1) Cr. P. C.	Procedure when investigation cannot be completed in 24 hours.	31. 70(1) B. P. A. Similar provision.
32. 167 (2) & (3) Cr. P. C.	Remand of accused.	32. 70 (2) B. P. A. Similar provision.
33. 168 Cr. P. C.	Report of investigation by subordinate police officers.	33. 71 (1) B. P. A. Similar provision.
34. 169 Cr. P. C.	Release of accused when evidence deficient	34. 73 (1) (a) B. P. A. Similar provision.
35. 170 (1) Cr. P. C.	Case to be sent to Magistrate when evidence is sufficient.	35. 74(a) & (b) B. P. A. Similar provision.
36. 170 (2) Cr. P. C.	Bond to secure attendance of complainant and witnesses.	36. 75(1) B. P. A. Similar provision.
37. 170 (5) Cr. P. C.	Bond to be sent to Magistrate . . .	37. 75 (2) B. P. A. Similar provision.
38. 171 Cr. P. C.	Complainant and witnesses not to be required to accompany police officer, nor subjected to unnecessary restraint or inconvenience. Recusant complainant or witness may be forwarded in custody.	38. 76 B. P. A. Similar provision.
39. 172 Cr. P. C.	Case diary.	39. No exact corresponding provision. But please see sec. 71(2) B. P. A. regarding substance of investigation reports submitted to the officer in charge by his subordinate officers.
40. 173 (1) Cr. P. C.	Investigation to be promptly completed and report to be prepared and submitted.	40. 72 and 74 (c) B.P.A. Similar provision.
41. 173 (2) Cr. P. C.	Investigation report to be submitted through superior officer, who may order further investigation.	41. 73(I) (b) & 73(2) B. P. A. Forwarding investigation report to the Commissioner of Police, who may order further investigation.
42. (a) 179 Cr. P. C.	To prevent the commission of any cognizable offence.	42. (a) 32 (I) (b) B. P. A. To prevent the commission of cognizable and within his view of non-cognizable offences.
(b) 23 P. A.	To prevent the commission of offences and public nuisances.	(b) 32(I) (c) B. P. A. To prevent the commission of public nuisances.
43. 180 Cr. P. C.	Action on receipt of information designed to commit cognizable offences.	43. No corresponding provision.

<i>General</i>	<i>Bombay</i>
44. 151 Cr. P. C. Arrest to prevent cognizable offences . . .	44. 30 B. P. A. Similar provision.
45. 551 Cr. P. C. Police officers superior in rank to an officer in charge of a police station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.	45. 55 B. P. A. A Police officer of rank superior of that of constable may perform any duty assigned by law or by lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior, when it shall appear to him necessary may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his Command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.
46. 22 P. A. Police officer always on duty and may be employed in any part of the general Police district.	46. 16 B. P. A. Police officer to be deemed always on duty throughout Greater Bombay.
47. 23 P. A. Promptly to obey and execute all orders and warrants lawfully issued by any competent authority. . .	47. 32(I) (a) B. P. A. Promptly to serve every summons and obey and execute every warrant or other order lawfully issued by competent authority.
48. No corresponding provision. . .	48. 32(I) (a) B. P. A. To endeavour by all lawful means to give effect to the lawful commands of his superiors.
49. 23 P. A. To detect and bring offenders to justice. . .	49. 32 (I) (b) B. P. A. To bring offenders to justice.
50. No corresponding provision . . .	50. 32 (I) (b) B. P. A. To obtain intelligence concerning commission of cognizable offence or designs to commit such offences.
51. 23 P. A. . . To collect and communicate intelligence affecting the public peace.	51. No corresponding provision.
52. 23 P. A. To apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists.	52. 32(I) (d) B. P. A. Similar provision.
53. No corresponding provision . . .	53. 32(I) (e) B. P. A. To aid another police officer when called on by him or in case of need in the discharge of his duty.
54. No corresponding provision . . .	54. 32(I) (f) B. P. A. To discharge such duties as are imposed upon him by any law for the time-being in force.