

Justice Hilton Must Also Go

Bhagat Singh

25th June, 1930

To
The Commissioner,
The Special Tribunal,
Lahore Conspiracy Case, Lahore.

SIR,

Whereas two judges of the Tribunal have withdrawn or have been made to withdraw themselves from the Tribunal and two new judges have been appointed in their place, we feel that a statement is very necessary on our part to explain our position clearly so that no misunderstanding may be possible.

It was on 12th May, 1930, that an order was passed by Mr. Justice Coldstream, the then President, to handcuff us in asking the court to inform us as to the cause of this sudden and extraordinary order was not thought worth consideration. The police handcuffed us forcibly and removed us back to jail. One of the three judges, Mr. Agha Harider, on the following day, dissociated himself with that order of the President. Since that day we have not been attending court.

Our condition on which we were prepared to attend court was laid before the Tribunal on the next day, namely that either the President should apologise or he should be replaced; by this we never meant that a judge who was a party to that order should take the place of the President.

For more than five weeks no heed was paid to the grievances of the accused.

According to the present formation of the Tribunal, both the President and the other judge who had dissociated himself from the order of the President, have been replaced by two new judges. Thus the judge who was a party to that order — as the President gave the order on behalf of the majority — has now been appointed the President of the Tribunal. In these circumstances we want to emphasise one thing that we had absolutely no grudge against the person of Mr. Justice Coldstream. We had protested against the order passed by the President on behalf of the majority and the subsequent maltreatment meted out to us. We have every respect for Mr. Justice Coldstream and Mr. Justice Hilton that should be expected from man to man. And as our protest was against a certain order we wanted the President to apologise, which meant apology by the President on behalf of the Tribunal who was responsible for that order. By the removal of the President the Position is not changed because Mr. Justice Hilton, who was a party to the order, is presiding in place position has added an insult to injury.

Yours, etc.
25th June, 1930 Bhagat Singh, B.K. Dutt

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[Our case before the Special Tribunal opened on May 5, 1930. On May 12 the presiding judge lost his temper on the question of a song. He ordered that the accused be handcuffed. The accused resisted. They were removed from the court by force and sent back to the jails. The accused boycotted the court from the next day onward and demanded that the presiding judge must apologise, or he should be removed.

On June 21 the presiding judge was removed, but along with him the Government removed Justice Agha Haider also who was the next senior judge and was sympathetic towards the accused.

On June 23 the accused went to the court to find Justice Hilton, who was a party to the order, presiding over the Tribunal. The accused objected to it and demanded that either Justice Hilton should dissociate himself from the order or he should apologise, failing which he should also dissociate himself from the order or he should apologise, failing which he should also be removed from the Tribunal. It was in this context that Bhagat Singh wrote this letter.]

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