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Bhagat Singh

Statement Before the Lahore High Court Bench

1930

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[Through this brilliant statement Bhagat Singh demolished the basis of the Sessions Court judgement and emphasised the importance of motive. The motive of action, he argued, should be the main consideration while judging the offence of an accused.]

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MY LORDS,

We are neither lawyers nor masters of English language, nor holders of degrees. Therefore, please do not expect any oratorical speech from us. We therefore pray that instead of going into the language mistakes of our statement Your Lordships will try to understand the real sense of it.

Leaving other points to our lawyers, I will confine myself to one point only. The point is very important in this case. The point is as to what were our intentions and to what extent we are guilty. This is a very complicated question and no one will be able to express before you that height to mental elevation which inspired us to think and act in a particular manner. We want that this should be kept in mind while assessing our intentions our offence. According to the famous jurist Solomon, one should not be punished for his criminal offence if his aim is not against law.

We had submitted a written statement in the Sessions Court. That statement explains our aim and, as such, explains our intentions also. But the learned judge dismissed it with one stroke of pen,

saying that “generally the operation of law is not affected by how or why one committed the offence. In this country the aim of the offence is very rarely mentioned in legal commentaries.”

My Lords, our contention is that under the circumstances the learned judge ought to have judged us either by the result of our action or on the basis of the psychological part of our statement. But he did not take any of these factors into consideration.

The point to be considered is that the two bombs we threw in the Assembly did not harm anybody physically or economically. As such the punishment awarded to us is not only very harsh but revengeful also. Moreover, the motive knowing his psychology. And no one can do justice to anybody without taking his motive into consideration. If we ignore the motive, the biggest general of the words will appear like ordinary murderers; revenue officers will look like thieves and cheats. Even judges will be accused of murder. This way the entire social system and the civilisation will be reduced to murders, thefts and cheating. If we ignore the motive, the government will have no right to expect sacrifice from its people and its officials. Ignore the motive and every religious preacher will be dubbed as a preacher of falsehoods, and every prophet will be charged of misguiding crores of simple and ignorant people.

If we set aside the motive, then Jesus Christ will appear to be a man responsible for creating disturbances, breaking peace and preaching revolt, and will be considered to be a “dangerous personality” in the language of the law. But we worship him. He commands great respect in our hearts and his image creates vibrations of spiritualism amongst us. Why? Because the inspiration behind his actions was that of a high ideal. The rulers of that age could not recognise that high idealism. They only saw his outward actions. Nineteen centuries have passed since then. Have we not progressed during this period? Shall we repeat that mistake again? If that be so, then we shall have to admit that all the sacrifices of the mankind and all the efforts of the great martyrs were useless

and, had we been so, we would have certainly been sent to the lunatic asylum, instead of being put in jail. We had full knowledge about the strength of the bombs and that is why we acted with so much confidence. It was very easy to have thrown the bombs on the occupied benches, but it was difficult to have thrown them on unoccupied seats. Had we not of saner mind or had we been mentally unbalanced, the bombs would have fallen on occupied benches and not in empty places. Therefore I would say that we should be rewarded for the courage we showed in carefully selecting the empty places. Under these conditions, My Lords, we think we have not been understood, My Lords, we think we have not been understood properly. We have not come before you to get our sentences reduced. We have come here to clarify our position. We want that we should not be given any unjust treatment, nor should any unjust opinion be pronounced about us. The question of punishment is of secondary importance before us.

and it would appear as if we are still at the same place where we stood twenty centuries back.

From the legal point of view also, the question of motive is of special importance. Take the example of General Dyer. He resorted to firing and killed hundreds of innocent and unarmed people. But the military court did not order him to be shot. It gave him lakhs of rupees as award. Take another example. Shri Kharag Bahadur Singh, a young Gurkha, Killed a Marwari in Calcutta. If the motive be set aside, then Kharag Bahadur Singh ought to have been hanged. But he was awarded a mild sentence of a few years only. He was even released much before the expiry of his sentence. Was there any loophole in the law that he escaped capital punishment? Or, was the charge of murder not proved against him? Like us, he also accepted the full responsibility of his action, but he escaped death. He is free today. I ask Your Lordship, why was he not awarded capital punishment? His action was well calculated and well planned. From the motive end, his action was more serious and fatal than ours. He was awarded a mild punishment because his intentions were good. He was awarded a mild punishment because his intention were good. He saved the society from a dirty leach who had sucked the life-blood of so many pretty young girls. Kharag Singh was given a mild punishment just to uphold the formalities of the law.

This principle (that the law does not take motive into consideration — ed.) is quite absurd. This is against the basic principles of the law which declares that “the law is for man and not man for the law”. As such, why the same norms are not being applied to us also? It is quite clear that while convicting Kharag Singh his motive was kept in mind, otherwise a murderer can never escape the hangman’s noose. Are we being deprived of the ordinary advantage of the law because our offence is against the government, or because our action has a political importance?

My Lords, under these circumstances, please permit us to assert that a government which seeks shelter behind such mean methods

has no right to exist. If it exists, it is for the time being only, and that too with the blood of thousands of people on its head. If the law does not see the motive there can be no justice, nor can there be stable peace.

Mixing of arsenic (poison) in the flour will not be considered to be a crime, provided its purpose is to kill rats. But if the purpose is to kill a man, it becomes a crime of murder. Therefore, such laws which do not stand the test of reason and which are against the principle of justice, should be abolished. Because of such unjust laws, many great intellectuals had to adopt the path of revolt.

The facts regarding our case are very simple. We threw two bombs in the legislative Assembly on April 8, 1929. As a result of the explosion, a few persons received minor scratches. There was pandemonium in the chamber, hundreds of visitors and members of the Assembly ran out. Only my friend B.K. Dutt and myself remained seated in the visitors gallery and offered ourselves for arrest. We were tried for attempt to murder, and convicted for life. As mentioned above, as a result of the bomb explosion, only four or five persons were slightly injured and one bench got damaged. We offered ourselves for arrest without any resistance. The Sessions Judge admitted that we could have very easily escaped, had we had any intention like that. We accepted our offence and gave a statement explaining our position. We are not afraid of punishment. But we do not want that we should be wrongly understood. The judge removed a few paragraphs from our statement. This we consider to be harmful for our real position.

A proper study of the full text of our statement will make it clear that, according to us, our country is passing through a delicate phase. We saw the coming catastrophe and thought it proper to give a timely warning with a loud voice, and we gave the warning in the manner we thought proper. We may be wrong. Our line of thinking and that of the learned judge may be different, but that

does not mean that we be deprived of the permission to express our ideas, and wrong things be propagated in our name.

In our statement we explained in detail what we mean by "Long Live Revolution" and "Down With Imperialism". That formed the crux of our ideas. That portion was removed from our statement. Generally a wrong meaning is attributed to the word revolution. That is not our understanding. Bombs and pistols do not make revolution. That is not our understanding. Bombs and pistols do not make revolution. The sword of revolution is sharpened on the whetting-stone of ideas. This is what we wanted to emphasise. By revolution we mean the end of the miseries of capitalist wars. It was not proper to pronounce judgement without understanding our aims and objects and the process of achieving them. To associate wrong ideas with our names is out and out injustice.

It was very necessary to give the timely warning that the unrest of the people is increasing and that the malady may take a serious turn, if not treated in time and properly. If our warning is not heeded, no human power will be able to stop it. We took this step to give proper direction to the storm. We are serious students of history. We believe that, had the ruling powers acted correctly at the proper time, there would have been no bloody revolutions in France and Russia. Several big powers of the world tried to check the storm of ideas and were sunk in the atmosphere of bloodshed. The ruling people cannot change the flow of the current. We wanted to give the first warning. Had we aimed at killing some important personalities, we would have failed in the attainment of our aim.

My Lords, this was the aim and the spirit behind our action, and the result of the action corroborates our statement. There is one more point which needs elucidation, and that is regarding the strength of the bombs. Had we had no idea of the strength of the bombs, there would have been no question of our throwing them in the presence of our respected national leader like Pandit Motilal Nehru, Shri Kelkar, Shri Jayaker and Shri Jinnah. How could we have risked the lives of our leaders? After all we are not mad