

staked his all on this Turkish adventure and whatever support he received in his own country was in the main due to the hopes he had created of re-establishing a Greek Empire with the help of Great Britain. If a victory could not be purchased at the low price indicated in his glowing prospectus the bubble would burst, and the first to go with it would be Venizelos the would-be reviver of the Byzantine Empire. My prophecy came (true sooner than I had anticipated) and its fulfilment was almost literal.

#### BRITAIN'S REAL ROLE.

Venizelos from that moment disappears from the scene and one would have thought that the return of King Constantine—the contemptible "Tino" of the Allied Press—a complete reversal of the Turkish Treaty would immediately commence. We have seen how, in spite of the most categorical denials, it was proved to the hilt that this would have been the case if only Italy and France were the Allies. But this was reckoning without the host. Indian Mussalmans whose loyalty to the British Government was a by-word, and had in fact been made a reproach to them by sister communities in India had since the Tripolitan War learnt by bitter experience time after time that England was now a bitter enemy of Turkey, and every day made it more and more clear that she was the most implacable enemy of Turkey leaving perhaps Czarist Russia. Therefore, in my presi-

dential Address at the Lucknow Khilafat Conference at the end of last February, I did no more than voice Muslem feeling in giving expression to my fears that while some Indian Mussalmans were on their way to England in the mistaken belief that they had been invited to take part in the London Conference, negotiations were perhaps going on behind the scene for urging even "contemptible Tino" to put on the mantle of Venizelos and claim the heritage of the Ottoman Turks in the old Byzantine Empire as the price of recognition by the Allies including France, through the good offices of Great Britain. The London Conference was not only a hoax for the Indian Mussalmans, who found that the banquet was over even before these invited guests had arrived, but was a cruel farce for the Nationalist Turks as well. In the few hurried meetings of the Conference one unsatisfactory proposal was put forward after another only to be withdrawn in equal haste. To take only one instance, the Allied proposal of a Commission to inquire into the statistics of population in Thrace which the Turks so readily accepted, was withdrawn for no better reason than its rejection by the Greeks. This proposal I might mention, had been put forward by us in our representation of the last July addressed to Mr. Lloyd George at Spain in these words :—

"If to-day, when the Turks are threatened with war, and there is danger of Great Britain acquiring, in your own words a fatal reputation of finding un-

answerable reasons when the time comes for breaking its faith, the least that Mussalmans are entitled to is a plebiscite to be taken in Thrace. But it should be taken under conditions leaving no possibility of doubt about its fairness and the absence of all compulsions, and we urge that the agency for taking such a plebiscite should include representatives of the All-India Khilafat Conference."

#### FAVOURING THE GREEKS.

This suggestion went entirely unheeded at the time ; but it is now clear that even in last February when the Allies adopted it as their own, though of course in a form not half so fair as we had suggested, it was never intended that effect should be given to it. The policy of the British was to say to the world, "We have done our best to put an end to all fighting. We have brought the Greeks and Turks together and have also brought Angora and Constantinople to the same Round Table for a Conference. It is true that somehow Turk and Turk seem to have made up their differences, but the Turks and the Greek, have not. In the circumstances what more can the poor Allies do but to let these silly people fight it out between them while the Powers keep the ring?"

But it is manifest that even this benevolent policy of concluding peace by prolonging war was the result of a careful calculation that the Turks would come out second best in this struggling. The recognition of the "rebels" as a Government even

though merely, a *de facto* one was intended to be short-lived. But Mustafa Kemal has once more upset the best-laid schemes of mice and men, England has not been a disinterested spectator even if she has been no worse. The very gentleman who had made Mr. Hasan Imam their spokesman in their interview with the Prime Minister, had openly questioned the neutrality of England when she professed to be merely the umpire while Greek and Turkish claims were being put to the arbitrament of the sword. It is true that British denials were easily forthcoming and they were characteristically categorical. But British denials, no matter how categorical, have long ceased to carry any more convictions to those for whom they were mainly intended than British pledges and solemn undertakings. However for our present purpose it would suffice if I declare that nobody ever believed that Great Britain was a disinterested spectator in this camel game. British spies were at work in Anatolia as the execution of Mustapha Saghir only too clearly proves. This compatriot of mine is perhaps not entirely unknown to me and for all that I know he may be the same person who wrote to me in London from Geneva asking me to have him employed as the Constantinople correspondent of some Moslem Indian newspaper, and subsequently addressed to me an Open Letter printed with a Red Crescent asking for financial assistance of Constantinople just when we were endeavouring to secure the



assistance of Mr. Montagu to send a mission of relief to the refugees from Smyrna. If it is the same person that was now exploiting in the expressive phrase of the recent cable the prestige of Indian Muslims in Angora, I am glad I was no party to his exploitation of the prestige of Indian Muslims in Constantinople.

#### SYSTEMATIC MISREPRESENTATION.

But to revert to the activities of the British it was not only in Angora that efforts were being made to improve the position of Great Britain. It was only recently that I learnt of a similar process of exploitation of prestige going on in India by the lavish distribution of leaflets intended to show that Bekir Sami Bey entirely approved of the trivial modifications now proposed by Great Britain in the Treaty of Sevres and that Indian Mussalmans were more Turkish than the Turks themselves inasmuch as they did not share Bekir Sami Bey's hopes of "brilliant peace" as the result of recent British "generosity." This is the Government that according to Mr. Hasan Imam, has been doing its best to help Indian Mussalmans in the matter of the Khilafat! Really one is sorry for people whose best is so unutterably bad and can hardly guess what their worst could be. But one can only be thankful that neither in India nor in Anatolia has this exploitation of other people's prestige succeeded.

## WHAT INDIAN MUSSALMANS WANT.

Indian Mussalmans await with growing impatience some more substantial and relevant result of the new Viceroy's recently acquired knowledge of Mahatma Gandhi than the not of triumph and exultation in his misinterpretation of my statement and my brother's ; while the Turks in Anatolia must naturally be expecting that the Umpire who professed to keep the ring for the combatants would now award to the victor the fruits of victory even though he happened to be the Turk and not the Greek, the favourite of Great Britain. I wonder whether Mr. Lloyd George and Mr. Asquith would feel overjoyed if some one discovered even to-day, a family likeness between these two quondam friends and colleagues on the Liberal Treasury Bench. But the likeness is unmistakeable, for both deny with equal Liberalism the fruits of victory to the victor when that victor happens to be the Turk, Tails they lose and heads they must not win. When the Aga Khan in the course of the Indian Muslims' first interview suggested to the Prime Minister "If the great Powers will leave us alone we would raise troops very easily to get Greek troops out of territories they had occupied"—the first statement of that elusive personality in all these years in which he spoke what Indian Mussalmans have for long been feeling and feel to-day more intensively than ever,—the Prime Minister who was a picture of strict and

impartial neutrality that could well have been hung in the central hall of the League of Nations said "If you could localise the conflict and then let the Turks and the Greek fight it out, it would not matter so much. The real danger is that Islam will back one party and the Christians the other and that would be fatal for the peace of the world. If it was fought there I would not mind ; the Turks can fight well if he cannot talk, and I would rather leave it to them to fight it out." And when the Aga Khan interposed the questions : "And you would not let us go in?" the Prime Minister could only shake his head and repeat what he had said with fatal facility : "It would be fatal." "It would be fatal."

Well, while Indian Mussalmans have not been permitted even to talk thanks to Section 144 Cr. P. C. the Turks have fought and they have fought well. Islam has not been permitted to back one party ; but Christians like Mr. Lloyd George are now intent upon backing the other, entirely forgetting how "fatal" that would be for the peace of the world.

#### PRAISE FOR ALL AND SUNDRY.

The only conclusion we can reach is that if this is to be the first fruit of the Reading regime in India, we might just as well have had my Lord Chelmsford, ruling us at Simla ; and so much as Mr. Hassan Imam's interview goes, it could have been no great calamity, Mr. Hassan Imam has praised Lord Chelmsford's colleagues and if he has singled out

anyone, specially from that galaxy of the benefactors of Indian Muslims, it is Sir William Vincent, the Home Member. He has praised Mr. Montagu, which is not so astonishing, for all praise the suave but sterile Secretary of the State for India, though none can discover what precise Muslim gain he could place to the credit of that benevolent, if not beneficent Minister. But that is not all. He praises Lord Reading, with whom his acquaintance is obviously very short and finally he praises the Prime Minister himself. Really God is in his hill-top Heaven and everything is alright with the world of a subject race. I am myself an optimist and feel sure that before the year is out we shall attain all that we ask for which is more than Mr. Hassan Imam can promise us. But I cannot pretend to imagine that we would reach our goal before many a weary march has left us foot-sore, and many a sad disappointment has compelled the tired wayfarers to make a pause and sit despairingly by the wayside sorely tempted to resolve for very lack of resolution to give up the goal of long cherished desire. Mr. Hassan Imam is optimistic and yet not optimistic enough. He is not optimistic enough to expect complete success. In fact one cannot extract much comfort out of the interview he has given for those who have set their heart upon success. His optimism is rather the result of a pair of rosy spectacles through which he sees a world of Prime Ministers, past and present Viceroys, Executive Councilors and particularly Home Members

each doing his best although accomplishing nothing and an underworld of humbler beings pervaded by peace and contentment in which those who have failed to reach the goal of success that deserved so well, are nevertheless been blessed by a compensating Providence with a sense of satisfaction that their failure was not through any fault of Prime Ministers or Viceroy, Home Members and other such exalted functionaries.

#### MR. HASSAN IMAM'S ADVOCACY.

Mr. Hassan Imam had not taken any conspicuous part in the Khilafat movement before the choice of Government fell upon him, and he was requested by it to proceed to England to represent the views of Indian Mussalmans. Many felt dissatisfaction but no responsible Khilafat worker cavilled at his acceptance of the Government's invitation and most of the principal workers sent him off with their blessings. Like the good advocate that he is, he soon familiarised himself with his brief, and no one can deny that in the first interview with the Prime Minister, his advocacy of Indian Muslim views gave promises of great things. His speeches in London soon after were in fulfilment of that promise and were universally appreciated and admired. Those who expected the Prime Minister to damn such advocacy with faint praises were agreeably disappointed in the lavishness of the praise. But I feel certain that I am doing no injustice to Mr.

Hassan Imam in saying that his latest interview has been a sore disappointment even to those who unlike myself and many of our principal co-workers had few expectations from Mr. Hassan Imam. In his first interview with the Prime Minister he repeated the arguments and conclusions of Indian Mussalmans to the Prime Minister, but in the interview he has now accorded in out-of-the-way Monghyr to the Associated Press, he repeats to Indian Mussalmans the arguments and conclusions with which Mr. Lloyd George sought to confound Mr. Hassan Imam and his colleagues in the second interview accorded to them. Take the case of Thrace. After his usual jugglery with regard to the figures of population according to races and religions, Mr. Lloyd George said that, even if it was internationalised, they would need troops there ; and added that England had not sufficient concern in it to keep a division of troops with all the cost and anxiety it involved." France he continued, had not ; Italy had not ; America certainly had not. It is not worth it. We have too many other responsibilities in the world. It is a part of the world where we would infinitely prefer to leave alone if we could. It is not on our best."

#### OLD COMFORT FROM MR. IMAM.

Mr. Hasan Imam offers equally cold comfort when he says : "Thrace is now in the occupation of the Greeks, and they would not clear unless driven out. Great Britain, I do not think, would

undertake another war in the present unsettled condition. France equally, however friendly her intentions to the Turks, has too many of her own worries to permit her to go to Thrace to drive the Greeks out." In the name of all that is not cant passing under the name of sweet reasonableness, what is this if not an echo from 10, Downing Street. It is but a paraphrase of Mr. George's dictum, illustrative of his solicitude for "small nations" "It is not on our beat" And how reminiscent of that other dictum, illustrative of similar solicitude for Eastern and Islamic nations that emanated from Printing House Square. "Persia is not worth the bones of a single British Grenadier." Let us not, however forget that all the meteorological signs indicate that Anatolia is on Mr. George's "beat" when Greece happens to get beaten there. I only ask if it is not true that Mr. Hassan Imam himself had, while in London proved to the hilt that, apart from the question of justice to the predominant portion of the population of Thrace which was Muslim, Constantinople could not exist as a predominantly Muslim city and the seat of Khilafat, if Thrace was to be retained by the Greeks. Will he now be content with singing the praises of Downing Street and Simla if Thrace becomes Greek?

The case of Smyrna of which even more indubitably the rightful owner is the Turk, has been dismissed by him in a single line. "The position

is the same with regard to Smyrna" which is not what even Mr. Lloyd George would have said.

The *Times* which was in too great a hurry to wait for our answer, had tauntingly asked our Delegation and the Indian Mussalmans generally, whether they seriously proposed, that Turkish rule should be reimposed on the Arabs with the help of British bayonets. For our part the only need we could suggest for British bayonets is to cast them into the sea in the hope that, unlike bread cast on the water they would not return even "after many days". But if a drier habitant is required for them it should be sought in the British Isles themselves. All that we asked in the case of the Island of Arabia was that the Allies, preferably led by England, should forthwith evacuate it and leave the Mussalmans to settle their domestic religious question. Really and truly nothing in that Holy Land would become them so well as the leaving of it.

#### CASE OF THRACE AND SMYRNA.

In the case of Thrace and Smyrna their responsibility is even greater than in the case of the Island of Arabia, for the Arabs, even though only after having been goaded on by them, had become belligerents in the war fought on the British side against the Turks and they fought for their own land and not for others. But Greece was not even



a belligerent throughout the war, and it was not Greek territory that had to be freed from the Turkish yoke. It was the Allies themselves that sent Greek troops into Turkish Thrace' and it was the Allies again who sent them into Turkish Smyrna with this difference, however, that this time the responsibility was mainly British. If one examines the cold-blooded enunciation of the latest Georgian doctrine of eviction, he would be shocked at the light-heartedness of these men, the Big Three and the Big Four. The Muslims of Smyrna,—men, women and children were unconcernedly exposed to the brutality and lust of foreigners who had no right or title to their hearths and homes more because one of these Big Three who pose as Peace-Makers in the world's and the Keepers of the world's Conscience had himself begun to take wrongful possession of Smyrna, not only without any pretence of right or title but also without so much as "By your leave" to the other Big Two. But since Greece was their Agent executing their decree, it is their duty to drive it out too, if they are satisfied and Mr. Hassan Imam's own advocacy must have satisfied them—that it is wrongful possession there. What would Mr. Hassan Imam think of a Court of Law that gave judgment in favour of the rightful owner of a house or estate in revision of a previous judgment against him, but thereafter refused to help the party, adjudged owner of that house or state in turning out of it the bailiff it had itself sent to attach it?

## DUTY OF THE ALLIES.

However, I feel confident that all the Supreme Court of the Allies has got to do is to let the owner know that he can resume possession, and to cease thereafter reinforcing the bailiff with its own armed police. The Greek have entirely failed to make any impression on the Turks in Anatolia even with such neutrality as Great Britain observed and if only British Indian spies would desist from exploiting the prestige of other Muslim compatriots in Anatolia, and not persuade Great Britain by the manner of their final exit to seek an entry once more into that difficult and more inclement region, it will not be long before the last Greek hero is ignominiously thrown into the Gulf of Smyrna. A similarly result would be achieved in Thrace in a few weeks when the heroes of Angora carry on the Government at Constantinople also and we must not forget the Albanians who are only awaiting an opportunity to swoop down on the Greeks in Epirus. The difficulty is not with regard to the bailiff Lloyd George that no Mussalman could disregard the last injunction of his glorious ancestor with regard to the Island of Arabia without giving up all title to the name of Muslim here and all hope of his salvation hereafter.

## REAL AIMS OF BRITISH POLICY.

These whom Mr. Hassan Imam has consulted before he set out for England had impressed upon

him the fact that however much England might like to hurt Turkey and Islam by depriving the Turks altruistically through Greeks and Christian, Armenians of Thrace, Smyrna and Armenia and permitting France to come out second best with the damnosa hereditas of Syria, it was Palestine and a footing in Mesopotamia for herself that England chiefly desired. He had been warned that the role of almoner distributing the largesse to humble clients like Greece or of a good comrade sharing the lot with France, was only a cloak for a much less altruistic ambition—the ambition to pose before the world as the final victor in “the last and most triumphant of the crusades” the ambition to retain India and her neighbours in perpetual thralldom and to that end control both banks of the Suez Canal, the Asiatic as well as the African, and particularly, the Asiatic when future control of the African bank appeared doubtful ; and, finally the ambition to tap oil in Mosul ; and to ship it, at the end of a pipe line 700 miles long in the Mediterranean which she now almost exclusively controlled from Malta, at the port of Haifa in order to maintain the largest navy in the world and through it control India and the rest of a mammoth Overseas Empire. And yet it was not at these unholy ambitions that Mr. Hassan Imam aimed his hardest blows in London. If Mr. Lloyd George had had his own way, Mr. Hassan Imam would not have been able to say as much as he did even with regard to Thrace and Smyrna. He

would have been left in the lurch after Mr. Lloyd George had lent "a most sympathetic ear" to long disquisitions in suggesting trivial modifications in the impossible financial clauses of the Sevres Treaty, for the very good reason that it was not England so much as its good neighbour and dear comrade France that was interested therein.

#### SHAREERS OF VICTORY.

It is true that Mr. Hasan Imam enlightened Mr. Lloyd George to some extent with regard to Indian Muslim demands concerning the Arabic speaking part of Turkey, and made fairly effective use of what Amir Feisul had told him regarding his own and the Arab's dislike of the mandates. But it was not sufficient here even to say that "they were not there as suppliants for favour but as persons who had a share in the achievement of victory," "as co-victors with them" who had given their men and their money and were shares to the fullest degree "in the credit that victory brings to the victor." Mr. Hassan Imam could not certainly have spoken for any considerable number of Mussalmans in India, when he said that they had given to the British Nation "their blessings" also. For to my knowledge, no Musalman was so debased as to offer his blessing to an enterprise so accursed from the Muslim point of view as a war waged against the Khilafat and a war waged in Islam's "Holy Land" even though he may have considered it the better party of valour to

contribute to a war loan, to purchase or persuade a few recruits. In the case of the Holy Land of the Jazirat-ul-Arab, to protect which from the pollution of non-Muslim control, Mr. Hasan Imam's great and glorious ancestor had spent his last breath, victory not credit but discredit of the worst character. Nevertheless "Mr. Hassan Imam had an even better *locus standi*" than of co-victor. An Indian Musalman can remain within the Empire only if his religious obligations are respected ; and one cannot imagine a greater obligation imposed by Islam than the maintenance of the Khilafat with requisite power and prestige and the safeguarding of the sanctity of the Jazirat-ul-Arab which includes both Palestine and Mesopotamia. If England chose to exercise the least control over these regions she must know that *ipso facto* she made her choice at the same time of releasing every Musalman from his allegiance to the British Crown.

Mr. Hassan Imam knows as well as I do, what Sir Henry MacMahon promised to the Arabs on behalf of Great Britain when he induced them to fight against their Sovereign and, what is worse, against the Commander of the Faithful and Successor of the Prophet.

#### THE PREMIER'S SOLUTION.

And yet when Mr. Lloyd George now found it convenient to talk of "tribes" who "were in constant trouble" with each other, and of "people who has

not for hundreds of years had control over these States," and "who owe no allegiance to each other," Mr. Hassan Imam could only support his argument by weekly interposing that some of these tribes were "nomadic." Mr. Lloyd George had conveniently enough forgotten that when he promised them an Arab Empire as the price of their fight against the Turks, of freedom, these tribes would be at each other's throat the moment Turkish rule was withdrawn. But now that it is Mr. Lloyd George who has to withdraw not the Turks who had maintained peace and order among these turbulent and nomadic tribes for countries without driving them to the degree of despair to which British rule had driven them in less than as many years. He recollects these habits of theirs. And what is his solution? The disintegration of the Arab Empire of his vision and promises to the Arabs into petty principalities more or less effectively under British control; and if nominally some tribes recognised some Arab chief Mr. Lloyd George thinks he would be the last man in the world to ask him to clear out, meaning no doubt, that he would be the last man that Mr. Lloyd George would "recommend" to the suffrage of the tribes. Such a man as the tribes would "self-determine" to rule over them would want British support which means British cash, and would obtain it as the price of British domination. This is what Mr. Lloyd George said in reply to Mr. Hassan Imam, and, as in the case of Thrace and Smyrna. Mr. Hassan Imam

now echoes the selfsame views and practically repeats the very words of Mr. Lloyd George with regard to Mesopotamia, Palestine and the rest of Arabia. Palestine is sacred to the Jews, Christians and Musalmans alike, reminds Mr. Hassan Imam, just as Mr. Lloyd George had reminded him, as if any Musalman could have been ignorant of it and as if for that reason, if for no other, Palestine must remain in hands who "believe in all Prophets and make no distinction among them."

#### THE JEW—A CAT'S PAW. .

The poor persecuted Jews are now to be made the cat's paw of Christendom when every schoolboy knows that it is not for Jews that Musalmans are being deprived of Jerusalem, but for good Christians like Mr. Lloyd George. And yet not one word of condemnation, not one word of protest escapes Mr. Hassan Imam's lips. If the peace after the war involves a distinct religious question the return of Jerusalem to the Jews even though nominally, in spite of Lord Hardinge's pledges does. All that we can gather is that when all concerned have been sufficiently white-washed by Mr. Hassan Imam's broad paint brush, the only one apparently on whom responsibility could be saddled would be—poor Emir Feisul unless indeed it happened to be the Indian Musalmans, who had trusted in the word of the British. As for Emir Feisul, he is getting what he deserves and even Mr. Hassan Imam does not

spare him when he spares everybody else. But for the Indian Musalmans I have no hesitation in declaring that in the words of Mr. Hassan Imam, if he happened to occupy a position of judicial responsibility, would sentence them to transportation for life or even to death in the name of Law and Order because they preferred death to dishonour and had greater respect for God's Law as given to us by his own ancestor than for the Law of Man.

#### CRITICAL TIMES.

The next few weeks will be weeks big with fate, for Islam, for India and for the British nation, and it is for men like Lord Reading to decide whether the British Empire or rather the British Commonwealth would live as well as Islam. Islam is not going to die out whether the British Empire dies or not, and Indian Mussalman will neither spare themselves nor others when the choice lies between the continuance of Islam or of the British Empire. We will save Islam through non-violence if we can ; and we have every hope that we shall. But if we cannot save it that way, we will save it through such force as God in His Graciousness has granted to us. I am the last person to magnify our strength in war or to minimise our strength in peace. But I certainly hold that while you cannot exaggerate the strength of India in peace, you can and may do under-rate her strength in war.

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## TO MAHATMA GANDHI.

NONE SHALL PREVAIL BUT GOD."

DEAR BAPU.

Naturally I have long been thinking writing to you, but for one reason or another I put it off from day to-day. However, when I read in the papers more than one reference from your pen to my wife's action after my arrest at Waltair and to her subsequent activities, I felt impelled to write to you, if only a line,—a thing so difficult for me as you have publicly admitted! just to tell you how deeply you had touched me. As I have told once perhaps, our was a "love-marriage" from the very first, which is somewhat uncommon in India; but even apart from that every year of our married life made my wife a dearer partner to me than she was before, and the way she took the last few eventful years of internment and incarceration and of the "risks" we have been running since our released at the end of 1919, endeared her to me more than ever. But to tell you the truth she was never half so dear to me as I found her at Waltair when she stepped into the little Railway Police station, and jauntily asking me not to worry about her or the girls, bade me good bye and marched off steadily to the train—all within a minute or two. Well, I have read more than one-reference in your writings to my own self or to "the Brothers"—all too complimentary and I am too "natural!" to deny that every such reference

gave me pleasure and quickened my pulse. More than once I have read a "defence" or an "apology" from your pen when you stood up for us against some critic's onslaught and cheered us up at a time when we were tempted to be not a little irascible. But nothing you have yet written in praise or in defence of us has gladdened my heart so much as your repeated reference to my dear brave wife! Indeed I have been so deeply touched that I am even inclined to forgive you and not be jealous of you for the seductive praise you have showered on her! So there; I only hope this very trying trial will now soon be over and she will be free once more to continue her work and earn more seductive praise from you.

By the way, I wonder if you ever saw my letter to Tairsee in which I gave him some idea of the Magisterial inquiry. You who know how vilely even the *Chronicle* reported my speeches can perhaps understand how risky it is to form one's opinion about affairs and incidents "reported" by "journalists innocent of all knowledge of stenography and so interested in hearing and seeing things when they become unusually lively as to ignore altogether the duty of noting them down for the paper they represent. When I was not in a prison, I had not enough time at my disposal, nor enough patience to go about correcting *every day* the inaccuracies in the reports of my speeches. Now that prison life gives me more leisure and preparation for a con-

vict's life necessitates the cultivation of greater patience, I am not as free as I used to be. I leave such inaccuracies uncorrected. But surely that is no reason for people to place implicit reliance in the printed word. When I read the meagre and inaccurate and wholly misleading reports of the court proceedings of the fourth day, I felt that we would be misjudged by some people at least, and as I was referring in my letter to Tairsee to the awful topsyturvydom of the *Chronicle* which misplaced paragraphs and sentences by the dozen in the report of my statement, I also took the opportunity of mentioning some of the circumstances which led to the "defiance of the Court. But really we were not "out for mischief". For three days the proceedings went on smoothly and the Court could not accuse us of "defiance" any more than the Counsel for the Crown could accuse us of "defence." But the trouble began with Maulana Husain Ahmad Saheb's statement. The Court refused to call a qualified interpreter, and it was this that led Kitchlew to insist on speaking in Urdu when the Magistrate wanted to begin with another of the co-accused for whom the interpreter would not, he said, be needed. On the following day the atmosphere was entirely changed though we do not know what led to the change overnight. It was the Court that was "defiant." Kitchlew's statement which was on the same lines as mine was objected to at every fresh sentence and the Magistrate would not take it down. Then he insisted

on asking the Shankaracharya to get up if he wanted to make a statement, which, the Shankaracharya said, he could not do on religious grounds. It was this which compelled me to expostulate with the Magistrate *without any passion*. I asked him whether he would insist on a religious personage of the Sankaracharya's position in the Hindu hierarchy paying respect to the contentions of a law court even if he thereby had to show disregard of what he considered divine law itself. The Magistrate belonged to a community the origin of which in the history of India dated back to a migration from its own motherland for fear of having to disregard what it considered divine law. He had such a great belief in the respect due to British law court. Had he no belief in God? And all that appears in the papers is the bare interrogatory: "Have you no belief in God?" His reply to my appeal was an order in the worst possible tone to sit down. But while I refused to comply, I *never* said; "Let me see what you can do." I said he could use *force*; but there was no *law* which could compel an accused person to sit down. Poor Shaukat did his best to placate the Magistrate and pleaded with him not to interrupt him while he was making his statement, as it put him while he was making his statement, as it put him off completely. But clearly the Magistrate was determined that nothing like my statement of the previous day should go on record now or be even heard by those co-operators and others who attended his court.

When Maulana Husain Ahmed Saheb began his statement, he neither got it interpreted by the Court interpreter (who had already confessed his incompetence to interpret an exposition of Islamic law) nor made the least effort to understand what he Maulana Saheb was saying. Nothing was taken down. But even this was not enough. His indifference was impudent enough, but he added to that one or two direct insults, such as "It is not necessary to recite the entire Quran here." Maulana Nisar Ahmed Saheb's very brief statement fared no better. And so indifferent was the Magistrate to every requirement of law and procedure that he committed us to the Sessions *without* having received the remainder of my statement which *at his own request* I had promised to give him in writing if he sent me a shorthand typist. But then the whole thing was *meant* to be a farce ; for on the very *second* day when even the Prosecution evidence was not half finished, he passed order on the Public Prosecutor's application for summons being issued for two witnesses to the effect that it served no purpose to lengthen proceedings unnecessarily, and it would suffice if these witnesses were summonsed for the Sessions trial. A forgone conclusion even for the Magistrate ! ! And on the 29th before the inquiry was over, the Judicial Commissioner comes himself to inspect the Hall for the Sessions and discusses the plans with the Public Prosecutor ! ! ! As I said to the Court, they might as well have sent the carpenters

to prepare the scaffold! When any reference was made to Islamic Law, the Magistrate was impatient and used to say, "We have nothing to do with *Fatwas* here." Shaukat was so exasperated that he said to him. "What is the use of your asking me about sucrifles? Ask me what Islamic law lays down for such a set of circumstances." But all in vain, and even Shaukat could stand this no longer and d-d "the whole blessed show"! But would you believe that soon after this inquiry was over and the Magistrate retired for a time, he was a new man once more! In the second case against Shaukat and in the next case against me, he was once more the man he had been on the third day. What brought about this second metamorphosis I cannot say. But you can judge of the "normal" atmosphere of the Court (including the accused) from the fact that on the last day the Public prosecutor came hurrying to me and asked, "Will you mind coming back into the court? One of the witness has put in the wrong exhibit and I should like to recall him". I agreed and said, "Anything you please," and when the C.I.D. reporter had swon again that the exhibit he was then putting in was my speech, I pleasantly told the Magistrate I waived my right of demanding the witness's prosecution for perjury for swearing before that quite another document was my speech; and the Magistrate, so we all knew, was always an automaton (and I told him on the eventful day I was

sorry that a fellow-countryman of mine was being used to do a dirty job), but on the day following my statement he came "wound up." Since then, I understand, even those from whom he expected praise for his loyalty and compliance have expressed their indignation at his spoiling a 'historic state trial,' which was intended to typify "justice" under "the New Dispensation" by his disregard of law and procedure. That is why Ross Alston of Allahabad and an Alim are coming to improve the thing as best they can, and a qualified interpreter is coming from Lahore. But the whole thing was a farce and nothing can improve it. For our part we have no desire to be defiant and are *not* out for mischief. Nevertheless we are not going to be dumb driven cattle, and non-violence does not require that passivity. Violence has much to answer for and many a Musalman will have his eye opened on the day of judgment when the true limits of "violence" are to be defined once more by his own leading case. But non-violence too has a good deal to answer for, and I already see that its apostle is already disillusioning some of its meek votaries who would cover cowardice with that label.

And good bye now. Love to Devidas and the little ones and affectionate salams to Ba.

The cheque must have been sent to the Khilafat fund. Mother and my wife do not need any financial assistance, but we are such awful beggars that we

will swallow everything for our cause. Our affectionate greetings to your own great and dear self.

JAIL, KARACHI,  
18th October, 1921.

Yours ever  
MAHOMED ALI.

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My dear mother,—

At about 4 A.M. on the 10th instant, the Waltair jailor coming up to me asked me to get up and submit myself to his custody, as I was to be taken to some place. The next hour found me in the jail office, whence again, I was brought to the station at about 6. Some of the residents had got scent of my arrest and as I was being taken to the station I saw them lining both sides of the road. I recognized two faces—those of Abdul Kima and Abdul Kayum my erstwhile disciples at Aligarh. I was seated in a first-class compartment in charge of a European Inspector, a Sergeant and an Indian constable, all of them armed. Another compartment was occupied by a Police Inspector who had come to execute the Karachi warrant and the Assistant Traffic Superintendent, Captain Curtis.

Captain Curtis happened to be a Rae Bareilly acquaintance of Shaukat. We were all along engaged in a friendly chat. He is a gentleman every



inch of him. He took leave of us at Kharuah Road and from there to Gomoh I was in charge of a Bihar Superintendent who was an extremely nervous man. At the Kharagpur station, there had assembled a crowd of Railway workmen who were shouting "Allah-o-Akbar," "Bande-Mataram," "Gandhi-ki-jai," "Ali-Bhaion-ki-jai," etc. This so much upset the Superintendent that he ordered the policemen, who were in a third class carriage attached to the special and whose duty it was to mount guard at every station where it stopped, to fix up their bayonets. He had the window shut and the train started in such a hurry that two constables and one head-constable were unfortunately left behind. Their comrades thought that the train was only shunting and it was only after, they found it had covered about two miles that they gave the alarm signal and had it stopped. The Superintendent was wroth over it, as the train had been stopped without his permission. He thought it all the more unsafe, because as he said, there was a railway factory in the vicinity, which employed about thirty thousand Mahomedans. But nothing outward happened. The Mahomedan workmen did not come out of the factory. The three or four who came salaamed me and quietly sat down in front of my carriage. They gave me a hearty send off after the poor constables had come, running, stumbling and gasping for breath. Throughout my journey, special arrangements were

made for my food. The railway restaurants had instructions to see that no lard entered into the preparation of anything meant for me, and that it was cooked only in butter or ghee.

I would get down at some station or other to say my prayer for the period of the day. After we had reached the United Provinces, however, the train would not stop at any big station. Thus it never stopped at Allahabad, Cawnpur, Aligarh, Delhi, or Hyderabad (in Sind). But the news had flashed across the telegraph wires. As our train neared the platform of small station in the U. P. some railway clerk threw a bouquet of flowers into my compartment. Times without number have flowers been showered on both of us as token of the affection in which we are held by our Indian bretheren but this incident has surely left an ineffacable mark on my memory. At a Punjab station a Hindu brother who was a railway employee offered me a cup of milk and would not go until I had accepted it. At places, the hotel khansamas showed excessive kindness to me. At one place when I declined to take rice the khansama ran home and brought chapatis for me from there. All the Police officers including the Sergeant were good souls and I passed some happy days in their company. I had plenty of leisure throughout the journey ; and all along I was repeating those lines of the poet :

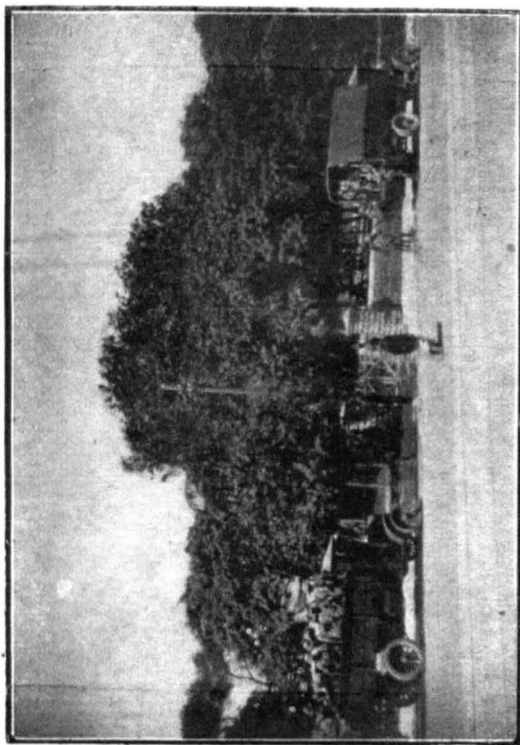
“O wind coming from the eastward, when thou hast reached her and given her my affectionate-

greetings, tell her this that next of God's hers is the name which I repeat every moment of my life."

Your very affectionate son,

MAHOMED ALI.

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Leaders in Prison Van.

Mohila Press, Cal

# KARACHI TRIAL

MOULANA MOHAMED ALI.

Moulana Mohamed Ali, before addressing the Jury turning to the Court said :—

Can I have the jury on this side? I have not seen their faces yet. I want to seduce them like the troops (laughter in Court).

The Court directed the Jurors to change their seats accordingly, and the Judge also changed the position of his seat, turning to the left, directly facing the accused.

Moulana Mohamed Ali then rose amid pin-dorp silence, and addressing the Jury said :

Gentlemen of the Jury.—I just asked the presiding Judge that he might permit me to see your faces because with the exception of one of your number I have not hitherto been able to see your faces. And I also said that I want to seduce the Jury. Of course, there was behind that another intention, not the ultimate object perhaps, but incidental to it, as the Public Prosecutor would say. I wanted you to act as a screen in front of the ladies now behind you, or the Public Prosecutor may add yet another charge of seduction against me (laughter). But after all, I find that as a result of my effort at seduction, I have turned the Judge also towards me to-day (laughter).

Gentlemen, I think I am going to take as much time as I can ; so, it is necessary to tell you beforehand that if I intended to defend myself or my friends and to escape from transportation for life or the gallows or the Jail—I don't know what the Judge has in store for me—it would have been absolutely unpardonable. No ; gentlemen, for that purpose I would not have wanted a single moment of your time or of mine.

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### THE ONLY ISSUE.

I do not want any defence. I have no defence to offer. And there is no need of defence, for it is not we who are on trial. (It is the Government itself that is on trial. It is the Judge himself who is on trial. It is the whole system of public prosecutions, the entire provisions of this law that are on trial. It is not a question of my defence. It is a very clear issue and I thanked the Government in the lower court, because for the first time it came out into the open and gave us chance of having a decision on a very clear cut and pointed issue. That very clear cut and pointed issue is this :—*Is God's law for a British subject to be more important or the King's law—a man's law?* Call him His Majesty or His Imperial Majesty, exalt him as much as you like—show an obedience to him—show him all the loyalty you can—pay him all the respect—

entertain even superstitions about him if you like. But the question is—is this respect, are these superstitions, going to stand even for the slightest moment in the way of loyalty, which every human being owes to God? Gentlemen, I think not for my own sake, nor for the sake of my co-accused ; but I think for you. It is a misfortune that there is not a single Mussalman among you. Three of you are Christians and two are Hindus. But that does not matter at all. I am speaking to human beings.—I am speaking mostly to Indians. I do not know whether all of you are Indians—perhaps one of you is not, though he too may have his domicile in India and may have come to regard India—although an Englishman—as his home,—and may therefore be regarded as an Indian. I am therefore speaking to a majority of you at least who come from a country which is imbued with the spirit of religion and which is traditionally a spiritual country and which has striven through ages for the exaltation of the spirit as against the flesh.

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### TOLERATION—WHAT IT MEANS?

Gentlemen, we hear so much of toleration in these enlightened days, and I do not think that even the Public Prosecutor would contradict me if I say that we all want toleration. The British Government has never tired of saying that it is a tolerant

Government, and that British rule is firmly based on toleration. I do not think that the Government of any civilised country in this twentieth century could ever say that it is against toleration. But what is toleration, after all? It is this, as a well-known man said,—“Sir, I disagree most heartily with every word of what you have said ; but, damn it, I shall fight to the last drop of my blood for your right to say it”. *That is toleration.* That is to say, toleration is required for disagreement, it is required where people are not of the same opinion, where people hold very different views—where they have wide difference. Otherwise, there is no necessity for toleration. But the tolerant man tolerates all this and sacrifices everything for the maintenance of tolerance. Now, you might say, a man might hold very foolish opinions—I am sorry many men do—I think the Public Prosecutor for one holds some very foolish opinions (laughter)—and we have yet got to see what kind of opinion the Judge holds—that would be after I am silenced. But it is not the question whether a man’s judgment is right or wrong. People’s judgment may be foolish. The question is this,—when any person or a body of persons give you a pledge or freedom to hold your own opinions and act up to them, then, I think it is their duty to abide by that pledge.

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## "GOD VERSUS MAN"

Now gentlemen, what the case is against us? We want the whole world to understand it. After all, the result of the decision here will not be confined to the audience in this hall, or to the few scores of thousands of people in Karachi. It was said that the Resolution that was passed here was not meant for that small body of the audience comprising a few Ulemas and a few thousand people, but it was meant for a larger audience. Now, this trial, too is meant for more than the audience here in this hall,—certainly for more than the five of you. It is really meant for the whole world. We want to have our right to get the protection of the law for our religious beliefs and practices recognised. Let the Government be repentant and say that "we have seen the error of our ways."—(turning to Mr. Ross Alston)—these are the words which my friend Mr. Ross Alston wanted me to say as my last words and they shall be my last words, but with regard to the action proper for the Government: (laughter). But will the Government say that? Is it going to abide by that pledge of freedom of Faith? Or would the Government say,—'No, we are powerful, we are strong, we have dreadnoughts, we have aeroplanes, we have all this soldiery, we have machine guns, we have all this paraphernalia of destruction with us, we command tremendous power, we have beaten the most powerful nation in Europe, though of

course with the help of twenty-six Allies (laughter) and India's men, money and their resources but—that's another story (laughter)—we cannot tolerate your religious opinions and acts'. If they say that, we can understand that. Therefore, it is not for the purpose of defending ourselves but it is to make this issue clear—because it is a national issue—any more than that,—it is an issue on which the history of the world to a great extent depends—whether in this civilised century man's word shall be deemed higher than the word of God. The trial is not "Mohamed Ali and six others *versus* the Crown," but "God *versus* man". This case is, therefore, between God and man. That is the trial. The whole question is 'Shall God dominate over man or shall man dominate over God'?

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### SKATING OVER THIN ICE.

Now, gentlemen, you were here, though it was not intended for you—you happened to be here—when we refused to stand up when the Judge asked us to do so. We have always disassociated ourselves from and repudiated the idea of showing any disrespect to the Judge. We are not foolish enough to create any unnecessary unpleasantness or to worry the Judge or irritate him. We have no grudge against him. But the whole question was with regard to respect to a man as against respect to God.

As my brother has said in the lower court, and as I say before you now, we do not recognise the King any longer as our King—we do not owe any loyalty to any man who denies our right to be loyal to God. I have not a word to say against the King—I have not a word against the Royal family. But where the question of God comes in as against the Government, I cannot have any respect for a Government when that Government demands from me that I must not first respect God and His laws. Therefore, the whole question really is, as I have said, between God and man. The Public Prosecutor has very skilfully stated his case and when he came to our religious beliefs and the commandments of God, he was anxious to get over it as quickly as possible. He was skating over thin ice! He brushed all that aside. Now I challenge him—I challenge the Judge to give a decision on the point. It is not at all a question of facts with which you gentlemen of the Jury, have to deal. If the Judge deals with the question of law in his summing up—and sentences us, if the verdict of the Jury goes against us in the case in which you act as Jurors, and if he exercises his right as a Judge to decide both as regards the facts and the law in the cases in which you act merely as assessors, after you give your opinion as assessors—if he sentences us, disregarding our religious obligations, then our course will be clear. It does not matter what punishment we are likely to get and under what section of the Penal Code we

get it as there are any number of Sections.—Sections 120B, 131, 109, 505, 117 and so on. As regards those Sections and the various charges so far as I am concerned, I was greatly confused, and I am trying to compute how many years altogether I shall get (laughter) I have but one life and I do not know if it can cover the many years that I shall get if I am punished according to my deserts (laughter). But that is absolutely immaterial.

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### GOD AND KING.

The whole thing is this—I want a decision from the Court on behalf of this Government that the courts of India cannot give any protection to a man who does the thing that I have done, though it admits that it is precisely the thing that his religion commands—his God demands from him. God is not clamouring from the house top. He is shouting from His eternally high throne—clamouring from there—“Man whom I have created from just a clot of blood, whom I raised to whatever of power and glory you possess—whatever you have and whatever you are—it is I who gave it you and made all this for you—I want you to serve Me and not a creature of Mine”. Whatever respect I may have for the King, I may not bow before him when he asks me not to bow before my God and His commandments.

QUEEN'S PROCLAMATION—PROTECTION  
OF RELIGIOUS FEELINGS.

The Judge had hinted something about the beliefs of some sects. He said—"Suppose a sect of the Hindus demands human sacrifice." I do not know if any religion in India demands human sacrifice. It is not a question of individual belief that is involved in our case. Then the Public Prosecutor had said that we had different sects among ourselves and that we quarrelled among ourselves as to which of these is right and which is wrong. Well, it is not a question of which sect is right. Do we know which religion is right and which religion is wrong? In this it is not a question of our belief alone. It is the question of the belief of every Moslem. But even if it was a case of a particular sect, do you mean to say that the Proclamation of the Queen in 1858 required at that time that each and every one of the 303 millions of people of India must be agreed—all the heavens and the whole earth and all the planets and the men in the moon and all the men in the Mars—every one must be agreed that this was the one true and correct Faith and it was then that the Queen's Proclamation provided protection? No protection would have been required for such a Faith. What is the Penal Code itself for? It is to give you the protection that I see—that I may not hurt your religious feelings. In to-day's "New Times" we find that some men—Khilafat men—

have been prosecuted in Calcutta because they hurt the religious feelings of a Policeman by asking him to resign Government service. (laughter) I have not the least doubt that these men will be condemned. But you see there is a provision of law even for protecting a Policeman's religious feelings. Take another case. A little piece of stone which some men worship and worship with full intensity—with as much intensity as my own when I say my prayers—possibly with greater intensity than mine. You do not approve of it—you heartily disapprove of it—and want to remove it. But can you do it? You cannot. The law gives the man who worships it, its protection, Why does it do so? It is not because the man's religion is good but because of the man's feelings. Because the framers of the law say that it is not good religion that they seek to protect, but it is the man's religious feelings. It is not the objective religion but the subjective feelings of the man that have to be protected. It is that Lord Macaulay and others sought to protect—the religious feelings of a brother man, however foolish and superstitious and wrong they may be. It is this that you have got to protect, and the law provides this protection. But I base my case upon the Queen's Proclamation and the King's Proclamations. So the Judge has got to declare whether these Proclamations have any value in a law court or not. That picture (pointing to the picture of King Edward VII) is there to remind the judge that he has to give us the pro-

tection of the King's law. You will take that law from him because you cannot either take the law from me or from my friend there (pointing to the Public Prosecutor). If you took your law from him you will be in a perilous state.—truly a sad plight (laughter).

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### THE QUORAN AND TRADITIONS.

But in this case, it is not the case of any man's individual opinion or the opinion of a small number of Mussalmans, though you cannot hurt the feelings—the religious feelings—even of these. Here it is not a question of a sect but of a religion. No person who calls himself a Mussalman, can go outside this book (pointing to the Quoran). Look at this translation in English. This book is full of repetitions. Altogether it is only about 500 pages. It is this book which constitutes the chief source of our religious laws. I wish to explain this, so that, there may not be any misunderstanding. You ought to know where my religion is to be found. I do not take it from any individual's beliefs. My religion is all contained in the first instance in this tiny volume. Then come the Traditions of our Prophet. But about this original source (pointing to the Quoran) there is not one single sect of Musalmans that differs about a single syllable. Therefore, you will find that here is a solid bed-rock for our Faith, about which there

is no difference of opinion. In the case of the Prophet's traditions even if one of the companions of the Prophet said that the Prophet said so and so and if that Tradition, handed down from his companions, is against or in contravention of any thing contained in this book, no Moslem will accept that Tradition. We shall not believe anything that is attributed to the Prophet, if it is against the Quoran. But if it explains it (the Quoran) or supplements it (*adjuvandi cause or supplendi cause*) we may accept it. I wish to make no odious comparisons. But what I wish to point out is that the four gospels of the Christian Scriptures, if we have to test their authenticity—(interrupted by the Court).

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### BREEZE IN COURT.

*The Court.*—I cannot allow you to go on in this way. It is not strictly relevant to the case. Are you speaking in your defence or not? What is your point?

*M. M. Ali.*—My point is that even the Prophet's Traditions have been authenticated with the greatest ease ; but their testimony, too cannot over-ride the dictates of the Quoran on which all sects of Islam agree. It has been said that there are sects. Well, I am not going to base my case upon anything which is subject to the differences of sects. I am going to base my case upon the solid bed-rock of the Quoran.



If you will give me the opportunity to make the Jury understand what my friend the Public Prosecutor has so lightly brushed aside altogether—(interrupted).

*The Court.*—I cannot turn this trial into a religious controversy. This is irrelevant. You cannot cite these texts here.

*M. M. Ali.*—They are contained in my statement in the lower Court. They are in the record. I wish to explain their bearing to the Jury. Well, if I am not allowed to explain my case I will stop.

*The Court.*—Why bring out this religious matter which has no concern with me? I do not want to limit you unnecessarily. You must confine yourself to the charges against you.

*M. M. Ali.*—I entirely differ from the Court in this matter. I think I am entitled to explain as to what my religion lays down without any difference of sects and to prove that this is the religion which the law protects. Tell me that the law does not protect my religion and I am satisfied; I will sit down. I do not know how you are going to sum up the case to the Jury. Therefore, before you have summed up and their verdict is delivered I am putting this before the Jury.

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## RELIGION AND CRIMINAL OFFENCE.

*The Court.*—I shall tell the Jury, however that the excuse that you offer is no excuse if you have

done anything which is a criminal offence—that religion is no excuse for a criminal offence.

*M. M. Ali.*—Therefore, it seems to me that the summing up, too, is already done before I have done with addressing the Jury. There have been so many things, too previous in this trial.

*The Court.*—Whether you have committed the offence or not has to be decided according to the law of the land.

*M. M. Ali.*—There is nothing which is required by a man's religion which can be an offence in British India as long as the Proclamation hold. You cannot in this country ask a Hindu to kill a cow. Before enlisting recruits you have to take people's answers down and you bind them by a certain oath. This is the Form (showing the Form) upon which soldiers are enlisted. People take the oath that they will abide by their pledge. Yet not a single Hindu soldier who takes that oath will kill a cow in spite of all the allegiance that he might owe to the King. Therefore if his Officer commands him to kill a cow and the Hindu soldier refuses it, will he be hauled up before this Court? If the Commander orders a Hindu or a Mussalman soldier to use cow or swine greased cartridges—which the Hindu or Mussalman won't touch, and he refuses to do it, could he be brought before any Court of Law? The Queen's Proclamation will give him the protection—no matter what your Penal Code might say. So long as what I do is enjoined by my religion no

Indian Penal Code or other penal law can touch me because the Queen's Proclamation is there. As long as the Queen's successor is the Ruler, as long as the King's picture is here, you, the Judge will have to take your orders from the Queen's Proclamation and the King's ; otherwise I will know that the whole thing was a camouflage and that all this talk about tolerance was sheer cant and hypocrisy. Now, in this Form you will see there is a question (read the Form)—"Are you willing to go wherever ordered by land or sea and allow no caste usage to interfere with your Military duty?" I take it that every soldier at the time of enlisting has got to answer this in the affirmative and to sign this Form that does not allow the Commandant to believe that no religious commandment is therefore, binding on a soldier. Supposing the man is asked to kill a cow by his officer to provide beef for him. The man absolutely refuses that and he quotes his scriptures and *shastras*. No Section of your Penal Code will ever assist the Judge or the Jury to declare that this man would be punished because he is acting according to his religion. Say that he can not be punished, and I sit down. No gentlemen, you have to write on every Section throughout the Penal Code and every other law, the favourite phrase of the lawyers "without prejudice," i.e. "without prejudice" to a man's religion. You say, that there are bad customs like 'Sati', which we cannot allow. Then you should declare the customs which you will

allow and the conditions on which you will be tolerant. Even murder is not murder if the man's religion demands it. And the Queen gave the law's protection by the Proclamation to that religion. You say there are many religions and sects in this country. Well, then, you should have proclaimed that, such and such religions shall receive protection. You should have made it clear that on these conditions alone whosoever wanted to live within this Empire will be allowed to live and regarded as loyal subject. Whoever did not want to live within the orbit of this loyalty, that man would either have walked out of this Empire or would have kicked you out of it.

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### THE EVIDENCE—TRIVIAL THINGS.

My friend, the Public Prosecutor, told you that we are very sincere, that we are people who are straightforward. I am thankful to him for this compliment. But he did this for his own purpose, and I am going to use it for my purpose now. Gentlemen, you will now understand that we are not the people who are going to be easily frightened into telling untruths to escape punishment, if we deserve it on the evidence laid before you. Whatever evidence there is in this case is of trivial character and I will not worry you about these trivial things. I am not going to bother about the evidence regarding

the time. We left the Kanyapathshala or returned to it from the Subjects Committee, this was led to prove our association. Association with whom? Association with my brother? In that case the Public Prosecutor could similarly have given the whole of our past history and with its chronological order should have placed in the evidence before you that my brother was present at my birth, that we live together in the same home, that he took away my pocket-money when we were in school—and when I demanded back my money he beat me black and blue (laughter). This is association (laughter). All this, Gentlemen of the Jury, is trivial evidence. The main case is—Does the Queen's Proclamation give protection to the Muslim religion or not? My whole contention is that if we ask the Muslim soldier to give up serving in the British Army and to refuse to recruit, and ask other people not to be recruited, and we say and prove that it is to be found in the Quoran, then, we are immune. You cannot punish us. Where the Penal Code is not opposed to the Quoran, it stands. When the Penal Code is in antagonism to the Quoran it does not stand. It must go. That is the whole case. If I am wrong in this, let the Judge decide, I will be content. You, gentlemen, must not take what the prosecution says about individual opinion as affecting our case, though even in that case we have got to think of the men's religious feelings. I have given you 17 or 18 out of the 34 Hadises and the six verses from the

Quoran, cited by Moulana Hosain Ahmed Sahib. From these very citations the gentlemen of the Jury and the presiding Judge may understand very clearly what a Muslim must not do. The Public Prosecutor has talked of verses cited without their contexts. It was to avoid this that I have given long extracts from the Koran so that you may be easily able to understand to the context. I say, ask any Muslim of any sect, send for any man—even the court *chaprasi*—and ask him to say if what I say is written in the Quaran or not. He will easily point it out for you if he can read the Quaran, and if he knows Arabic he will explain it to you. There would be no difference of opinion, I challenge the Government, I challenge the prosecution to produce any judicial opinion or Fatwa to show that what we declared is wrong. There might be a difference between the Shias and the Sunnis, there is a difference about the Khilafat questions. The Shias do not believe in the Sultan's Khilafat. There might be some difference about some other matters ; but there is no difference of opinion about this. As regards non-co-operation generally there might be a difference of opinion. There might be men who are against relinquishing honours or service or giving up grants-in-aid to schools. They say, this is a matter of business and not of friendship or co-operation ; you may retain this grant or leave it. But after all, it is a small minority that says so, and many of this minority have sold themselves to Gov-

ernment. But so far as the question of killing another Mussalman is concerned there is no difference of opinion. This is the main point.

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### THE CHARGES.

Now, gentlemen, I want to say something about the charges. It is not for you, gentlemen, nor for me, to object to the misjoinder of charges. If I am to address any one on that point, I shall address the Judges. I think I am within my rights if I refer to this. But so far as you are concerned, I may tell you, gentlemen that any number of sections—109, 117, 120B, 131 & 505 of the Indian Penal Code have been jumbled together for the purpose of creating confusion—though Section 233 of the criminal Procedure Code lays down that these several charges cannot be joined. Section 233 runs thus:—

“For every distinct offence of which any person accused there shall be a separate charge and every such charge shall be tried separately except in the cases mentioned in sections 234, 235, 236, and 239”. Section 234 says when a person is accused of more offence than one of the same kind committed within the space of 12 months from the first to the last of such offences, he may be charged with, and tried at one trial for any number of them not exceeding three.”

*The Court.*—I do not think you should trouble

yourself in reading this to the Jury. There cannot be any re-casting of the charges at this late stage.

*Moulana Mohamed Ali.*—The general rule is that the individuals should be separately tried and the charges should be separately dealt with, because if this is not done it will prejudice the accused and it will prejudice the gentlemen of the Jury. I do not know why they are jumbled together, but it seems to me that all representing the Crown have criminally conspired (laughter) so that so many Sections of the law have been brought in only to confuse everybody, I do not know whether any of you, gentlemen have understood them clearly. I did not quite understand what was the first charge, and what was the second charge—what was to go before you as Jury and what was to go before the Judge and before you as Assessors. It was not quite clear until to-day When I was being brought here from Waltair, one of the Policemen escorting me in the Special train asked me with what offence I had been charged. I did not know, but told him that my warrant had recited. Sections 120, 121, 505 and 117. The Policeman drolly remarked in Urdu which means—"They may apply as many as they like ; for after all they are home-made Sections." (laughter). I wonder if any of you, gentlemen, have played billiards. Well there are three balls in billiard and you score by hitting your ball in such a way that it hits the other two or hits another and then drops into one of the pockets attached to the



table or forces the other balls into these pockets. But sometimes those cursed balls lie on the table in such a manner that you don't know what to do with them to score and this happens infernally frequently to the beginner. Well, the advice that you will in such a case get from the more experienced is to hit hard and trust the rest to luck (laughter) and not unoften score what is called a fluke in your opponent's case and a very difficult stroke, of course in your own way (laughter). Well, gentlemen that's precisely what the Prosecution has done with the charges. It has hit hard and trusts you and the Judge for a score. Out of so many Sections one or two may manage to strike (laughter).

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## TWO MAIN OFFENCES.

The whole thing, so far as I understand, is that there are two main offences with which we are charged. The first offence is an agreement constituting criminal conspiracy and the second is the attempt to commit an offence—(after interruption by the Court) agreement to commit a criminal offence, which makes it a criminal conspiracy, and secondly, to commit an action in pursuance of that conspiracy. These are the first two charges. Then comes the question of my statement, which was likely to seduce the troops from their loyalty. Then of course comes the abetment by the several co-

accused. I am told the only thing that will go before you as Jury will be the attempt in pursuance of that conspiracy. But I will take up the first charge first—as regards an agreement. I am not quite sure whether any of you, gentlemen, know that these Sections, 120A and 120B, were added to the Penal Code not so very long ago, and I happened to be present in the Council meeting in which the Conspiracy Bill was passed. I was sitting in the Press gallery, during the lunch interval when my old friend, Sir William Vincent came into the hall of the Council. I was sitting with a distinguished Journalist who has since become a Moderate leader and a particular friend of Government. Sir William Vincent asked me jovially if we two were conspiring. I said to him—"For conspiring, an agreement is necessary, and as you know only too well I never agree with anybody" (laughter). And gentlemen of the Jury, truly enough, there has been no agreement. No evidence has been laid about agreement, whether here or in the lower court. "It is a matter of presumptions", says the Public prosecutor. And it is really upon 'presumption' that they are going to transport me for life, to take me away from my family, to take me away from my girl, to take me away from my wife and aged mother—to take me away from my country which is still more important to me. And all this on a matter of 'presumption'. Not a single witness came in to say that there was even a discussion about it. I am not quite sure

whether the Judge was filling the gaps in the evidence by asking us questions about this. Anyhow I said in reply that we never discussed the question about the troops. We are told by the prosecution that the accused knew more than the Prosecution. I think that is perfectly true. As a matter of fact, the prosecution knows so very little (laughter) and they pretend to increase their knowledge with the assistance of the invention of the Police (laughter). Yes, the accused knew, what the prosecution does not. But have they not put all their cards on the table before the committing Magistrate?

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#### GENESIS OF THE PROSECUTION.

You, gentlemen, have had a long recitation in this court when the Clerk of the Crown read my statement I made in the lower court. In that statement I showed very clearly the whole genesis of these prosecutions, and I hope you listened to it very carefully. It gives you the whole genesis of this case. Well, I am supposed to be a very frank man.—We are very frank people. *Ex-hypothesi*, you will take it that we are truthful people also. So far as any agreement to tell the Muslim troops in India—even what the law of Islam is,—is concerned, there was none beyond this Resolution before you. But the day a man calls himself a Mussalman he is bound to abide by what is contained in the Quaran. If one

single syllable of it I reject, I am not a Mussalman. I may be the worst sinner—I may be, no matter however so, sinful—I will ~~will~~ be—so long as I do not reject anything out of <sup>it</sup> this book—a Mussalman. But the moment I reject that however pious or otherwise I may be, I am not a Mussalman. And whatever is contained in the Quaran I am required by the same law of the Quaran to go and preach to everybody in the world—even to non-Moslems. Take the case of my revered friend here Maulana Husain Ahmed Sahib. He has been teaching in Medina—he is the disciple of Maulana Mahmud-ul-Hasan Saheb, the late Shaikhul Hind. It was from the Hejaz that he was arrested and taken to Egypt and then to Malta. He was preaching at Medina for ten years. He taught there the Prophet's traditions. Supposing he sits outside his house and he reads the Quoran and he reads those very verses that "Whoever kills a Muslim wilfully will find his reward in Hell. He will abide there for ever. God will be wrath with him. God will curse him. And God had prepared for him a severe torment." Supposing when he was reciting this, a Muslim soldier was passing there. Will you say that Maulana Hussain Ahmed has committed a crime under Section 505, Indian Penal Code? If you will say this then why all this tall talk about toleration? Or, suppose a Muslim sepoy comes to a mosque; would the Maulana be a criminal because he recited this verse in the service while that soldier was there? Take

another case. A sepoy comes to him and says—"Maulana, I want to know what is the law of Islam : I am required to go to Mesopotamia to fight against the Khilafat, is it lawful for me to go there and fight against Mussalmans?" The Maulana says it is unlawful. If he says it is lawful then he becomes a Kafer. If he keeps silent, God will curse him and the whole world will curse him. Therefore he will have to say—"No, it is not lawful". It is his duty as a religious teacher when a man comes in and asks him what is the Islamic law, to explain to him truly the law of Islam. But if he cannot for fear of the Penal Code tell the truth then the curse of God comes in.

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### THE QUARAN'S INJUNCTIONS.

Take another case The Maulana got in a train and finds Moslems going to Mesopotamia to fight against other Musalmans and the Khalifa or against people who are waging Jihad. The Maulana tells them—"It is unlawful ; this is not allowed by Islam. The prophet says Do not become Kafers after me by killing each other". Will you give the Maulana no protection of the law? You may any—Well, it is alright for him to say this in his prayer. And when somebody come and asks him what is the Islamic law, it is right for him to say so as a religious teacher. But it is not his duty to go to thehouse-

top and proclaim it from there, then it would be seduction. Then, it would come under Section 505 and Section 117, or, for the matter of that Section 121A or 121B. I say that even that is intolerance because the Quaran lays down clearly who will receive salvation and who will not (Quotes from the Quaran). I am now quoting that small chapter of the Quaran in which God swears by the world's history. In that God says—"I swear by the worlds history. I swear by all the time that has passed before that all are certainly in perdition but the Faithful who will do good works and tell other people to do the right thing and to have fortitude in cases they are not successful." The four conditions, required for a Moslem to win salvation, are contained in this the shortest chapter of the Quaran. A man's salvation depends upon these ; That he must have faith. Then he must act upon that faith. A Man who believes in Islam, says his prayers, gives alms, fasts in the Ramzan, goes to Mecca and does not hurt any body. Do you think that he will have salvation with only this? No, because the Quaran says—the third step, too, you must take—that you must go and preach those good things to everybody. You must go and propagate these doctrines. You are not born to save only yourself. You are here to save your neighbours as well. Therefore the three things that a Moslem must do are that he must believe, he must act according to his belief, and he must also propagate that belief. If a Muslim says that he

believes that killing another Muslim is *haram* and yet goes and kills him, he may not win salvation. But he is nevertheless a Muslim if he really believes that he is a sinner. Of course if he denies that it is *haram*, he rejects the Quaran and then he is a *Kafir*. but suppose he believes that it is *haram* and does not kill another Muslim, he may not yet win salvation if he sits idly and lets other kill him. But he is not idle and goes and tells other people also that it is *haram* then too he may not win salvation unless he persists in his propaganda even if his efforts fail. If he fails in his propaganda and he suffers because of Section 505 and Sec. 117 and is sent to jail, what is he to do? He must show fortitude. He may be hanged, he may be drawn, he may be quartered. But he must shew fortitude and persevere in his mission. Then only will he win salvation and escape perdition. He must not try to change God's law by one single syllable. He must abide by it and face all the consequence.

Gentlemen, it is not an easy thing to go to Paradise and claim the embraces of the *Houris*. An Urdu poet says "It is to step boldly towards the sacrificial alter of Love". People imagine it is easy to be a Musalman. By clipping one's moustachs and growing a long beard and muttering prayers one does not became a Muslim. He has got to do all these things ; but he has got to do many other things besides, because we are required to do all these things by our religion. It is not enough that I should

not go to war. I have to go and induce other Muslims also not to go to war to fight their brothers, I shall induce him in every possible way, must take the rifle out of his hand but not by force, not by compulsion—but by clearly expounding our religious law. We are saved only when we have saved these people from going to fight and kill other Mussalmans.

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### THE REAL "SEDUCERS"?

Gentlemen, a military gentleman like Colonel Gwyer in this case went to Bombay. His name is Colonel Beach. On the 20th October, so a telegram in the *Pioneer* tells us, this gallant officer who had gone down from the Army Head Quarters, Simla, met the members of my profession—perhaps to seduce them from their duty (laughter)—and editors of local news papers and news agencies in a round table conference; and among many other things this military officer said as follows with reference to the arrest of Ali Brothers, though the matter was still *sub-justice* (and it seems to me that from the Viceroy down to this Military Officer, all at Simla are privileged to do that) (laughter). (Reads from the *Pioneer*). "Referring to the arrest of the Ali Brothers, Colonel Beach, speaking as a soldier, said that it would be worth while asking those who are trying to seduce soldiers to consider for a moment if a soldier



who once turns as deserter would be loyal to any other cause to which he was won over "That was Colonel Beach speaking as he tells you as a soldier. Well done! Colonel Beach (laughter). A most sound doctrine and a remarkably good logic for a soldier (laughter)! But speaking not as a soldier but as a Mussalman, may I ask who is the Seducer? Every child born into this world is first a soldier of God and it is men like Colonel Beach and Colonel Gwyer who are the seducers that seduce him from his first duty and his sole allegiance. May we not equally ask these Beaches and Gwyers if God's soldiers, who once turned deserters, would be loyal to them and to their cause to which they had been won over? A man's first duty is to his God. The Quaran tells us that before man's souls were put into their bodies they were asked by God "Am I not your Lord" and they answered in unison "Aye". Well, hang all the souls, gentlemen. There was all the agreement that you need for a criminal conspiracy under Section 120A and 120B (laughter). No gentlemen, it is your Beaches of the Army Head-Quarters of Simla and your Gwyers of the Western Command that seduce soldiers from their duty. If you have any faith, if you have any belief in God then your first duty, your prior allegiance is to God. Is it not the duty of Christians to obey Christ—is it not the belief of the Hindus—is it not a Hindu's first duty to obey Lord Krishna? Still we talk of allegiance to Kings, still we talk of loyalty! An English-

man—not a Mussalman—but a Christian Mr. H. G. Wells, wrote a book after the war a sort of allegory of the whole British nation—I do not know whether any of you has read it. It is called "Mr. Britling sees it through"—And what does he say? What does Mr. Britling, who is supposed to be the average Englishman, see through the terrible war? He says that religion is the first thing and it is the last thing. A man who does not begin with it and who does not end with it has not lived a true life—has not found the true meaning of life. His only allegiance—his holy duty—is to God. He might have his scraps of honour, he may have his fragments of loyalty but when it comes to the test of loyalty but when it comes to the test of loyalty to God, allegiance to God, all these fragmentary loyalties, all these scraps of honour,—they are like a mere scrap of paper passed through fire that shrivels up and is scattered to the four winds or merely blackens a man's hand as so much dirt. That is what an average Englishman has seen through this war publicly said. And it is after this war that God's law is to be brushed aside for us in India because man's law—Sections 120B & 131 & 505 & 117 are to prevail over God's law. When I have Swaraj I will see to it that I do not let any one seduce my fellow-countrymen from their true loyalty. But so long as I want to reside in British India I claim the protection of the Queen's Proclamation. If I were a Hindu I would have said the same thing. What was Christ supposed to have said—

(interrupted). (The Court rose for the day in the midst of the sentence.)

*Maulana Mahomed Ali.*—Well, gentlemen, the Court stops me at 'Christ'. I shall tell you to-morrow what Christ is supposed to have said.

The Court adjourned for the next day.

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### PROCEEDINGS OF 27TH OCTOBER.

The court sat at 11 A.M. as usual. Maulana Mahomed Ali, resuming his address to the Jury, said :

Gentlemen of the Jury, I was explaining to you that the proclamation of the Queen, made in 1858, confirmed by the late King Edward in the Proclamation made on the Fiftieth anniversary of the Queen's proclamation and also confirmed by a letter addressed to the Princes and the people of India by King George after his accession to the throne gave the protection of the law to His Majesty's subjects in India with regard to their religious beliefs and religious practices, and I was telling you that that was the whole of our case. And that whatever may be an offence according to the Penal Code, or for the matter of that, any other Code, if any person—be he Hindu or Mussalman or Christian—does a thing which his religion requires him to do, then even if that is an offence under the Penal Code or any other law that is enforced in British India, that law cannot stand in his way and he cannot be punished. The law gives

him its protection, as stated in these three Proclamations. But it is not his word that you are to take ; he has got to prove it that his religion requires it. He has got to explain it. As I had told you yesterday, this trial is really a very important trial because, after all, the clear issue involved in it is whether man's law is to override God's law—Whether the Queen's proclamation has any value—whether the after all, the clear issue involved in it is whether the Judge is bound by it—whether the Jury is bound by it or not. It will not be possible for me to explain my case when the Judge has summed up. I do not know how he is going to sum up. But it is at this point that the Judge's summing-up will be of importance. You cannot take the law either from the Public Prosecutor or from me. But you have got to take it from the Judge. But, at the same time, I ask you to understand, gentlemen of the Jury, that if you today deny a Hindu or a Mussalman or a Christian his right to do his duty to God—to do what his Faith enjoins him to do, under pains and penalties—though not of this world but of another, a future world—if you do not allow him to do what his religion demands of him to do, then I say, you yourselves will be a party to the destruction of the religious freedom enjoyed in this country and given by the Queen's Proclamation. It is not a question of a particular faith—it is not a question of the Hindu Faith or the Christian Faith or the Muslim Faith or the Jewish Faith. Every Faith, even that of a sceptic—even that

of an atheist—has to be protected—but the freedom of all these people will be taken away and I ask you—will you be a party to this? I was telling you yesterday what Mr. H. G. Wells has said in his book "God, the Invisible King" and also in another book of his a novel "The Soul of a Bishop". He writes—'a saying has been attributed to the Master Jesus Christ—on whom let there be peace—"Render unto Caesar what is Caesar's and render unto God what is Gods". "And then he asks—who is this Caesar that wants to share this world with God? What is Caesar's that is not at the same time God's? The world is not divided into two parts—one God's and the other Caesar's. There are not the two Kings of Brentfort". God is the sole Ruler. And if the king or any other human creature, be he the head of a republic or the Judge or a member of the jury demands from you anything he must demand for God and through God. If they demand from you anything which is against God, then that demand is not to be satisfied. It is God alone whose demand is to be satisfied. This says Mr. H. G. Wells is coming to be the universal Modern Religion. Whether it is that or not, it is certainly the religion for every Muslim. It is not a question of my individual faith—my own whims and idiosyncracies. I challenge the Government, I challenge the Public Prosecutor to produce any man in this trial, to produce any man, to say any Mussalman who could say that, in spite of what God says, if the Government of the day says,

"you must not do this" although his religion requires it, any Mussalman who could say "well, in that case, I must follow the Government". And a Mussalman who says that, I say openly, is not a Mussalman. And I believe that this is also true of the Hindus, Christians Jews, true in the case of every one who believes in God.

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### LETTER FROM THE BETUL JAIL.

You have got to see to this that every Mussalman who lives in British India, any where that a Moslem dwells he is under the protection of the Queen's proclamation. He is to follow the law of the land but without prejudice to his faith. When we were interned we said the same thing to the Viceroy as we are telling you now. When he wanted to release us from internment, but on certain conditions that we shall do this and not do the other, we said "we hall agree to those conditions, but without prejudice to our faith". Again as long ago as the 9th July 1919 we sent a letter through the superintendent of the Betul Jail, where we were confined, to the Viceroy. Therein we said "but since Government is apparently uninformed about the manner in which our Faith colours and is meant to colour all our notions including those which for the sake of convenience are generally characterised as mundane one thing must be made clear, and it is this: Islam does not permit

the believer to pronounce any adverse judgment against another believer without more convincing proof ; and we could not of course fight against our Moslem brothers without making sure that they were guilty of wanton aggression and did not take up arms in defence of their faith". (This was in relation to the war that was going on between the British and the Afghans in 1919). "Now our position is this. Without better proof of the Ameer's malice or madness we certainly do not want Indian soldiers including the Mussalmans, and particularly with our own encouragement and assistance, to attack Afghanistan and effectively occupy it first and then be a prey to more perplexity and perturbation afterwards—these were Mr. Montague's own words and leave it to us to add one more appeal to the many already made so frantically and so utterly helpless for the evacuation of Moslem territory and for sparing those remnants of the temporal power of Islam".

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#### POSITION MADE CLEAR.

And we said—"This is only a repetition in brief of that which we have stated clearly enough and at considerable length in our representation of the 24th April to Your Excellency and for this we have simple authority in our religion". I pass on "In the presence of the Magistrate and the Police Officer who used to attend the Friday Service at the Mosque

we more than once made that position clear. We said if His Majesty the Ameer desires to enlarge his dominions at the expense of our inoffensive country and seeks to subjugate its population that has never wished him ill then we not only do not advocate assistance being given to him by Indian Mussalmans but we will most zealously advocate and lead the stoutest resistance against such wicked and wanton aggression. This is precisely what in September 1917 we had told the Hon'ble the Raja Saheb of Mahmudabad, who had visited us at Chindwara and had referred to the possibility of foreign aggression ; and he had thereupon wired to Simla to the Hon'ble Mr. Jinnah, apparently for communication to the Government, that he was entirely satisfied about our political attitude. We do not want a change of masters but we do want the speedy establishment of a Government responsible to the united people of India, and we hoped we have made the matter clear beyond the possibility of any doubt or misunderstanding."

"But if on the contrary His Majesty the Ameer has no quarrel with India and her people and if his motive must be attributed as the Secretary of State has publicly said, to the unrest which exists throughout the Mahomedan world, an unrest with which he openly professed to be in cordial sympathy,—that is to say, if impelled by the same religious motive that has forced us to contemplate Hijrat, the alternative of the weak, which is all that is within our restricted



means—His Majesty has been forced to contemplate Jihad, the alternative of those comparatively stronger, which he may have found within his means if he has taken up the challenge of those who believe in force and yet more force, and he intends to try conclusions with those who require Mussalmans to wage war against the Khalifa and those engaged in Jihad—who are in wrongful occupation of the Jaziratul-Arab and the Holy Places—who aim at the weakening of Islam—discriminate against it and deny to us full freedom to advocate its cause—then the clear law of Islam requires that in the first place, in no case whatever should a Mussalman render any one any assistance against him ; and in the next place, if the Jihad approaches any region every Mussalman in that region must join the Mujahidin and assist them to the best of his or her power”.

“Such is the clear and undisputed law of Islam ; and we had explained this to the Committee investigating our case when it had put to us a question about the religious duty of a Moslem subject of a non-Moslem Power, when Jihad had been declared against it long before there was any notion of trouble on the Frontier and when the late Ameer was still alive.

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### A MUSSALMAN'S FAITH—WHAT IT IS.

One thing more has to be made more clear as we have since discovered that the doctrine to which

we shall now advert is not so generally known in non-Moslem and particularly in official circles as it ought to be. A Mussalman's faith does not consist merely in believing in a set of doctrines and living up to that belief himself he must also exhort himself to the fullest extent of his power, of course, without resort to any compulsion, to the end that others also confirm to the prescribed beliefs and practices. This is spoken of in the Holy Koran as *Amr Bjl maroof Nahi Anilmunkar* and certain distinct chapters of the Holy Prophets Traditions relate to this essential doctrine of Islam. A Mussalman cannot say I am not my brother's keeper, for, in a sense he is and his own salvation cannot be assured to him unless he exhorts others also to do good and exhorts them against doing evil. If, therefore, any Mussalman is being compelled to wage war against the Mujahid of Islam, he must not only be a conscientious objector himself, but must, if he values his own salvation, persuade his brothers also, at whatever risk to himself, to take similar objection. Then and not until then, can he hope for salvation. This is our belief as well as the belief of every other Mussalmans, and in our humble way we seek to live up to it and if we are denied freedom to inculcate this doctrine we must conclude that the land where this freedom does not exist is not safe for Islam".

Now, this was the first charge we had brought against the Government. "During the War Mussalmans have been required in defiance of their religious

*obligations* (mark the word gentlemen) "to assist Government in waging war against the Khalifa and those engaged in Jihad "and what do you think the Viceroy did? He did not hang us under Section 121, waging war against the King. He did not transport us for life under Section 131. He simply got us out of internment and arranged that I should go to England and explain the same Islamic Law there to the Prime Minister and to other members of the Cabinet. But for the same we are now being tried for criminal conspiracy. What is the Special offence in our case? What becomes of the case against the thousands and hundreds of thousands millions of people—who are saying the same thing to-day. Why are not they with us? I have complained about the misjoinder of charges because too many accused are tried for too many offences. But you have not room enough in this Hall, nay, in any hall to try each and every one of those together who say that it is his belief too—that it is his *Dharma* also. As I have said so often it is not a question of my own individual belief—I who lived with Englishmen, who went to England to be educated at Oxford—I who was most friendly with the English people—even I have got to say it because it is a religious duty—even I have got to say that no Mussalman should serve in the British Army where he is forced to kill his own brethren for the advancement of unrighteousness. I said it then, and I say it now, that it is religiously unlawful. I said it then, I say it now, and I shall say it all the time. It

does not matter if I am hanged for it, and I hope when I am dead and gone my carcase will shout from the grave that it is the Faith of the Moslems.

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### THE JUDGE RULES AGAINST THE KING.

The Court here interrupted the Maulana saying something to the effect that he would not allow discourse on religious matters there.

*Maulana Mahomed Ali.*—Will you not permit me to refer to the law of Quaran? My Quaran says this is the law. May I have it from you authoritatively that the law for a Muslim is not his Quaran.

*The Court.*—The law of the Quaran is not the law of the country.

*Maulana Mahomed Ali.*—I plead justification for what I did. I am simply stating that my Quaran enjoins on me to do what I have done.

*The Court.*—That is not the law of the land.

*Maulana Mahomed Ali.*—What I am concerned with is this that my law is to be the first law binding on me and I say that these three Proclamations give me protection.

*The Court.*—I rule that against you.

*Maulana Mahomed Ali.*—I am very glad that you rule that against me. Not only has the Judge ruled against the King, but recently in the Legislative Assembly a Moslem Member proposed a Resolution recommending to the Government that no servant of

the Government and particularly no Mahomedan soldier should be asked to go against the law of his religion, and what did the Viceroy do? He disallowed the Résolution.

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### THE FIRST CHARGE.

However, I now come to the first charge against us on which you have to sit here merely as Assessors. But in any case I can address you, gentlemen, though I have now to address you as assessors. You have been told and have seen for yourselves that not a single witness was put into the box to prove that there was at any time any agreement. My friend here asked you to take that on presumption. What presumption? Are you going to hang us merely for this presumption for which there is not the slightest piece of evidence—absolutely none?

No man—not a single witness—has said that he ever saw us, heard us or suspected us to be conspiring, agreeing to commit any offence. I was in England in the month of February, 1920, and probably on the very day I was interviewing the Officiating Secretary of State when a Conference was held in Calcutta, at which certain resolutions were passed. That was evidence against me! But I do not mind that. The Public Prosecutor, no doubt, read out Section 10 of the Evidence Act to you. That section tells you, he said, that it is admissible as evidence against me.

But my very amiable friend there (pointing to the P. P.) wants you to do something more. He is a very clever gentleman. But I knew what he was aiming at. He said, it was evidence admissible against me, but he meant not only that, but that you ought to accept every thing as gospel truth. He asks you to simply believe every bit of evidence as true and, what is more, presume everything else required to prove the criminal conspiracy. Presumption has to do duty for proof and any evidence is sufficient to transport us for life. Gentlemen, I may tell you, that I know nothing about the conspiracy. When my brother went to Assam I did not know, I did not know of it until the Public Prosecutor got up and said that he would bring in a witness to prove this. It was for the first time I learned that my brother had gone there. The rascal! He goes there without my knowledge and I am to be transported for life! That is the worst of being a younger brother (laughter). But even that is no proof of agreement to commit a criminal offence. You cannot presume that. It must be proved and proved without the shadow of doubt. As for the Karachi Conference, my brother could have got off on the score of not having spoken. But the Public Prosecutor can fill that gap too. In Australia, there was a farmer who had a son—and I am afraid—not a very cleaver son. People heartlessly even called him a fool and wherever his father took him, through his folly, the father got into a sort of disgrace. Once the father was invited to a feast

and the son wanted to go too. But the father refused. He was afraid that his son would speak and would be found to be a fool and he would be once more disgraced. The son then promised that he would not utter a single syllable. And so his father at last consented to take the fool to the feast. The son went there and sat in a snug corner. Several persons put him several questions but the son did not, as he had promised his father, utter a single syllable in reply. So, when a man was putting him another question one of the guests said 'what is the use of asking this man any question. Can't you see that he is a fool?' Thereupon the farmer's son immediately shouted out at the top of his voice addressing his father who was at the other end of the table,— "Father, father, they have found it out. But I did not speak" (laughter). So the Public Prosecutor too has found it out that my brother was a conspirator at the Karachi Conference though he did not speak (laughter).

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#### NO AGREEMENT NECESSARY.

The Public Prosecutor has said that we are earnest people. By the same token, gentlemen, we are truthful people. And although I am not a witness deposing on oath, I say it solemnly—and you and the Judge have to take my words for it—that there was never at any time any discussion among

ourselves about the declaration of Islamic Law regarding the Moslem troops serving in the British Army. The Judge put me this question and I said that there was no discussion at any time. Why should there be a discussion about it at all? Supposing to-morrow we hold a conference of the Muslims assembled together in Karachi, and declare that there is no G<sup>o</sup>d but one God and Mohamed is his Prophet. Do you think it will be necessary for us to sit together and come to an agreement? The moment that I say I am a Mussalman there is that agreement. But there cannot be any time limit to it. It cannot be only between February 1920 and September 1921; of course, you know the addition to the period of the charge was the particular gift of my little friend there (pointing to Mr. Ross Alston). There was no mention of 1920 before the Committing Magistrate. This is slight alteration that my slight friend has made to the charge which means twelve months more added to the period of the charge of conspiracy against us. So, believe me, there was no agreement except the agreement that we are Mussalmans. Every Mussalman the moment he says that he is Muslim and accepts the example and the precepts of our Prophet Hazrat Mahomed—God's peace and benedictions be upon him—that very moment he agrees to this also that it is unlawful to enlist or remain in an army which must wage war against and kill Mussalmans without just cause. And as to the Resolution passed at the Conference of the



Jamiat-ul-ulema—it was nothing new that they resolved and declared. What discussion or agreement was required for the Ulema to declare the well-known Law of Islam against the killing of Mussalmans or to sign a *Fatwa* or judicial pronouncement? Similarly what discussion or agreement did the two Mussalmans who are our co-accused need before speaking on the Resolution here? They were asked to declare the Shariat and they did it. What related to the army was not a Resolution but a *declaration of law*.

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## HOSTILE ACTION AGAINST ANGORA GOVERNMENT.

But there was a Resolution too, a solemn resolve and determination that if the British Government directly or indirectly, secretly or openly takes any hostile action against the Government of Angora the Mussalmans of India would be obliged to take to Civil Disobedience in concert with the Congress and to make a declaration at the forthcoming Congress at Ahmedabad in December of Indian Independence and of the establishment of a Republic. **Gentlemen,** we had provided not only for open hostile action against Angora on the part of the British but also for secret action—not only for direct British action but also for indirect action through the Greeks. Yes,

we know only too well the English diplomacy. At Oxford they define Association and Rugby Football in this manner. "Soccar" is a game in which you kick the man, if you can't kick the ball. In "Rugger" you kick the ball if you can't kick the man (laughter). In England they want to keep down every other Nation and particularly the Turks. But the rule like "Rugger" is that they will fight themselves only if they can't get another to fight their battle (Renewed laughter). Gentlemen, who said that in the event of a re-opening of hostilities against the Angora Government it will be our duty in concert with the Indian National Congress—in concert with our fellow countrymen—to start Civil Disobedience, and that if this sort of thing goes on it will be our duty—a duty of tremendous responsibility, we did not consider it to be a light matter, it was a heavy responsibility that we determined to take the responsibility of declaring Absolute Freedom and Independence of India—to establish an Independent Republic of India. This was not said in a light vein, as a jest or mere bluff. This was a very serious matter, indeed. We know what we were about. Every mother's son of us may be hanged for it. We could have been shot down instead of being brought down to this Hall and having this farce of a trial—the Judge and the Jury and all this paraphernalia. Instead of this lengthy circuitous route, there could be a short cut —no prosecution, no Judge, no Jury but only a firing party at dawn, led by Col Gwyer or Col.

Beach and a chatter of rifles, and there would be an end of the matter. However, we did declare this ; and in consideration of that grave matter, we determined that, in concert with our fellow countryman we would do either of these two things or both. The prosecution however, is not for that. It is for the earlier portion of the Resolution, which is cited in the order of Government sanctioning the prosecution. But the previous portion of the Resolution is not stated in its entirety. That Resolution says, "This meeting further plainly declares that according to the Islamic Shariat it is strictly forbidden to serve or enlist in the British Army or to raise recruits". Therefore the charge is that we declared the law of Islam, and the mere declaration of the law of Muslims, if it is an offence, then gentlemen say so. In that case if you declare the laws of Christianity, that too, is an offence. The Hindus following their own religious injunctions declare the Hindu law—that is also an offence. Therefore a number of men who demand from an Indian soldier that he must not kill a cow will be guilty of agreement to commit a criminal offence—that is to say, they will be guilty of criminal conspiracy. Now I say if this declaration is an agreement, if to declare the laws of Islam is an offence and we are guilty, then say so gentlemen. But this is a matter which the Judge has got to decide only, you will have to give your opinion as Assessors, and it would rest with him whether he takes your advice or not. There is an Arabic proverb which

says, "Always consult your wife but do what you think best" (laughter). I think that is the law in regard to assessors also (laughter)—always consult your wife i.e. the assessors but do what you (the Judge) think best (laughter). Gentlemen bigamy for an Englishman or a Christian is a crime and even a Mussalman can have only four wives. But the Judge has in this case five wives that are to be consulted (laughter). But the Judge will do what he thinks best. I will still appeal to the Judge because he too has a soul to be saved like ours. I make no appeal to him for my own sake. I do no appeal even to the Jury for myself. I appeal to them for their own sakes and have said to them, whatever I had got to say in the matter. You will only decide upon the facts before you and let no man say that any outside influence was brought to bear upon your decision.

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### CHARGE OF ATTEMPTING TO SEDUCE.

Now, I come to the charge which is before you as jury. You are the sole Judge here. You are "Monarchs of all you survey" here. I would not like you to disagree in your finding. I hope you will agree whether your verdict be for us or whether you come to a finding against us. But let here be an agreement. Let it not be said that the Hindu Jurors came to this finding and the Christian Jurors came to that ; let it not be said that the gentlemen working