Bhagat Singh
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June 1931

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On December 23, 1930, when the Government of Punjab was coming out of the University Hall, Lahore, after delivering his convocation address, Hari Kishan fired at him. One man died and the Governor was slightly injured. During the trial Hari Kishan's defence counsel took the line that Hari Kishan had no intention to kill the Governor and that he only wanted to give a warning. Bhagat Singh was opposed to this line of defence. He wrote to one of his friends outside about how revolutionary cases should be conducted. This letter was published in the people in June 1931.



# Regarding Line of Defence In Hari Kishan's Case

Bhagat Singh

June 1931

I AM VERY SORRY TO NOTE THAT MY LAST LETTER in this connection did not reach its destination at the proper time and therefore could be of no use, or failed to serve the purpose or which it was written. Hence, I write this letter to let you know my views on the question of defence in the political cases in general and the revolutionary cases in particular. Apart from certain points already discussed in that letter, it shall serve another purpose too, i.e. it shall be a documentary proof that I am not becoming wise after the event.

Anyhow, I wrote in that letter that the plea that the lawyer was suggestion to offer defence, should not be adopted. But it has been done in spite of your, and mine, opposition. Nevertheless, we can now discuss the matter in a better light and can formulate definite Ideas about the future policy regarding defence.

You know that I have never been in favour of defending all the political accused. But this does not imply that the beauty of the real struggle should be altogether spoiled. (Please note that the term beauty is not used in the abstract sense but it means the motive

that actuated a particular action). When I say that all the politicals should always defend themselves, I say it with certain reservations. It can be cleared by just one explanation. A man does an act with a certain end in view. After his arrest the political significance of the action should not be diminished. The perpetrator should not become more important than the action itself. Let us further elucidate it with the help of the illustration. Mr. Hari Kishan came to shoot the Governor. I don't want only to discuss the ethical side of the action. I want only to discuss the political side of the case. The man was arrested. Unfortunately, some police official had died in the action. Now comes the question of the defence; well, when fortunately the Governor had escaped there could be a very beautiful statement in his case, i.e., the statement of actual facts as was made in the lower court. And it would have served the legal purpose too. The wisdom and ability of the lawyer depended on his interpretation of the cause of the Sub-Inspector's death. What did he gain by saying that he did not intend to kill the Governor and only wanted to warn him, and all that sort of thing? Can any sensible man imagine even for a moment the possibility of such a design? Had it any legal value? Absolutely none. Then, what was the use of spoiling the beauty of not only the particular action but also the general movement? Warning and futile protests cannot go on forever. The warning has once been given long ago. The revolutionary struggle had begun in right earnest so far as the strength of the revolutionary party allowed. Viceroy's train action was neither a test nor a warning. Similarly, Mr. Hari Kishan's action was part of the struggle itself, not a warning. After the failure of the action, the accused can take it in purely sportman-like spirit. The purpose having been served he ought to have rejoiced in the lucky escape of the Governor. There is no use of killing any one individual. These actions have their political significance in as much as they serve to create a mentality and an atmosphere which shall be very necessary to the final struggle. That is all. Individual actions are to win the

moral support of the people. We sometimes designate them as the 'propaganda through deed'.

Now, the people should be defended but subject to the above consideration. This is after all a common principle that all the contending parties always try to gain more and to lose less. No general can ever adopt a policy in which he may have to make a greater sacrifice than the gain expected. Nobody would be more anxious to save the precious life of Mr. Hari Kishan than myself. But I want to let you know that the thing which makes his life precious should by no means be ignored. To save the lives at any cost , is not our policy. It may be the policy of the easy-chair politicians, but it is not ours.

Much of the defence policy depends upon the mentality of the accused himself. But if the accused himself is not only afraid of shrinking but is as enthusiastic as ever, than his work for which he risked his life should be considered first, his personal question afterwards. Again, there may be some sort of confusion. There may be cases where the action is of no general importance in spite of its tremendous local value. There the accused should not be sentimental as to admit the responsibility. The famous trial of Nirmal Kant Rai would be the best illustration.

But in cases like the where it is of such political importance, the personal aspect should not be attached greater value than the political one. If you want to know my frank opinion about his case, let me tell you frankly that it is nothing short of the political murder of an incident of historic importance at the altar o professional (legel) vanity.

Here I may point out one thing more, that the people responsible for this strangulation of the case, having realised their blunder and having become wise after the event in not daring to shoulder their responsibility, are trying to belittle the beauty of the marvellous character of our young comrade. I have heard them saying that Mr. Hari Kishan shirked to face it boldly.

This is a most shame-faced lie. He is the most courageous led I have ever come across. People should have mercy upon us. Better ignored than demoralised and degraded but well looked after.

Lawyers should not be so unscrupulous as to exploit the lives and even deaths of young people who come to sacrifice themselves for so noble a cause as the emancipation of the suffering humanity. I am really ...* Otherwise, why should a lawyer demand such an incredible fee as has been paid in the above case?

In the sedition cases, I may tell you the limit to which we can allow the defence. Last year when one comrade was prosecuted for having delivered a socialistic speech and when he pleaded not guilty to that charge, we were simply astounded. In such cases we should demand the right of free speech. But where such things are attributed to one a he has not said and are contrary to the interests of the movement, deny. Thought in the present movement the Congress has suffered for having allowed its members to go to jail without defending themselves, in my opinion that was a mistake.

Anyhow, I think if you read this letter along with my previous one, you will come to know very clearly my ideas about the defence in political cases. In Mr. Hari Kishan's case, in my opinion, his appeal should be filed in the High Court without fail and every effort should be made to save him.

I hope both these letters indicate everything I want to say on this subject.