

HISTORICAL TRIALS OF I.N.A. IN RED FORT

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ABSTRACT: The second phase of Azad Hind Fauj started on 2 July, 1943 when Subhas Chandra Bose reached Singapore. Earlier, Subhas Bose resigned from Congress membership due to differences with Gandhiji. In 1940, he formed a new party called Forward Bloc. When Bose was kept under house arrest in 1941, he escaped from India, by rescuing from the British Government. After his escape from India, he met with Russian leaders and sought help against British. When the Soviet Union also joined the war on behalf of the Allies in June 1941, Subhas Chandra Bose moved to Germany. Thereafter, in February 1943, they reached Japan. He called on Japan to start an armed struggle against Britain. In July 1943, Subhas Chandra Bose reached Singapore where Rash Behari Bose and others helped him. The Indians living in Southeast Asia and the Indian Prisoners of War (PoW) of Burma, Malaya and Singapore provided them significant assistance. In October 1943, Bose formed the Provisional Government of India in Singapore. The Axis nations recognized this government. The soldiers were given intensive training and funds were collected for the Indian National Army (I.N.A.). Civilians were also recruited in the Indian National Army. A team of women soldiers was also formed and named as Rani Jhansi Regiment. In July 1944, Subhas Chandra started the last war of independence of India. The I.N.A. had made a significant contribution to the very important phase of the ongoing struggle for India's independence. The I.N.A. fought a direct battle with the British. After defeating the British, this army entered India through the North Eastern Frontier. This was the first victory of the Indians in a direct fight with British. The victory gave the Indians hope of success in the freedom struggle against the British. Of course, I.N.A. faced many hardships but it had achieved everlasting glory under the leadership of Subhas Chandra Bose. After the Japanese surrendered in the Second World War, when the soldiers of I.N.A. were brought to India as PoW and tried to punish them harshly, a strong mass movement started in India in their defence.

Index Terms:- I.N.A., Subhas Chandra Bose, PoW, Red Fort.

The Second World War ended in mid-August 1945 with the victory if the Allies. At the end of the war, the officers and soldiers of I.N.A. present in Southeast Asia were taken captive to India. The soldiers of I.N.A. in Burma, Thailand, Malaya and Singapore, who were captured by the British, were brought back to India and imprisoned in the Red Fort. The withdrawal of the soldiers of the I.N.A. began in May 1945 and continued till the first decade of 1946. About 10,000 were expatriated from Burma and 7,000 were brought from Malaya and Bangkok.¹ Civil Indians, who joined the I.N.A. in Burma, Malaya, Singapore and Thailand, hid and escaped from capture. Therefore only the ex-soldiers of the Indian Army were brought back. The arrival of soldiers of I.N.A. in India brought India's independence closer.

The trail process was initiated at the historic Red Fort in Delhi. In addition to interrogating the returning troops to obtain enemy information, it was necessary to assess how safe it was to return a man to his battalion or regiment. The great majority, whose spirit was thought not to have been completely broken, were sent to rehabilitation centres before being returned to the Army. At the same, soldiers who were country lovers were kept captive.² Every officer and soldier of the I.N.A., whether he was a fugitive or he surrendered or was captured during the fighting, was thoroughly investigated by the British government.

The objective of the Azad Hind Fauj was to march to the Red Fort and hoisted the tricolor on it. But on the contrary, they arrived in the Red Fort as prisoners of war. The I.N.A. no doubt failed to win the war of freedom on the battle-field;

1. Naranjan Singh Gill, *Story of I.N.A.*, Publication Division, New Delhi, 1985, p. 71.

2. Hugh Toye, *Subhash Chandra Bose: The Springing Tiger*, Jaico Publishing House, Bombay, 2010, pp. 246-247

but in its thunderous disintegration after reaching India, the I.N.A. positively hastened the end of British rule in his country.³

The British, in India as well as in England, had opposing feelings towards the I.N.A. The British and Indian Army officers were entitled to strict punishment for the war prisoners of the I.N.A. They considered the soldiers and officers of I.N.A. as traitors. They were of the view that the case of I.N.A. was a matter of discipline of the army and it was a great crime by the Indian soldiers to abandon the loyalty of the British crown and take part in the war against it.⁴ The idea of the Secretary of State for India was that all war prisoners should be prosecuted, despite that some should be prosecuted. The soldiers of the British Army were also entitled to take strict action against the soldiers of I.N.A.

The Congress was strongly against the prosecution of I.N.A. prisoners. The Congress said that the aim of I.N.A. was the same as the Congress and the movement of I.N.A. was only to achieve the objective. On August 20, Pandit Jawaharlal Nehru said while addressing the public meeting, "Now a very large number of officers and soldiers of the I.N.A. are prisoners. And some of them have been executed. At any time, it would have been wrong to treat them too harshly, but at this time, when it is being said that big changes are impending in India, it would be very grave mistake leading to far-reaching consequences, if they were treated as ordinary rebels. The punishment for the whole of India, and a deep wound will remain in millions of hearts.⁵ Jawaharlal Nehru warned the government that if these soldiers were punished in a spirit of revenge, it would spread a sense of fear of dissatisfaction among Indians and shaken the Indian Army.

A remarkable change was seen in Nehru's attitude, as it was the same Nehru who had once opposed Netaji and said in 1942 that if Netaji would launch any sort of armed campaign to liberate India, he would not support him at all. Meanwhile, news of Netaji's death in a plane crash came. With this, public sympathy for the I.N.A. increased. It was but natural for the British government to be concerned in such a situation.

The Government of India had to bow down to strong public opinion. On 27th August 1945, the Government of India issued a communiqué in which it declared that "the crime of teaming up with the enemy and fighting against his former comrades is the most serious that a soldier can do. For this, there is death penalty in all countries.... The Government of India feel, however, that allowance must be made for the circumstances, in which the rank and file found themselves placed after their capture... They will be treated with elemency.... But there remains a number who are alleged to have killed their former comrades or to have been responsible for have consciously embraced the Japanese or German cause... These men will be tried by court martial."⁶

It soon became known that the three commanders, who had led the I.N.A. campaign near Mount Popa in 1945, were to be tried by a court martial in November.⁷ It was decided to prosecute Capt. Shah Nawaz Khan, Capt. P. K. Sahgal and Lt. Gurbakhsh Singh Dhillon at Red Fort Delhi. On 5th November 1945, the first and main trial was conducted by the military court at Red Fort. The attention of the public should not be attracted to it, so in the beginning it was recommended that the lawsuit should be organized at a separate place. But the British thought that the purpose of prosecuting the case in a public manner was to tell the people of India about the atrocities committed by the soldiers of I.N.A. on the other soldiers and people. This will make the people of India fee guilty of I.N.A. soldiers.

The trial commenced on 5th November 1945 and ended on 31 December 1945. The Congress Working Committee had appointed a Committee for the defence of I.N.A. officers. The committee included senior advocate Sir Tej Bahadur Sapru, Shri Bhulabhai Desai, Dr. Kailash Nath Katju, R. B. Badri Das, Jawaharlal Nehru, Mr. Asif Ali, Raghunandan Saran, Kanwar Sir Dalip Singh, Bakshi Sir Tek Chand, Shiv Kumar Shastri and others. Mr. Bhulabhai Desai was chosen to conduct the defence.⁸ The trial proceedings were conducted in a military court on the second floor of the dormitory inside the Red Fort. It was chaired by Chief General Blaxland. The Advocate general of India, Sir N. P. Engineer, was the prosecution lawyer.

3. S. A. Ayer, *Story of I.N.A.*, National Book Trust, New Delhi, 1997, p. 82.

4. K. K. Ghosh, *Indian National Army*, Meerut, 1969, p. 199.

5. Naranjan Singh Gill, *Story of I.N.A.*, *op.cit.*, p. 72.

6. Kesar Singh Giani, *Indian Independence Movement in East Asia*, Singh Brothers, Lahore, 1947, p. 162.

7. Hugh Toye, *Subhash Chandra Bose: The Springing Tiger*, *op.cit.*, p. 251.

8. *Ibid.*

The proceedings of the Red Fort attracted public attention, diverting it from all sides. The whole nation felt its manhood vindicated by the fact that a liberation army organized, whose soldiers and officers were all Indians and had given battle to the alien ruler on many fronts on the Burma-India border and had come within an ace of driving the British out of Assam and Bengal, and possibly out of India.⁹ Immediately the public came to know of the true facts about I.N.A. there was a countrywide agitation for their release. The people across the country were supporting the soldiers of I.N.A. There was also a wave of sympathy towards him within the Army and Navy.

The case of the Prosecution was that these three officers were in the Indian army that while prisoners of war they joined the I.N.A. and as its officers waged war against the King by invading India and that they ordered the execution of five sepoys. The Prosecution produced 31 witnesses and several documents to prove their case.¹⁰ Lt. Gurbaksh Singh Dhillon was charged with the murder of four people; Captain P.K. Sahgal was charged with abetment of murder of the same four; and Captain Shah Nawaz Khan was charged with treason/waging war against the King.¹¹

The defence was out to justify the action of the accused under the international law, and under the Indian National Army Act. The I.N.A. fought under the leadership of a duly constituted government and was controlled by its own code under the Indian National Army Act.¹² The Chief advocate for Defence, Mr. Desai, stated in his cross-examination that the prime objective of the Azad Hind government and I.N.A. was to independent India for Indians. They were working as an associate of Japan and were not subject to Japanese Government in any way.

The statements made by the three officers in the court had shaken the spirit of the whole country. Shah Nawaz said that he was motivated only by the patriotic intentions to join the I.N.A. He had fought a direct and honourable battle on the battlefield. He further stated that he did not refuse to take part in the fighting, but did so as a member of the regular forces of the Provisional Government of Free India. He decided to be loyal to his country and pledged his respect for Netaji that he would sacrifice himself for the sake of his country.

In his statement, Captain Sahgal denied being guilty for any crime with which he was charged and further claimed that he was entitled to all the privileged of a prisoner of war. In the brief statement Lt. Dhillon reminded that these words are engraved in the Chetwode Hall of the Military Academy at Dehra Dun; 'The honour, safety and welfare of your country comes first.' He further said that he felt that if a strong and willing national army could be raised at the juncture, it would not only liberate India from foreign rule, but could also resist the Japanese in case they should try to go back upon their word.¹³

The inspiring statements of these three officers sparked a wave of excitement in the millions of Indians across the country who daily followed the proceedings of the military court. In the face of these statements, public prosecution and then defence testimony had little importance in the public eyes. Public had less interest in them.

The defence presented its witnesses from 8 December to 13 December. The prime witnesses were Mr. s.A. Ayer the Propaganda Minister of the Azad Hind Government, Lt. Col. Logananda, The Chief Commissioner of Andaman Islands, appointed by the Azad Hind Government and some Japanese officials. They all stated that the Provisional Government of Azad Hind was an organized government which was recognized by nine foreign countries. The Japanese witnesses made it clear that the freedom of India was one of the war aims of the Japanese.¹⁴ S.A. Ayer testified that the Japanese had attempted to appoint a Japanese chairman for the War Co-operation Council and that Subhas Bose had successfully resisted this demand. Ayer also testified that I.N.A. broadcasts were made independently and not under any Japanese control or coercion.¹⁵

During his concluding address, Mr. Desai stated that the Indian National Army was formed with two objectives- for the liberation of India and to provide security to the Indian residents of Burma, Malaya and Thailand when their lives

9. S. A. Ayer, *Story of I.N.A.*, *op.cit.*, p. 84.

10. Kesar Singh Giani, *Indian Independence Movement in East Asia*, *op.cit.*, p. 162.

11. Joyce Chapman, *The Indian National Army and Japan*, ISEAS, Singapore, 2008, p. 202.

12. S. A. Ayer, *op.cit.*, p. 87

13. *Ibid.*, p. 88.

14. Kesar Singh Giani, *Indian Independence Movement in East Asia*, *op.cit.*, p. 163.

15. Joyce Chapman, *op.cit.*, p. 204.

and property were in danger and the law and order was poorly managed. Bhulabhai propounded that according to international law. It was perfectly appropriate to wage war to get rid of foreign rule. It would be an irony of justice to tell us that Indians soldiers can go out to fight for the freedom of England against Germany, Italy and Japan But how can it be illegal that they cannot fight for the independence of their own country. Bhulabhai Desai strongly argued that when there is a war between two countries, in the process, firing to kill the enemy cannot be called murder nor can it be termed as a crime under the law of civil law. Bhulabhai's arguments were a representation of the memorable fact for which Netaji and I.N.A. fought to liberate India.

In the meantime, when the proceedings of the trial were going on, a national revolt arose in the country for the release of these officers, which had a profound impact on the trial proceedings and the verdict. There had been violent demonstrations in Calcutta, Bombay, Delhi and other places of the country. The goal of I.N.A. was Red Fort, Delhi and the Government, in order to teach them a lesson tried the I.N.A. officers in the Red Fort. They proposed to hang the officers in front of this Fort. But the strong public opinion thwarted its move.¹⁶

On January 3, 1946, the court martial found all the three accused officers guilty of waging war against the king-emperor and sentenced them to transportation for life, cashiering and forfeiture of arrears of pay and allowances.¹⁷ It was during this time that the Viceroy and the Commander-in-Chief had an immediate discussion in which both agreed on the idea that the punishment given to the convicts should be considered due to the support being given to the I.N.A. in the country. The Commander-in-Chief had decided to remit the sentence of transportation for life against all the three accused but confirmed the sentence of cashiering and forfeiture of arrears of pay and allowances. On the same day they were set free from the Red Fort.¹⁸

This was the victory that the Indians won with their power. The country became full of joy. The trial took India several steps forward on the path of independence. After these trials, all the other officers and soldiers of I.N.A., who were kept in different camps, were released. Those who were earlier in the Indian Army were expelled from the army by forfeiting all their salary and allowance. The arrival of I.N.A. in India and the trial in the Red Fort had an impact on the Indian officers and soldiers of the armed forces in the country. There was a revolt against British officers of the Navy and Air Force. This shook the foundation of the British Empire in India. The British officers came to know by their intelligence department that they could no longer depend on the Indian Army to rule in India. The British government in London decided to leave India without any delay.

16. Kesar Singh Giani, *op.cit.*, p. 164.

17. S. A. Ayer, *Story of I.N.A.*, *op.cit.*, p. 90.

18. Kesar Singh Giani, *Indian Independence Movement in East Asia*, *op.cit.*, p. 164.