

A STUDY OF LOKMANYA BAL GANGADHAR TILAK AND COURT CASES

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ABSTRACT

LokmanyaBalGangadharTilak was considered most important and forefront person in the Indian Independence Movement. He was considered as "The father of the Indian unrest" by the British. In the present paper, the researcher showed that LokmanyaTilak has faced many seditions and trials in his time. All the court cases studied so far that memorializes the Court's history and LokmanyaTilak's self-defense skills. The present study was done to refer to all the cases against LokmanyaTilak and about the different persons associated with it. Here, the researcher has gone through various judgements, facts and interferences of various cases. Also, the study was made to understand the various conflicts between the British government and LokmanyaTilak.

Keywords: *LokmanyaTilak, court cases, legal cases, British Government, seditions, trials, Defamation*

INTRODUCTION

LokmanyaBalGangadharTilak was a person with a bold personality, and his presence in the meeting was like a source of acute discussion. "Encyclopedia of Eminent Thinkers – LokmanyaBalGangadharTilak", 104. His visionary thoughts of Nationalism and ability to do considerable research, he influenced the common man to unite for the cause of the nation. His unique personality and distinctive characteristics eliminated social differences from society. His analytical skills helped him in creating the master plan of free and modern India. Impact of tradition, culture, and knowledge in Vedas, Upanishads, ShrimadBhagwat Gita, helped him in gaining the psychology of the Indian citizens.

Even after 100 years, we find the impact of visionary thoughts of LokmanyaTilak that helped in building a great nation. Through this research, the researcher has performed the detailed analysis of LokmanyaTilak's work for court cases. All his deeds in the legal field reveal that he was a profound scholar, a person with genuine and revolutionary thoughts. He was an ardent freedom fighter and faithful son of India. According to Pandit Jawaharlal Nehru, LokmanyaTilak

was a symbol of the new age. Apart from this, many regarded Tilak as the ardent exponent of Indian Nationalism. Furthermore, the researcher has discussed the historical background of LokmanyaTilak and court cases.

OBJECTIVES:

- i. To understand the various court cases performed by LokmanyaBalGangadharTilak
- ii. To understand the grounds of various court cases
- iii. To studythe consequences of court cases

BACKGROUND LOKMANYA BAL GANGADHAR TILAK AND COURT CASES:

In the early years, Tilak and Agarkar became very popular due to their leadership skills. They motivated mass and showed flashes of their exceptional administration skills. Through the present research, the researcher wants to understand Tilak's contribution in various cases. Barve Defamation Case was Tilak's first experience in prison. But then after he went through more harmful exposures for several times. Also, he faced more intensive encounters with the British authorities.

At the time of the second trial in 1908, the situation in India was quite tense. The government was taking more repressive steps. Here, the researcher received Tilak's final statement that made at the trial was stated as, "All I wish to say is that in spite of the verdict of the jury, I maintain that I am innocent. There are higher powers that rule the destiny of things, and it may be the will of Providence that the cause which I represent is to prosper more by my suffering than by my remaining free."(Tilak D.J., Tilak G., 2019)

The researcher identified that, in all the three sedition cases, Tilak tried to convince that disaffection is the other part of affection, and it is not a criminal offence. He concluded that reformation in law was the only remedy. Through Chirol's case, we can understand Tilak's dedication. He managed very high financial prices. He matched the cost by selling valuables, articles, and assets.

Tai Maharaj's case is one case that affected Tilak personally. Here also, he paid a very high price. He devoted a lot of time to defend himself and gone through severe hardship. Even after all the difficulty, Tilak accepted and called up Jagannath as his third son. This incidence showcased thatTilak was a wholehearted person.

METHOD USED IN THE PRESENT RESEARCH:

To understand the various court cases performed by LokmanyaBalGangadharTilak, the researcher has checked and studied relevant literature. For the detailed understanding of the grounds and consequences of the court cases, available study material in the form of books, research papers, and legal documents were used. Also, the researcher has conducted interviews with Tilak's family members.

For the current research, the researcher has used primary and secondary data available on LokmanyaTilak. Also, he made the study descriptive and historical solely based on obtained data. The researcher has collected and referred the information from material available on the internet and websites. All the data has been tested and verified.

NEED AND IMPORTANCE OF RESEARCH:

To understand the significance of the court cases in LokmanyaBalGangadharTilak's life and society, the researcher has propagated knowledge through literature. LokmanyaBalGangadharTilak was an active journalist, nationalist icon, and legal advisor who played a crucial role in obtaining freedom. Based on a variety of sources and collected data, the researcher has presented a picture of his work.

1. To understand the contribution of LokmanyaTilakin court cases
2. To understand the base of various court cases
3. To reveal the consequences of court cases

IMPLEMENTATION OF RESEARCH METHODOLOGY:

Here, for the research purpose, the researcher has used primary and secondary data available on Tilak's life. To obtain a clear understanding of court cases, the researcher has preferred the secondary data, received from the published and unpublished resources. Apart from this, obtained more needful information by using the primary data collection process. Here, the researcher has followed the survey method.

In the present paper, the researcher has kept the scope of research limited, and the study was followed entirely by the survey method. For the interview purpose, few individuals were selected from the LokmanyaBalGangadharTilak family. This survey method was chosen to cross-verify the authenticity of the obtained data. Also, followed the mentioned research methodology and received the right and adequate information about the same.

OUR FINDINGS:

After obtaining the entire data about Lokmanya Tilak, the researcher processed the information further and edited, organized, and interpreted information for the research purpose. Also, all the data was pre-tested or verified by using various procedures and techniques. For data validation, the researcher has taken the support of the survey method and fundamental data collection procedures. Through this entire study, the researcher has received the accurate understanding of the following mentioned information.

The Barve Defamation Case and Lokmanya Tilak

Brief of case:

The case was based on the incident that happened when people liked the princely states and their rulers; any wrongdoing was considered a newsworthy thing. At that time, the states of Kolhapur and Baroda were under the administration of Diwans. Some letters were published (those were turned out to be forged) afterward. Through these letters, it was alleged that the administrators, namely T. Madhavrao administering Baroda and M. N. Barve administering Kolhapur, were not acting in the best interest of the Maharaja.

Barve then instituted defamation on Tilak and Agarkar. They tendered unconditional apologies, but Barve was not satisfied. Tilak and Agarkar lost as the letters they had relied on, and the judge held them guilty of the charges of defamation and sentenced them to four months' rigorous imprisonment.

Order and its influence:

At that time, as there was no separate class as political prisoners or journalists, hence, Tilak and Agarkar served their sentences in the Dongri prison as ordinary convicts. This was Tilak's first experience in prison. Both served out 101 days quite cheerfully, even under the appalling conditions in prison. They spent their time discussing topics that were close to their hearts. It is meritorious noticing that as soon as the legal actions began, the students of Deccan College (from where Tilak and Agarkar completed their education) and the New English School gathered around the young journalists. Since both had limited resources, they raised a fund for Tilak and Agarkar's legal defence. After their release from prison, people greeted them with great joy. For a public meeting, Mahatma Jotiba Phule brought Tilak and Agarkar in a horse carriage. (Tilak D.J., Tilak G., 2019)

The First Seditious Trial and Lokmanya Tilak

Brief of case:

It was inevitable that Tilak would be put on trial for sedition. Because due to the shameful performance of the government in the famine [1896] and plague [1897] 'Kesari' had revealed the inept and callous way in which the situation was handled. The increasing popularity of Tilak, the rising resentment against the administration, and the murder of Rand, the British government wanted to vent its anger on Tilak. To cap it all, the British blamed the Tilak for the rising resentment, in attempt of the murder and for the insensitive handling of difficult situations.

Although, through the newspapers, he clearly pointed out that it was the people, he and his co-workers, who really risked their lives to help the plague-stricken. Also, he clearly said that the pleas, petitions and complaints of the suffering fell on a deaf administration. In fact, the measures adopted by the Government were so oppressive that the murder was a natural consequence.

After that, Tilak was arrested for the alleged crime of sedition and then granted bail. At the trial, it was clear that its goal was to ensure that Tilak was pronounced guilty and sent to prison. For this purpose, the stage was set that has a jury of nine people including, six British and three Indians was selected with Justice Strachey. In his address to the jury, Strachey defined "disaffection" as "simply a want of affection" and further explained that it was tantamount to "ill-will, dislike and enmity". For all practical purposes he instructed the jury to return a verdict of guilty. This definition was so ridiculous that later in 1919 Lord Simon said that it was on par with describing "disease" as an "absence of ease".

Further, the jury was divided in its opinion, six Englishmen finding him guilty and the three Indians not guilty. However, Strachey accepted the majority verdict and sentenced him to one-and-a-half year's imprisonment. Throughout the trial, Tilak held that he was not against the British but against evil.

Order and its influence:

The trial galvanised the nation into a unified defence of its hero. A large fund was collected for his legal expenses. There is a report compiled by the CID on the effect of the trial, which begins "the arrest caused considerable stir throughout India." Later on, it sums up the native population's reactions as "Mr. Tilak, though legally convicted, has been morally acquitted and

has risen ten times higher in the public estimation by the bold stand he took during the trial. It was an ennobling sight, when standing at the Bar and reiterating his innocence despite the verdict of the jury. A pure conscience and fixed resolution seemed to endow the man at the time with iron nerves and the people at once recognized in him a hero standing in defense for a national cause."Thus, the trial had the effect of rousing the Indian people. It heralded the end of the days of docile Indian natives who thought that the British ruled as a matter of divine right.

The Second Seditio Trial and Lokmanya Tilak

Brief of case:

On April 30, 1908, a bomb intended for the Sessions Judge of Muzufferpore accidentally killed Mrs. Kennedy and her daughter. Therefore, the British expanded and intensified their measures against political activists. During this time, Tilak was working untiringly to unite the people and criticised the government for all the harm that it was doing. The Muzufferpore bomb really shook the Anglo-Indian community. The government resorted to greater repressive measures by Anglo-Indian newspapers. Through this, they adopted measures to intimidate people and crush all opposition to the partition of Bengal. On this background, it passed two laws, the Explosive Substances Act and the Newspaper (Incitement to Offences) Act. These were draconian measures designed to get rid of all opposition. Further, many sedition cases were launched against newspapers all over the country. After the bomb incident, the government received a golden chance to initiate a more intensified repressive policy and thus began a period of arrests, prosecution and persecution. The Bombay Presidency blamed Tilak for the bombing and the popular agitation. They thought that, Tilak was the source of all political activity in the country and the leader of the new party.

Order and its influence:

Tilak wrote several articles in the 'Kesari' titled "The Country's Misfortune". He wrote, "These remedies are not enduring", and "The secret of the bomb blast" based on which charges of sedition were made against him. He was arrested for the first article and served with a warrant for the second even as he was in police custody. In June 1908, Tilak wanted to start a Marathi language newspaper in Bombay, and it is an irony of fate that the first news published in it was of his arrest on the charge of sedition.

Despite the secrecy attempted by the British authorities, Tilak came to know of the intended action and imminent arrest when he was in Bombay in connection with the new newspaper. When his lawyer and friends advised him to go to Pune and prepare, he was quite stoic saying

"What is the use of going back...The government has turned the whole country into a vast prison. What is there to prepare for this short journey?"On the night of the arrest, Tilak received a message that the warrant for his arrest had been signed. The whole trial was undertaken by the government with a vengeful attitude. Twice Tilak was denied bail and the high court judge refused to give reasons for denying it. This prosecution was instituted by a special sanction of the Governor in Council and therefore the prosecution asked for a special jury.

In spite of this, a well-reasoned argument that the articles being in Marathi, the majority of the jurors should be able to understand and appreciate the true meaning of the articles and the effect they could have on the readers, the judge gave a reason. Finally, a jury of seven Englishmen and two Indians were empanelled and the hearing began on July 13.

Tilak pleaded his own case once again exhibiting his mastery over the law. He convincingly exhibited that the translations of the articles were not correct and asked if the official translator would be examined. The judge however summarily dismissed any such suggestion saying, "It is not usual to call him; the High Court translation is generally accepted as a correct translation."

Afterwards, in Tilak'sSinahagad residence they found one postcard written with the names of two books along with their publishers. It was the reference of books that were written on explosives. This proof twisted as prosecution and made out that B. G. Tilak was advocating the use of explosives and he hypocritically denouncing the bombings in his articles.B. G. Tilak addressed the jury for twenty-one hours but all to no avail. The judge's concluded thatB. G. Tilak was blatantly biased and a majority verdict of guilty. B. G. Tilak was sentenced to six years transportation.

Third Sediton Trial 1916 and LokmanyaTilak

Brief of case:

In 1916, B. G. Tilak was charged for a third time sediton for his speeches in the Home Rule movement. Three speeches were considered objectionable for this charge. But this time Justices Bachelor and Shah acquitted him. A full account of this case was given in "The Great Home Ruler".Tilak came out successful only on the third time.

Order and its influence:

Judge Strachey himself admitted that the absence of affection was not the right phrase to use in describing the meaning of the word disaffection. Though, Tilak's conviction based on such an interpretation could stand. As far as the law itself was concerned, Chief Justice Farren ruled later that "disaffection" meant a positive feeling implying political alienation or discontent, a spirit of disloyalty to Government or existing authority. (Ref.T. V. Parvate.) Further, found the statement where, Justice Bachelor said, "In my opinion, the application does not give rise to any question of law." Under his lordships he concluded that the speeches made by Tilak did not amount to sedition. (Tilak D.J., Tilak G., 2019)

Valentine Chirol Case and Lokmanya Tilak

Brief of case:

In 1910, Sir Valentine Chirol visited India. His purpose was to collect material for a series of articles which were published in a book "Indian Unrest". At that time, Tilak was in prison in Mandalay. During Chirol's visit, officials helped him with all the material that would discredit Tilak in any possible way. Chirol made derogatory statements about Tilak through his book. Therefore, Tilak decided to file a libel suit against him. Here, the researcher has found these six statements that were in the suit. Here the researcher has presented all the statements from the book; (Tilak D.J., Tilak G., 2019)

1. Tilak started societies for protection of cows in order to provoke 'Mohammedans'.
2. Tilak organised gymnastic societies to develop the war-like instincts of the people so that force could be used against the British rule.
3. These gymnastics societies were described as "juvenile bands of dacoits to swell the coffers of Swaraj".
4. The High Court judgment in Tai Maharaj case was "extremely damaging to Tilak's private reputation as a man of honour or even of common honesty"
5. That Tilak was responsible for the Rand-Ayerst murders
6. That Tilak and his writings in the 'Kesari' were responsible for the Jackson murder in Nashik. (Tilak D.J., Tilak G., 2019)

Upon release from the prison in Mandalay despite his own dire circumstances Tilak decided to file a suit for libel against Chirol.

Order and its influence:

Tilak filed the suit in England against Chirol. This case made the British government in India more concerned. They offered to bear a part of the costs of defence. Lokmanya Tilak was fighting a case with the support of own limited resources against the British rulers in a foreign land. To ensure Tilak's defeat, British rulers tried everything. They biased judge's statement and instructed the jury to virtually return a verdict in favour of Chirol. Thereafter, Chirol's advocate adopted a strategy and proved that Tilak was behind the murders. It was obvious that Tilak had been exonerated in the case of Rand-Ayerst murder and at the time of the Jackson murder he was locked up in a Mandalay prison. The jury made a verdict in favour of Chirol and the trial came to an end. Despite the vigorous protests of the counsel, the verdict was a foregone conclusion.

Tai Maharaj Case and Lokmanya Tilak**Brief of case:**

In July 1897, Tilak was arrested on charges of sedition. With the third attempt, he got bail and came to Pune to prepare for the trial. At that time, he came to know that his friend Baba Maharaj was seriously ill with cholera. Baba Maharaj made a will through which he appointed Tilak, Khaparde, Kumbhojkar, and Nagpurkar as trustees. After that, Baba Maharaj died, and his widow Tai Maharaj gave birth to a son who too died shortly. Tilak and Khaparde advised Tai Maharaj of the adoption as per the terms mentioned in the will. After her consent to adopt the child, all the legal papers that had been drawn up were duly signed, witnessed, and the matter was concluded successfully.

Order and its influence:

To revoke the probate, Hangers instigated Tai Maharaj to approach the District Judge Mr. Aston. Here, he admitted a complaint against Tilak forced the adoption decision on her. At that time, the British were looking for the opportunities to harass and persecute Tilak. Tai Maharaj's act caused long and protracted litigation and took 20 years to come to finality. (Tilak D.J., Tilak G., 2019)

Although this litigation decided in Tilak's favour, as the charges were personal and not, political Tilak went through the severest tests. Tilak weathered all the storms for twenty long years and fought hard and ultimately triumphed. After the successful completion of the case,

JagannathMaharaj wished to reimburse to Tilak. He asked JagannathMaharaj to donate land to the S P College as a token of his gratitude.(Tilak D.J., Tilak G., 2019).

CONCLUSION

By studying, the Barve Defamation Case, we understood that there was no separate prison for political prisoners or journalists. Through the First Sediton Trial, the researcher came to know that Tilak was not against the British, but he was against evil things followed by the Britishers. It is observed that, at the time of the Second Sediton Trial, the situation in India was intensifying. After performing research on the Third Sediton Trial, and Lokmanya Tilak's speeches, one made at Belgaum and the other two at Ahmednagar, were considered objectionable and charged a third time for sediton. (Tilak D.J., Tilak G., 2019).

The study observed some of the crucial features of Tilak's personality while going through Valentine Chirol Case and found that Tilak was against injustice and could not sit around by merely accepting it. Although he was advancing in age and ill by health in all critical circumstances, he decided to fight against Chirol. Through the present research, the research found that Lokmanya Tilak's greatness set him apart from even the stalwarts of his time. B. G. Tilak lived by his principles as a true Karmayogi.(Tilak D.J., Tilak G., 2019)

RECOMMENDATIONS:

Through this paper, the researcher has obtained profound knowledge and understanding about Lokmanya Tilak and his contribution for various court cases. Further the researcher has kept scope to perform in depth study of the following points:

1. Further study can be performed to understand the scenario of legal cases in 19th century.
2. To obtain understanding about various court cases and legal procedures of historical time can be the topic of further research.
3. Further the research can be performed to understand the various laws of sedation before obtaining freedom.
4. Further study can be executed to understand the involvement and support of the people gained in legal cases in 19th century by the freedom fighters.

References

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Mahratta