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**Abstract:**

The chain of events in the life of Savarkar highlight how historically different people and concepts surprisingly interacted with each other. Savarkar was confronted with a lot of challenges, but he remained resilient. As a student, he established a secret organization called Abhinav Bharat Society in 1904 with his brother, Ganesh Damodar Savarkar. He did not stop at this and went ahead to become a member of the Free India Society and the India House in London. He also became a brilliant author of several books.. When he was ordered to be extradited to India, he attempted to orchestrate an escape and get an asylum in France when the ship was docked in France. The current paper is an attempt to highlight his sojourn in Paris and the French legal connection.

**Keywords:** *Compatriots, Escape, Legal, Press, Revolutionary*

*Paper:*

Vinayak Damodar Savarkar wrote in his Marathi poem 'My Will and Testament', 'Not blindly in a paroxysm of passion, but in the brilliant searchlight emanating from the study of history and the laws of nature, did he dedicate his life to the service of his nation and solemnly vowed to sacrifice everything.'<sup>1</sup> Having received a scholarship, instituted by Shyamji Krishna Verma for Indian students desirous to study in England so that they qualify themselves for an independent profession, but strictly on the condition that no such candidate would accept an office under the British government, Savarkar departed to London in 1906. The year also remained remarkable for many other reasons in Indian politics. It also saw the birth of the Muslim League at Dacca, formation of Badrinath's revolutionary party at Maniktola, a suburb of Calcutta, and the foundation of the revolutionary institution, Anushilan Samiti.<sup>2</sup>

London, during those times, was a veritable center for revolutionaries from Russia, Ireland, Egypt and even China. On landing, he moved to India House, a residence set up by Shyamji Krishna Verma for Indian students, leaders and travelers to be able to stay in a congenial and patriotic atmosphere. Soon he admitted himself to Gray's Inn for legal studies, but his prime motive remained to prepare himself to checkmate the British power politics. Finding his footing in London, he formed the 'Free India Society', modeled on Mazzini's 'Young Italy', and assiduously sought to transform the Indian students into patriots. This was, by no means, an easy task as eight in every ten students took pride in being more English than the English themselves. But soon, India House echoed with his master speeches that resonated outstanding courage and his strength of intellect.<sup>3</sup> This was also the time when the astounding author in him created commendable writings and became a narrator of history. He changed the fiction of a mutiny into a thrilling historic saga of a struggle

for freedom. His object in writing the history was to inspire his people with a burning desire to rise and wage a successful war to liberate their motherland. Savarkar expected History to serve before the revolutionists an outline of the programme to enable them to prepare the nation for its independent future. Therefore, he invoked the warriors of 1857 to deliver his message of unconditional patriotism. Savarkar had written the book on the history of 1857 in 1908 originally in Marathi, and later on translated into English on persistent demand. Appropriate to mention that even after independence, he wrote his famous 'Six Golden Chapters of Indian History' to infuse pride and dispel the defeatist psychology. The history of the Sikhs also absorbed Savarkar's mind as he learnt the Gurumukhi script and read all the religious and important original writings, like, the Adi Granth and the Panth Prakash. His pamphlet titled 'Khalsa' aimed to educate the Sikh soldiers towards the cause of the freedom. Savarkar's activities, undoubtedly, brought a host of dynamic young people under his hypnotic charm. Prominent among them were Bhai Parmanand, Lala Hardayal, Virendranath Chattopadhyaya, V.V.S Aiyar, Gyanchand Varma, Madame Cama, W. V. Phadke, Madanlal Dhingra and many more. Savarkar's mighty pen fed and fanned the wrath of the Indian revolutionaries. Vigorous political articles were everywhere, in vernaculars and in translations, to acquaint the civilized world with the Indian affairs.

The year 1907 was one of turmoil and tempo, as India began drifting from the policy of petition to the politics of pressure, and from the politics of pressure to the potency of powder. The fiery doctrines of boycott of foreign goods and propagation of swadeshi were spreading all over India. Meanwhile, Savarkar also celebrated in London on 10 May 1907, the half-century of the 1857 war of independence, though no such celebration was heard of in India. But this event raised many an English eyebrows that confirmed the nervousness that panicked them to issue an ordinance severely restricting the right of holding meetings. Tremors of shock and indignation were felt as Savarkar took charge of India House. By 1908, the activities of Free India Society significantly increased. Meetings witnessed the eloquence of Savarkar, as more and more Indian leaders visited London. July 1909 saw Sir Curzon Wylie falling victim to the bullets of Madan Lal Dhingra. Wylie was shot dead right amidst an assembly of elite English gentry that sent shocks of wave through the imperialist camp. Dhingra surrendered on the spot.<sup>4</sup>

Savarkar was attacked by the Press as being responsible for this tragedy. While his relatives faced hard times in India, he bore the brunt at his own ground. Though he passed the final examinations of the Gray's Inn, the Benchers refused to call him to the Bar, along with Harnam Singh. A committee was also constituted to look into the episode, and though it found nothing erroneous, it demanded an undertaking from Savarkar so as to not to participate in politics henceforth. Rejecting out rightly, he proved he was the nation's barrister and stood for the case of his motherland. India House closed and conditions prevailed upon him to seek solace in Paris.

Paris welcomed Savarkar and his presence shifted the centre of revolutionary activities from London to Paris. The famous Parsi lady Madame Cama hosted him, and he busied himself in organizing Indians in Paris for a while. However, back at home in India when his brother was implicated following a bomb that was thrown at Lord Minto, Savarkar decided to return to London to provide aid in the ensuing proceedings. He left Paris, but as soon as he arrived at the Victoria Station, Savarkar got arrested under a telegraphic warrant from the Government of Bombay under the Fugitive Offenders Act of 1881. It was 13 March 1910. He faced the charges of conspiring to wage war against His Majesty, the King, Emperor of India. Indian and many Irish revolutionaries made efforts to secure his release while Savarkar awaited trial in London. He was produced at the Bow Street Police Court on 14 March 1910. The Magistrate refused to release him on bail, and gave his

decision that Savarkar be sent to India for trial. An application for issuing writ of Habeas Corpus and an appeal made against the decision of the Bow Street Police Court came before the Divisional Court, but both stood rejected. It was decided to hand him over to the Government of India, to be tried by a special Tribunal. Savarkar stood at the doorstep of being extradited to India. He bid farewell to his comrades in England:

‘Watch sleeplessly the progress of our mother  
And learn to count it, not by so much work,  
Done or tried, but by how much they suffered,  
What sacrifice our people could sustain!  
For work is chance but sacrifice a law,  
Foundation firm to rear a mighty Dome  
Of Kingdoms new and great!  
But only great if their roots be in martyr’s ashes laid.  
Thus work for Mother’s glory till God’s breath  
Be rendered back, the Godly mission done-  
A martyr’s wreath or victor’s crown be won!’<sup>5</sup>

Savarkar boarded the steamer S. S. Morea that began its historic journey on 1 July 1910 from London. No sooner was he taken on board than he began to devise plans to regain his liberty! The only proposition was ‘Now or Never’. His revolutionary zeal helped him to escape through the port-hole and into the sea, and he touched the shore at Marseilles with a view to secure the protection of the French law. He had shaken the fetter of his powerful foe, but on being caught by the English guards, he was brought back to the ship. At Aden, the S. S. Sasti took charge of the Morea passengers and reached India on 22 July 1910 with a handcuffed Savarkar. Subsequently, France also demanded the restitution of Savarkar on the ground that his delivery to the British Officers on board the British vessel was contrary to the rules of international law. On refusal by Britain to comply, the question of law and fact involved were by a compromise signed on October 25, 1910, and submitted to the arbitration of a tribunal composed of the following members of the Permanent Court of Arbitration: August M. F. Beernaert of Belgium, Earl of Desart of England, Louis Renault of France, Gregors Gram of Norway and A. F. de Savornin Lohman of Holland. The sessions began February 14, 1911, and ended on 17 February 1911 and the decision being rendered on 24 February 1911.<sup>6</sup>

Meanwhile in India, a Special Tribunal heard three trials involving Savarkar. After rigorous 68 days of a protracted trial, Savarkar was sentenced on 23 December 1910 to transportation of life and forfeiture of his property. Years later, N. C. Kelkar, in his introduction to Ranade’s biography of Savarkar, summed up the trial in the following words-

‘The British government boasts of having bestowed on India a seat in the League of nations after the Great War, but it was already snatched and confirmed for India when he (Savarkar) leapt from the port-hole of the ship into the sea at Marseilles and standing on the soil of France, challenged the nations of the world.’

The Tribunal, it is believed, did not take cognizance of the legality of Savarkar’s arrest on the French soil, and the trial in itself was an outrage on the international law. Actually, the Tribunal had passed a judgement on Savarkar when his case was sub-judice in the International Court at Hague. The French newspapers such as *Matin*, *Liberté*, *Patrie*, *Journal des débats* and *the Libre Parole* actually called the incident a violation of French sovereignty. The French government was continuously targeted with headings such as “Humiliating

Passivity of the French Government” and “Negation of French character.” Similarly, though a few English newspapers such as *The Time* defended Savarkar’s arrest as merely “socialist agitation,” questions were raised by other liberal newspapers such as *The Daily News* and the Labour MPs of the incumbent Liberal Party in the House. NGOs like *Ligue des droits de l’homme* (International League for Human Rights) made representations to the French foreign office calling the incident a “violation of a basic principle of international law.”<sup>7</sup>

Some information also depicted that the French Press had taken the matter up, and, from the Socialist paper, *L’Humanite*, to the highly conservative *Journal des Debate*, had expressed the opinion that Savarkar must be returned to France and set at liberty. “This,” the latter paper said emphatically, “is necessary to the credit of Great Britain, which was the first of all the European States to offer shelter to political refugees.” The *Siecle* which, with the *Temps*, had generally condemned British action in Egypt and in India, whilst encouraging the leading Nationalist of both nations, came to the same conclusion, but in continuing its comments said that the Savarkar episode is a sharp reminder of the international importance of the Indian question. It proceeded: In Europe we do not look upon things from quite the same point of view as in England or in India. We do not ask when it may be that the Hindus may defeat Great Britain, but we attempt to discover whether four or five years when the superiority of the British navy over that of Germany will have become slight, India may not be able to keep fully occupied the whole of the expeditionary force of which Mr. Haldene speaks, so that it would be difficult to guarantee the defence of British territory, and radically impossible for the British army to intervene on the continent...For the safety of the British domination in India we must wish for something else than pitiless repression. The policy of the “big stick” is good only for the nations without ideals, for a tyranny can last only so long as it creates victims.<sup>8</sup>

It is worthy of mention here that Indian nationalists living in Paris engaged Jean Laurent Frederick Longuet, the French politician, journalist, lawyer and the grandson of Karl Marx (on his daughter's side). Longuet was a fine choice considering his inclination towards French nationalism with a pro-asylum/refugee stance. Interestingly, Longuet had earlier written articles in *L’Humanité* calling Savarkar’s arrest a case of “a double irregularity, a double illegality.” Bikaji Cama arranged a power of attorney (PoA) to facilitate the representation. However, the tribunal did not entertain such personal representation in a bilateral arbitration. Although, Longuet was able to hand over copies of his submission, neither his name nor his arguments found any mention in the final award, thus rendering such representation ineffective.<sup>9</sup>

Meanwhile, the same Tribunal tried Savarkar in another case and sentenced him to another transportation for life on 30 July 1911 at the age of 27 years. This actually indicated a punishment for more than half-a-century. But as his motto remained, ‘Don’t be too much hopeful of success. Be always prepared for the worst possible reverses. For those who are born in an age of despair and darkness must be prepared to face the grim struggle with the possibility of reverses, if they aspire for the dawn of a new era.’ Savarkar was shifted from Dongri Jail to Byculla Jail, and from there to the Thana Jail. From this jail began his final journey to the Andamans, ‘KaalaPaani’, as it was called. This also brought to an end the first part of Savarkar’s journey of a life of public activity.

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