Kapur Commission, Part I

“His reputation is what men say he is. That can be damaged; but reputation is for time, character is for eternity.”

- John B. Gough

Without beginning nor end am I, Inviolable am I.

Vanquish me? In this world no such enemy is born!

- V. D. Savarkar, *Atmabal*

Hi, Everyone! The Kapur Commission, the Commission of Inquiry into the Conspiracy to Murder Mohandas Karamchand Gandhi, was set up in 1966 as a one-man commission. Justice Jivanlal Kapur was the one man who was in charge of this commission. It took three years to complete the inquiry.

The Commission chased down a plethora of witnesses and has recorded some minute details which throw light on the events that happened those fateful days around the end of January, 1948.

· But for all that there are some crucial findings the Commission did *not* look into, particularly with respect to Savarkar.

· Also, there is a grave evidence of bias—a bias against Savarkar and a bias in favor of the Government of India.

I shall come to these points soon, but let me comment on the limitations of this Commission first.

· A Commission that was to look into an event of such a magnitude should never have been a one-man show. To preclude all possibility of bias there should have been a panel of judges.

· There were three aspects to consider in the death of Gandhi:

a) There was an initial conspiracy and then the second act of killing.

b) There was the question of the police investigation which for some inexplicable reason was not able to prevent the assassination of the Mahatma.

c) There was the aftermath of Government reprisal. The aftermath of brutality of the police investigation.

These aspects should have been on the Commission's agenda.

The Kapur Commission was not setup to deliver unbiased justice, so one is not surprised that it didn't!

Bias of Kapur Commission against Savarkar:

While researching my novel, I was able find evidence of Savarkar's state of mind, his opinions, and the position he held re India. I was able to find the evidence of his relationship with Nathuram Godse and the point at which they differed in their beliefs. I could do that with my limited resources.

- Why was Kapur unable to discover it?

Why did he not discover that Savarkar's clear position was to not create friction with the Government of free India? When there was threat to the country from without, it is particularly inopportune to create a threat from within. Country first was Savarkar's abiding principle. He had said publicly that the tri-color flag of India was to be respected and had even hoisted it on the Independence Day against the resolution of the Hindu Mahasabha.

Also, Nathuram has stated his differences with Savarkar in his statement.

So why did Kapur disregard all of that? When neither Savarkar nor Nathuram were living to

speak for themselves, their own writings and actions should have been considered. Surely there were witnesses who could have testified to this too? Why was it not done?

Kapur has also rehashed the so-called evidence dished out by Prosecutors trying Savarkar and which the Court subsequently dismissed as not being proof of Savarkar's involvement.

· So why is Kapur using that to point fingers at Savarkar?

Then there are the statements of Gajanan Damle and Appa Kasar both of whom now mention that Savarkar met Nathuram at some point.

· Neither had any evidence of what was said in those meetings—if they actually took place.

Surely a Supreme Court Judge does not consider this as *evidence*?

Throughout the Commission's findings Kapur refers to Nathurman and Apte as "Savarkarites" or failing that "Savarkar and his group."

· Is "Savarkarite" a term that should appear in this legal document? This is a highly prejudicial term to use; it implies Savarkar's involvement without there being any basis for it.

· Nor is there any reason to use the term "Savarkar and his group." There is no foundation

laid to justify the use of this term in connection with Gandhi's murder.

· Savarkar staunchly stood for the rights of the Hindus; he advocated that Hindus defend themselves when the Government so obviously would and could not. That is a completely separate issue from conspiring to Murder Gandhi.

This particularly confusion of ideas is evident in the minds of many, but it is unacceptable in a Supreme Court Judge, especially upon whom rests the onus of the truth.

Kapur also makes a statement that "all these facts taken together were destructive of any theory other than the conspiracy to murder by Savarkar and his group".

· Again I ask, why call them "Savarkar and his group"? The others charged were convicted. There was no need to theorize about them. So who does he mean by saying "Savarkar and his group"?

· Nor is he right by saying there is no other theory for why the murder of Gandhi took place.

Even I, without any legal training can vouchsafe a theory that is more than enough to raise reasonable doubt.

No, the facts are not destructive of “any other theory.” That I shall be writing on in the following posts.

But by writing so, Kapur has fostered the prejudices of the people and allowed writers of A. G. Noorani’s ilk to perpetrate the idea of Savarkar’s involvement in Gandhi’s murder.

The voices flinging mud against Savarkar rise loud and clear, year after year—and again this year too!

But the voices in support of Savarkar are silent. I too was just such a silent voice. For the last four years I have writhed in silent pain at the injustice of it all. But no more; I have decided that come what may, I must speak out.

Anurupa