



THE INA TRIAL: A CHALLENGE TO THE LEGITIMACY OF THE RAJ

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ABSTRACT

Indian freedom movement witnessed various national, international and regional campaigns, agitations and efforts of both non-violent and military philosophy. It was mass based struggle. The Indian National Army (INA) trial was the British Indian army trial by court-martial of the INA members for charges 'waging war against the King Emperor' as well as murder and abetment of murder. The trial did not only cover the arguments based on military law, constitutional law, international law and politics but also attracted much publicity and public sympathy for the defendants who were considered patriots of India and fought for the mother land. The national upsurge against the trial challenged the legitimacy of the British Raj and compelled the British Government to commute the sentences of the convicted trio and release them. Due to national upsurge the INA became a symbol of national pride and anti-colonial resistance.



KEY WORDS : *Court-Martial, King Emperor, Defence Committee, National Upsurge, Prairie Fire, Chalo Delhi.*

INTRODUCTION :

The INA trial has been perhaps the most notable trial in the history of British India which was held at Red Fort in 1945. It stimulated Indian National Movement. It accelerated the last phase of Indian struggle for freedom and became the focus of the great upsurge of all political and patriotic forces. The INA trial generated the unprecedented widespread popular upsurge which directly challenged the legitimacy of the British rule and forced the Government to change their policy towards the trial. The reaction of the Indian masses towards the trial had great impact on the course of events leading to the transfer of power in India. It dealt a deadly blow to British prestige channelizing the mass fervour into fight for freedom.

At the break-out of Second World War, a section of Indian leadership came out with the express idea i.e. why not to seek foreign help for the freedom of the country. It was this thinking which led to the formation of the Indian National Army from among the Indian prisoners of war and Indian civilian residents in South-East Asia. The soldiers of the INA under Subhas Chandra Bose fought valiantly along with the Japanese forces and reached up to Imphal front. With the collapse of Japan in the war the INA too met defeat and surrendered. The personnel of the INA who fell in the hands of British in Burma, Malaya, Thailand and Imphal front were brought to India and detained at Red Fort. The India Office in London asked the Government of India to formulate a policy towards

the Indian soldiers who had joined the INA. The Government of India formulated a policy towards INA and issued a communiqué in which it declared:

The offence going over to the enemy and fighting against his former comrades is most serious that a soldier can commit. It is punishable with death by the law of all countries. These men will be tried by court martial.¹

Jawaharlal Nehru was quick to react and told the reporters, "The veil has at last been lifted".² Soon the public learnt how the Indian National Army had been formed and grew, how many of its men were presently being held in the various forts, camps and prisons of India, how many were to be charged and tried. The Congress Working Committee met in mid September and declared that "It would be a tragedy if these officers and men were punished for the offence of having laboured, 'however mistakenly', for the freedom of India. They can be of the greatest service in building up a new and free India."³ Bhulabhai Desai said, "If things are going now it may lead to armed revolution."⁴ At the same session Jawaharlal Nehru announced that the Congress would make itself responsible for their defence.

Almost all the prominent nationalist leaders were against the prosecution of the INA soldiers and joined hands for their defence. A genuine desire of course born out of special circumstances amongst the nationalist leaders was emerging to protect the INA men. To them they symbolized a united India struggling against British colonialism. Nehru warned the government that a vindictive attitude to these soldiers would generate resentment not only in the army in which they had their relatives, but also in the public and it would create bad blood between England and India.⁵ Sardar Vallabhbhai Patel said "Does he not know that Subhas Chandra Bose organized an army of 60,000 and a women's brigade in under a year? It is this very army the British Government is trying to disband now." If the British were serious about giving India her independence, why did they not make "the Indian National Army the nucleus of the army to be?"⁶ "At most of the 160 political meetings held in the central provinces during the first half of October," observed the Director of the Intelligence Bureau in a confidential note to the Home Department, "demands were made for the abandonment of action against the INA."⁷ It was the same in other provinces. Gandhi joined the chorus and reacted:

*India adores these men... No doubt the Govt. have overwhelming might on their side. But it will be a misuse of that power if it is used in the teeth of universal Indian opposition.*⁸

The Government of India thought it wise to try the officers to prove their guilt before the public and world at large. The Government decided to hold the trials of the INA officers at Red Fort at New Delhi. The first court martial of the INA tried Captain Shah Nawaz Khan, Capt. P.K. Sehgal and Lt. G.S. Dhillon- a Muslim, a Hindu and a Sikh respectively. It commenced its sitting on 5th, November, 1945 in the Red Fort and continued till 31st, December, 1945. The Congress Working Committee had appointed a committee for their defence. It consisted of nine senior counsels, namely, Jawaharlal Nehru, Sir Tej Bhadur Sapru, Bhulabhai Desai, K.N. Katju, R.B. Badri Das, AsafAli, Kanwar Sir Dalip Singh, Bakhshi Sir Tek Chand and P.K. Sen. The Committee had all the grounds to expect an energetic support of the Indian people in whose eyes INA was the exciting image of the symbol of the revolution of liberation .

The case of the prosecution was that these officers were in the Indian Army, that while prisoners of war they joined INA and as its officers waged war against his majesty the King Emperor of India by invading India. Lt. Dhillon with the offence of committing murder of Hari Singh, Dulli Chand, Daryao Singh and Dharam Singh on or about 6th March 1945 and other two with abetment of murder.⁹ During the trial the prosecution tendered voluminous documentary evidence. Thirty witness were examined on behalf of the prosecution in support of the charges. They were cross-examined by defence counsel and thereafter the statements of all three accused were recorded.

The Chief Council for the defence of Bhola Bhai Desai, an illustrious lawyer, politician and statesman, brought out in his cross examination the following points:

.....It is not all a case of what you might call three individuals waging war against the King. The evidence amply bears out the fact that these men charged before you were a part of an organised Army which waged war against the King even according to the Prosecution. Therefore the case before the Court is not a personal case of any kind or sort. The honour and the law of the Indian National Army are on trial before this Court. What its now on trial before the Court is the right to wage war with immunity on the part of a subject race for their liberation. On International Law a nation or part of nation does reach a stage where it is entitled to wage war for its liberation. The evidence is overwhelming that the object of the INA was to fight for the liberation of India, and that they had no other object expect the liberation of their country. These soldiers are, therefore, throughout nominally fighting against the king, really fighting to liberate their country.¹⁰

The prosecution had rendered a considerable body of evidence to prove the formation of the Provisional Government of Free India, the raising of armed forces by it, and the putting of those armed forces in the field against the British. Bhola Bhai Desai tried to established on the basis of these facts that the acts done in the course of the operations of the organized army of a government which had obtained the status of statehood, which possessed territories ceded to it by the Japanese Government and other states and which had formally made declaration of war against Britain and America.¹¹

The accused proved that the INA was a patriotic army created for liberation of India and not by Japanese formation and their argument was impossible to refute. All the three sensed mighty support of the entire people and defended their right of armed struggle with the authorities from an alien land and delivered impassioned speeches in defence of liberation of India which then and there were printed by newspapers. G.H. Corr writes, "The men march on Delhi as patriotic soldiers and they arrived as prisoner, but ironically it was as prisoner that they made their biggest impact on the Indian people and the Government of India."¹²

The prosecution counsel gave his concluding address on 22nd December 1945 and after the judge advocate had summed up case on December, 29. The court martial adjourned to record its finding.

While proceedings were going on, the agitation for the release of INA men intensified. The INA's attempt to achieve India's Independence by force was at variance with the policy of peaceful and non-violent struggle adopted by Congress to win India's freedom. The support of the Congress for the INA was, therefore, criticized by some as 'inconsistent with the Congress policy'. This criticism was brought to the attention of Jawaharlal Nehru by a press reporter who requested Jawaharlal Nehru to give his comments. Jawaharlal Nehru said that the Congress attitude towards the INA was the "outcome of the whole Congress outlook in regard to India's freedom."¹³ The resolution which was adopted by the Congress Committee warned that "the Congressmen must not forget that their support and sympathy to the INA do not mean that Congress has in any way deviated from its policy of attaining independence by peaceful and legitimate means."¹⁴ The fact that the INA had been almost unknown at the end of the war seems to suggest that the involvement of the Congress in the trial played a significant role in stimulating public sentiment and agitation. In a private interview, Asaf Ali argued that public feelings had forced the Congress to this line of action.¹⁵ The Congress was merely following public sentiments in its support for the INA

Immediately after the release of the Congress leaders from prison in the middle of 1945, the political atmosphere of the country was dull. They had no political programme ready at hand to rejuvenate the country. For more than one reason it appeared that by taking up the cause of the INA officers, the Congress would get an opportunity to organize an All-India nationalist front against the British. Here was a ready-made issue. The INA symbolized a revolution against foreign rule. The

Congress high command correctly estimated that by defending the INA officers the Congress could achieve its objective of reviving the revolutionary fervour in the country. Jawaharlal Nehru later wrote "I knew well what the reaction of the public mind in India would be. The possibility that some swift action by court martial might be taken against a large number of them filled me with apprehension not only because of the persons involved, but also because of the inevitable consequences in India. Sensing all this, I made my first public reference to the INA and followed this up with subsequent reference."¹⁶ By taking up the defence of the INA, Nehru could create radical image of himself as a fighter for freedom, rather than as a mere politician. The whole of the Congress was to inherit this legacy of the INA and to bring to perfection what the INA had not been able to complete. By placing the INA issue together with Quit India campaign at center stage of its election campaign, the Congress could depict an image of active struggle and patriotic self sacrifice. Both the INA and Quit India symbolize active struggle against foreign rule.

Having taken up the task of the defence of the INA officers, the Congress High Command went ahead with the glorification of the motive of the INA. The INA Defence Committee wrote a letter to the Viceroy on 15th, October, 1945. In it Committee suggested that the activities of the INA were to be considered as a part of India freedom movement. It claimed that the trials should be abandoned. If the trials were to be held at all, the wishes of Indian people should be ascertained by the Government.¹⁷ But the government turned down the request. Jawaharlal Nehru reacted and made the announcement: "The people of India should be the final court and arbiter of the case."¹⁸

The Bengal Provincial Congress Committee had issued an appeal for generous contribution to Defence Fund and for a universal protest against the trial of those who were described as patriots. The nationalist Press in Bengal continued its propaganda and general line was that if the blood of any one of the INA was shed on Indian soil India would never forget as Eire had not forgotten the atrocities of British rule there.¹⁹ The INA trial had aroused much interest in Muslim and Hindu circles in Assam. Sympathy for INA trial had been expressed in Kamrup, Sylhet and India and revived the old militant anti-British feeling of the Civil Disobedience days. It at once began to agitate for the speedy release of the men whose cases had not yet been examined and harried the government to complete the repatriation of those still held abroad.

Other political parties in the country came out in support of the INA viz. the Akali Dal, the Hindu Mahasabha, the Muslim League and the Socialist Party. The Akali Dal, mainly because a considerable part of the INA hailed from the Punjabi Sikh Community, passed a resolution in September 1945 urging the Indian Government not to punish the INA prisoners.²⁰ The Hindu Mahasabha asserted that the Government should abandon the INA court martial.²¹ The fact that half of the officers, to bring under trials, were Muslims made it difficult for the Muslim League to remain indifferent to the trial. In statement to the press, Jinnah pleaded that the INA prisoners should be dealt with leniency.²² Only the communist party having censured Bose for his cooperation with the countries of the Axis were away from the mass campaign and rendered it self campaign isolated which immensely harmed its reputation. Nehru said about the CPI, "By their own acts during the last three years they had cut themselves from Indian nationalism and were siding with the reactionary elements in the country."²³

A unanimous opinion was growing in the country which glorified them as patriots and stood against their victimization. The nationalist press highlighted to the Indian people and their leaders the story of the INA which was mostly unknown during the war. Most broad strata of the population were convinced that Indian patriots were being tried who had fought for the liberation of the country. Since the prosecution produced many documents from the history theretofore unknown in India, the Indian press used them fast for their own objective. The Japanese officials and other eyewitness accounts, as well as official INA documents discussed during the trial were the first source of

substantial information available on the INA. Sir Norman Smith, the Director of Intelligence Bureau, in a confidential note to Home Department said, “there has seldom a matter which was attracted so much Indian public interest. . . . The effect the publications in question have is undoubted, for many of them are most popular and widely-read even in the rural area. The country’s ear has largely been captured.”²⁴ The general ‘Nationalist Press’ was encouraging that clamour marvelously. The Hindustan times and Amrita Bazar Patrika were particularly keen on idealizing the INA. Amrita Bazar Patrika declared that, “it [was] now clear as daylight that the motives of Azad Find Army were entirely patriotic and selfless and as such their trial under the present circumstances is nothing but an affront to whole Indian Nation.”²⁵ The newspaper carried the headlines, “INA Trials Opens in Red Fort” “Story of Surrender on Irrawaddy” “INA’s Role in Imphal Battle” “Freedom for India: INA’s Objective Explained.” It carried the long stories about the INA and the proceedings of the trials, by explaining that here was a trial “unprecedented in British Indian history.”²⁶ The Hindustan times put photos of all accused and the photos of the marching of the uniformed women of the Rani Jhansi Regiment. A series of books on the INA were published as soon as the trial announced. These included biographies of Subhas Chandra Bose, memories of the INA, and a collection of statements from its member. These contemporary writings was coloured by the patriotic sprit of the time. The press contributed greatly to the perception and portrayal of the INA. The Indian were affected by a swing of patriotic work carried out by Bose and his comrades in Malaya, Burma, and Singapore.

In holding the trials in public the Indian army command had assumed that as the trials would bring out stories of brutalities committed against Indian soldiers by the accused, the Indian public would react sharply against the INA and recognize the Justice of the Government’s policy. Auchinleck had written the India Office “that when the evidence comes to be made public, as it will be made public because the trials are going to be open to the public, some of those gentlemen out there who have been so loud in their sympathy for the INA may sing a different tune. I think it will be difficult for them to defend murders and torturers of people of their own race simply because they remained loyal to their salt.”²⁷ But the trials produced opposite result. It led the country to a nationwide upsurge in India against the trials of the INA. Nehru said “The trial dramatized and gave visible form the old contest: England versus India.”²⁸

To the entire people of the country, Subhas Chandra Bose was accepted as ‘National Hero’ and the INA men were worshipped as a band of patriotic heroes fighting for the liberation of their motherland. So the trial of three Punjabis incensed deep patriotic feelings and a wave of indignant protest inflamed the masses demanding the unconditional release of the INA men. Philp Mason wrote : “In a wave of nationalist emotion the INA were acclaimed heroes who had fought for the freedom of India; no political leader who valued his future could stand aloof — all must offer to defend the martyrs.”²⁹ Jawaharlal Nehru told the *Staesman* that the INA prisoners should not be treated as ordinary rebels, “the punishment given them would in effect be a punishment on all India and all Indians, and a deep wound would be created in millions of hearts.”³⁰

The emergence of ‘National Upsurge’ against the government’s INA policy, brought about protests from different parts of the country. S.A. Ayer observed: “The INA had literally burst on the country... From Himalayas to Cape Cormorin (it) was aflame with an enthusiastic fervour unprecedented in its history.”³¹ A wave of resentment spread in the whole country like wild fire. On 5th November, 1945, the beginning day of the trial, a small crowd carrying ‘Save INA Patriots’ placards collected across the road from the Lahore Gate, the fort’s principal entrance, and met official cars with shouts of ‘Jai Hind.’ The ‘INA Day’ was observed in many parts of the country to protest against the trials. On November 5, there was hartal in Delhi. All the shops and establishments were closed, on the streets emerged thousands of students. The order of the authorities banning meetings and demonstrations of expression of sympathy for the INA was ignored. All over the country not only in the towns and cities and all the rural area observed a day and a week in the

defence of the INA insisting on the release of the INA officers. "It has created", reported a press correspondent on the opening day of the trial, "the keenest interest of the people from one end of the country to the other."³² There was an amazing reaction in the whole of India and even the remote villages suddenly knew about the INA. The cry of the demonstrators was 'Jai Hind', 'Inquilab Zindabad', 'Hindus and Muslims Unite', 'Release INA and political prisoners', etc.

The public opinion against the Government's policy towards the INA became more and more sympathetic in the country. The unprecedented, widespread popular interest generated by the INA issue conceded by the Director of the Intelligence Bureau. He wrote there "has seldom been a matter which has attracted so much Indian public interest, it is safe to say sympathy as the fate of the INA. Public has sentimental considerations and has been very greatly influenced by the press and platform propaganda of political leaders and organization."³³ Sir Bertrand Glancy, Governor of Punjab said : In the eyes of most Punjabis, Sahgal, Dhillon and Shah Nawaz Khan are heroes. The public does not take their murder and abetment of murder charges seriously. Calling them traitors simply feeds their popularity. If a sentence of death is pronounced and actually carried out, we shall face agitation worse than that which proceeded the Amritsar massacre of 1919, violence more serious than any seen during the Quit India troubles 1942.³⁴

Though it was a 'small spark' but kindled a "prairie fire." The All-India Women's Conference, the teachers and the students vehemently protested against the trial. After the court adjourned on 6th November, 1945, when the court reassembled on 21st November, 1945, the country was ready for a resort to violence on a large scale. There had been violent demonstrations in Calcutta, Lahore, Bombay, Delhi, Karachi, Rawalpindi, Benaras, Patna, Allahabad and other places.

Elsewhere in Punjab there was hartal at Lahore, Lyallpur, Rawalpindi and Karachi. Simple to organise - it was just a matter of parading with tricolour banner, shouting 'Chalo Delhi', demanding the release of the Red Fort prisoners. In Lahore, tension was palpable long before the trial itself began. Diwali, the Hindu Festival, was near and students went about begging householders not to set out the usual Diwali lights and give residential quarters at night a magical appearance. Out of respect for the patriots whose trial would soon begin, Lahore must remain dark. When Diwali evening came, dark it remained.³⁵ "Only at isolated points tiny earthen lamps faintly flickered."³⁶ The children roamed the lanes and alleys of Lahore chanting 'Azad Hind Fauj Chhor Do, Lal Qila Tor Do.' They carried the photographs of the three defendants and Subhas Chandra Bose. At Karachi the municipal corporation announced an INA Day. In mid-November Nehru campaigned furiously through Punjab. His speeches were passionate and felt particularly by students. They took out processions to protest against 'Red Fort trial'.

From 21st to 24th November, Calcutta saw the biggest and most spectacular outbreak of public protest. For four days public uproar spread all over the city. In Calcutta the British and the American military establishments were attacked. In Calcutta alone 188 U.S. and British military and police men were wounded and one killed. Among the public, 32 were killed and 150-200 wounded due to police firing. A total of 49 U.S. and British military vehicles were destroyed and 97 damaged by the rioters.³⁷ For three days there was no water in the city and transport did not ply. In Calcutta, there appeared anonymous hand written posters calling for the release of officers and men of the INA and threaten that for each member of the INA harmed 'twenty white dogs' would die. These posters were found posted on walls in the Dalhousie Square area of Calcutta. Some of them concluded with the words 'Long Live Terrorism', a slogan significant for the peace of mind of 'independent India'.³⁸

The elections to the Central Legislative Assembly were scheduled to be held in India. It was due in the Punjab on 23rd November, in Delhi on 24th November, in Bombay and the United Provinces a few days later and in the Madras on 1st December. The election campaign provided

convenient platforms and growing audience. Demands for an no action against the INA had been constant at many Congress political meetings all over the country during the October and November. The politicians in their election campaigns spoke about the INA in appreciative terms to interest their audiences. This was attributed partly to a wave of anti British feeling which was now being deliberately fostered, and partly to genuine sympathy for the INA.

A distinct feature of the INA release campaign that followed was the enthusiastic participation of the student community. After the introduction of western education the student element gradually became political conscious. The nationalist movements in South-East Asian countries cast a profound impact on the Indian student community. The students agitated for the INA cause by holding meetings and demonstrations in Calcutta, Lucknow, Lahore, Jullundar, Rawalpandi, Lyallpur, Amritsar and other places. Strikes and boycott of classes marked a common feature of student activity. They also collected funds for INA defence and succeeded in suspension of business activity to mark solidarity for the INA cause. In Calcutta, the students emerged in a procession from the Dharniatolla Street shouting different slogans: 'Jai Hind', Release INA Men', 'Quit India' etc.

The students were united on the same platform irrespective of communal and political affiliations. While demonstrating for the release of the INA men, Hindus, Muslims, and Sikhs marched side by side setting up an example of joint action and spontaneously tying together all the political party flags as a symbol of anti-imperialist unity. The student remarked, "Students belonging to various political parties marched unitedly with the war cry: '*Death to British imperialism*'...*Hindu Muslim Unity Zindabad*'." ³⁹ The fearlessness of student resistances made a decisive impact on the freedom movement and hastened the release campaign for the INA men. Viceroy Wavell estimated that student's agitation proved a turning point in the immediate political situation and caused at least a temporary detente. ⁴⁰ When students took out processions to protest the Red Fort trial, they were not easily checked, turned back or dispersed. There was collusion between the police and the students at many places across the country. The *Hindu* observed that everywhere "the cycle of protest leading to repression had been the same..... It begins with a procession or other demonstration to which the police object, tampers rise, there is a precipitate *lathi* charge followed by stone throwing and then the police open fire with regrettable loss of innocent lives and the public more embittered than ever." ⁴¹ A collision of this sort occurred at Madura. The police fired on the agitators leaving two dead and more wounded. It was at Calcutta that a really serious confrontation erupted. It started with an attempt by the University students to observe an INA Day. The police cordon prompted the students to squat on the street as they declined to disperse. They surged forward and were received with *lathi* charges and fired. As a result of it a student and a youngster were killed. ⁴² The students were alleged to have pelted stones, brickbats, soda water bottles and iron-rods at the police. But the demonstrators did not scatter. The student instead of dispersing poured into Dharnatoll Street and squatted throughout the night. It was only after the firing, that eminent personalities like Shyamaprosad Mookerjee, Dr. B.C. Roy, Dr. Radhabenode Pal and Kiran Sankar Roy and other visited the spot but by then mass feeling was keyed up to the highest pitch and they failed to restrain it despite their exhortation. ⁴³ News of police firing and *lathi* charge on the students brought forth a wave of protest by the citizens of Calcutta. Train and bus drivers had quit work to show their support. These were spontaneous strikes by factory workers in sympathy with the students. The municipal and water workers came out too. Shops and offices closed. Road blocks were erected; military, police and private vehicle were obstructed and burnt. Indian wearing western clothes were held up by mobs and asked to change into Indian clothes. ⁴⁴

The Calcutta police action prompted demonstrations in Dacca, Patna, Benaras, Allahabad, Karachi, Bombay, Delhi, Amritsar, Meerut, Lucknow, Poona, Madras, Bangalore, Cuttack, Lahore, Rawalpindi. They observed strikes and demonstrations in solidarity with their Calcutta brothers. The Red Fort trial seemed to bring it to the surface. Across the country, Sub-Divisional Magistrates

attempted to anticipate and stop them, usually by publishing orders that forbade processions, meetings and demonstrations in sympathy with the INA men. But they failed to make their prohibitory orders stick.

There was also an unofficial but strong pressure of opinion in Britain in favour of the INA officers. Some influential men in British public life were reported to have favoured the release of the INA officers because they reorganized the sincerity of the INA officer's motive. High ranking jurists were reported to have expressed that from moral and international stand point the INA was "fighting for the independence of their country and not to share the exploit of the Fascist aggression. It is commonly recognized that to fight for one's own country is a noble and moral obligation of each person. One may deplore their policy, but cannot stigmatize their motive as treacherous."⁴⁵ It was reported that important personalities like Sir Stafford Cripps and Lord Louis Mountbatten had in their 'private talks' recognized the patriotic motive of the INA officers under trial. Likewise some influential Labour members of the British Parliament including Professor Harold Laski, the Chairman of the National Executive of the British Labour Party, Reginald Sorensen, F. Brockway, the leader of the Independent Labour Party, and W.G. Cove were opposed to the trial mainly because it would strain the post-war relationship between England and India.

During the period, urgent consultations took place between the Viceroy and the Commander-in-Chief. Both agreed that the unprecedented popular support which the political parties, especially the Congress, were giving to the INA, called for a rethinking on the quantum of punishment to be given to the accused. Two weeks, after the commencement of the trial, the Intelligence Bureau in their assessment noted with concern the emergence of much public interest and sympathy towards the INA issue and the general line of the nationalist case was that men of the INA were activated by patriotic motives and they demanded that none should be punished. "If there is punishment the result attending will be racial bitterness which will last down through the ages."⁴⁶ Auchinleck, Commander-in-Chief, discussed the question with the Provincial Governors and bureaucrats and they recommended to the Viceroy for the limitation of further trial and leniency.

The country wide national upsurge in India against the trial of INA forced a change in the policy of the government with regard to the INA trials. As a result the British Court Martial's finding of guilty and the awarding of transportation for life to each of the accused was consequently commuted by the Commander-in-Chief. Following the remission of the sentence of transportation, the three INA men were released on 3rd January 1945 from the Red Fort. Getting release the three officers published declaration in which, in particular, it was stated: "we have seen in our release a victory of the people's will... We had fought for the establishment a united and free India and we are going to continue this fight. We fought for justice and we did whatever we thought fit to achieve independence for our country."⁴⁷

It was that will of the Indian people that triumphed in the end. Within half an hour news was on Radio and then it literally became the talk of the towns. The three men drove to Asaf Ali's house to convey their thanks to him personally. In the way to Asaf Ali's house, the INA men were caught in a wave of popular enthusiasm. As they came out of the house the crowd cheered them with the cries of 'Jai Hind' and 'Inquilab Zindabad', garlanded them. The Hindu observed: "joyously they in, followed by a crowd of friends and admirers, loaded with sweets and garlands."⁴⁸ Asaf Ali said in statement: "It is a matter for congratulation for all parties concerned that Shah Nawaz, Sahgal and Dhillon are free men toady."⁴⁹ While addressing a public meeting at Karachi Nehru paid a tribute to the patriotism of the INA and referred to the great efforts of Indian masses for the last three months to secure their release. He said he was struck by the way in which INA solved the communal question. Jawaharlal Nehru comments: "but the triumph was that of the Indian people as a whole, civil and military, who had pronounced judgment already and their verdict was too powerful to be ignored."⁵⁰

The whole country will be jubilant over the happy end of the first INA trial. The case against all the three had, for one reason or another, electrified the political temper of Indian people of every school of thought without distinction of caste and creed. This strain was becoming unbearable everywhere for the simple reason-as the course of the case itself disclosed-that these young compatriots of ours were guided by the highest motives of patriotism at a time when fortunes of war were dark indeed. No trial in India either by Court Martial or in the Civil Court had attracted so much attention or had dealt with issue of such fundamental national importance. Despite forensic brilliance of Mr. Desai or the vehement arguments of the prosecutor, the actual decision was made by the Indian masses. It was the voice of the country that had saved not only their lives but also the honour and prestige of the country. Under such circumstances, any claim that British could still rule India, could not be considered valid. The failure of the trial deservedly was perceived as the legalization of the struggle for liberation by violent methods, recognized by authorities the very idea of uprising against the British authorities in India. Triumph of the people' will served as the powerful catalyst for the liberation movement. The INA trial enabled the beginning of the new patriotic national upsurge in the country, and it contributed for the liberation struggle of the Indian people. The final outcome of the trial to be the victory of the Indian masses.

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