

REFERENCE IN THE HIGH COURT.

On Monday, February 2, 1948, the Hon. Mr. M. C. Chagla, Chief Justice, and all the Judges took their seats in the Court of Session where members of the Original and Appellate Side Bar and the Attorneys of the High Court had assembled. Addressing the members of the Bar his Lordship the Chief Justice said:

Mr. Advocate General, Mr. Government Pleader, and Members of the Bar.

We have met here to-day to mourn the death of Mahatma Gandhi, the Father of the Nation and the Architect of its freedom. We are mourning along with the whole nation; indeed with the whole world. It is indeed a cruel irony of fate that the kindest, the gentlest and the noblest of men, should have met a violent death. Before him the struggle for freedom was a political struggle. It was waged with political weapons. He raised politics to a high moral level. He instilled in us a sense of dignity and a sense of self-respect. He re-kindled in us the flame of patriotism and he made us realise and become conscious of the heritage of our past. Within a generation he achieved a miracle. He found the country the Dependency of the greatest Empire the world has known. He found the people disunited, dis-spirited, demoralised. He worked, he waved the wand and within 25 years the great Empire abdicated her Indian possession and in the place of the Union Jack the National Tricolour was hoisted.

Mr. Advocate General, rarely in history has the phenomenon been seen of the prayer meetings that he held from day to day. An old man, small and slight in build, heard the scriptures being recited of different religions, and then he made his comment on the political questions of the day and his voice reached the length and breadth of the country. It travelled in all parts of the world. Government trembled, the mighty in their seat trembled, and great policies were reversed overnight.

When we achieved freedom, we hoisted the National Flag, we sang the Vande Mataram and we complimented ourselves that we had won a bloodless victory. But in our joy there was a tinge of sorrow. The unity of India had been disrupted, the country had been partitioned, brother had been divided from brother, and we can well imagine what anguish Gandhiji must have felt. But he hoped that this might put an end to the communal problem. Instead of that communalism was emphasised and aggravated. A huge wave of madness and fanaticism seemed about to submerge our newly born State and even like Canute of old he asked the wave to stop and unlike Canute the wave stopped.

Mr. Advocate General, he preached the great gospel of non-violence and truth not only to India but to the whole world. He found the west which was weary in soul, disillusioned, wanting a message. The west had achieved great heights in scientific progress, in material comfort and luxury, but morally it had lagged behind and Gandhiji gave to it the new gospel. He put against the materialism of the west the spiritualism of the east. His message in its very simplicity was stupendous and breath taking. He advocated love of living beings including your enemies. He said what all religions have said, but this world needed a new Prophet and a new message.

Mr. Advocate General, Gandhiji is dead. He died at the hands of a fanatic. But let us not forget that behind that act there is an ideology and an organised plan. We were privileged and we were fortunate that a man like Gandhiji should have lived in our country and worked for us. Let not the verdict of history be that we were unworthy of him, and, therefore, if we want Gandhiji's ideal to remain, we must organise ourselves; we must build a strong secular State; we must forge the bond of common citizenship. We might worship our own Gods in our own way, but we must bring to the state a common loyalty and a common citizenship, and then only, although Gandhiji might be dead in the flesh, he will live in the spirit, and his spirit will encourage us, will comfort us, and will bless us.

Mr. C. K. Daphtary, Advocate-General, said :—

My Lords,

We have gathered here to-day in the shadow of a world disaster, a national calamity, and more specially and particularly a personal bereavement of each one of us. We are not here to voice what cannot be compassed in words, the stark desolation, in our hearts; not to chant praises of Mahatmaji for he does not need them, nor to weep our tears for he is not here to heed them. We are here because we instinctively huddle together as children orphaned of their Father in an uncertain and stormy world; helpless without the one who was up to now always at hand to guide, comfort, and direct, to whom all turned for advice and solace.

But there is no need utterly to despair. They called him statesman and saint, preacher and politician. Each name recognised but one of the myriad facets of that great Soul. But the core of him was the love of truth, of non-violence, the passion for humanity, all-embracing charity, the passion for peace and universal brotherhood. That pure spirit which could prevail and shine even in years which saw more strife and bitterness than any other, cannot die with the man. That spirit so irradiated every particle of this world that the energy for good it released is unending and timeless. If we but keep our minds always open to that energy and that force, and keep ever in our minds his gospel, we shall attain without fail the goal of lasting peace for which he lived and died to achieve, and for which we all pray.

Mr. S. G. Patwardhan, Government Pleader, said :—

My Lords,

We are under the shadow of the deepest gloom. We have gathered here together to mourn the loss of Mahatma Gandhi. Last Friday was the saddest day in our public life and in the private life of each one of us. We mourn the loss of the greatest man in the world. I am not satisfied by calling him a Prince among men. He was an incarnation of God.

It is a sad irony that one who preached non-violence all his life was shot dead by the hands of an assassin. History repeats itself. There is not only a great resemblance between the lives of Gandhiji and Jesus Christ; there is a resemblance even in their end.

Gandhiji was verily an epoch-maker. He was a seer and a founder of a philosophy of life. Jesus Christ promised his followers the kingdom of heaven. Mahatma Gandhi gave us a kingdom on earth.

Gandhiji was an embodiment of courage and, what is more, he instilled courage in thousands of hearts which were otherwise feeble.

Gandhiji stands for a New Way of Life, based on spiritual and moral values.

We must not allow despair to overcome us. We must by our acts make him triumph even in his death. Every drop of blood that may have spurted from his frail body must regenerate hordes of soldiers armed with the shield of non-violence and fired by the burning passion of establishing peace on earth and good-will among men.