

## Saga of the Marseilles Leap

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## **Saga of the Marseilles Leap**

Savarkar's historic leap into the ocean off the coast of Marseilles, France on Friday, 08 July 1910 is a watershed event in the history of our Freedom Movement. Savarkar's daring escape and arrest on French soil became a *cause celebre* in the Permanent Court of Arbitration, Hague as the International Court of Justice was then called. The extraordinary chain of events starting with Savarkar's extradition from Britain to India on board the S. S. Morea (01 July 1910) and culminating in the award by the Arbitral Tribunal (24 February 1911) has been referred to as 'The Savarkar Case' and 'L'affaire Savarkar' by British and French chroniclers of that time. L'affaire Savarkar catapulted the issue of India's freedom at the international level.

## Background

On 26 May 1906, Savarkar left India for England after securing 'The Shivaji Fellowship' announced by Sardar Singh Rana. Savarkar's name had been recommended to Shyamji Krishnavarma of the India House, London by no less than Lokmanya Tilak who as per Shyamji's instructions had also paid Rs. 400 to Savarkar. Though Savarkar had ostensibly gone to London to become a Barrister, he soon became the fiery leader of the Indian Revolutionary Movement in England. Among other things, he penned 'The Indian War of Independence, 1857, by an Indian Nationalist' and a Marathi version of Mazzini's autobiography with a memorable 26 page introduction. The Rowlatt Committee (1918) that evaluated "political terrorism in India" summarized some of Savarkar's activities thus: "In February of that year (1909) Vinayak Savarkar, who had obtained from Paris a parcel of twenty Browning automatic pistols with ammunition, sent them out to Bombay concealed in the false bottom of a box..." These pistols had been discovered in different parts of India, situated as far as Nashik and Kolkata; one of them was later used by Dhingra to assassinate Curzon Wylie. Savarkar had also secured the manuscript of a bomb manual that Hem Chandra Das had secured with the help of some Russian revolutionaries. "Savarkar's copy contained forty-five sketches of bombs, mines and buildings to illustrate the text" said the Rowlatt Committee report. The conviction of elder brother Ganesh (09 June 1909), assassination of Sir William Curzon Wylie by Madan Lal Dhingra (01 July 1909), Dhingra's martyrdom (17 August 1909), assassination by Anant Kanhere of A.M.T. Jackson, the District Magistrate of Nashik who had committed Ganeshpant Savarkar to trial (21 December 1909) were events that followed in quick succession and in Savarkar's words proved that "India is advancing and the Hindu race is not dead".

Savarkar's political leadership of the India House had come to the notice of British authorities. On 13 May 1909, benchers of Gray's Inn charged Savarkar (and Harnam Singh) with various offences such as sedition and trying to overthrow the Government of India established by law. Though the benchers could prove none of the charges, they decided that Savarkar would not be called to the Bar. The following telegram dated 15 March 1909 from the Viceroy to the disciplinary committee of Gray's Inn shows how keen the British Government was to punish Savarkar, "Reuter wired 7<sup>th</sup> March that Benchers, Gray's Inn, had postponed calling to the Bar two Indian students owing to connexion with Indian sedition. If either student is V.D. Savarkar, this connexion is undoubted. We are sending by this mail important documents establishing his active participation in seditious movements." (Mukund Sonpatki, *Daryapar*, Marathi, Purandare Prakashan, Pune, 1980, p 20-21) Recently (12 June 2010), this writer wrote to the archivist of Gray's Inn inquiring the availability of original documents. He got the following reply (14 June 2010) from the archivist of Gray's Inn, "Thank you for your enquiry. I can confirm that further to various charges made by the British authorities against Savarkar (who had indeed been admitted to Gray's Inn on 26 June 1906), the Inn enquired into his activities, and that his call to the Bar was postponed, in accordance with a decision of the Bench of 14 July 1909. The Inn did not remove his membership, but he subsequently withdrew from the Inn at his own request: this request to withdraw was received and allowed on 16 March 1910. Unfortunately the Inn was heavily bombed during World War II and virtually all documentation relating to individual students was destroyed, including that relating to Savarkar. I would be willing however to extract for you the relevant entries in the surviving minutes of Pension, the Inn's governing body, which

summarise the formal process of the Inn's enquiry. This is unlikely to contain much information with which you are not already familiar, but will at least provide an accurate timescale as far as Savarkar's connection with the Inn is concerned." This writer is hopefully waiting for further information to be unearthed.

After his brave public support to Dhingra at Caxton Hall (05 July 1909), Savarkar had become a marked man in the eyes of the British authorities. Darkness seemed to envelope him on personal and public fronts.

Savarkar's elder brother had already been sentenced to Transportation for Life in the Andamans and his entire property had been confiscated. His younger brother Narayan was on the brink of arrest. The responsibility of the household rested on the shoulders of his sister-in-law Yashodabai (Yesuvahini) and wife Yamunabai (Mai). His only son, Prabhakar aged four had died in 1909. The trial and execution of Dhingra spelt the doom of "The House of Mystery" as India House was referred to in the British Press. Shyamji now shifted to Paris. In Shyamji's words, "we felt that he (Savarkar) was no longer safe in England and we besought him to quit "Perfide Albion" without delay...After repeated appeals he was at last persuaded to come to Paris and we were delighted to know that our young friend was safely in our midst, free from the clutches of his relentless enemies...the probability was that the alien oppressors of our country would take good care to put him out of the way, fearing lest an active and capable young man of his temperament might wreak a righteous vengeance." (Indulal Yajnik, *Shyamji Krishnavarma: Life and Times of an Indian Revolutionary*, Lakshmi Publications, Bombay, 1950, p 286) It is worth noting that before acceding to Shyamji's requests, Savarkar had publicly celebrated Dassara in London on 24 October 1909. The meeting was attended by Muslims and Christians as well and was chaired by Gandhi. Gandhi remarked that it was an honour for him to get an opportunity to sit next to Savarkar and that he had experienced what is referred to as inspiring oratory. Despite being under tremendous physical and mental strain and affliction with pneumonia, Savarkar started writing a 200 page Marathi book on the history of the Sikhs during his recuperation in Wales. Savarkar finally left London for Paris on 06 January 1910.

## **Fearless Return to London**

By November 1909, the Bombay Government was seriously considering Savarkar's arrest. The Jackson murder in Nashik led to widespread arrests and extreme torture of the youth in Maharashtra. On 01 February 1910, the preliminary investigations into the Jackson murder came to an end. The police established that the weapon used for the Jackson murder had been sent from London by Savarkar. The magistrate ordered that Savarkar be arrested on charges of sedition, waging war against the Government and conspiring to overthrow it. He also invoked the Fugitive Offenders' Act 1881 against Savarkar and sent a copy of this to the Bow Street Magistrate so that Savarkar could be arrested in London. But Savarkar was in Paris. He could not sit quiet. He organized meetings of revolutionaries in Paris, administered pledges to Indian youth, studied biographies of Garibaldi, read the third volume of Mazzini's writings and completed his Marathi book on the history of the Sikhs. He continued to write inflammable letters to India and send Browning pistols. But Savarkar was still restless. He told Shyamji that he wanted to return to India and prove his leadership. Knowing that arrest in India and subsequent prolonged imprisonment was imminent, Shyamji and Madam Cama pleaded with him to reconsider his decision. Shyamji told him: "You are a general and must not rush to the firing line with the rank." But Savarkar replied, "But it is only by fighting first by their side in the firing line that I can prove my worth of being exalted to the position of a general: otherwise every one would think himself, by a deceptive notion of one's self importance to be as indispensable, as a general and thus claim to remain at the Headquarters. Then who would fight? Will not, moreover, this kind of argument serve the cowards as a handy shield to hide their fear?" (Chitragupta, *The Life of Barrister Savarkar*, p 130-131; according to one version, Chitragupta was the pen name of none other than Savarkar himself)

Seeing that he would not budge, Madam Cama finally pleaded with him to return to London as the judicial system was fairer there. Savarkar told himself, "I must have work! If not India I must go to England. I must risk even as my followers have done and show that I cannot merely sacrifice but even suffer. If I get arrested, well that would be the real test of mettle, I have bragged of being pledged to face imprisonments, exiles, tortures, death in the cause of the Independence of my Motherland. Now is the time to test myself if I could bear a part of these calamities and still stand unmoved and faithful to my Faith. Youngsters who took lessons at my feet have braved the gallows and kept their pledge of fighting even unto death; should their trusted teacher and guide and friend and philosopher keep running away from shore to shore and leave them all lurch shielding myself to work greater wonders? The first great wonder that I must work is to prove my capacity and ability to work wonders by standing by guns and if the worst comes to the worst face arrests and tortures and still stand unshaken and immovable and if possible try to frustrate the toes by effecting my release or stay out all their tortures or in the end die fighting. If I survive in spite of risking and come out unscathed from the ordeal then I might hold myself justly entitled to spare me as a general without the least danger of demoralizing either myself or my followers. Well if I don't survive I shall have kept my word, my pledge of striving to free India even unto death and leave a glorious example of martyrdom which in these days of mendacity and cringing political slavery is one thing wanted to fire the blood of my people and to rouse and enthuse them to great deeds. A great martyrdom: some grand example of utter sacrifice and willing suffering: and India is saved. No amount of cowardly tactics in the name of work can whip

her back into life. I will risk, will myself pay the highest price—then alone I shall have right to exhorted others to risk and suffer and pay.” (Chitragupta, *ibid*, p 135-136)

Savarkar finally decided to return to London in spite of the misgivings of his associates. Savarkar was fully aware of the Fugitive Offenders’ Act that had been slapped on him. Coming to London was an act of uncommon bravery! On 13 March 1910, Savarkar left Paris and reached Newhaven on the south coast of England. From there, he boarded a train to Victoria Station, London. He was promptly arrested at the station itself after a brief struggle. He was shown an Indian warrant, charging him with sedition and inciting to murder in India. Savarkar merely smiled and said, “Yes, sir”. He was taken to the Bow Street Magistrate. A search of his belongings revealed nationalist books, newspaper cuttings, photographs of Mazzini and Madan Lal Dhingra, his writings on Garibaldi and a paper with code language. The police tortured him to decode the paper but Savarkar did not yield.

## Extradition to India

The well-known English author David Garnett who had befriended Savarkar writes in his autobiography *The Golden Echo* (Harcourt, Brace and Company, New York, 1954, p 153), “From the point of view of the government his arrest was peculiar and required careful handling. They had evidence of his connection with the murder of Mr. Jackson at Nasik, but were not prepared to charge him with it. For the murder occurred while Savarkar was in London and he ought, therefore, to be tried in London. If he were tried in England on, let us say, an incitement-to-murder charge, he would, if convicted, get a sentence of two or three years. If he were tried in India, it would be another matter. The authorities were therefore trying to extradite him to India, but to do so they had to dig up, or manufacture, evidence of crimes committed while he was in India, carefully avoiding reference to the crimes he might have committed in London. This took some time, and while the case was being prepared, Savarkar had to be brought up at Bow Street week after week and remanded, bail being refused.

Eventually, the Indian authorities dug up some speeches that Savarkar had delivered in India several years before, and for which they had had ample opportunity to prosecute him at the time. They then applied for his extradition on that evidence only. The evidence was thin, for the speeches had been delivered at a time when the political atmosphere in India was completely different. The speeches, which had not been thought worth prosecuting him for at the time, had become seditious as the ferment of unrest increased in India.”

“The English proceedings” as Savarkar’s English friend Guy Aldred (Aldred was the first Englishman to court imprisonment for the cause of India’s freedom) remarked, “at the Bow Street Police Court, the Divisional Court and the Court of Appeal were characterized by the usual illegality. The English Government had determined on Savarkar’s return to India...The Courts decided that had there been no abetment of murder charge, it would have been harsh to have sent him to India on the sedition charge. On the other hand, it urged that since the speeches – on which the sedition charge was based – were delivered in Hindustani it was fairer for him to be tried in India. This was the opinion of the Lord Chief Justice. Mr. Justice Coleridge dissented from sending Savarkar to India but waived his dissent as a minority view.” (Yajnik, *ibid*, p 287)

That the British authorities were planning Savarkar’s extradition to India soon after his arrest is evident from a letter (dated 26 March 1910) written by Asst. Police Inspector Guyder of Bombay Police to Deputy Superintendent C.I.D. Charles John Power who was leaving Mumbai for London with an arrest warrant for Savarkar. Power was to be accompanied by three police *jamadars* Amarsingh Sakharamsingh Pardeshi (an erstwhile member of the Savarkar’s secret society *Mitra Mela*, Muhammad Sadiq and Usman Khan; the last died after reaching London). The warrant was given to Power on 08 February 1910 (Sonpatki, *ibid*, p 90).

Savarkar was remarkably composed in prison. When his associate Niranjan Pal asked him why he had knowingly courted arrest despite the advice of his compatriots, Savarkar replied bravely, “I came to London to be arrested, because my shoulders are broad enough to bear the consequences.” His Marathi poem ‘*Maazhe mrityupatra*’ (My Last Testament) composed

while in Brixton Jail and addressed to his sister-in-law is immortal in the annals of Marathi literature. To his associate VVS Aiyar who met him in prison, Savarkar said that propaganda for the country's freedom should continue.



## Attempts to Free Savarkar

On 20 March 1910, a committee had been formed under the Chairmanship of VVS Aiyar to secure Savarkar's release. Savarkar's friend David Garnett, who was then just eighteen, too had thought of a plan. Savarkar was taken every week to Bow Street in a taxi for the formalities of a remand. He was accompanied by one, or sometimes two detectives. His going up for a weekly remand had become a routine matter and he was taken from the prison at the same time, within two or three minutes. The essence of Garnett's plan was that Savarkar was to be rescued at the prison gates, or within a few yards of them. A watcher would note when the taxi which was to take him to Bow Street drove up. A car would then drive up to the prison with supposed visitors, who would overpower the detectives, and Savarkar would jump in the car, which would drive off with him. The essential feature of the rescue was that the rescuers should not seek to avoid arrest, or to escape themselves. Garnett planned to get two men from Paris who would willingly go to jail for long periods in order to rescue Savarkar. Garnett decided that the best plan was to bring them into England on a yachting trip, land them early on the morning of the rescue, drive them straight to Brixton, rescue Savarkar, drive back with him, embark him and sail to France. Garnett's intention was to arm the rescuers with bags of pepper and loaded truncheons. Garnett discussed the plan with Savarkar who approved of it. Garnett bought a disguise consisting of a motoring hat and veil, then commonly worn by female motorists, for Savarkar. The plan miscarried but Savarkar remained calm as ever. He told Garnett, 'Do not worry about me. I shall escape somehow. I have a plan worked out already, in case your plan failed' (Garnett, *ibid*, pp 154-160).

That Savarkar was also devising a plan of his own to escape is evident from the conversation he had with Aiyar when the two met in Brixton Jail. Mindful of the presence of the prison guard, Savarkar told Aiyar, "If allowed, can have an interview at Marseilles!" By April 1910, Scotland Yard had decided to arrest Aiyar himself as Savarkar's right-hand man. Aiyar got wind of this plan and met Savarkar for the last time on 18 April 1910. Sensing that this was probably going to be their last meeting, both became emotional. But Savarkar controlled his emotions and told Aiyar, "No. we have read the Gita! We must not weep in the presence of these unsympathetic crowds." Aiyar left for Paris on the following day. Aiyar and Madam Cama had also devised a plan to free Savarkar at Marseilles where the liner carrying Savarkar would be anchored. But Scotland Yard had got wind of this plan. The Scotland Yard report dated 24 June 1910 notes that before the *Morea* had left Tilbury, the London Police had been told that Aiyar and his friends planned to meet Savarkar for the last time in Marseilles and were keen to know the name of the boat carrying him. Accordingly, they desire to go to Marseilles to meet Savarkar (Sonpatki, *ibid*, p 92).

By a letter, dated the 29 June 1910, the Commissioner of the Metropolitan Police in London informed the " Directeur de la Sûreté générale " at Paris, that the British-Indian Vinayak Damodar Savarkar was about to be sent to India, in order to be prosecuted for abetment of murder etc., and that he would be on board the vessel " *Morea* " touching at Marseilles on the 7th or 8th July. In consequence of the receipt of this letter, the Ministry of the Interior informed the Prefect of the "Bouches-du-Rhône ", by a telegram dated the 4th July 1910, that the British Police were sending Savarkar to India on board the steamship " *Morea* ". This telegram stated that some "révolutionnaires hindous" then on the Continent, might take advantage of this to further the escape of this foreigner, and the Prefect was requested to take

the measures necessary to guard against any attempt of that kind. The " Directeur de la Sûreté générale " replied by a letter dated the 9th July 1910 to the letter of the Commissioner of the Metropolitan Police, stating that he had given the necessary instructions for the purpose of guarding against the occurrence of any incident during the presence at Marseilles of the said Vinayak Damodar Savarkar, on board the steamship " *Morea* " (Reports of International Arbitral Awards, The Savarkar Case (Great Britain, France), 24 February 1911, Volume IX; pp 243-255, United Nations 2006).

Having thus sensed that attempts would be made to free Savarkar, the police handcuffed Savarkar when he was brought to the Court for the last time and deployed heavy security.

The final arrest warrant was issued on 21 June 1910 by Winston Churchill and the decision to extradite Savarkar to India to stand trial was finalized. Detective-Inspector Edward Parker of Scotland Yard, Deputy Superintendent C.I.D. Charles John Power and the two native escorts were to accompany Savarkar on the Peninsular and Orient Steam Navigation Company's passenger liner *Morea* that was built for long distance mail service (It was hence called RMS for Royal Mail Ship or SS for Steamship *Morea*). Savarkar wrote a final letter titled 'Farewell' to his comrades. The four-paragraph letter is an example of poetic prose! "In order to prevent any demonstrations the greatest care was taken to keep the movements of the prisoner secret. Savarkar was removed from Brixton Prison on Thursday (30 June 1910) evening and lodged in a cell in Cannon Row Police Station. On the following afternoon he was taken by Detective-Inspector Parker and two officers of the Indian Police to Westminster Pier, which is only about 200 yards from the police station. Here the party embarked in a small steam launch and was taken down the river Tilbury, where the P. and O. liner *Morea* was lying out in the river. The *Morea* sailed during the afternoon, with Savarkar and the police officials on board." (*Gaelic American*, New York, 23 July 1910)

## **R.M.S. Morea**

Launched in 1908, the *Morea* (164.53 m length, 18.65 m breadth and 7.53 m in depth) was considered the best-looking liner of her class. She had been fitted with the Marconi system of wireless telegraphy in 1909. As Savarkar was prisoner, he was given a second class cabin and European clothes to wear. As Power was in charge of his security, he too had been given second class. Though Edward Parker of the Scotland Yard was entitled to a first class, he preferred to travel with Power by second class. Two deck passages had been assigned to the two native escorts. Thus, Savarkar, Power and Parker shared a central second class cabin. This cabin had no porthole and had four beds; Savarkar and Parker would sleep on the two beds below. Power would sleep on the bed above that of Savarkar. During meals, Parker and Power would sit on either side of Savarkar. After meals, Savarkar would often take rest in his cabin for hours and would spend his time reading or sleeping. He would usually retire at 9 p.m. Savarkar was free to visit any of the nine water closets (W.C. lavatories). The two native escorts would lay their beds on a platform outside the water closets. He would be taken on to the upper deck for exercise (walking). Up to this time, he was not handcuffed.

Savarkar would often pretend to be asleep and then see how closely the accompanying police officers and guards were watching him. He was careful not to seek information about passing ports lest it should arouse suspicion. En route in the Bay of Biscay, the ocean became turbulent and passengers were thrown around. Seizing this opportunity, Savarkar dashed himself against a porthole and measured it (Joshi V.S. *Krantikallol*, Marathi, Manorama Prakashan, Mumbai, 1985, p 375). Its diameter was 12 inches. As per his measurements taken on 10 February 1911 as a 'criminal', Savarkar himself was five feet two and half inches in height, his chest circumference was 32 inches and collar size was 13 inches. As Police Inspector Kennedy of Bombay Police was to remark later, 'Mr. Power was intimately acquainted with the active movements and the lithe and slender physique of Indian natives!' (Sonpatki, *ibid*, p 97) On 05 July 1910, the *Morea* reached Gibraltar but halted there only for 3-4 hours. It was impossible for Savarkar to escape at that time. After the *Morea* resumed her journey, her connecting rod broke down a short distance from Marseilles. Under these circumstances, the *Morea* reached Marseilles at 10 am on 07 July 1910. The need for repair work caused the Captain to dock her a little closer than normal to the coast.

A "Commissaire" of the French Police came on board the vessel shortly after her arrival at the port, and, in accordance with the orders of the Prefect, placed himself at the disposal of the Commander in respect of the watch to be kept; in consequence, this "Commissaire" was put into communication with the British Police Officer who, with other Police Officers, was in charge of Savarkar (The Savarkar Case, *ibid*, p 254). The French official did not say a word to Savarkar who could not speak French (Sonpatki, *ibid*, p 94).

## Escape

Friday 08 July 1910! Savarkar woke up at 6 am. The ever alert Parker also got up. Savarkar requested that he be taken to the lavatory. Parker would keep his watch on the table between their beds. He asked Savarkar the time. Savarkar replied it was 6.15. Parker asked Savarkar to wait for some time. Savarkar repeated his request at 6.30. It must be noted that Savarkar betrayed no sign of excitement and did not press Parker when the latter had asked him to wait. Who can imagine the turbulence raging in Savarkar's mind at that time? Parker now responded to Savarkar's request. Savarkar now wore his dressing gown over his night dress. John Power was fast asleep all this while. Seeing Savarkar and Parker approach the lavatory, the two native guards got a start. They started hurriedly changing into their uniform. By this time, Savarkar had already entered W.C. number 2. Parker also relieved himself and asked Amarsingh and Muhammad Sadiq to keep a watch on Savarkar while he himself went back to his cabin. Savarkar divested himself of his dressing gown and put it over the glass window on the door of the water closet. He latched the door and started to crawl through the porthole. Outside, the two guards were becoming restless. Amarsingh stood on the ledge and tried to look over the top of the door. Muhammad Sadiq went on his knees and tried to peer from below. When they realized that Savarkar was trying to escape, they tried to break open the door but only succeeded in opening the glass. Their effort was in vain. Savarkar had escaped. Savarkar swam a short distance of around 10-12 feet and climbed up the quay wall (vertical distance of some 9 ft) by riding on rings fixed to the quay (Sonpatki, *ibid*, pp 97-98). Later accounts that gunshots were fired at Savarkar or that he was swimming nude or swam for several miles have no factual basis. The importance of Savarkar's escape does not lie in the duration or the distance he swam. Savarkar's greatness lies in the fact that he courted arrest to prove his bravery and leadership but once that was done, he made a laughing stock of the British Government in trying to escape. In seeking asylum on French soil, he was challenging the law-abiding credentials of the British Government in the international arena!

Savarkar having succeeded in effecting his escape, swam ashore and began to run; he was arrested by a brigadier (Pasky) of the French maritime gendarmerie and taken back to the vessel. Three persons, who had come ashore from the vessel, assisted the brigadier in taking the fugitive back. from the statements made by the French brigadier to the Police at Marseilles, it appears: that he saw the fugitive, who was almost naked, get out of a porthole of the steamer, throw himself into the sea and swim to the quay; that at the same moment some persons from the ship, who were shouting and gesticulating, rushed over the bridge leading to the shore, in order to pursue him; that a number of people on the quay commenced to shout " Arrêtez-le "; that the brigadier at once went in pursuit of the fugitive and, coming up to him after running about five hundred metres, arrested him... the brigadier declares that he was altogether unaware of the identity of the person with whom he was dealing, that he only thought that the man who was escaping was one of the crew, who had possibly committed an offence on board the vessel...with regard to the assistance afforded him by one of the crew and two Indian policemen, it appears from the explanations given on this point, that these men came up after the arrest of Savarkar, and that their intervention was only auxiliary to the action of the brigadier. The brigadier had seized Savarkar by one arm for the purpose of taking him back to the ship, and the prisoner went peaceably with him. The brigadier, assisted by the above mentioned persons, did not relax his hold, till he reached the half deck of the vessel. The brigadier said that he did not know English. From what has been

stated, it would appear that the incident did not occupy more than a few minutes” (The Savarkar Case, *ibid*, pp 253-254).

Reporting on the subsequent events, *Gaelic American* (30 July 1910) reports, “It appears that when his escape was discovered cries of “Voleur! Voleur!” (Thief! Thief!) were raised by the British police who set out in chase. This caused all the French police to join in and the prisoner was finally caught after a hard run that quite exhausted him...After capture by the French police, the Quartermaster of the Marseilles Maritime Police, instead of taking him to the Prefecture to be dealt with according to International usage, he having been captured by foreign police on French soil, allowed him to be taken away on board the British steamer. The matter was taken up by his friends in Paris, and is now under consideration of the French government, in whose hands they have left it. We are informed that the French police received “gratification” from the British Consul of Marseilles for acting as they did.”

The entire incident took about ten minutes. In fact when Pasky, Amarsingh and Muhammad Sadiq came with the captured Savarkar back to the cabin on the *Morea*, Parker was busy shaving and Power was still fast asleep!

## **Attempt to Hush Up**

The sensational event remained hushed up for three full days till finally it was dismissed in a few lines in the Paris edition of the *Daily Mail* of 11 July 1910. There was a tremendous furore in the French press and the French Socialist circles. The Socialist paper *L'Humanite* at once published a forceful article on July 12 and passed the following strictures on the French authorities in Marseilles: "This abominable violation of the right of asylum was effected in absolute secrecy; had it not been for a telegram published yesterday (July 11<sup>th</sup>) in the Paris *Daily Mail* we should still have been in ignorance of the incident. But it is quite impossible that the matter can be allowed to rest here. In delivering up a political refugee the Marseilles authorities – admitting that they had acted on their own initiative – have committed an outrage of which account will most assuredly be demanded and in respect of which the sanction of the State itself is necessary." French national papers of other parties – *L'Eclair*, *Le Temps*, *Le Matin* – presently joined *L'Humanite* in declaring the arrest of Savarkar on French soil to be an international scandal and a violation of the right of asylum (Yajnik, *ibid*, pp 288-289).

## International Outcry

Savarkar's extraordinary heroism at Marseilles was applauded by the impartial press of the world. His whole career, his patriotic exploits in India and England were recounted at great length everywhere. The Indian circles in Paris were naturally stirred into great ferment. The historic Indian trio in Paris – Shyamji, Ranaji and Madam Cama – quickly assembled together and spent days discussing the subject with Monsieur Jaures, the great Socialist leader, Frédéric Jean Laurent Longuet (grandson of Karl Marx) and other influential French politicians. They were one and all quickly convinced of the very serious error committed by the Marseilles police and resolved to compel the French Government to officially demand the return of Savarkar to the free soil of France. (Yajnik, *ibid*, p 289)

The *Gaelic American* (13 August 1910) summarizes the mood thus, “The developments in the case of the Hindu student, Savarkar, who escaped from the custody of his police escort on board the British steamer *Morea*, while the vessel was lying in dock at Marseilles, France, on her way to India, have raised the matter of his unauthorized restitution by a sergeant of gendarmes to the British police, to the status of an international question. This was admitted in the British House of Commons on July 21 by the Foreign Secretary, Edward Grey, who, in reply to a question by a member, admitted that the British Government had been “approached” by the French Government on the subject, but that he could not make any statement till the facts and points involved had been considered.

“Later information says that the French press has taken the matter up very warmly, and, from the Socialist paper, *L'Humanite*, to the highly conservative *Journal des Debats*, has expressed the opinion that Savarkar must be returned to France and set at liberty. “This,” the latter paper says 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*, has generally condemned British action in Egypt and in India, whilst encouraging the leading Nationalist of both nations, comes to the same conclusion, but in continuing its comments says that the Savarkar affair is a sharp reminder of the international importance of the Indian question. It proceeds: 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.

“The *Éclair* speaks of British rule in India being maintained by brutal repression, summary convictions and executions, and goes on to say: We may disapprove of such employment of force: it is not our business to prevent it. But we must not afford help to Britain in her police persecution. Now, unhappily, it seems a mistake has been made in recent affair, that of the arrest on French territory of a Hindu Nationalist, Mr. Savarkar....We gather from the various statements relative to the affair that the English detectives seeing Savarkar swimming away

in the harbour, cried out, "Thief!" At the refitting dock a sergeant of the maritime gendarmerie arrested him and gave him back to the detectives when he should have handed him over to the Special Commissary of the Port.

"The sergeant of the gendarme in question committed a grave error; he is not in the service of foreign detectives; and it is inadmissible that on a false accusation of theft, a French official should authorize the extradition of a foreigner, above all when it concerns someone who is persecuted for his political opinions, and whose sole crime is that he desires his country to free itself from the tyranny of England.

"The *Temps*, which may be regarded as the leading paper in Paris if not also in France, after some hesitation, was obliged to admit that in surrendering Savarkar to his pursuers, the French police had violated the Right of Asylum, attributing their action at the same time to ignorance. The Socialist paper, *L'Humanite*, while severely criticizing this qualifying of the police error, expresses its satisfaction that the *Temps* and itself stand on the same ground on the question of the Right of Asylum.

"The action of the French Government in the matter seems to have been of such a character that the British Government, much as it would like to gratify its savage instincts, will feel compelled to accede to the French demands, if only to prevent a breach in the *entente*, which is one of England's props in international affairs.

"In concluding we cannot omit to notice the suppression of all reference to this Savarkar affair in New York papers. It almost looks as if the word had gone out from the of the Hebrew Under Secretary for India in London to the American press agencies and the London correspondents of American papers to shut down this incident."

Even *The Nation*, London was constrained to observe, "The French democracy, which has always defended Russian refugees against the continual machinations of its great ally, is not at all disposed to be more complaisant towards themselves, partly from a genuine love of liberty, partly from a proper national pride, partly also from a profound distrust of the French police, the advanced parties in France will fight this case with all the passion and vivacity which they favourably bring to bear on simple human issues. We must be prepared, if we insist on refusing to surrender Savarkar, to see ourselves pilloried day by day in the friendly French press. That would be no argument for yielding if we were right; but most clearly we are in the wrong" (*Gaelic American*, 03 September 1910)



## **Farce of International Arbitration**

The French Government did not lose much time informally –though somewhat reluctantly – demanding the return of Savarkar from the British Government. Whitehall on the other side first tried to make light of the demand, bandied about specious arguments and tried to make of it a purely domestic issue with which France had no right to interfere. When the French Government called Britain’s bluff, the latter was compelled to agree to refer the question to the arbitration of the Hague Tribunal (Yajnik, *ibid*, p 289). Pending the decision, no sentence passed upon Savarkar was to have any effect beyond his retention in custody. The Special Tribunal at Bombay decided that the jurisdiction of the Indian Court to try Savarkar was not affected by any questions of the legality of his re-arrest at the French port.

“By an agreement dated the 25th October 1910, the Government of the French Republic and the Government of His Britannic Majesty agreed to submit to Arbitration the questions of fact and law raised by the arrest and restoration to the mail-steamer “*Morea*” at Marseilles, on the 8th July 1910, of the British Indian SAVARKAR, who had escaped from that vessel where he was in custody; and the demand made by the Government of the French Republic for the restitution of SAVARKAR ; the Arbitral Tribunal has been called upon to decide the following question: Should VINAYAK DAMODAR SAVARKAR, in conformity with the rules of international law, be restored or not be restored by His Britannic Majesty's Government to the Government of the French Republic?” (The Savarkar Case, *ibid*, p 251). The Arbitral Tribunal was composed of five arbitrators chosen from the members of the Permanent Court at The Hague. The two Contracting Parties were to settle the composition of the Tribunal. Each of them could choose as arbitrator one of their nationals. The tribunal consisted of five members, one each from Belgium, England, France, Norway and Holland. The sessions began on 14 February 1911, and ended 17 February 1911, the decision being rendered 24 February 1911.

The decision of the tribunal was a foregone conclusion. As *Gaelic American* (25 March 1911) remarked, “What chance a political prisoner has before the Hague Tribunal of Arbitration when the parties in interest have a friendly alliance is exemplified in the case of Vinayak Savarkar. The majority of the court was favourable to Great Britain and it was unanimously decided that France had no claim on the prisoner.” The Hague Tribunal observed, “while admitting that an irregularity was committed by the arrest of Savarkar, and by his being handed over to the British Police, there is no rule of International Law imposing, in circumstances such as those which have been set out above, any obligation on the Power which has in its custody a prisoner, to restore him because of a mistake committed by the foreign agent who delivered him up to that Power.” The Tribunal concluded, “The Arbitral Tribunal decides that the Government of His Britannic Majesty is not required to restore the said Vinayak Damodar Savarkar to the Government of the French Republic” (The Savarkar Case, *ibid*, p 255).

The actions of the French make it clear that they were very aware of the Asylum law. They sent an official on board to prevent Savarkar's escape. For after escape, it was going to be too late. That is why ashore the police had no idea of Savarkar's presence.

Also, where were the preparations that the French superior said he would make? The simple fact is that he could not make any without breaking the International Law.

Also, the French official aboard should have asked for Savarkar's return immediately, for he certainly knew the truth---why didn't he? Why did he not contact the police ashore? Why did the tribunal not bring it up? If the French government knew (according to the telegrams) of Savarkar's presence on the *Morea* and likely escape plan, they should have had protection for him when he touched the shore. So it seems the French Government was not altogether innocent when it returned Savarkar to the ship. The whole thing was quite orchestrated.

## **Re-arrest**

The *Gaelic American* (27 August 1910) reported, “The Indian political refugee who escaped from the steamer *Morea* in Marseilles harbour last month, and was illegally restored to his English escort by a French Gendarmerie official, arrived at Bombay on the morning of July 22 on the steamer *Salsette*. The prisoner was landed at the Government dockyard and driven in a taxi-cab to the Victoria Terminus, where he was placed in a prisoner’s third-class carriage attached to the Delhi Express Mail. The train reached Nasik at noon, where Savarkar was to be detained pending trial by the Special Tribunal on a charge of abetment of murder. The arrangements made for Savarkar’s landing and his dispatch to Nasik were kept strictly secret. The intention of the British Government is apparently to railroad the trial and conviction while the demand of the French Government for his surrender is being held up.”

The failed escape attempt by Savarkar at Marseilles can only be compared to Shivaji’s successful flight from Agra. While Shivaji went on to become a sovereign Hindu king, Savarkar went on to face imprisonment and hardship both in British and free India. Despite attempts by vested interests to suppress Savarkar’s name and fame, like Shivaji, he shall continue to rule over Hindu hearts. Further, his action at Marseilles shall be cherished by all freedom-loving people throughout the world.