

Freedom Movement and Peshawar Conspiracy Cases

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Abstract

‘The Peshawar Communist Conspiracy Cases’ is a less known chapter in our freedom movement. In the beginning of the paper, the introductory note gives the background of the emergence of Communist Party of India (CPI) in Tashkent on 17 October 1920. The ten members of the CPI returned to India and were arrested.

The paper narrates the detailed story of the five conspiracy cases. The first case was Crown Vs Muhammad Akbar Qureshi in which Hafizullah Khan and his servant were tried and sentenced in May 1922. Another case was launched against Mohammad Akbar Qureshi on breach of jail discipline. The third Peshawar Conspiracy case against Akbar Shah and seven others began before the inquiring magistrate of Peshawar on 7 March 1923. Two years rigorous imprisonment each to Muhammad Akbar Shah and Gawhar Rehman Khan, while one year rigorous imprisonment each to Mir Abdul Majid, Ferozuddin Mansur, Habib Ahmad, Rafiq Ahmad and Sultan Mahmud was passed on 19 May 1923.

Similarly Crown vs. Mohammad Shafiq, was the fourth case. He was sentenced three years rigorous imprisonment. The fifth and final Peshawar Conspiracy case was launched against Fazal Elahi Qurban in 1927; he was given five years rigorous imprisonment. The accused filed an appeal against the conviction. The additional judicial commissioner maintained the conviction but reduced the sentence to three years of rigorous imprisonment.

In the conclusion, the paper tells about what happened to these persons when they completed their sentences. It states that Ferozuddin Mansur and Fazal Elahi Qurban continued with CPI. In post partition days, Qurban was expelled from the party while Mansur remained intact with the CPI.

The Peshawar Conspiracy Cases, 1922-27

Early 1920s was a formative phase for the communist movements all over the world. None of the new parties had any mass base at the time, and also lacked a clear cut perspective. In most colonial countries, the

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majority population was that of the peasantry while the working class was coming into existence. The industrial development of India was encouraged by the British to meet the war effort, forcing it to permit Indian bourgeoisie to set up a network of industry and a superstructure of railways, roads and communications.

It was against this background that the communist parties began to emerge in various countries; its Indian contingent was formed in Tashkent on 17 October 1920. According to Muzaffar Ahmad in *Myself and the Communist Party of India*: 'It was M.N. Roy himself... who took the real initiative in founding the Communist Party of India in Tashkent'. The minutes of the meeting state that seven members 'formed the Indian Communist Party in Tashkent on October 17, 1920', where Mohammad Shafiq was elected the Secretary. A subsequent meeting of the party was held on 15 December 1920.¹

The minutes of these meetings are present in the archives in Tashkent, however, some people doubt the authenticity of this account. It is true that the party was formed abroad but it cannot negate the fact that it was formed by Indians, for India. During those initial days of the movement, the primary aim was to popularize the ideas of communism. It was due to the efforts made by this initial formation that the manifesto of the Communist Party was distributed in the sessions of the Indian National Congress – Ahmedabad Congress in 1921, Gaya Congress in 1922 and subsequent Congresses. These manifestos had set the goal of a complete independence for India, exhorting the Congress to take firm positions on this question. Muzaffar Ahmad wrote:

In December 1921, a special event happened in the life of the Communist Party of India. The first printed Manifesto of the Party was distributed at this time. The Indian National Congress was holding its thirty-sixth session then at Ahmedabad in Gujarat. The first Manifesto of our Party was addressed to the Congress delegates and also distributed among them.

He added:

The Manifesto was written and printed in Moscow. Manabendranath Roy drafted it.

The manifesto declared:

If the Congress would lead the revolution, which is shaking India to the very foundation, let it not put faith in mere demonstrations and wild temporary enthusiasm. Let it make

¹ Harkishan Singh Surjeet, '75th Anniversary of the Formation of the Communist Party of India', *The Marxist*, 2:1 (January- March 1984).

the immediate demands of the Trade Unions its own demands; let it make the programme of the Kisan sabhas (Peasant Unions) its own programme; and the time will soon come when the Congress will not stop before any obstacle; it will be backed by the irresistible strength of the entire population consciously fighting for the material interest.²

This was a great task, keeping in view the small group of people who formed the party. Communist parties, all over the globe had very limited membership in the start but became very powerful after some time. For example, the Communist Party in China which also started as a party joined by a handful of people was eventually able to bring about great revolution.

During this period, the Hijrat Movement had begun and many *muhajirs* had left India for Turkey. As they were unable to enter Turkey, many of them went to Tashkent. The Hijrat Movement sprang from the Khilafat Movement. The British government having failed to fulfil the pledge it had given to Muslims in India whose help it had sought in its efforts in Turkey, gave rise to a campaign that India was no longer a fit country for Muslims. As mentioned in the previous chapters, around 18,000 Muslims left the country. These self-exiled people were called *muhajirs*.

After the Bukharan revolution, almost all *muhajirin* were gathered in Bukhara where M. N. Roy met them. Roy sought to persuade them to come with him to Tashkent where they could recuperate and study to equip themselves for the struggle for independence. The majority declined the offer and wanted to return to India while a minority insisted on moving on to Turkey. Those who wanted to proceed to Turkey were helped to do so; but they had to turn back as the Turkish authorities refused them visas. Those who wanted to return to India were sent back to India. Thus the majority of the *muhajirs* from the two batches were back in Kabul by the spring of 1921.

The first batch reached Peshawar on 3 June 1921. Here they were interrogated by Mr Ewart – the officer-in-charge of India's Intelligence Bureau. It is from the statements of these early returnees that the government learnt about the group that had accompanied Roy to Tashkent. This group consisted of some 40 or more *muhajirin*. 26 of whom were identified as having joined the political and military schools at Tashkent from October 1920 to April 1921. They were later sent to

² R.P. Dutt, *India Today*, 2nd revised edition.

Moscow where their training continued in the Communist University for the Toilers of the East.³

Acting on the information they got from the statements of early *muhajir* returnees, the British-Indian police kept a watch for the return of those who had gone to Tashkent and Moscow, carrying out arrests from the middle of 1922. That is how the ‘communist conspiracy’ cases at Peshawar began where some twelve to thirteen people received barbarous jail sentences.

Many *muhajirs* who made their way to Turkistan, joined the Communist Party of India in Tashkent and Moscow. After completing studies at the University of the Toilers of the East, the *muhajir* members of the CPI decided to return to India. From the ten who left Tashkent to proceed to India to work underground for the party, four were arrested upon entering India (Mir Abdul Majid, Rafiq Ahmed, Habib Ahmad and Ferozuddin Mansur) and were sent to Peshawar under police guard. Another batch of three *muhajirs* surrendered to the border office at Chitral and were sent to Peshawar as well.

Crown vs. Mohammad Akbar Qureshi and Others, 1922

The first Peshawar Conspiracy Case, ‘Crown vs. Akbar Qureshi and Others’ was also the first ever Communist conspiracy case that the British government launched in India. These cases were levelled against those *muhajirin* who crossed over from Afghanistan into Soviet Russia to get help for India's independence. They also became acquainted with the communist ideology by joining schools in Tashkent and Moscow.

The judgment in this first case against Mohammad Akbar, his father Hafizullah Khan and his servant Bahadur, was pronounced on 31 May 1922. This, however, was not the Moscow Conspiracy Case though it had been referred as ‘Tashkent Conspiracy Case’ by some historians.

What was the conspiracy at Tashkent, Kabul and Samarkand in 1920-21; and how Mohammad Akbar and Bahadur became its members? To answer these questions, a few quotations from the Judgment are given below. They will also show the slanders that were dished out to get a conviction against Akbar and his companions. The judge stated:

The attitude of the Bolsheviks towards all settled governments is a matter of common knowledge. So also their hostility and desire to overthrow the governments of all civilised powers as at present constituted. This general knowledge is a matter of which judicial notice can be taken.

³ Documents of the History of the Communist Party of India 1923-1925, New Delhi, 1974, p.27

It is needless to comment on this deliberate ignorance put forward as a profundity in a judgment written in 1922. The judgment continues thus:

In addition to this, there is on the present record certain information proving that Tashkent was used as a definite centre for propaganda against the British government of India. It was there that was settled a party of Indians consisting of such persons as Abdul Rab, Roy, Mukherji, and others, who formed what they called the 'Provisional Government of India'. In furtherance of their purpose they had established schools to train Indians in military subjects. After completing their course, these Indians were supposed to return home and act as foci for the dissemination of sedition and of active assistance in case of a Bolshevik invasion of India. The Bolsheviks and the members of the provisional government brought pressure, where necessary, on the Indians to join their schools.

This, again, was a mischievous presentation of facts. For instance, there was no 'Provisional Government of India' in Tashkent at any time though there was one in Kabul from 1916 to 1922 whose members went over to Soviet Russia during 1919 to 1920. At the end of 1922, Amir Amanullah had expelled Indian revolutionaries from Afghanistan, and the provisional government had ceased to exist. As for the bogey of 'a Bolshevik invasion of India', it was a propaganda stunt by the British authorities in the early twenties that was fully rejected by contemporary public opinion as is apparent from the statements of Gandhi and other nationalist leaders.⁴

As for the 'conspiracy at Kabul', the judgment holds, quoting a witness, that the provisional government of India was in existence in Kabul in May 1921, and Maulavi Obeidullah was connected with it while Mahendra Pratap was away.

Meetings were held occasionally by M. Obeidullah at which anti-British propaganda were discussed. Iqbal Shaidai was a member of this party. It may be taken, therefore, as proved that the anti-British party in Kabul was still in existence in 1920.

At Chamarkand, in an independent tribal area between India and Afghanistan, there was a centre of the so-called 'Hindustan Fanatics' who had migrated there during the First World War. In the Gujranwala conspiracy case, evidence was brought forward to show that bombs were imported into Chamarkand to be sent to India for use against British

⁴ *Ibid.*, p.31.

officers. The judgment in that case maintained that the revolutionary centre was in existence in Chamarkand in May 1921 when Mohammad Akbar visited it on his return to India, staying there for two months.

Mohammad Akbar's participation in all of the three 'conspiracies' was easily 'proven' in the judgment since he was in Tashkent school for at least two months at the end of 1920; on his way back he was in close touch with Obaidullah who was looking after the returning *muhajirin* in Kabul; then he came to Chamarkand and contacted his father.

His father Hafizullah Khan, according to the judgment was for a long time an informant of the CID, and was deputed especially to obtain news about the 'Hindustani Fanatics' of Samara and Chamarkand. On hearing from his son, he used his contacts with the CID officials to find out if his son could safely return home, and had also asked for permission to go to Kabul to meet Akbar.

The police authorities, instead of giving him a straight reply, watched his movements in order to trap Mohammad Akbar. They got the opportunity when Akbar returned to Lahore in secret, and was staying with his father and Bahadur in a hotel. They were arrested on 2nd September 1921, and were detained in jail under regulation III of 1818 till May 1922, when the proceedings of the First Peshawar Conspiracy Case began.

Crown vs. Mohammad Akbar Qureshi and Others, March 1923

Communism was posing a great threat to British colonialism. Therefore, British took a number of repressive measures against the communists including the launch of conspiracy cases against them: the Peshawar Conspiracy Cases were followed by the Kanpur Conspiracy Case in 1924 and the Meerut Conspiracy Case in 1929. Seeing the potential of the communists in organising and mobilising Indian people in their struggle for freedom, the British unleashed unprecedented repression upon them.⁵

Another case was launched against Muhammad Akbar Qureshi in 1923. This case was the third but the chief accused in the first and the third cases was one and the same person: Muhammad Akbar Khan. Besides, it was not a separate case but an off-shoot of the first one. It was simply a case of a breach of jail discipline.

Islamia College of Peshawar was founded by the British government in India with the object of providing education to boys from the families of big Khans so that they would develop loyalty to the

⁵ Editorial, *People's Democracy*, Weekly Organ of the Communist Party of India (Marxist), XXIX:17, 24 April 2005.

British. As the British found themselves always at their wit's end in controlling the dauntless Pathans, they tried to 'cultivate' certain families. One of them was the Risaldar family to which Akbar Khan belonged – a family of loyalists. A child of that loyal family, he studied in Islamia College of Peshawar. His case records show that he had failed the B.A. examination and wanted to re-appear but was found short of required percentage of attendance. He could not, therefore, avail himself of a second chance but he was a well-educated person. Even the British judge who tried the case against him, appreciated his knowledge of English as well as Persian.

Though born in a Risaldar family and educated in Islamia College, Mahammad Akbar Khan still did not turn out to be a loyalist. Even though his father used to supply information to British intelligence, his son became a confirmed enemy of British imperialism. It is not known when he came to be connected with the revolutionary colonies of Samasta and Chamarkand but there is no doubt that there were such connections. The revolutionary centre that had been established in the territory of the independent tribes at the time of Wahabi revolt, still existed when Akbar Khan was young.

While deciding on the appeal of Muhammad Akbar Khan against the first case, the Commissioner of the North West Frontier Province wrote in his judgment made on September 24:

....that the Chamarkand colony has been created artificially by a number of persons who have no other bond except the conspiracy (a revolutionary movement against the British Government and some of the members of it personally) itself. Its continuance and existence depends solely upon that conspiracy. No person could voluntarily become a member of that community unless he definitely intended to be a member of that conspiracy.⁶

This reflects the attitude of the British government to the revolutionary colony of Chamarkand, and it was this fear of conspiracy that led to something disgraceful in Peshawar in 1923. On 7 May 1922, Muhammad Akbar Khan in Peshawar District Jail, was sentenced to rigorous imprisonment for three years in the first Peshawar Conspiracy Case.

On 7 March 1923, he was committed again to the sessions for trial under Section 121-A of the Indian Penal Code by J. Almond, Additional District Magistrate of Peshawar. Two others, Muhammad Hassan and Ghulam Mahboob, were also committed to the sessions with

⁶ Muzaffar Ahmad, *Myself and the Communist Party of India, 1920-29*, Calcutta, p.176.

him. There was a fresh charge against Muhammad Akbar Khan alleging that he had sent seven or eight letters out of Peshawar District Jail through secret channels. The recipients were persons living outside the frontier and included members of the Chamarkand revolutionary colony. It is not known whether the original letters reached their destination or not but their copies were found on the person of Ghulam Mahboob when he was searched on the platform of Nowshera Railway Station. Assuming that the charges brought against him by the government were true, breaking jail discipline is still a minor offence. Ordinarily, an offence like this may not proceed further beyond charges, but Muhammad Akbar Khan was dealt harshly because he had earlier been prosecuted for the 'conspiracy to wage war upon the King-Emperor'.

The government had failed to understand the 'press accessories' mentioned in the letters, and they could not spot the 'man with gold teeth'. We still do not know if it was Dr. Noor Muhammad or Muhammad Ali. No letter in Muhammad Akbar Khan's handwriting was placed before the court. Still this farce of a trial was carried out, and Judge Fraser who had tried the previous case against Muhammad Akbar Khan, sentenced him to rigorous imprisonment for seven years including a three-year solitary confinement. The term of seven years was to commence on the expiry of the previous sentence of three years.

Muhammad Hassan and Ghulam Mahboob were each sentenced to rigorous imprisonment for five years including solitary confinement for three months each. In this connection Muzzafar Ahmad writes:

I have not heard of anyone anywhere else in India saying anything against this utterly arbitrary trial in Peshawar. In 1926 I had a question put in the Central Legislative Assembly through one of its members, Satyendrachandra Mitra of Bengal. It surprised Sir Abdul Qayyum of Peshawar, who came to Mr. Mitra, thanked him and said, 'I should have done this myself'. That was enough. Could a loyal 'Knight' of the British dare anything more?⁷

Crown vs. Akbar Shah and Seven Others, April 1923

The Third Peshawar Conspiracy Case called the 'Crown vs. Akbar Shah and Seven Others', otherwise known as the Moscow-Tashkent Conspiracy Case, began before the Inquiring Magistrate of Peshawar on 7 March 1923. By the middle of 1922, the Intelligence Department of the Government of India had received information that some 16 of the 26

⁷ *Ibid.*, p.178.

muhajirin who were in the Tashkent school, had gone to Moscow to receive training at the Communist University for the Toilers of the East.

The confidential Home Department political files of 1922-23, now available in the National Archives, contain an article on the university as well as a list of twenty two *Muhajirin* who were trained in Tashkent and Moscow. It is also known that the British Intelligence had reconnoitred the possible entry routes of Indian revolutionaries, crossing to and from Soviet Russia both on the Pamir-Chitral border and on the border of Persia. It was not surprising therefore that most of the 'accused' in this case, who had chosen the Pamir-Chitral route, were apprehended as soon as they reached the mountain outpost in Chitral.⁸

There was a lot of correspondence over this case between the Government of India and the Government of the NWFP. Such correspondence had not taken place before because most documents, if existed, were hard to find. Since Akbar Khan was prosecuted and awarded a heavy sentence, it is surprising how and why the Home Department suspected the possibility of securing convictions. But Sir Malcolm Hailey, Member of the Governor-General's Executive Council, himself expressed misgivings and, suggested to keep the arrested persons in detention without trial under Regulation III of 1818.

Regulation III of 1818 was called the Bengal State Prisoners Act of 1818. It was in Bengal that the British rule first began, and this act for the 'defence of the State', was enforced everywhere in the British Empire. Of course, there were separate regulations for Bombay and Madras. People of all classes ranging from princes and chiefs down to persons like the accused in the Peshawar Conspiracy Case, were detained under this act.⁹

Along with the question of bringing the prisoners to trial, there arose the question of Rafiq Ahmed, a subject of the state of Bhopal who had not committed any offence against the state within the territory of India; so, how to involve him in this case? Then arose the question of Shaukat Usmani, who had returned to India, and was moving about in the country; if he could be arrested and included in the case, many complications in the legal procedures would disappear. But where was Usmani to be found? Usmani was arrested in Kanpur on 9 May 1923, and the judgment in the Moscow Conspiracy Case was delivered in the Sessions Court on 18 May 1923. The Moscow Conspiracy Case had been decided without Shaukat Usmani.

⁸ *Documents of the History of the Communist Party of India 1923-1925, op.cit.*, p.33.

⁹ Muzaffar Ahmad, *op.cit.*, p.180.

Rafiq Ahmad, who together with Ferozuddin, Abdul Majid and Habib Ahmad, was among those who took the Pamir route, records his experiences as his batch reached Chitral in November 1922:

In the evening we entered the outskirts of Chitral... In the night we reached an inn in the centre of the city... we passed the night in the inn. Before dawn the City Inspector entered the inn and instructed us to remain there and not to go anywhere else.

Rafiq Ahmad describes how they were produced in the morning before the private secretary of the ruler of Chitral, who gave them money and a dress each and ordered them to be produced in the court of the British political agent. They were allowed to stay in the city 'but a policeman was posted to watch us. It was not difficult to conclude that we were under arrest'.¹⁰

Even after the trial of Muhammad Akbar Khan, the Government of the Frontier Province carried on repeated discussions with the Government of India on the subject of prosecution under Section 121 of the Indian Penal Code, although what they had in mind was Section 121-A. The Government of India ultimately pointed out the error. They said:

You actually mean Sec. 121-A. Why are you repeatedly speaking of Sec. 121? Sec. 121 is waging war against the King-Emperor and the minimum punishment for this offence is transportation for life. Sec. 121-A is conspiracy to wage war upon the King-Emperor or to deprive the King-Emperor of his sovereignty over the empire of India. The maximum punishment for this offence is transportation for life, and the minimum could be anything.¹¹

Another issue was that the Government of the NWFP did not know as to whom they should approach to get a sanction to launch the prosecution. The Government of India informed them that their chief commissioner could grant it, so it was the chief commissioner who sanctioned the prosecution of Akbar Khan.

The fact was that the Government of India could not believe that if the prisoners were brought to trial, they could be convicted by court. They were, therefore, in favour of keeping the prisoners in detention under Regulation III of 1818. But Sir John Maffey, Chief Commissioner of the North-West Frontier Province, informed them that if the case was to proceed, it would result in the conviction of the accused. However, he

¹⁰ S.M. Mehdi, *The Story behind the Moscow-Tashkent Conspiracy Cases*, Delhi, 1967, p.180.

¹¹ Muzaffar Ahmad, *op.cit.*, p.181.

was not against applying Regulation III. It was the policy of both the secretary of state for India and the Government of India to try to get the accused convicted first, and failing that, to apply Regulation III. Finally, the director of the Intelligence Bureau (IB) also expressed the opinion that the accused would be convicted in court but both the sessions case and the appeal must be tried in Peshawar because in deciding the appeal case, the judicial commissioner would not be able to go against the judgment he himself had pronounced on the previous appeal of Muhammad Akbar Khan.

Therefore, the Moscow Conspiracy case was opened in Peshawar. After completing the preliminary enquiry, J. Almond, ICS, a first class Magistrate of the District of Peshawar, committed the case to the sessions for trial under Section 121-A on April 4, 1923. Fraser, the well-known Sessions Judge who had tried the case against Muhammad Akbar Khan, took the case. Two of the accused, Fida Ali and Ghulam Muhammad of Peshawar, became approvers in this case. They were with Abdul Qadir Khan's group of three *muhajirs* who had reached Chitral by way of the Pamirs, Wakhan, and Borogil Pass. He had studied in the Communist University of the Toiling East in Moscow and had also been in the Communist Party of India while he was there. As for Ghulam Muhammad, he had not joined the Communist Party of India abroad. He had come back from Tashkent to India. The police sent him to jail so that he could be used as a witness in the case. He was kept with the accused so that he could listen to their conversations to make up a story in his own mind.

It is learnt from Rafiq Ahmad's statement that Ghulam Muhammad did not give much evidence against the accused in the lower court but when the case was sent to the sessions, he testified against them with a vengeance. As for Fida Ali, he is said to have done the same thing in the lower court. At the sessions, however, he retracted his evidence; that is to say, he did not give any evidence against the accused. In the end, both Fida Ali and Ghulam Muhammad were acquitted for becoming approvers.¹²

On the 18 May 1923, J.H.R. Fraser, the Sessions Judge of Peshawar passed the following sentences upon the accused under Section 121-A of the Indian Penal Code: Two years' rigorous imprisonment each to Muhammad Akbar Shah and Gawhar Rahman Khan; and, one year rigorous imprisonment each to Mir Abdul Majid, Ferozuddin Mansur, Habib Ahmad, Rafiq Ahmad and Sultan Mahmud. The judgment signifies that the British-Indian intelligence service foresaw the

¹² *Ibid.*, p.184.

importance of the Pamir route for Indian revolutionaries and had reconnoitered it earlier.¹³ On 7 March 1923, S.M. Ewart, the Chief of IB in Peshawar, in his deposition before the committing magistrate, stated:

The Bolsheviks have for a very long time been trying to establish communication by this route, but it is only within the last six months that they have succeeded in getting agents through, owing to the collapse of anti-Bolshevik forces in Fergana, following the death of Enver Pasha. The importance to the Bolsheviks of the Pamir route has increased since the autumn of 1922. The Afghan government finally turned out of Afghanistan the Indian revolutionaries who had been for a year or more working in the pay of Bolshevik minister at Kabul.

Abdul Qadir Khan (Sehrai) was honourably acquitted. Taking into account everything that occurred earlier and subsequently, it would not be the least unfair to reach the conclusion that the British government had sent Abdul Qadir Khan as their agent with the *Hijrat* emigrants. Later, after the October Revolution, it became necessary to collect information about Soviet Union. Abdul Qadir Khan was a qualified teacher of Pushtu and Urdu and had passed the necessary examinations held by the board of examiners appointed by the Government of India. These teachers (there were also Pundits to teach Sanskrit and Bengali) used to teach languages to British civilian and military officers. At the time of the *Hijrat* exodus, Abdul Qadir Khan, to quote his own words, 'was lecturer in Pushtu and Hindustani to the R.A.F. officers stationed at the Military Staff College, Mhow, Central India' in *The Times* of London. It will not be wrong to think that it was there that Abdul Qadir learnt Russian and was trained to work as an agent. Speaking of the time he was studying in the Communist University of the Toiling East, he complained in *The Times* of London: '...though some of us had learnt Russian, the Indian Section was always taught through the medium of English' since it was not possible for anyone to learn enough Russian in a few months to enable him to follow lectures on politics, economics, history and the theory of Marxism.¹⁴

Abdul Qadir Khan was shot in the leg in Tashkent. According to Muzaffar Ahmad interpreting Abdul Qadir's statement in *The Times* of London, Qadir and others had gone to the railway station from India House on a propaganda campaign there, first they surveyed the train, and

¹³ *Documents of the History of the Communist Party of India 1923-1925*, op.cit., p.34.

¹⁴ Muzaffar Ahmad, op.cit., p.185.

when the train left, they saw that a nearby godown was on fire. They stood there looking at the scene. All of a sudden, the place was surrounded by soldiers. There were some gold coins in Abdul Qadir's pocket. He told about this to his interpreter. The interpreter said that it was illegal to keep gold coins in one's possession. There was the possibility of his being searched and caught if he went out by the gate; so Abdul Qadir Khan tried to jump over the wall. At that time, he was shot in the leg by the sentry on duty. For this act of shooting, he described the Soviet government as 'ruthless'.¹⁵

Abdul Qadir joined the Communist Party of India in Tashkent but did not study in the University, instead, he was in a Sanatorium, ten miles away from Moscow, and according to some *muhajirs*, in a lunatic asylum also. Most probably, he feigned illness. It was by staying apart from others that he might have gathered reports for the British about the Soviets. In Moscow Conspiracy Case, the prosecution did not produce much evidence against him. He himself had written that in the court the public prosecutor did not demand his conviction; he was, therefore, honourably acquitted.

There is evidence that after his acquittal, Abdul Qadir Khan maintained close contact with the police. At a meeting of the Communist Party of India in March 1927, Gawhar Rahaman Khan gave Muzzaffar Ahmad a report that had said that Abdul Qadir was loitering at the end of a road that led to the territory of the independent tribes; when asked to explain his presence there, he told Gawhar Rahman Khan that he had been expecting to meet someone.

Ashfaquallah Khan, an absconder in the Kakori Conspiracy Case, was a resident of Shahjahanpur in Uttar Pradesh (UP). Habib Ahmad, an accused in the Moscow Conspiracy Case, belonged to the same place. It was decided through Habib Ahmad that Ashfaquallah Khan would be sent to the territory of the independent tribes to go to Kabul, and then to Moscow to study in the Communist University of the Toiling East. Janakiprasad was then the Joint Secretary of the Communist Party of India. He used to write his name as Janakiprasad Bagerhatta. The other Secretary was Sachchindananda Vishnu Ghate. The police were able to buy over Janakiprasad. Possibly, it was through him that the police got the information that Ashfaquallah was trying to get out of the country; and perhaps it was for Ashfaquallah that Abdul Qadir Khan was waiting to meet. He was later rewarded for his services to the police.

In 1930, Abdul Qadir Khan was a Lecturer in London School of Oriental Studies. It was during this time that he contributed three

¹⁵ *Ibid.*, p.186.

consecutive articles to *The Times* of London under the pen-name, 'A Pupil of the Soviet'.

It is necessary to say one thing here: the accused in Moscow Conspiracy Case could not have used the prisoner's dock as a platform for propaganda. Only dwellers in dreamland can talk of using Peshawar Court as a platform for political propaganda. So, the accused defended themselves saying that Soviet Union had no reason to feed them if they stayed idle; hence, they had entered the Military School and the University.

Even Sir Malcolm Hailey, Home Member in the Governor-General's Executive Council, was sceptical about the possibility of conviction. He said that the mere fact of having studied in Moscow University could not be a ground for prosecuting anybody. But the accused were tried and convicted. They did not say anything objectionable in their statements. In fact, after their release, most of them went to work for the Communist Party.

It is generally observed in India that many revolutionaries retired from politics after their release from long imprisonment or detention. From the seven accused who were convicted in the Moscow Conspiracy Case, Mir Abdul Majid, Ferozuddin Mansoor and Gawhar Rahaman Khan had worked in the Communist Party in India also. In the beginning, Habib Ahmad worked for the party for some time in Delhi where Rafiq Ahmed of Bhopal was also with him.

At the time of *Hijrat*, Muhammad Akbar Shah was probably studying in Intermediate. After his release in 1925, he entered a Peshawar College and duly passed the Intermediate and the B.A. examinations. His father had wanted him to study Law but it was not taught in Peshawar at that time. Akbar Shah's father was reluctant even to send him to Lahore because Mir Abdul Majid was there. In the end, Akbar Shah went to Aligarh University and passed the Law Examination. He used to practise at Nowshera, and did not do any work for the party though he may have had sympathies for it. However, to the astonishment of the Communist Party workers, in 1939, Akbar Shah joined Subhaschandra Basu's forward bloc. To resume active politics after such a long time, and that too, the politics of Subhaschandra Basu – was hard to believe. It is said that Muhammad Akbar Shah also helped Subhaschandra Basu to get out of India through the NWFP.

Sultan Mahmud did not join politics after his release. Mir Abdul Majid was also one of the accused in the Meerut Communist Conspiracy Case (1929-33).

The seven accused including Abdul Qadir Khan, crossed the Pamirs and entered Chitral. Four came through the Nugsani Pass, and the

other three came from Borogil Pass. Muhammad Akbar Shah and Gawhar Rahaman Khan came by sea using Persian passports. Of these nine, only one, Fida Ali, became an Approver.

The Intelligence Bureau (IB) had failed to discover the identity of the person named 'Afzal'. They came across references to it in letters and messages and suspected everyone to be Afzal. There is evidence of the remarkable patience and efficiency shown by the IB in deciphering names and codes. It is surprising why they failed in the case of Afzal. In his book, 'Myself and the Communist Party of India', Muzzaffar Ahmad writes:

A long time having elapsed since then, there can be no objection now to divulging who Afzal was. The officers of those bygone times are also dead. Afzal was Gawhar Rahaman Khan. Pakistan is now such a distant country to us that it is not possible to find out exactly whether Gawhar Rahaman Khan is still living or not. I was told by certain person that Gawhar Rahaman Khan had died.¹⁶

During the period of British rule, the NWFP was not a wholly forbidden country like Tibet but nearly as formidable. It was virtually impossible for any news to get outside the province. Muhammad Akbar Khan was sentenced to rigorous imprisonment for seven years under Section 121-A of the Indian Penal Code for the offence of smuggling letters out of jail. If the news of that sentence was to be published in India and abroad, and if it was to provoke criticism in the press, than such a sentence could never have been passed.

The situation was that if the Moscow Conspiracy Case was tried outside the NWFP, the accused would have been acquitted. This was why the Government of India took stringent measures to prevent publication of the news of the Peshawar cases in the press outside and, failing that, to see to it that they did not receive much publicity.

On 18 May 1923, when the session judge of Peshawar pronounced his judgment in the Moscow Conspiracy Case, the news should have spread in India and abroad on the very same day; but it did not. Dr Rushbrook Williams who was in the Publicity Department of the Government of India, had drafted a statement of one hundred and twenty nine words on the Moscow Conspiracy Case. The statement was given to the Rawalpindi correspondent of the British-owned English language daily, *The Pioneer* of Allahabad on June 6, fifteen days after the pronouncement. The item appeared in *The Pioneer* of 9 June 1923.

¹⁶ *Ibid.*, p.190.

It is said that the statement was given to the Associated Press also but it did not appear to have been published anywhere. Although the press did not publish the news, the word had spread that Bolshevik agents had been arrested in India and sent to Peshawar where they were being tried in camera. No news of the trial could be secured from anywhere and even the big newspapers, owned by the British and their supreme champions, were feeling helpless. Ultimately, *The Statesman* of Calcutta lost patience. Mr Newman was perhaps the name of the editor at that time. *The Statesman* wrote:

Some weeks have elapsed since the last of a series of arrests of Bolshevik agents in different parts of India was effected. These arrests were carried out, we believe, at the instance of the Government of the Frontier Province, which had become possessed of a list of names. At any rate, none of the prisoners was placed before the local magistracy, all being sent up for trial to Peshawar. But no word has yet come of any trial. Presumably the cases are being heard in camera, and there may be good reasons why the names of witnesses should not be divulged but the Government will be making a grave mistake if it suppresses the evidence and the result of the trial. The only effect of such a policy will be to lend colour to the suspicion that Government is shielding not only the witnesses but others who ought to be in the same dock with the prisoners.¹⁷

C. Kaye, Director of the Intelligence Bureau, was deeply perturbed to read the last sentence in the comments in *The Statesman*. Drawing the attention of the Home Department to it, he said that he would not have minded it if it had appeared in *Amrita Bazar Patrika* but how could a paper like *The Statesman* make such an observation?

This time, Sir W. Malcolm Hailey, Member of the Governor-General's Executive Council, woke up. He wrote a 'private' and 'confidential' letter to Mr Newman, editor of *The Statesman*. There were not many facts in the letter, for example, it said that all Bolshevik agents in Peshawar had been convicted; only one had been honourably acquitted. And, that the accused were students, and the news of their conviction had appeared in the press. That for maintaining contact with M. N. Roy, three persons had been arrested from Lahore, the United Province (now Uttar Pradesh) and Bengal, and placed in detention under Regulation III of 1818; that the government was considering whether they could be prosecuted on a charge of conspiracy.

¹⁷ *The Statesman*, 5 August 1923.

This statement of Malcolm Hailey is not true. Shaukat Usmani was sent to Peshawar Jail under police guard but he was not tried there. In his letter, Sir Malcolm Hailey did not mention the names of the three persons who had been placed in detention. Ghulam Hussain was arrested in Lahore, Shaukat Usmani in Kanpur, and Muzaffar Ahmed was arrested in Calcutta.

Crown vs. Mohammad Shafiq, April 1924

Crown vs. Mohammad Shafiq, April 1924, was the fourth in the series of Peshawar Conspiracy Cases. A resident of Akora Khatak in Peshawar, Mohammad Shafiq served as a clerk in the Irrigation Department in 1919. During the anti-Rowlatt Act movement in May, Shafiq went to Kabul without giving any notice to his office.

Again it was in May 1919 that Afghanistan attacked British India; and as a result of the Third Afghan War, Afghanistan won the status of a fully independent state. Shafiq must have gone to Kabul as a *muhajir*, however, he did not belong to the *muhajirin* of 1920 as he had left before the onset of Hijrat Movement.

While giving reasons for committing Mohammad Shafiq's case to the session court, O.K. Caroe stated that Mohammad Shafiq left India a year before the exodus of *muhajirin*; and so, he had left due to political and not religious reasons. Also, his later activities were hardly consistent with the actions of ardent Muslims. The date of his departure from India was admitted, and there was also clear evidence that he had joined the Indian Communist Party, and had slighted the Star and the Crescent.

Mohammad Shafiq was arrested by the police on 10 December 1923 and on 4 April 1924, he was sentenced to three years of rigorous imprisonment under Section 121-A for being an 'active member' of the 'conspiracy' at Tashkent and Moscow.

Mohammad Shafiq had been elected Secretary of the CPI formed in Tashkent. However, no overt act of conspiracy was proved against Shafiq or the others convicted in other Peshawar conspiracy cases except that they went to Soviet Russia and obtained revolutionary training in Tashkent and Moscow.¹⁸

Ten witnesses testified against Mohammad Shafiq including J.M. Ewart, Officer In-charge Intelligence Branch, Peshawar. The others were Ghulam Hussain, Ghulam Ahmad, Fazal Kadir Khan, Fida Ali, Khushal Khan, Shamsul Kamar, Obaidur Rahman, Abdul Ghaffar, and Nabi Baksh.

On 20 February 1924, the Government of India sent a telegram to the Secretary of State for India in London, stating that Ghulam Hussain

¹⁸ Documents of History of the Communist Party, *op.cit.*, 1923-1925, p.38.

was told that the case against him would be withdrawn if he was ready to make a complete disclosure as a witness in the case against Mohammad Shafiq; and if he admitted his own complicity in the conspiracy. Ghulam Hussain consented to that, and testified against Mohammad Shafiq.

His statement gave the authorities confirmation of all the facts they knew from the intercepted correspondence and from the intelligence reports. The authorities knew that he was issuing *The Inqilab* (Urdu) first as a daily and then a monthly, though for a few months in 1922.¹⁹ It is worth mentioning here that two of the accused who turned approvers in the case Crown vs. Akbar Shah and Others, namely Fida Ali and Ghulam Ahmad, appeared as witnesses for prosecution in this case. It is also noteworthy that out of all the witnesses, Mohammad Shafiq gives only the names of Fida Ali and Ghulam Ahmad among the people who joined the Communist Party of India at Tashkent.

Mohammad Shafiq did not or could not produce witnesses in his defence. While concluding his judgement against Mohammad Shafiq, Sessions Judge, G. Connor said that it was found that the existence of a conspiracy at Tashkent and Moscow during the period the accused spent in these places, was established. As to whether the accused was a member of that conspiracy, the assessors had given a qualified opinion. Thus they found that though he was a member, it was an involuntary act on his part.

Apart from what had been discussed above, the onus rested entirely upon the accused to prove that the circumstances were such as to exonerate him from all criminality in respect of his acts in the revolutionary work. It was only too obvious that the accused had failed in that. In fact, the evidence pointed the other way, and showed that unlike other Indians who were with the accused, the latter was an active agent of the revolutionary party, and unlike his companions who left the country, the accused elected to remain behind to continue his revolutionary work.

The third point that arose for consideration was whether the accused visited India as a Bolshevik agent before his surrender. The prosecution alleged that he did so. There was, however, no direct evidence on that point. The evidence of Ghulam Ahmad, Fida Ali and Khushal Khan simply amounted to a surmise that the accused was sent by Roy on a mission to India. Mr. Connor stated that he agreed, therefore, with the assessors that it had not been proved that the accused had entered India as a Bolshevik agent before his surrender. However, the offence under Section 121-A had been fully established against the accused.

¹⁹ *Ibid.*, p.278.

Mohammad Shafiq was sentenced under Section 121-A of the IPC to three year rigorous imprisonment. Mohammad Shafiq filed an Appeal against the decision of G. Connor praying for leniency in the matter of punishment on the grounds that the appellant was a mere youth of 19 or 20 when he left India and that there was, therefore, no reason why he should suffer more severely than Akbar Shah and others who were sentenced to two and one year rigorous imprisonment. Unfortunately, the Judicial Commissioner, H. Fraser was the one entertaining the appeal, and did not hesitate to dismiss it.

Crown vs. Fazal Ilahi Qurban, 1927

There was a fifth Peshawar Conspiracy Case in 1927, in which Fazl Ilahi Qurban was tried and sentenced to three years' rigorous imprisonment. However, the so-called 'conspiracy cases' and the mockery of trials failed to attract the attention of both the leaders of Muslim League and Indian National Congress. The protest came only from Roy and the Comintern. As Irfan Habib points out:

These heavy punishments - as those of the Peshawar cases drew no perceptible protest from the rest of the nationalist camp - a curious attitude of indifference to civil liberties, if not the cause of national freedom.²⁰

In May 1922, it was reported that Qurban was deputed by M.N. Roy to spread communist propaganda in India. Subsequent reports indicated, however, that he remained in Moscow till October 1923. Later, he appeared to have made his way to Germany, and letters addressed to him (C/O H. Pall, P.O. Box 81, Berlin W.15) were seen during censorship. In the middle of 1924, he had sent a letter to his father stating that he was studying engineering in Germany, and that he would return to India after completing his studies.

In August 1926, Fazl Elahi was reported to have been selected to work at Marseilles where his work for M.N. Roy was to launch propaganda campaigns amongst Indian seamen and to send literature and correspondence to and from India. In September 1926, he was reportedly residing in Milan, where he was awaiting orders to go to India. On the 5 April 1927, Fazl Elahi Qurban was arrested in Bombay. According to the IB report, his visit to India was made with the object of forming lascars' unions in Calcutta and Bombay on communist lines. He was prosecuted under Section 121-A of the Indian Penal Code.

Fazal Elahi was arrested in connection with the Indian passport rules as it was believed that he had entered India on a false passport.

²⁰ Irfan Habib, 'The Left and the National Movement', in *Indian People in the Struggle for Freedom* (New Delhi: Sahmat, 1998), p.106.

Evidence was, however, available to the authorities in the NWFP to frame a charge against him under Section 121-A of the Indian Penal Code, and a complaint was filed against him accordingly in the court of the Chief Presidency Magistrate in Bombay on 20 April.

The Government of Bombay asked for the transfer of the case to a court within the jurisdiction of the NWFP administration on the ground that such transfer would be of convenience to the parties and witnesses. The Government of India issued a notification on 28th April sanctioning the transfer. Fazal Elahi was tried accordingly in the court of the Additional District Magistrate, Peshawar and sentenced under Section 121-A of the Indian Penal Code to five years of rigorous imprisonment. He was defended by a pleader.

Several witnesses appeared against Fazl Ilahi Qurban including Ghulam Ahmad and Fida Ali, who had turned approvers in the case *Crown vs. Akbar Shah and Others*, and who also testified against Mohammad Shafiq in the case *Crown vs. Mohammad Shafiq*.

Fazl Ilahi Qurban filed an Appeal against the conviction. Mr. Saasuddin, the Additional Judicial Commissioner, when deciding on the Appeal, stated that he did not think that the sentence of five years was too severe. He said that Shaukat Usmani, who was an active member of the Bolshevik conspiracies in Russia as well as elsewhere and who entered British India with the avowed object of propagating communism, was awarded three years by the Allahabad High Court. In view of all that, stated Mr. Saasuddin, he did not think that the appellant should be dealt with more severely. For that reason, he maintained the conviction but reduced the sentence to three years of rigorous imprisonment.

Conclusion

Peshawar Conspiracy cases made great impact on our freedom movement. These cases set the tone of our future course of political struggle for liberation. These cases in fact recognised the communists as an important player in Indian politics. The concept of scientific socialism started gaining popularity and various publications emerged from Bombay, Calcutta, Lahore and other places advocating it. Consequently, a number of socialist groups were formed across the country.

The communist movement, after this period, had to go through various trials and tribulations. It had to work underground for the most part in the 30s and in the beginning of the 40s. It was only in 1942, during the anti-fascist war, that it was legalised. Even after independence of the country, it had to face severe repression at the hands of the new Indian rulers. But despite all efforts to suppress the movement, it continued to grow.