

VEER SAVARKAR AND THE LAW: A JURISPRUDENTIAL INQUIRY

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Abstract:

This research paper offers a comprehensive jurisprudential inquiry into the legal thought of Veer Vinayak Damodar Savarkar, as reflected through his personal experiences, political activism, and prolific writings during British colonial rule in India. While Savarkar is predominantly remembered for his revolutionary role in the Indian independence movement and as a prominent ideologue of Hindu nationalism, his interactions with law and justice—both as a subject of colonial prosecution and as a reflective thinker—warrant deeper academic attention.

The study critically examines Savarkar's legal consciousness, particularly how his imprisonment, trial, and petitions under British rule influenced his understanding of law, justice, and state power. These legal encounters are not only historical episodes but also sites of intellectual formation, wherein Savarkar developed nuanced views on natural rights, the legitimacy of state violence, and the moral duties of resistance. His literary works, including *My Transportation for Life*, serve as foundational texts that reveal his perspective on law as both a repressive mechanism and a site of ideological contestation.

By analyzing Savarkar's writings alongside key legal events in his life, the paper explores how colonial law was weaponized to suppress dissent while simultaneously catalyzing new forms of legal and political thought among revolutionaries. It also investigates whether Savarkar's views contributed to a distinctive framework of legal nationalism—one that fused indigenous cultural values with modern legal principles.

This study places Savarkar within the broader framework of colonial jurisprudence and examines the enduring implications of his legal thought on postcolonial India's legal and constitutional identity. It contributes to the growing body of scholarship on legal resistance under empire and highlights how figures like Savarkar engaged with law not only as passive subjects but as active thinkers in the shaping of legal discourse in South Asia.

This research primarily adopts a doctrinal methodology, drawing upon a wide range of books and online sources related to Savarkar.

Keywords: Veer Savarkar, Legal Thought, Colonial Jurisprudence, Political Trials, Independence Movement

1. INTRODUCTION:

Veer Vinayak Damodar Savarkar (1883-1966) remains a complex and often controversial figure in Indian history.¹ Remembered primarily as a fierce revolutionary, a staunch advocate for Indian independence, and a principal ideologue of the Hindu nationalist movement known as Hindutva, his life and work have been subject to extensive political and historical debate. However, a crucial, yet less explored, dimension of Savarkar's intellectual trajectory lies in his profound and multifaceted engagement with the concept of law and justice. This engagement was not merely academic; it was forged in the crucible of direct confrontation with the legal apparatus of the British Empire, both as a target of its punitive power and as a strategic actor navigating its complexities.

Savarkar's life intersected with the law at multiple critical junctures. From his early revolutionary activities that led to surveillance and legal action, through his dramatic arrest, international trial, unprecedented sentencing, and prolonged imprisonment, to his controversial petitions for release, his experiences were deeply shaped by the colonial legal system. These encounters were not just passive subjections to authority; they were formative experiences that sharpened his understanding of state power, the nature of unjust laws, the dynamics of resistance, and the very foundations of legitimacy and rights.

While ample scholarship exists on Savarkar's political philosophy and role in the freedom struggle, a dedicated jurisprudential inquiry into his legal thought is still nascent. His writings, often read for their historical or political content, also contain significant insights into his evolving legal consciousness. Texts like *My Transportation for Life*, a searing account of his Andaman imprisonment, offer a unique perspective on the colonial carceral state and its legal underpinnings from the viewpoint of a political prisoner. Beyond this seminal work, his essays, speeches, and petitions, when examined through a legal lens, reveal a thinker grappling with fundamental questions of natural law, positive law, sovereignty, justice, and the moral calculus of obedience and rebellion.

This paper undertakes a jurisprudential inquiry into Veer Savarkar's legal thought. It seeks to understand how his direct experiences with colonial law informed his theoretical perspectives. We will analyze how the British legal system, designed in part to maintain control and suppress dissent, inadvertently catalyzed the development of sophisticated legal and political thought among figures like Savarkar. Furthermore, we will explore whether his ideas contributed to a distinct framework of legal nationalism, contemplating the relationship between national identity, indigenous values, and modern legal structures in the context of a future independent India. By placing Savarkar within the broader landscape of colonial jurisprudence and resistance literature, this study aims to illuminate his contribution to the discourse on law and justice in South Asia and the enduring, albeit complex, implications of his legal engagement for postcolonial legal identity.

2. THE CRUCIBLE OF COLONIAL LAW: SAVARKAR'S ENCOUNTERS

¹ Mihir Dalal, *How Savarkar Invented Hindu Supremacy and Its Cult of Violence*, AEON (Apr. 19, 2023), <https://aeon.co/essays/how-savarkar-invented-hindu-supremacy-and-its-cult-of-violence>.

Savarkar's revolutionary path inevitably led him into direct conflict with the legal machinery of the British Raj. His early activities, first in Pune through organizations like Mitra Mela and later Abhinav Bharat, and subsequently in London where he was involved with India House, were fundamentally aimed at undermining British rule through armed resistance and political mobilization. Such activities were, by definition, illegal under colonial law, particularly statutes related to sedition, conspiracy, and abetment of violence against the state.

His most significant encounter with colonial law began in 1910 with his arrest in London. Accused in connection with the assassination of Collector Jackson in Nasik (the Nasik Conspiracy Case), Savarkar was apprehended and extradited to India. The drama of his escape attempt from the ship SS Morea at Marseilles, France, and his subsequent recapture on French soil, added an extraordinary international dimension to his legal saga.² France protested the violation of its sovereignty by British agents, leading to a case brought before the Permanent Court of Arbitration at The Hague.

While The Hague tribunal ultimately ruled in favor of Britain, requiring Savarkar's return to British custody – a decision widely seen as prioritizing international political considerations over strict legal principle regarding territorial asylum – this event highlights the international legal context of colonial power and resistance.³ For Savarkar, it demonstrated the extent to which international law, in practice, could be bent to the will of dominant colonial powers, further eroding any faith in the universal application of justice under the existing global legal order.

Back in India, Savarkar faced trial under colonial law. The Nasik Conspiracy Case was conducted under special procedures, reflecting the state's determination to secure a conviction against a prominent and dangerous revolutionary. He was charged with abetment of murder, conspiracy, and waging war against the King Emperor. The trial itself, from Savarkar's perspective and that of his nationalist contemporaries, was less about administering impartial justice and more about legally neutralizing a political threat. The laws used – the Indian Penal Code's provisions on sedition (Section 124A), conspiracy (Section 120A/B), and waging war (Section 121) – were prime examples of colonial legislation designed to criminalize political dissent and maintain state control.⁴ These laws were deliberately broad and often interpreted expansively by colonial courts, making any significant challenge to British authority legally perilous.

² Vinayak Damodar Savarkar, *Making Britain* – The Open University, <https://www5.open.ac.uk/research-projects/making-britain/content/vinayak-damodar-savarkar>.

³ Shraddha Pandey, *L'affaire Savarkar: The Great Leap into Cold Waters at Marseilles, High-Stakes Drama at ICJ, and How His Daring Escape Put India's Sovereignty Under the Global Spotlight*, **OpIndia** (Feb. 12, 2025), <https://www.opindia.com/2025/02/savarkar-great-leap-into-cold-waters-at-marseilles-pm-modi-visit/>.

⁴ Human Rights Watch, *Stifling Dissent: The Criminalization of Peaceful Expression in India*, **Human Rights Watch** (May 24, 2016), <https://www.hrw.org/report/2016/05/25/stifling-dissent/criminalization-peaceful-expression-india>.

Savarkar was sentenced to two life imprisonments (“Transportation for Life”), totaling fifty years, to be served concurrently, in the Cellular Jail in the Andaman Islands.⁵ This sentence was not merely a punishment for specific crimes but a political act aimed at permanently removing him from the Indian political scene. Transportation, particularly to Andaman, was a severe legal penalty reserved for the most serious political offenders and habitual criminals, designed for isolation and physical/mental subjugation.

His experience as a subject of this harsh legal process – from arrest and extradition to trial under special laws and an exceptionally punitive sentence – profoundly shaped his view of colonial law. It was not perceived as a neutral framework for dispute resolution or the protection of rights, but as a weapon wielded by the state to crush opposition. The legal process, from his perspective, was a performance designed to legitimize state repression under the guise of legality. This direct, brutal encounter with the punitive aspect of colonial law became the foundation for his deeper reflections on justice, power, and the law’s role in maintaining an illegitimate regime.

3. LAW AS REPRESSION AND RESISTANCE: INSIGHTS FROM IMPRISONMENT

Savarkar’s experiences in the Cellular Jail in Andaman (1911-1921) were central to the crystallization of his legal consciousness and are most vividly documented in *My Transportation for Life*. This memoir, more than just a personal account of suffering, serves as a critical examination of the colonial carceral state and its underlying legal philosophy from the perspective of the incarcerated revolutionary. The Cellular Jail represented the physical and legal extremity of British power – a place where individuals deemed enemies of the state were subjected to a harsh penal code designed to break their will and erase their political identity.

Within the walls of the jail, Savarkar encountered colonial law not as abstract statutes, but as a daily reality enforced through the actions of wardens, the rules of solitary confinement, the nature of forced labor, and the denial of basic rights.⁶ The legal framework governing the prison was ostensibly based on penal codes and prison regulations, but in practice, it was often arbitrary and cruel, driven by the imperative of control and punishment rather than rehabilitation or even consistent application of its own rules.

Savarkar’s narrative critiques the facade of justice under colonial rule by exposing the hypocrisy within its legal system. He highlights how laws designed to protect citizens in Britain were twisted or entirely disregarded when applied to political prisoners in the colonies. The “rule of law,” often touted by the British as a benefit of their governance, was revealed in Andaman to be a selective instrument, applied rigorously to suppress dissent while failing to protect the basic human dignity and rights of those who challenged the state. The solitary confinement, the use of fetters, the starvation diets, the forced labour under brutal conditions – these were all sanctioned, or at least permitted, under the colonial penal regime, demonstrating the legal system’s complicity in state-sponsored cruelty.

⁵ Shivam Mishra, *Savarkar: The Veer*, **Pragyata** (May 28, 2021), <https://pragyata.com/savarkar-the-veer/>.

⁶ *Extra Dangerous Prisoner and Contextualising His Clemency*, **Organiser** (Feb. 25, 2020), <https://organiser.org/2020/02/25/126781/bharat/extra-dangerous-prisoner-and-contextualising-his-clemency/>.

He observed how the legal identity of the political prisoner was systematically stripped away. They were treated not as individuals with political beliefs but as common criminals, subjected to the same harsh rules as murderers and thieves, and often denied even the limited privileges afforded to other inmates. This deliberate legal degradation was a form of psychological warfare, aiming to delegitimize their political struggle by categorizing it as mere criminality.

Yet, Savarkar's engagement with law in prison was not solely one of passive suffering. *My Transportation for Life* also reveals instances of resistance *within* the legal framework, or by manipulating its procedures. The prisoners organized protests against unfair treatment, petitioned authorities regarding violations of rules (even colonial rules), and used the limited avenues available to assert their status as political prisoners deserving of different treatment.¹³ These actions, though often met with further repression, represent a form of legal or quasi-legal resistance – using the master's tools, however flawed, to assert rights and challenge the legitimacy of the system.

Savarkar's writings from and about this period articulate a view of law as deeply intertwined with power. Colonial law, for him, was not an embodiment of universal justice but a codified expression of the colonizer's will, enforced through state violence (police, courts, prisons). Its primary function was the maintenance of an unjust political order. However, his experience also suggested that even within such a repressive system, understanding the legal framework, its rules, and its vulnerabilities could be a means of survival and limited resistance. This pragmatic understanding of law as a site of both repression and potential, albeit limited, contestation is a key takeaway from his prison writings.

4. JURISPRUDENTIAL REFLECTIONS IN SAVARKAR'S WRITINGS

Moving beyond the direct account of imprisonment, Savarkar's wider body of work, including essays, speeches, and political tracts, offers further insights into his jurisprudential reflections. While not a systematic legal philosopher, his writings frequently touch upon themes central to jurisprudence, shaped by his direct confrontation with the state and its legal framework.

A significant aspect of his thought is his engagement with the concept of Natural Rights versus Positive Law. Savarkar, like many revolutionaries globally, implicitly and explicitly appealed to a higher order of rights than those granted (or denied) by the colonial state. His justification for violent revolution was rooted in the idea that the British state was illegitimate, having deprived the Indian people of their inherent right to self-determination and liberty. This aligns with natural law traditions, suggesting that there are fundamental human rights that pre-exist and supersede state-made law. When positive law (colonial statutes) directly violates these natural rights (the right to freedom from foreign rule), resistance, even armed rebellion, becomes not just permissible but a moral duty. Colonial law was illegitimate precisely because it violated the most fundamental natural right of a nation: sovereignty over its own destiny.

This leads to his views on the Legitimacy of State Power. For Savarkar, the legitimacy of a state, and thus its laws, derived from its representation of and service to the nation. A foreign ruling power, by definition, could not possess legitimate authority over the indigenous population. Colonial law was therefore inherently illegitimate, regardless of its procedural formalities,

because it served the interests of the colonizer, not the colonized nation. This perspective stands in stark contrast to positivist legal theories that might focus solely on the source and form of law, arguing that a law is valid simply because it is enacted by a recognized sovereign authority, irrespective of its moral content or the legitimacy of that authority's rule. Savarkar's experience led him to a fundamentally anti-positivist stance regarding colonial law; its injustice stemmed not merely from its application but from its illegitimate origin and purpose.

His concept of Justice was similarly tied to national liberation and historical redress. Justice was not merely procedural fairness within the colonial legal system, which he viewed as rigged. True justice could only be achieved with the overthrow of foreign rule and the establishment of a sovereign Indian state capable of securing the rights and fulfilling the aspirations of the Indian nation. His calls for retribution against colonial officials and Indian collaborators, while controversial, can be seen, from his perspective, as a form of revolutionary justice aimed at correcting historical wrongs perpetrated under the guise of colonial law.

The concept of Sovereignty was foundational to Savarkar's legal and political thought. For him, sovereignty resided inherently in the Indian nation (which he increasingly defined in terms of Hindu identity). The British Crown's claim to sovereignty over India was a violent usurpation, and colonial law was merely an instrument of this stolen sovereignty. The goal of the independence movement was to reclaim this inherent national sovereignty, which would then be the legitimate basis for a new, just legal order. This view is crucial for understanding his vision for a future India and its legal system.

Furthermore, Savarkar's critique extended to the colonial interpretation and application of the Rule of Law. While the British often claimed to govern India under the rule of law, Savarkar, through his experiences, saw this as a convenient myth. He observed that the law was applied selectively, harshly against nationalists while often being lenient towards British perpetrators of violence against Indians. Special laws, summary trials, and executive overreach were commonplace tools that demonstrated the subservience of the "rule of law" to the political imperatives of the empire. His writings implicitly demand a genuine rule of law, one based on equality, fairness, and serving the legitimate interests of the governed, which could only be established by a truly sovereign national state.

Savarkar's writings reveal a legal consciousness shaped by the oppressive reality of colonial rule. He viewed colonial law not as a neutral arbiter but as a political weapon. His jurisprudential reflections were deeply pragmatic and revolutionary, grounded in the assertion of natural rights, the demand for national sovereignty, and the justification of resistance against an illegitimate state and its unjust laws.

5. PETITIONS, PRAGMATISM, AND LEGAL STRATEGY

A particularly complex and debated aspect of Savarkar's engagement with the law are the mercy petitions he submitted from prison, notably between 1911 and 1920. These petitions, addressed to the British government and the Viceroy, requested his release or a reduction of his sentence, sometimes including pledges of loyalty or willingness to serve the government if freed. These

documents have been interpreted in starkly different ways: by critics as a betrayal of his revolutionary ideals and a sign of capitulation, and by supporters as a strategic maneuver, a pragmatic use of the available legal/administrative channels to escape an unjust imprisonment and return to political action.

From a jurisprudential perspective, these petitions represent Savarkar's engagement with the formal legal and administrative procedures established by the colonial state. While the independence movement largely sought to overthrow the British legal order, figures like Savarkar, while incarcerated, were forced to interact with it on its own terms to survive and potentially regain freedom.

The petitions employed a language that appealed to the legal and administrative logic of the British. They cited disparities in sentencing compared to other political prisoners, invoked legal provisions related to review and clemency, and sometimes framed his past actions within a narrative that might be more acceptable to the authorities (e.g., youthful misguidedness rather than unwavering revolutionary commitment). This required navigating the legal discourse of the oppressor, using terms like "mercy," "clemency," and "constitutional line."

Analyzing these petitions jurisprudentially raises questions about the nature of legal strategy under oppression. Was this a form of "playing by the rules" of an unjust system to subvert it from within? Or did engaging with the system's clemency process implicitly acknowledge its legitimacy? Savarkar's supporters argue the former, viewing the petitions as a cunning tactic to get out of jail at any cost to continue the fight, citing his later political activities as evidence. They might point to the fact that colonial law, while repressive, did contain provisions for review and petition, and utilizing these was a rational strategic choice in the face of a 50-year sentence. They emphasize that the *goal* was not submission but freedom for further action.

Critics, on the other hand, might argue that the language of loyalty in the petitions went beyond mere strategy and represented a compromise on fundamental principles of national sovereignty and resistance. They question whether any engagement with an illegitimate system for personal benefit, using language that appears to legitimize the oppressor's rule, can be justified within a framework of revolutionary justice and natural rights philosophy that deems the state inherently unjust.

Regardless of the moral or political judgment, the petitions demonstrate Savarkar's complex interaction with colonial law not just as a passive recipient of punishment but as an actor attempting to manipulate its procedures for his own ends. They highlight the difficult choices faced by political prisoners and reveal a pragmatic dimension to Savarkar's approach to law – a willingness to engage with the existing legal framework, even a deeply flawed one, if it offered a potential path towards resuming the struggle for national liberation. This pragmatic engagement with the law stands alongside his more theoretical critiques of its legitimacy, showing a versatile understanding of how law operates in practice, both as a tool of power and a system with procedures that could, potentially, be exploited.

6. TOWARDS LEGAL NATIONALISM? SAVARKAR'S VISION FOR A FUTURE INDIAN STATE AND LAW

Savarkar's writings, particularly those after his release from Andaman and subsequent internment and political career, offer glimpses into his vision for an independent Indian state and its legal framework. While he did not produce a detailed legal code, his ideas, especially those articulated within his philosophy of Hindutva, carry implications for the nature of law and governance in a sovereign India. The question arises: did Savarkar contribute to a distinct framework of legal nationalism?

Legal nationalism, in the context of anti-colonial movements, often involves the assertion of a national identity as the basis for a new legal order, potentially incorporating indigenous legal traditions or values alongside modern legal principles. For Savarkar, the "nation" was primarily defined by Hindu identity, culture, and shared history. His vision for an independent India was one where this Hindu nation would be sovereign and paramount.

How would this translate into law? While Savarkar was educated in Western law and politics, his emphasis on Hindu identity suggests a desire for a legal system that would, in some way, reflect or prioritize Hindu values and traditions. This doesn't necessarily imply a rejection of all Western legal concepts (like equality before law or constitutionalism), but rather an integration or reinterpretation through the lens of Hindu nationhood.

Possible implications of Savarkar's ideas for a future legal system, inferred from his writings, include:

- **Sovereignty Rooted in the Nation:** As discussed earlier, sovereignty resides in the Indian nation. The law of independent India would derive its legitimacy from the will and identity of this nation, not from external sources or abstract universal principles divorced from national context.
- **Integration of Indigenous Values:** While not extensively detailed, his emphasis on Hindu civilization and culture could imply a desire to see certain legal principles or social norms drawn from Hindu tradition reflected in modern Indian law. This could range from personal law to concepts of duty, social order, and governance.
- **State as Protector of the Nation:** The primary function of the state, and thus its laws, would be to protect and promote the interests of the Hindu nation. This could potentially lead to laws prioritizing national security and cultural integrity, perhaps raising questions about minority rights, although Savarkar also spoke of equal citizenship under certain conditions for non-Hindus who shared a common nationality and culture.
- **Strong State Authority:** Savarkar's experiences with state power (both as victim and observer) and his emphasis on the need for a strong, unified nation might suggest a preference for a state with significant authority, capable of enforcing laws effectively to ensure national security and order.

Whether this constitutes a coherent "legal nationalism" is debatable. Savarkar did not articulate a detailed structure for the judiciary, specific legal codes, or a constitution. His focus was more on the philosophical basis of state legitimacy and the cultural identity that should underpin it.

However, his insistence that law must serve and reflect the distinct identity of the Hindu nation provides a framework for understanding his potential contribution to a nationalist legal discourse that sought to break away from the imposed universalism of colonial law and build a system rooted in indigenous identity. This vision stands in contrast to other nationalist legal thinkers who might have emphasized secularism or a more universalistic application of Western legal principles.

7. SAVARKAR IN THE CONTEXT OF COLONIAL JURISPRUDENCE AND RESISTANCE LITERATURE

To fully appreciate Savarkar's legal thought, it is essential to place him within the broader context of colonial jurisprudence and the diverse forms of legal resistance that emerged under the British Empire.

Colonial jurisprudence was characterized by a dual nature: it introduced modern legal institutions (courts, codified laws, legal profession) and principles (equality before law, rule of law – at least in theory), but simultaneously utilized law as a primary tool for conquest, control, and exploitation. Laws were enacted to suppress political dissent (Sedition), control the economy (land laws, trade regulations), maintain social hierarchies (personal laws often codified and sometimes altered), and legitimize state violence. The judiciary, while sometimes demonstrating a degree of independence, was ultimately part of the colonial state structure, and its interpretations often favored imperial interests, particularly in political cases. Savarkar's experience of being tried and imprisoned under laws specifically designed to crush nationalism exemplifies the repressive function of colonial jurisprudence.

However, colonial law also inadvertently created spaces for resistance. The introduction of legal procedures, the concept of rights (even limited ones), and the establishment of courts allowed nationalist leaders and movements to engage with the state on a new terrain. Legal challenges were filed, petitions submitted, and the very principles of British law (like the right to a fair trial or freedom of speech) were used to expose the hypocrisy of colonial rule.

Savarkar's engagement fits into this broader picture of legal resistance, but with his unique revolutionary perspective. Unlike moderate nationalists who primarily used constitutional and legal means to seek reform, Savarkar initially advocated for armed revolution. Yet, when captured, he had to navigate the legal system. His petitions, though controversial, represent a form of strategic legal engagement, utilizing the system's own mechanisms. His critiques in *My Transportation for Life* are part of a larger body of anti-colonial literature that used personal narratives to expose the injustices inherent in the colonial legal and penal systems.

Comparing Savarkar to other figures of legal resistance is instructive. Mahatma Gandhi, for instance, employed civil disobedience, a method of *deliberately breaking* unjust laws publicly and non-violently to challenge their legitimacy and fill the jails.⁷ This was a direct moral and political confrontation with law. Savarkar's approach, while incarcerated, was different; it was about surviving and strategically maneuvering *within* the existing legal framework to regain the

⁷ History.com Editors, Gandhi's First Act of Civil Disobedience, HISTORY (July 21, 2010), <https://www.history.com/this-day-in-history/june-7/gandhis-first-act-of-civil-disobedience>.

ability to resist, even if it meant using language that appeared compliant. Both approaches, however, were forms of engagement with colonial law, albeit from opposing ends of the spectrum of resistance tactics.

Furthermore, Savarkar's writings contribute to the intellectual history of legal thought in South Asia by articulating a clear, albeit ideologically charged, perspective on the relationship between law, state, and nation from a colonized viewpoint. His experiences forced him to grapple with fundamental questions about the source of legal authority, the rights of the individual and the nation, and the conditions under which breaking the law becomes a moral imperative.

8. ENDURING IMPLICATIONS FOR POSTCOLONIAL INDIA

Savarkar's complex relationship with law and his jurisprudential reflections, forged in the anti-colonial struggle, hold enduring, albeit often indirect and debated, implications for postcolonial India's legal and constitutional identity.

Firstly, his experiences highlight the legacy of colonial law in independent India. Many of the statutes used to suppress dissent during the Raj, such as the law of sedition, were retained in the Indian Penal Code after independence. While their application and interpretation have been debated and sometimes challenged in courts, their continued existence is a reminder of the colonial state's influence on the legal framework of its successor state. Savarkar's critique of these laws as instruments of repression remains relevant in contemporary debates about civil liberties and state power.

Secondly, his ideas about the state, nation, and the role of law resonate in ongoing discussions about legal nationalism in India. The debate over whether Indian law should primarily reflect universalistic principles or be rooted in a specific national or cultural identity is a recurring one. While the Indian Constitution adopted a secular and democratic framework, the influence of nationalist thought, including elements that can be traced to figures like Savarkar, occasionally surfaces in legal and political discourse, particularly concerning issues of identity, culture, and national security legislation. His emphasis on a strong state for the protection of the nation is a theme that has reappeared in various forms throughout India's post-independence history.

Thirdly, the controversy surrounding his petitions continues to fuel debates about political morality, strategy, and the interpretation of historical figures. These discussions, while political, touch upon jurisprudential questions regarding the nature of political crimes, the legitimacy of clemency, and the ethical boundaries of engaging with an unjust legal system.

Finally, Savarkar's life serves as a powerful case study of how the experience of being subjected to law shapes legal consciousness. His journey from revolutionary operating outside the law, to prisoner navigating the carceral legal system, to political thinker reflecting on the nature of state and law, provides valuable insights into the formation of legal thought under conditions of oppression. This narrative remains pertinent for understanding the dynamics between power, resistance, and law in various historical and contemporary contexts.

9. CONCLUSION

Veer Vinayak Damodar Savarkar's engagement with the law was a central, defining feature of his life and intellectual development. Far from being merely a passive subject of colonial power,

his encounters with the British legal system were transformative, shaping his understanding of state authority, justice, rights, and the imperative of resistance. His arrest, trial, unprecedented sentence, and harsh imprisonment exposed the repressive nature of colonial jurisprudence, revealing law as a powerful tool wielded by the state to maintain control and suppress political dissent.

Through his writings, particularly *My Transportation for Life*, Savarkar provided a searing critique of the colonial legal and penal system from the perspective of the incarcerated revolutionary. He highlighted the hypocrisy of the “rule of law” under imperial rule and exposed the legal framework’s complicity in state-sponsored cruelty. His experiences fueled jurisprudential reflections rooted in the assertion of natural rights that superseded illegitimate positive law, a rejection of the colonial state’s claim to legitimate sovereignty, and a view of justice inextricably linked to national liberation.

His controversial petitions for release, while politically charged, also demonstrate a complex, pragmatic engagement with the legal and administrative procedures of the colonial state – an attempt to use the system’s own mechanisms for strategic advantage. This reveals a layered understanding of law, not just as an oppressive force but also as a system with rules and procedures that could potentially be navigated or exploited.

While Savarkar did not articulate a comprehensive legal philosophy, his ideas, particularly those related to national sovereignty and the role of the state in protecting the nation, offer insights into a form of legal nationalism that sought to root independent India’s legal identity in indigenous, primarily Hindu, culture and values.

Placing Savarkar within the broader context of colonial jurisprudence and anti-colonial resistance literature reveals the diversity of strategies employed to confront imperial power. His unique trajectory highlights how individuals subjected to unjust laws became active thinkers, contributing to a discourse on law and justice that extended beyond formal legal scholarship.

A jurisprudential inquiry into Veer Savarkar’s legal thought reveals a figure deeply marked by his struggle against the legal apparatus of empire. His experiences and writings offer valuable insights into the nature of colonial law, the dynamics of resistance, and the complex relationship between law, power, and national identity. Understanding this dimension of Savarkar’s legacy is crucial not only for a complete picture of the man himself but also for appreciating the multifaceted ways in which law was confronted, contested, and reimagined during India’s struggle for independence, leaving an enduring, albeit often debated, imprint on the legal landscape of postcolonial India.