

Box No. 105

1932.

File No. 800-I

Home DEPARTMENT

Special BRANCH

Box No. 105 A Class

Subject:—

BOX
134

CIVIL DISOBEDIENCE

MOVEMENT, 1932.

Application of Chapter VII (i.e. Prevention of Moles-
tation and Boycotting) of the Special Powers - -
Ordinance, X of 1932, to areas in Bombay Presi-
dency.

B Class A Class

File No. 800-I(a)

Secret.

Telegram.

No.116, dated the 25th June 1932.

To --- All District Magistrates (except C. of B.
and D.M., B.S.D.);

*
To D.M., Poona,
& C.C.D. by hand.

Repeated to:-

*
Dvl: Commissioners.
Comd in Sind.

New consolidated ordinance will be promulgated thirtieth June. It will reproduce provisions of existing Prevention of Molestation and Boycotting Ordinance No.V. Telegraph urgently if you will require application of these provisions to your district when the new ordinance is promulgated.

Bombay Special.

O/C.

Secy. to Govt.,
H.D.(Spl:).

Note: D.Ms. replies destroyed as they are summarised in office note book.

Issued.
25-6-32.

SECRET.

R.I. no. S.D. 5906
27-6-32

3

(S-2)

T E L E G R A M.

Dated the 26th June 1932.

From Commissioner, Northern Division, Ahmedabad.
To Bombay Special, Poona.

Your wire of 25th. According to information received now immediate application of Ordinance V seems unnecessary in view of the Criminal Law Amendment Act.

True copy.

Barker

27/6

Asstt. Supdt.,
H.D.(Spl.)

R. G. W. S. D. 5948
27.6.32

17-5

SECRET.

Poona June 26th. 1932.

From H.B. Clayton Esqre, C.I.E. & I.C.S.

Commissioner C.D.

To the Secretary to Government

Home Department (Special)

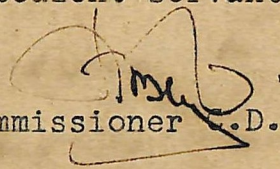
Sir,

With reference to your telegram No. 116 of 25th instant I have the honour to state that it does not appear to me necessary to extend the sections of the new ordinance dealing with molestation and boycotting immediately to any district in this division, except possibly to the Bombay Suburban District, to which it is advisable to extend all those provisions of the new ordinance which are extended to Bombay City.

I would note that this opinion is given without consultation with any of the District Magistrates concerned.

I have the honour to be, Sir,

Your most obedient servant.


Commissioner C.D.

Encl
2/1/32

To me

NO

Confidential

No CNF
168

7-3-32
27-6-32.

To Secy. H.D. (Special)

Subject: Ordinances.

S-4

Sir, with refce. to Bombay Special 116 I have the honour to state that I anticipate that the replies of the D. Ms. will be in the affirmative. It has to be remembered that the G. of I. Express Letter no. F 13/4/32 Poll. d. 20/4/32 (Comm. communicated to me with D.O. no. S.D. 3204 d. 26-4-32, H.D. (Special)) has not been communicated to the majority of the D. Ms. (so far as I am aware). Hence they will simply consider the question whether, if the provisions in question are not applied, molestation would begin either at once or in the near future; & the answer must be in the affirmative. They will not consider the question whether any harm would be done if the said provisions were not applied at once, but only asked for when molestation manifested itself again. As an instance, the D. M. of Belgaum informally told me that he had replied in the affirmative & when I remarked that I should have replied that no appreciable harm wd.

They were not
intended to.

28/6

al

be done if the provisions could be applied promptly when needed, and that then we could properly claim that we had given the Congress a chance but they had forced our hands, the D. M. pointed out that that aspect of the matter was not raised in your reference. (S-S)

2. There is only one part of the Division where in my opinion the provisions regarding molestation are required to be continued without intermission, & that is Shiddapur & Ankola Talukas of Kanara district, especially the former. In Shiddapur Taluka the picketing of the houses of those who purchase distrained property has been going on intermittently, and the picketers are loafing about ready to take advantage of any immunity which the lifting of the Ordinances may give them. Elsewhere in the Division, a short intermission till picketing again manifested itself would not do appreciable harm, in my opinion.

Your most obedt. Servant

A Mackie.

Commr. S. D.

5-6

** which corresponds with the Prevention of Molestation and Boycotting -- Ordinance No.V of 1932.

The question for consideration is to what areas in the Presidency of Bombay
** Chapter VII (special provisions against certain forms of intimidation) of the new Special Powers Ordinance should be applied on its extension to the Presidency of Bombay by the Government of India.

2. It has already been decided that this Chapter should be applied to Bombay City and the Bombay Suburban district, and it was proposed to apply it to other individual districts after consulting District Magistrates.

3. The replies of all District Magistrates consulted have now been received and are as follows:-

(a) Those who require application.

Northern Division.

✓ (1) Kaira;

Central Division.

✓ (ii) Ahmednagar,
✓ (iii) East Khandesh,
✓ (iv) West Khandesh,
(v) Poona;

Southern Division.

(vi) Belgaum,
(vii) Bijapur,
(viii) Dharwar,
✓ (ix) Kanara,
(x) Kolaba,
✓ (xi) Ratnagiri;

Sind.

✓ (xii) Karachi,
(xiii) Dadu,
(xiv) Larkana,
(xv) Sukkur,
(xvi) Nawabshah,
(xvii) Thar Parkar.

(b) Those who do not require application.

(Northern Division.

(i) Ahmedabad,
(ii) Panch Mahals,
(iii) Broach;
(iv) Surat;
(v) Thana;

Central

Central Division.

(vix)
(vi) Nasik,
(vii) Satara,
(viii) Sholapur,
(kxx)

Sind.

(ix) Upper Sind Frontier,
(x) Hyderabad.

Thus out of 27 District Magistrates consulted, 17 require the provisions of the Chapter and 10 do not.

(S-7)

3. As regards (a) - Those who require application - the Divisional Commissioners have favoured Government with their opinions.

The Commissioner, N.D. does not consider that immediate application of the provisions of the Chapter are necessary in view of the Criminal Law Amendment Act.

p.3 ante

The Commissioner, C.D. also does not consider that immediate application is necessary to the districts in his Division except Bombay Suburban, ~~xxxxxxx~~ (Note:- It has already been decided to apply the provisions to the Bombay Suburban District).

p.17 ante

The Commissioner, S.D. considers that the only area in his Division where the provisions are required are the Siddapur and Ankola talukas of the Kanara district.

p.37-38 ante.

4. The remarks of the Commissioner S.D. contained in para.1 of his letter seem to be very pertinent in the case of all D.Ms. who have asked for application of Chapter VII. In this connection, it would perhaps be of some use, in arriving at a final decision, to examine the latest figures of Convictions under the existing Ordinance V which are available up to the end of May.

p.37-38 ante.

~~of the 89xxxxxx reported for the last~~

~~xxxxxx~~
~~xxxxxx~~

~~month 45xxxxxx~~ It will

be seen from the Statement at flag A that

** where it has already
been decided to apply
the Chapter

(S-8)

as already stated, it
has been decided to
apply the Chapter to
Bombay City and Bombay
Suburban district.

69 11
**
except in Bombay City, very little use
of the Ordinance was made in the ~~other~~
districts ~~during that month~~.

4. It would therefore appear that the
~~xxxxxxx~~ estimate of the situation given
by the Commissioners represents the posi-
tion correctly and that there would be
little harm in not applying ~~these Chapters~~
the provisions of Chapter VII immediately
except to the Siddapur and Ankola talukas
of the Kanara district where the Commis-
sioner S.D. is of opinion that they would
be necessary.

~~xxxxxxxxxxxxxxxxxxxxxxxx~~

5. Part I (d) of the Civil Disobedience
Manual indicates the action which could
under the ordinary law
be taken in respect of picketing, and --
District Magistrates could be instructed
to take energetic measures on those lines
in the first instance.

P.
28.6.32
Sec 4

6. See telegram from G. of I. in
file II submitted as a linked case.

p. 1 above.

The telegram sent G. was proposed
confined to the plain question contained
therein.

Cecil
28/6

H.M.

I think the telegram was unfortunately
worded. The real issue is whether
the picketing provision should be applied
immediately or whether an interval

should be allowed to elapse - Had
this been made clear I think some
of the answers would have been
different - See in this connection
Mr. Innes's letter [or p 57] ante. (S-9)
From the replies it can be seen
that the D.M.s of Ahmedabad, Surat
& Shrover, the three districts in
which an affirmative reply might
have been expected, have replied
in the negative. I attribute
this to the fact that these three
D.M.s knew what the real issue
was. Mr. Knight was present at
the conference & Messrs Kothari
& Innes must have heard what
took place from Mr. Montague &
Mr. Wilkins respectively - The Comtee
do not consider immediate application
necessary except in Bombay Suburban
District & the Talukas of Siddapur
and Ankola in the Kanara District.

(2-10)

To apply the picketing provisions
immediately to districts like
Bijapur & East Khandesh & not
to apply them to districts like
Sholapur, Ahmednagar & Satara
seem to me to be ridiculous.
I would therefore inform the G. of D.
in reply to their clear-the-line
order of the linked file that
we only intend to apply Chapter VII
immediately to Borkar City, B.S.D.
& the Ambur & Siddapur talukas of
Kannur, but that they will be
applied elsewhere as soon as the
local situation requires it -

W

29/6

H.E. (P.S.G.)

S-11

I am not prepared to go quite as far as my honourable colleague. The figures of convictions for picketing in Karachi shows that there has been picketing there almost continuously since the Ordinance was applied. The District Magistrate is most emphatic in asking for it, and I think the section should certainly be applied to Karachi. In the other Sind districts, as practically no use has been made of the Molestation sections for the last three months, I should be prepared to agree with my honourable colleague that these sections need not now be applied at once.

2. In the Southern Division the figures of convictions show that these sections have practically not been used at all in any district, except Ratnagiri. I think we should agree to the District Magistrate's request to apply the sections to Ratnagiri. I should also prefer to apply them to the whole of Kamara District, as I do not think splitting up of districts is desirable. In the other districts of the Southern Division I accept the proposals of my honourable colleague.

3. As regards the Central Division, the figures show that in Ahmednagar and East and West Khandesh considerable use has been made of the Molestation Ordinance even during the last three months. I am not prepared therefore to refuse the district officers' request for its application to these districts. As regards Poona, the figures of convictions show that practically no use has been made of the Molestation Ordinance at all. I am therefore prepared to agree with my honourable colleague in preferring the Commissioner's opinion to that of the D.M.

4. As regards the Northern Division, only the D.M. of Kaira asks for immediate application. Convictions under Ordinance No. 5 in Kaira amounted to 23 in the month as late as April, and I am not prepared to refuse the Collector's request for immediate application of the Ordinance.

5. In the cases of districts where the District Magistrates have asked for immediate application and where we do not propose to apply the provisions at once, I think a letter of explanation should go to each District Magistrate showing why Government have not accepted his recommendation, and assuring him that if picketing is re-started in his district we shall be prepared at once to apply these provisions thereto on his application.

Cal 29/6.

29/6/32.

(S-12)

Submitted. Copies of the correspondence
sent to the Press yesterday evening are
placed below.

2. Re para 5 of H.E.'s minute, the
proposed letter might be sent to all
D.Ms. of districts. However Chapter III
is not being immediately affixed.

Civil
30/6

H.M. 30/6

H.D. (Special).

A draft D.O. letter is
submitted for approval.

3/6
C
1.7.32.

Secy. Retype and submit at once

H.M. L.H.M. H.S. (P.S.G.)

H.E. (Y.S.G.)

H.M.

H.E. (P.S.G.)

Civil
4/7

2.2/7/32

Secy (after issue) for information

Civil
5/7

779
S E C R E T.
Demi-official.

No.S.D.-4654

Home Department(Special).

Poona, 2nd July 1932.

(S-13)
Dear Sir,

I am desired to refer to your reply to Government telegram No.116 of the 25th June in which you intimated that you would require the application to your district of the provisions of the new Ordinance corresponding with the Prevention of Molestation and Boycotting Ordinance V of 1932.

I am to explain that the Governor in Council has carefully considered your recommendation, but in view of the fact that the monthly figures of convictions supplied by you show that very little use has been made recently of the powers contained in Ordinance V, he has come to the conclusion that the application of the provisions of Chapter VII of the new Ordinance to your district is not immediately necessary. I am, however, to assure you that if you report at any time that there are signs of picketing or other forms of molestation and boycotting being -- actively revived in your district, Government will at once apply the provisions of Chapter VII of the new Ordinance thereto.

Yours sincerely,



C. B. B. Clee
for C. B. B. Clee,

The District Magistrate, Poona,
The District Magistrate, Belgaum,
The District Magistrate, Bijapur,
The District Magistrate, Dharwar,
The District Magistrate, Kolaba,
The District Magistrate, Dadu,
The District Magistrate, Larkana,
The District Magistrate, Sukkur,
The District Magistrate, Nawabshah,
The District Magistrate, Thar and Parkar.

Copies

Copies to

The Commissioner in Sind,
The Commissioner, Northern Division,
The Commissioner, Central Division,
The Commissioner, Southern Division,
The District Magistrate, Ahmedabad,
The District Magistrate, Panch Mahals,
The District Magistrate, Broach,
The District Magistrate, Surat,
The District Magistrate, Thana,
The District Magistrate, Nasik,
The District Magistrate, Satara,
The District Magistrate, Sholapur,
The District Magistrate, Upper Sind Frontier,
The District Magistrate, Hyderabad.

JP.
2/7

Maharashtra State Archives



19-79

2-15

Published in the Bombay Government Gazette Extraordinary, Part I,
of Friday, the 1st July 1932.

No. S.D. 4574.—Whereas in exercise of the powers conferred by sub-section (2) of section 1 of the Special Powers Ordinance, 1932 (X of 1932), the Governor General in Council has, by notification No. F. 13/4/32-Political, dated the 30th June 1932, extended all the remaining sections of the said Ordinance to the Presidency of Bombay;

Now therefore in exercise of the powers conferred by sub-section (3) of section 1 of the said Ordinance, the Governor in Council is hereby pleased to direct

- (a) that the provisions of Chapters II, III, IV and VI of the said Ordinance shall come into force in the Bombay Presidency with effect from the 1st July 1932; and
- (b) that the provisions of Chapter VII of the said Ordinance [in addition to the provisions to be brought into force under clause (a) above] shall come into force in the City of Bombay, the Bombay Suburban District, and the districts of Karachi, Kaira, Ahmednagar, East Khandesh, West Khandesh, Ratnagiri and Kanara with effect from 1st July 1932; and
- (c) that the provisions of Chapter V of the said Ordinance [in addition to the provisions to be brought into force under clauses (a) and (b) above] shall come into force in the district of Kanara with effect from 1st July 1932.

No. S.D. 4575.—In exercise of the powers conferred by sub-section (1) of section 76 of the Special Powers Ordinance, 1932 (X of 1932), the Governor in Council is pleased to declare that, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), any offence punishable under sections 160, 186, 187, 188, 189, 190, 227, 228, 295A, 298, 505, 506, 507 or 508 of the Indian Penal Code, 1860 (XLV of 1860), when committed in the Presidency of Bombay shall be cognizable and non-bailable.

By order of the Governor in Council,

C. B. B. CLEE,

Officiating Secretary to Government.

14-77-02

13-9-2002

96-4 09

28/9/04

Box - ~~129~~
134

Box
134

BOX 134

Page 15

Maharashtra State Archives

Date :- 06/03/2014