File No. I - 1920 -Confidential (contains one secret letter p.1) CASE NO _ SUBJECT. General Orders received in connection with Non-co-operation Movement. OFFICE DISTRICT. NC P 1937-123 OR 14453

XV-88. O. R. FORM E. CASE NO OFFICE NCIP 1937-123 OR 14453 DISTRICT.

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(2)	Ch.Secy's do. 10-9-20 no.79-A-I	No prosecution should be instituted without the Local Govt's sanction.	p.2 & 3
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(10)	Ch.Secy's d.o. 6-12-31 no.980-A/V	Issue of licences under the Arms Act to persons who have resigned titles and offices in pursuance of a policy of N.C.O.M.	p. 20 (vide p. 31 9 of C.D.file 1931 - Order calling off the C.D.M.)
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AGITATION - SLANDE RULINGCHIE No. FROM THE HON'BLE MR. H. MCPHERSON, C.S.I., I.C.S., Secretary to the Government of India, To ALE LOCAL GOVERNMENTS AND ADMINISTRATIONS. Simla, the July 1920. Home Department, Political. SIR, The attention of the Government of India has been drawn to the venomous attacks which have been made in certain newspapers against His Exalted Highness the Nizam of Hyderabad and other Ruling Chiefs in connection with the efforts which they have made to curb the violence of extremist agitation within their States. Some of these attacks clearly fall within the scope of Section 4(1)(c) of the Indian Press Act, and the Government of India desire that, if there be any repetition of such attacks, the provisions of the Act should be enforced against offenders. I am to request that if any action be taken as a result of the present reference, it may be reported in due course for the information of the Government of India. I have the honour to be, SIR, Your most obedient Servant, H. McPHERSON. Secretary to the Government of India. Central Provinces Secretariat. Political and Military Department. No.70-A/I, dated Nagpur, the 3 August 1920. forwarded to the Commissioner. Berar Division. or guidance. gB. Tayla Under Secretary. G. M. Press, Simla:—No. S.313 H.D.—22-7-20—213—J.N.M.

AGITATION - PROSECUTION

IDENTIAL. 60 % 79 9 1 10-9-2 I was to forward for your guidance and guidance of your Deputy Commissioners a copy of the Covernment of India's confidential demi-official No. 1747 (Political) dated the 4th September 1970. Sir Frank Sly desires me to say that no prosecution should be instituted until the apropion of the Local Administration has been obtatured. I am also to ask you not to resommend a prosecution unless there is good graund for believing that a conviction can be obtained. The Hon'ble Mr. F. C. Turner, I.C.S., Commissioner, BERAR.

CONFIDENTIAL To ALL LOCAL GOVERNMENTS. DEAR In view of developments which may occur in the general political situation or in the non-co-operation campaign after the special session of the Congress at Calcutta in the first week of September, the Government of India desire to explain to local Governments what their general attitude towards that movement is and what action they consider should be taken by local Governments in certain contingencies. 2. The general policy of Government in the matter has already been expounded by His Excellency the Viceroy in his recent speech at the opening of the current session of the Imperial Legislative Council. The non-co-operation scheme is so intrinsically foolish that Government have every confidence that the common sense of India will reject it. It has been before the public now for two or three months and has been in operation for nearly a month, but although it has received a certain amount of nominal support in extremist circles and has been endorsed in principle by various Provincial Congress Committees which are dominated by extremists, it has attracted only a handful of practical exponents even in its first stage which calls for least personal sacrifice. To all outward appearance it is doomed to failure and it seems unlikely that there will be any turning of the popular tide in its favour, unless some unexpected development occurs. 3. The Government of India accordingly consider that for the time being the policy of non-interference is the wisest policy. They think that it would be a mistake at the present juncture either to adopt repressive measures of an executive nature under special or emergency laws against the leaders of the movement, or even to institute immediate proceedings against them under the ordinary criminal law, because any such action would only result in making martyrs of them and gaining for their cause large numbers of adherents who would otherwise hold aloof. The leaders themselves have invited prosecution and thereby supplied evidence that they consider the movement requires the stimulus of persecution or repression to keep it alive and give it any chance of success. 4. Apart from these general considerations of policy, the Government of India have been influenced by the fact that in the opinion of their legal advisers, the Advocate General and the Standing Counsel, a prosecution of Messrs. Gandhi and Shaukat Ali under the ordinary criminal law would have little chance of being followed by conviction until the later stages of the programme, i.e., the withdrawal of co-operation from the army and police services and the refusal to pay taxes, had been brought into operation. The Government of India do not wholly accept this opinion and would be prepared to take the risk of prosecution if developments anterior to these later stages rendered this step expedient. They also recognize that at any moment there may be developments which would completely change the bearing of the data on which their legal advisers were consulted. They have accordingly requested the Government of Bombay to be ready to initiate a prosecution of the leaders, if and when the proper psychological moment arrives, and they have suggested that in that event it would probably be most advantageous to prosecute in one batch the Executive Sub-Committee which was appointed by the Central Khilafat Committee to organize the detailed carrying out of the non-co-operation scheme. This included Messrs. Gandhi, Abul Kalam Azad, Mohamad Ali, Ahmed Haji Siddick Khatri, Shaukat Ali, Kitchlew, and Hasrat Mohani. The time when, if at all, this prosecution will be launched will be settled by the Government of Bombay in consultation with the Government of India and will be communicated to other local Governments. Meanwhile, the Government of India will be glad if all local Governments will forward to the Government of Bombay copies of reports of speeches made or writings published within their jurisdiction by members of the said Executive Sub-Committee in order that the Government of Bombay may be able to complete the case and consider well in advance the bearing of all such materials on the projected prosecution.

5. The Government of India consider it essential as a corollary to, and complement of, their general policy in relation to the non-co-operation movement, that vigorous action should be taken in the shape of prosecution against all those who by speech or writing incite the public to violence or attempt by seditious propaganda to seduce the loyalty of Indian troops or the police. Local Governments have already been urged to adopt this course in demi-official circular letter no. 2795, dated the 3rd July 1920, but the Government of India regret to observe that although police abstracts and secret reports abound with illustrations of violently seditious speech and writing, very few prosecutions have apparently been instituted up to date. From their comments on these reports District Officers seem to think that because no action has been taken against the leaders of the non-co-operation movement, persons guilty of the most violent sedition should go untouched, however inflamn atory their language and however malicious and mischievous the lying reports they spread to the discredit of Government. The Government of India consider that this is a mistaken attitude. Great harm is done by letting these firebrands go free. It is they who make the most violent impression on the minds of the ignorant masses and to ignore them can only create a feeling that they are free to defy the Sirkar with impunity. The recent deplorable murder of the Deputy Commissioner of Kheri in the United Provinces at the hands of misguided fanatics has emphasized the necessity for vigorous action in this direction.

6. I am to add that if any member of the Executive Sub-Committee is guilty individually of action which renders his immediate prosecution desirable, the fact that he is a member of the said Sub-Committee should not be allowed to stand in the way of his prosecution, but the Government of India would be glad to be informed in advance of any proposed proceedings. In view of the altered circumstances, the fact that the Turkish peace treaty has now been signed and the clear indications that the incessant preaching of violence and sedition is producing very injurious results in some parts of India, the Government of India desire to make it clear that association with Mr. Gandhi, the apostle of non-violence, will not confer immunity from prosecution on even the most prominent of his co-workers, if they break the law by making speeches of a violent character. The utterances of men like Shaukat Ali. Abul Kalam Azad and others are such that they cannot, without danger to the peace of the country, be allowed to pass unnoticed, and if evidence is available, prosecutions against these persons should be launched without hesitation. The Government of India recognize that local Governments may be unwilling to undertake such prosecutions on their own initiative and that they would prefer in this matter to act under the instructions and with the approval of the Central Government, as any action taken may have its reaction on the rest of India. The business of prosecution and the direct work of investigation, collection of evidence and production of witnesses, can, however, be done only by the local Government, and the Government of India, while they are fully prepared to accept the responsibility for the initiation of action, trust that they will receive every assistance from local Governments in the actual conduct of the proceedings. Their policy is clear: they seek to prosecute any individual who by violence of language directly provokes or incites to disorder, and they hope that vigorous action will be taken to give effect to this policy. They believe that a few successful prosecutions will have a very beneficial effect both in rallying moderate opinion and in discouraging those who think that they can break the law with impunity because they are ranged under the banner of Mr. Gandhi.

7. I am lastly to state that the Government of India are prepared to extend to any area where this may be deemed advisable the provisions of the Seditious Meetings Act, not, except in cases of urgent necessity, with the object of prevening the holding of public meetings, but in order to give the local officers power to control and regulate such meetings and to ensure that speeches will be made under conditions which will render it possible to obtain accurate reports. They trust that no expense will be spared to secure trustworthy reports of meetings and that every care will be taken to watch the movements and plans of prominent sedition-mongers.

Yours sincerely,

(Sd.) H. McPHERSON.

TATION -VIDEPENDEN HOVE 15th Hovember 1980 My dear I am to enclose copies of correspondence for your information and guidance. To Mon'ble Mr.F.C. Turner, I.C.S., Commissioner, Berar Division.

CONFIDENTIAL.

Nagpur.

12th/13th October 120.

D.O. No.85/I.

My dear McPherson.

I am desired by Sir Frank Sly to refer for the the advice of the Government of India the important change that has recently occurred in the political situation. Mr. C.F. Andrews has openly advocated in the press complete independence for India. The Home Rule League has altered its constitution so as to cover propogands not only for self-government within the British Empire but also independence outside the British Empire, and the Congress is contemplating an alteration of its creed in the same direction. This question will be of great importance at the next meeting of the Congress at Nagpur in December, and it is clearly one in regard to which there should be a common policy throughout India.

2. The action to be taken in regard to the Khilafat agitation has been stated in your confidential demiofficial letter No. 1147 (Political), dated the 4th September last, but the separate question which Sir Frank Sly desires to refer is the policy to be adopted towards agitation for complete independence. Is action under the eriminal law to be taken against persons who advocate either in speeches or newspapers this policy and its attain -ment by peaceful means, or is action to be confined to cases in which there is incitement to violence in support of this policy? So far as Sir Frank Sly can judge, this movement for separation from the British Empire will receive no real support in this province, but it will be discussed in the papers and public meetings and will be advocated by some few firebrands. One notorious speaker at a public meeting at Nagpur has already advocated complete independence for India but can hardly be interpreted

to have given any incitement to violence for the attainment of that object. The somewhat parallel cases of Egypt and Ireland have to be taken into account.

3. It is difficult for Sir Frank Sly to give an opinion on this question of policy, because he does not know the conditions of other provinces in India, and the amount of support that this movement for complete independence is likely to receive. As stated above he does not believe that there is any real danger from it in this province, and he would be content to restrict action under the criminal law to cases in which there is incitement to violence, latitude being allowed for him to decide in individual cases whether it is expedient or not, having regard to the local circumstances, to institute a particular prosecution. But if the Government of India decide that this movement cannot be permitted even when its attainment is urged by peaceful means only, it would seem desirable for the Government of India to make a public wavenesses pronouncement of its policy and to give a warning that after such pronouncement offenders against the law will be liable to prosecution,

> Yours sincerely, Sd/- A. E. Nelson.

M.A.

Government of India, Home Department. (Political). Simla, the 21st October 1920. Dear Nelson, In reply to your demi-official letter No. 85-I, of the 12th instant, I am desired to say that the Government of India are not in communication with the Governments of Bombay and the United Provinces regarding the action to be taken in connection with the latest developments of the non-co-operation movement and mire particularly Mr. Gandhi's recent campaign in the United Provinces. Pending the result of this consultation, they are agreed that for the present Sir Frank Sly manist should be content to restrict action under the criminal law in eases in which there is incitement to violence, latitude being allowed for him to decide in individual cases whether it is expedient or not, having regard to the local circumstances, to institute a particular prosecution. Yours sincerely. Sd/- H. McPherson.

Confidential.

D.O.No. SH.L

Nagpur.

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badges and sanads. The Chief Commissioner considers that it is undesirable to give any sort of advertisement to the persons concerned as for example by notification in the official gazette of their renunciation of title or of their removal from Darbar lists. The badges and sanads will be returned to the Foreign and Political Department, their names will be removed from Darbar lists, and while on the one hand such persons should notbe molested in any way, they should not be received by any official after they have taken such action, as they will have openly and publicly disassociated themselves from Government. The same remark applies mutatis mutandis to persons who have for similar reasons resigned honorary offices such as Honorary Magistrates. In all cases the renouncers of titles, etc., should have their names removed from the lists of title holders as well as from the Darbar lists, and the titles in question should be ignored in official correspondence and records.

2. I am to ask you to report all cases of regignation of titles or honorary offices direct to me as soon as they occur

Yours Sicul

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The Hon'ble Mr.F.C.Turner, I.C.S.,
Offg. Commissioner,
Berar Division.

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FLECTION 8-10-20 No. 4335 FROM THE HON'BLE MR. H. MCPHERSON, C.S.I., C.I.E., I.C.S., Secretary to the Government of India, To ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS. Simla the October 1920 Home Department. Political. SIR, -In view of the adoption of the programme of non-co-operation and the inclusion in it of the policy of boycotting the new Councils I am directed to address you on the subject of the action to be taken in cases where undue influence is brought to bear by promoters of the non-co-operation movement on candidates who seek election or voters who desire to vote. While the leaders of the movement may not advocate any open interference with or exercise any undue influence upon, candidates or voters, it is highly probable that their adherents will in many cases by threat of social boycott or other illegal means endeavour to dissuade candidates from standing for election or voters from recording their vote. I am therefore to bring to your notice that under Section 171-C of Chapter IX-A of the Indian Penal Code which is inserted in that Code by the Indian Elections Offences and Inquiries Act, 1920, any person who voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election. An electoral right is defined as the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election. Whoever commits the offence of undue influence at any election may be punished with imprisonment of either description for a term which may extend to one year or with fine or with both. The law therefore amply provides for the case of those who by undue influence induce or attempt to induce any member of the community who has the franchise from exercising or refraining from exercising an electoral right, and I am accordingly to suggest that persons who can be proved on reliable evidence to have committed this offence should be prosecuted. Attention is invited to the fact that such prosecutions are subject to the provision of Section 196, Criminal Procedure Code. The Government of India attach importance to uniformity of action in this respect, and trust therefore that with the permission of His Excellency the Governor in Council His Honour the Lieutenant-Governor (in Council) steps may be taken to give effect to this policy if and when occasion arises. I have the honour to be, SIR, Your most obedient Servant, H. McPHERSON, Secretary to the Government of India. G.-M. Press, Simla.—No. C489 HD.—6-10-20—163—J.N.M.

Central Provinces Secretariat. Political Department. No.86-I. dated Hagpur, the Copy forwarded to the Commissioner, BERAR Division, for information, in continuation of Br. Welmon's endorsement No. C/358, dated the 25th September 1920.

N + RESIGNATION Dear A Tune . In reply to your demi-official dated the 15th October 1920, to be Crofton's address, I am desired to say that your solution of the difficulty in regard to the treatment of cases similar to that of Parasnis or Gulam Yasin Khan is accepted. I am also enclosing a letter from De. You should inform him that a nominated membership of a District Board must be considered as an honorary office, but resignations of candidatures are not resignations of honorary offices. I am also to ask that all demiofficial correspondence on the subject of resignation of titles, etc., may be addressed to the Chief Secretary.

29.10. annasti Tame hing dear De is to deal wite baramis & Micielly il al Mum. Africe out at dalibrugators or puritely. Premuebly Kanitkai, care with bellie range. Kindly prissin enely o Rimm Den Mr June Rebined inti Mantes after witing Officer in the Pat : . Your triends

Copy of demi-official letter dated the 13th/15th Octo.
1920, from B.N.De Esq., I.C.S., Deputy Commissioner, Buldana,
to the Under Secretary to the Chief Commissioner, C.P.

.. With reference to your confidential demi-official letter No. 84-I, dated the 7th October 1920, I beg to state that so far, Dr.M.N. Parasnis and Mr. Gulam Yasinkhan have resigned their posts on the Bench of Honorary Megistrates of Khamgaon in September last and their resignations have been forwarded to the Administration through the Commissioner, Berar, for acceptance. These two men are however elected members of the Khamgaon Municipality and are also Chairman and Vice Chairman respectively of that body. Since they have not resigned these posts, instructions may kindly be issued as to whether they should not be received by officials in their capacity of Chairman and Vice Chairman: I have just received a resignation from Mr. R.A. Kanitkar of Buldana of his nominated membership of the Buldana District Board. I doubt whether his resignation would fall under the category of resignations of Honorary offices referred to in para. 2 of your letter. Mr. Kanitkar continues as elected member and Chairman of the Buldana Municipal

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M.A.

Magpur. CONFIDENTIAL. 15th November 1920. My don Turner From various references received it appears that some Deputy Commissioners are under a misconception regarding the evidence required for a prosecution for a seditious speech. While it may be desirable to secure the verbatim report of a speech, in the absence of stenographers this is not always possible and it is quite impracticable to supply stenagranders for the use of every Deputy Commissioner. I am therefore to forward a copy of a demi-official from the Legal Remembrancer, who explains the most convenient procedure for obtaining reports of speeches. If Deputy Comissioners will act in accordance with the Legal Remembrancer's suggestions there should be no difficulty in dealing with speeches of a seditious nature in future. I am to ask you to communicate these instructions to Deputy Commissioners. The Hon'ble Mr. F.C. Turner, I.C.S., Commissioner, Berar Division.

Copy of a demi-official letter dated the 15th Novr. 1920, from the Legal Remembrancer, C.P., to the Chief Secretary to the Chief Commissioner, C.P.

seditious speeches should be reported in extense in shorthand, such a course is obviously not possible in all cases, nor is it necessary. The lines along which the Courts would almost certainly reason in these cases in future have been laid down in Sir Henry Droke-Brockman's judgment in Narayan Rao Vaidya's case, which, though not officially reported, is now well known. I think it would be sound policy for us to accept his reasoning for the present and prepare our cases to meet it; and this should not be a very difficult matter.

laid stress on was the necessity for continuity and fullness in the reports of the speeches. This might be
secured as follows. At least two smart men should be
deputed to take down notes, and their instructions should
be to use as many contractions as possible and obtain
as full and continuous an account of the speech as possible; and that they should immediately after the close
of the meeting expand their notes from memory and send
in their reports separately in a ship-shape form. It
would be advisable to put the original notes and the
expanded reports in evidence:

3. The next point was the need for good evidence to prove the general tenor of the speech. Sir Henry held that a man whose attention was monopolised by taking down full notes of a speech, could hardly be expected to obtain a broad view of the general effects of the speech. To meet arguments of this kind it would be well to depute

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a magistrate to attend important meetings and to direct him to take only short notes of the general trend of the speech and to concentrate his attention on the effects of the speech on his own mind and its probable effects on the minds of the audience. In giving evidence the magistrate would have to make it perfectly clear that his instructions were to that effect and that his notes in no way pretend to be a complete aversion.

4. The third point was the desirability of getting outside evidence, that is, non-police or even non-official evidence. This is a counsel of perfection, I am afraid, and we cannot expect to get useful outside evidence very often. But I think that the evidence of the magistrate should be enough to give the whole prosecution evidence, if it is consistent throughout, sufficient weight to convince the most reluctant Court.

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M-A-

AGITATION -Confdiential, Government of India Home Department. OBJECTIONABL (Political). No. 4534. TELEGRANIS C.W. Cwymne Baq., O.B.H., Deputy Secretary to the Government of India, To The Director General, Posts & Telegraphs, Delhi. Delhi, the 20th November Sir. I am directed to request that the attention of all concerned may be drawn to the terms of mule to the Indian Telegraph Guide under which telegraph officers are required to refuse to accept any telegron which may be of a decidedly objectionable character, and in case of doubt to refer the matter to the Secretary to Government if the telegras be tendered at a seat of Coverment, or to the chief civil or military officer if teniered at any other place. Coverment desire that this rule should be strictly applied in the case of any telegram despatched by the promoters of/non-co-operation movement, which is obviously objectionable from the violent or selitions churacter of the language employed. A copy of this letter is being forwarded for information to all Local Covergments and Abministrations, I hope etc., Deputy Secy. to the Govt. of India. Central Provinces Secretariat. Political Department. dated Magpur, the December 1920. Copy forwarded to the Commissioner, Berar Division, for information and necessary action. Chief Secretary. H.A

AGITATION everyment of Links. Home Dopose out TELEGRAN PEON Deputy bourstary to the Deverment of Broke. The Director Heneral, pets and lelegraphs, both the 18th March In reply to your latter No. 398-H, dated the 18 ded with reference to the done Department letter was the 20th Movember 1820, I am directed to etate the conjection telograms, emept these relating to distany matter or it the headquarters of Government, should always be received to the District Agistrate. Wen he is out of the Litade or not eventable they should be referred to the efficer all is enrying on t the current duties in his place. The Mic of including the chief military officer was to provide plegram concerning military lotters alone. A copy of this letter is lake Information. have etco. Deputy Hooys to the Govts of Intime Ho. 494, Gares Tel Jun 1000 seron 1991. of the Central Frontier A copy is formed the Chief Scaretary to the severment for information and noccessity action. in continuation of Timest ordersment No. 4540, dated the Edra Novembor by Order, ote-, Ed/a Calla Cummus Deputy Secretary to the Coyt, of India, Covernment of the Control Provinces. Political & Military Department. 30K Janes 1001. d dagpar, tag one formation to the Commissioner, Berar Division, transion and princeres, in continuation of that many ment So. 105 A/I, daton the Star Documber 1930. of Becrotagy.

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dated the //. // /20 and your reply thereto (demiofficial No. _____, dated //. // 20 regarding the
issue of licenses under the Arms Act to persons who have
resigned titles and offices in pursuance of a policy of nonco-operation. The Chief Commissioner has examined the
replies, the majority of which are opposed to a policy
of refusal of licenses to avowed non-co-operators, and he
accepts the opinion of the majority. I am therefore to ask
you to make Deputy Commissioners in your division acquainted
with this decision, viz. that licenses should not be refused
to applicants simply on the ground that they have taken part
in the non-co-operation movement.

Yours

The Hon'ble Mr. F. C. Turner, I.C.S., Commissioner,

Berar Division.

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- 1920 - 5 File No. Z Confidential (contains one secret letter p.1) CASE NO _ General Orders received in connection with Non-co-operation Movement. OFFICE DISTRICT. NCIP 1937-123 OR 14-53

FORM 1.
Reference to latter cases.

Subject.	File No. Year.	Section.

Reference to previous cases.

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FORM F.

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