

1921 - 22

File No 2

S-1

XV-83
O.R.

FORM E.

VIDARBHA

Confidential

contains 3 Secret letters,
pages 39, 58, and 70

42

P.&M.	6	90
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SECTION.

SE NO. _____

SUBJECT.

ORDERS

IN CONNECTION WITH NON-CO-OPERATION MOVEMENT - 1921-22.

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P.&M.		
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OFFICE

DISTRICT

S-2

XV-58.
O.R.

FORM E.

SECTION

CASE NO

SUBJECT.

OFFICE

DISTRICT

OR 14353

1921 - 22

S-3

File No 2

XV-33
O.R.

FORM E

VIDARBHHA

Confidential

contains 3 Secret letters,
on pages 39, 58, and 70

42

SECTION.

CASE NO.

SUBJECT.

ORDERS

IN CONNECTION WITH NON-CO-OPERATION MOVEMENT - 1921-22.

6

OFFICE

54

Subject :- Non-Co-Operation Agitation - 1921-

(1)	Pol. & Milty Deptt letter No.13/1	17-1-21	<u>Propaganda work</u>	pp. 1 to 3.
(2)	U.S's u.o.no.	Jany.21	do	p.4
(3)	Mr.Nelson's do.	20/21-1-21	do	p. 5
(4)	Ch.Secy's d.o. 13-B/I	15/17-1-21	<u>Notes of speeches.</u>	pp. 6 & 7
(4-A)	Ch.Secy's d.o.no44/1	25-2-31	Re: Karanjaaffairs.	p. 7-A
(5)	Ch.Secy's d.o. 43/I	25-2-21	<u>N.C.O.Movement & the measures to be taken in regard to it</u>	pp. 8 to 10
(6)	Ch.Secy's d.o. 43-J.	7-3-21	<u>Non-payment of L.R.</u>	pp 11 & 12.
(7)	Ch.Secy's d.o. no.52	do	<u>Refusal of taccavi to villages manifesting intention to non-co-operate by withholding supplies etc.</u>	p. 13
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(9)	Ch.Secy's letter no.159-C/II	2-4-21	<u>Notes of political speeches.</u>	p. 15 to 17
(10)	Ch.Secy's d.o.no. 69/I	12-4-21	<u>Action u/s 108 Cr.PC.</u>	p. 18
(11)	Ch.Secy's d.o.no. 43-B/I	26-4-21	<u>Gandhi Cap.</u>	p.19
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(12)	Ch.Secy's endt.no. C/157-A	17-5-21	<u>Instructions re: reports of seditious speeches.</u>	p.20
(13)	Insptr.of schools d.o.mx	21-5-21	<u>Effects of N.C.O. movement on A.V.Schools in Berar.</u>	pp.21 to 38-A
(14)	Ch.Secy's d.o.no. 88-A/I	14-7-21	<u>Non-co-operation movement.</u>	pp. 39 to 49
	(with Secret d.o.no.1060-Pol. of 18-6-21 from Govt. of India (Home Deptt).)			
(15)	D.O.No.452-A/IV dated 9-7-21 from Mr.Stent,Nagpur.		<u>Liberal Federations Aman Sabhas.</u>	pp. 50 to 54
(16)	Pol.Deptt.endt.no. 90-B/I	22-7-21	<u>Pensioners.</u>	pp.55 to 57
(17)	Ch.Secy's d.o.no. 107-A/I	9-8-21	<u>Picketting of cloth shops.</u>	pp.58 to 65
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(19)	Ch.Secy's d.o.no. C/589	31-10-21	<u>Karachi resolution</u>	p.67
(20)	Ch.Secy's d.o.no. C/607	26-12-21	<u>Appreciation of the situation in the fort nightly reports.</u>	p.68 & 69

SecretSecret

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pp.70 to 75	Ch.Secy's letter no. 26-12-21 148-A	Policy to be follow towards N.C.C.M.	(21) <u>Secret</u>
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Maharashtra State Archives

C. CONFIDENTIAL.

AGITATION No. 13/E S-6 WORK 1

Government of the Central Provinces.
Political & Military Department.

17-1-21

From

A. E. Nelson Esq., O.B.E., C.I.E.,

Secretary to Government,

Central Provinces,

To

Commissioner,

Berar

Division,

Amraoti.

Nagpur, the 17th January 1921.

Sir,

In view of the decision of the recent Congress re-affirming the non-cooperation resolution and the likelihood of an intense intensive campaign on behalf of the non-cooperation programme, His Excellency the Governor in Council considers it desirable to issue instructions to Government servants regarding the attitude to be adopted by them towards this movement.

2. At the outset I am to emphasise that it is the primary duty of all Government officers to do all that lies in their power to counteract the non-cooperation propaganda by counter propaganda on the other side. A special opportunity is provided in the current year by the fact that Government officers owing to the prevalence of scarcity in several districts are likely to be out on tour for prolonged periods, and His Excellency considers that during their tours they should regard it as one of their most important duties to discuss the situation with the people at their camps and discourage the spread of the ideas associated with non-cooperation. Government should no longer adopt a passive attitude against

As per letter
copy has
been supplied
to all concerned
19/1

57 but must recognise that counter-propaganda is their most important duty. The wild statements that are constantly being poured into the credulous ears of the audiences at non-cooperation meetings require to be contradicted and the real facts explained at suitable times and places. In addition to contradicting falsehoods of this kind, it is necessary that Government officers should explain to the people the benefits that have accrued to the country from its orderly progress under British rule. As the latest step in this progress reference might be made to the recent changes in the form of Government. In my letter No.R.182/IV of the 13th June 1920, stress was laid on the desirability of Government officers explaining to the people the nature of the changes made in the form of government and of taking such steps as were feasible to educate the electors in their new responsibilities. His Excellency the Governor is not satisfied that sufficient action was taken on these lines by Government officers, and I am now again to invite your special attention to these instructions. It is the duty of Government officers to explain the new form of government^{and} to enlist the support of all classes for it.

3. Whilst it is the general duty of all government servants to discourage the non-cooperation agitation, His Excellency in Council considers that the counter-propaganda should be undertaken by the following classes of government officers, whose official positions give them specially favourable opportunities for this duty:-

Commissioners.
Deputy Commissioners,
Executive Assistant Commissioners and Extra
Assistant Commissioners;
Settlement Officers;
Assistant Settlement Officers;
Tahsildars,
Deputy Directors of Land Records,
District Superintendents of Land Records,
District Excise Officers;
Deputy Inspectors General of Police;
District Superintendents of Police
Deputy Superintendents of Police,
Inspectors of Police,
Principals of Colleges,

Inspectors

8-3
3
Inspectors of Schools,
Assistant Inspectors of Schools
Head Masters of High Schools;
Superintendents of Normal Schools;
Deputy Inspectors of Schools,
Deputy Directors of Agriculture,
Assistant and Extra Assistant Directors of
Agriculture.

4. In order to assist officers in obtaining suitable material for such counter-propaganda, it has been decided to start a special publicity section in the Secretariat in charge of the Chief Secretary from which will be issued from time to time leaflets dealing with common misrepresentations of government measures and other suitable subjects. If any officer desires to obtain a particular publication or any special information, he should address the Chief Secretary who will endeavour to meet the demand. As a beginning, it has been arranged to distribute to the officers concerned copies of the publication "Gandhi and Non-cooperation" which deals fully with the case against the principles of non-cooperation.

5. Whilst it is believed that such counter-propaganda must mainly be conducted by government officers, it is most desirable that every effort should be made to encourage similar action by non-officials. All well-wishers of government should be given every assistance that they may require with this object. District officers should also consult such non-official opinion regarding the most suitable forms of such counter-propaganda by government officers.

I have the honour to be,
Sir,
Your most obedient Servant,

Arthur Wilson

Secretary.

N.A.

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U. O. No.

4

GOVERNMENT OF THE CENTRAL PROVINCES,
POLITICAL AND MILITARY DEPARTMENT.

-.....

Dated Nagour, the

January 1921.

To

The Commissioner,

Berar

The undersigned is directed to inform the Commissioner that printed copies of the Confidential letter No. 13/1, dated the 17th January 1921 will be supplied to the D. Cs. as soon as possible, for distribution to officers subordinate to them.

Pro. D. C. S. S. S.

for Under Secretary.

S. N.

8-10
D.O.No. _____

5
Nagpur,

20th January 1921.
21

My dear Turner,

Yours of the 19th instant re. my confidential letter No.13/I of the 17th instant. You are correct in your presumption that you are not expected to intimate the orders contained in my letter to those concerned. Typed copies of the letter have already been sent to all Deputy Commissioners and Heads of Departments, and printed copies will be sent to them for distribution in a day or two.

Yours sincerely,

Arhelson

To

F.C.Turner, Esq., I.C.S.,
Commissioner, Berar Division,
Amraoti.

8-11

D.O.No. 13 B/P

6

Confidential.

Nagpur.

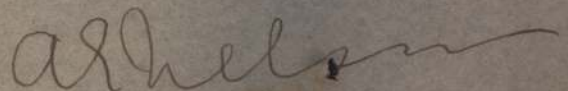
15th January 1921.

17th

My dear Turner,

I am to inform you of the repressive measures it is proposed to take against the non-cooperation agitation. Hitherto the Government has refrained from a policy of prosecutions in the hope that the agitation would die a natural death. In view of the recent decision of the Congress this seems now to be improbable: on the contrary, we are likely to be faced with an intensive campaign of non-cooperation propaganda. There is a danger that this intensive propaganda may seriously affect the masses in the towns and the villagers and may lead to the gradual break-down of the authority of Government servants and of the Government itself. His Excellency, therefore, thinks it advisable to institute a few prosecutions against the most virulent agitators. Action should at present be limited to prosecutions under the ordinary criminal law, i.e. under Section 103 C.P.C. or Section 124-A, 153-A or other suitable section of the Indian Penal Code in cases where the speeches or newspaper articles clearly contravene the law and not by action under special laws such as the Press Act and the like. No such prosecution should be instituted without the previous sanction of the Local Government. The Inspector-General of Police is issuing orders to his officers on this subject, and I am to ask you to instruct Deputy Commissioners to arrange with their District Superintendents of Police that only those cases are sent up for sanction in which the evidence and reporting are ~~xxxxxx~~ of such a nature as to make the chances of a successful prosecution reasonably secure.

Yours sincerely,



To

F.C. Turner, Esq., I.C.S.,
Commissioner, Berar Division,
Amraoti.

512

15-1-21

7

Circulated to

Dr. Anantli ^{U. 12.1.21}
Ahola

Mudana ^{S. 12.3.21}

Yedmal ^{U. 12.3.21}

will return to me
understand Dr's have
not received copies of
these letters

I don't think it would
use dissipating energies
on all sorts of small things

I suggest to shadow

W.C. John

Panthal Vyas

Jainendra of Karanja ^{10/1/21}
has come
with reports.

Let Dr's be good enough to
write their comments

separately and in this report
of the speech. The latter
has to be put in in evidence
of prosecution. It does not
look well to have Dr's

comments already made
in round

Dr. Anantli

24/1/21

Confidential

AGITATION - KARANJA

D.O.No. 44/I

25-2-21 7-A

Nagpur,

25th February 1921.

My dear Turner,

Your demi-official letter of the 23rd February 1921 enclosing a note on affairs in Karanja.

2. You have ordered proceedings under Section 107 C.P.C. in three cases:-

- (1) Persons intimidating the schoolmaster and keepers of liquor shops at village Morhal;
- (2) Two volunteers restraining people from going to the Karanja market;
- (3) Jainuddin for his action in the boycott of Mr. Hormusjee.

Government approves of your action, and I am to ask you to take special police precautions to prevent any riot or disturbance at these trials.

3. In addition you are taking executive action in two matters:

- (a) The dismissal of N.R. Ghude, Vice-President of the Municipal Committee. — This case will come up through the Hon'ble Mr. Kelkar in the ordinary way.
- (b) Warning of Mohammed Alli, son of Mohammed Hatan, holder of Inam grant. — This is in accordance with our policy.

4. You will tomorrow I hope receive a demi-official letter from me explaining the measures to be adopted in dealing with the latest developments of the non-co-operation movement.

Yours sincerely,

A. H. Kelkar

To
F.C. Turner, Esq., I.C.S.,
Commissioner, Berar Division,
Amraoti Camp.

CONFIDENTIAL.

D.O.No.43/I.

Nagpur.

25th February 1921.

My dear

Turner

In continuation of my demi-official letter No.13-B/I of 15th January 1921, I am directed to address you on the subject of the non-cooperation movement and the measures which the Government desires to be taken in regard to it. The movement has made considerable progress during the past month and, if unchecked, may become a menace to the authority of Government by the alienation of the goodwill of the people. The situation indicates, in the opinion of the Government, that more active measures, including repressive measures, are now necessary. In my demi-official letter mentioned above, you were informed that it was advisable to institute a few prosecutions against the most virulent agitators, but so far these instructions have met with little response. I am now clearly to emphasise the necessity of the prosecution under the ordinary law of persons who are guilty of making seditious speeches and of inciting to violence and against whom evidence is available. It is desirable that some of the more violent local leaders should be prosecuted under Sections 124 A and 153 A of the Indian Penal Code. It is true that the number of shorthand reporters is limited and speeches cannot always be accurately reported, but I am to invite attention to the instructions issued in my demi-official No.98-I, dated the 15th November 1920. Further, I am to state that the local Government considers that proceedings should be taken under Section 108, Criminal Procedure Code against offenders of lesser importance where this is considered to be suitable and where sufficient evidence is available.

2/. The Government of India have recently called attention to the importance of the enforcement in general of respect for law and the instructions which are given in the following extract from their letter should be carefully noted:-

"Cases have come to the notice of the Government of India

8-15

in which large crowds have been allowed to indulge with impunity in demonstrations of an obviously unlawful character. Incidents of this kind cannot but tend to weaken the respect for law and order amongst the masses of the people. It may not be always ^a feasible to disperse unlawful assemblies with the force available at the moment and without recourse to the use of fire arms which would be justified only if necessary for the protection of life and property; but it should at least be practicable to prosecute many of the members of such bodies under Section 143, Indian Penal Code; and the Government of India trust that such prosecutions will invariably be instituted and promptly brought to trial."

3/. One form of violence which has come into use lately is in connection with the so called temperance movement. Liquor shops are picketted and customers ^{are} maltreated. In this connection I am to invite your attention to the action recently taken by the District Magistrate of Nagpur to deal with this form of unlawfulness. He has issued an order under Section 144 of the Code of Criminal Procedure calling upon

- (i) all persons to desist from causing obstruction and annoyance by words or action to any person proceeding to any liquor shop in Nagpur; and
- (ii) certain persons (mentioned by name) to desist from organising similar obstruction and annoyance.

Disobedience to this order is being dealt with by prosecutions under Section 188, Indian Penal Code. Service of the order has to be made in the manner provided in Section 134, Criminal Procedure Code., and an order has been passed by the local Government directing that in cases where an order ~~cannot~~ under Section 133 of the Code of Criminal Procedure cannot be served in the manner provided for the service of a summons, such order shall be proclaimed by beat of drum in the locality to which it refers, and copies of such order shall be posted up in prominent places in the said locality (vide Notification No. 54/533-M/E in the Central Provinces Gazette of the 26th February 1921). If any actual maltreatment of persons visiting liquor shops takes place (such as parading on donkeys) a cognizable offence under Section 341, Indian Penal Code is committed and the police should be instructed to interfere in virtue of Section 149, Criminal Procedure Code and, if such a course should be necessary to the prevention of the offence, to arrest the ring-leaders under Section 151, due regard being paid to the procedure prescribed by Sections 60-62, Criminal Procedure Code.

4/. In addition to these measures, the Government considers that executive action, whenever this is possible and expedient, should be taken to demonstrate the disapproval of Government of the non-cooperation movement in the hope of giving support to the well wishers of Government. Such action may be appropriately taken against vatandars in Berar and maufidars in the Central Provinces who, while holding special privileges subject to loyalty and good conduct, show their sympathy with the non-cooperation movement. Individual offenders should be sent for and given a preliminary warning and if that does not have the desired effect, proceedings should be taken for the forfeiture of the privilege. Honorary Magistrates who take any active part in the movement should also be recommended for dismissal.

5/. Finally, I am to say that Government servants should be prohibited from attending non-cooperation meetings or acting in any way which could be interpreted as showing sympathy with the movement, e.g., by the wearing of the Gandhi cap, and ~~similarities~~ that it should be made clear that the penalty for disobedience will be dismissal.

Yours

Alhelsam

J. C. Turner Esq. D.C.S.
Commissioner
Berar.

517 ~~Mr. H. J.~~ AGITATION - NON-PAYMENT
Nagpur, 7-3-21 11

The 7th March 1921

My dear *Turner*

In continuation of my D.O. No. 43 I, dated the 25th February 1921 explaining the measures which Government desires to be taken in connection with the non-cooperation movement, I am desirous to address you regarding the policy to be adopted if a situation arises of refusal to pay land revenue, irrigation dues and rents. There has been some preaching of the non-payment of rent and revenue and there is reason to apprehend that the ground is being prepared for this final stage of the non-cooperation programme. As regards speeches advocating non-payment of taxes action under section 107 of the Criminal Procedure Code should be taken without any delay. If there is any general or organised attempt on the part of tenants to withhold the payment of rent to malguzars, the Tahsildar should go to the village or villages concerned and having satisfied himself that the malguzars are not attempting to collect rents which have been suspended or remitted by an order under section 65 of the Tenancy Act, he should inform the tenants that the Government intends to exercise all the powers that the law gives it for assisting the malguzars in the realisation of their dues. No summary process for the collection of rents however exists, but the Tahsildar should advise the malguzars to file suits for arrears before him as additional judge to the court of the Munsiff and should dispose of such suits with all expedition. If the attachment and sale of moveable property should prove fruitless owing to no bids being forthcoming, proceedings should be taken for executing the decree by the sale of the holding, if it is held in absolute occupancy right (section 9 of the Tenancy Act) and by the ejectment of the tenant, if the holding is held in occupancy right (sections 23 & 24 of the Tenancy Act), but the periods of notice prescribed by these sections have to be observed. If the Deputy Commissioner thinks that the non-payment of rents is due to non-cooperation propaganda, he should use his discretion in issuing a threat that persons who decline to pay their rents will not receive takavi. In Berar if there is deliberate

S-18

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non-payment of revenue, despite the very liberal suspensions which have been given, and if the Deputy Commissioner is satisfied that the occupant is in a position to pay, the penalties of imprisonment, ejection and forfeiture should be enforced where necessary.

There has been a liberal remission of irrigation dues owing to the failure to supply waterings sufficient to bring the crops to maturity, and if the Deputy Commissioner is satisfied that there is any refusal to pay dues for land which has received adequate supply of water, the amount due should be recovered as arrears of land revenue by the Deputy Commissioner under section 45 of the Northern India Canal & Drainage Act on its being certified by the Executive Engineer to be done.

Yours sincerely

A. H. Nelson

F. C. Turner Esq., I.C.S., M.L.C.,

Commissioner, Berar Division

Will DC's please note?

R. L. Kumar
Berar

9/3/21

519 AGITATION - TACCARI

No. 52

Nagpur,

7-3-21

13

The 7th March 1921

My dear Turner

With reference to your suggestion for the cancelling of suspensions of land revenue and for the refusal of all taccari in villages which have manifested their intention to non-cooperate by withholding supplies etc. from Government officers on tour, I am desired to say that it would be unwise to cancel suspensions of land revenue. His Excellency the Governor is, however, prepared to allow you to take action regarding refusal of taccari. In clear cases of refusal of all help to Government officers, the Deputy Commissioner should inform the village that no taccari will be given. This can be done when the distribution is made in May.

Yours sincerely

Arhelms

F. C. Turner Esq., I.C.S., M.L.C.,

Commissioner, Berar Division

Will do's please note?

R. Munro

9/3/21

5-20

AGITATION - TACCAYI

17/3

D.O. No. 454/XII.

18-3-21

14

NAGPUR,

the 18th March 1921.

Dear Turner

I am directed to invite a reference to my demi-official No. 52, dated the 5th March 1921, regarding the refusal of the grant of taccavi to the non-cooperating villages in Berar and to make it clear that the villages concerned should be informed of the orders at once i.e. when taccavi enquiries are instituted.

Yours sincerely,

Alhelsen

To

F.C. Turner, Esquire, I.C.S., M.L.C.,
Commissioner, Berar.

Unreplied

W.D.'s do
Recd

Pinned

Amraoti

23.4.21

23.4.21

Alota

24/3

24/3 S.W.

Maldam

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25.3

Dyptmal

1.4/21

Belum Ban

Revised
Bun

22/3/21

Confidential.

No.

1599/II

15

Government of the Central Provinces,
Political & Military Department.

From

A. E. Nelson Esq., O.B.E., I.C.S.,
Chief Secretary to Government,
Central Provinces,

To

The Commissioner of Settlements, C.P.
The Chief Conservator of Forests, C.P.
The Commissioner of Excise, C.P.
The Inspector General of Registration, C.P.
The Sanitary Commissioner, C.P.
The Director of Agriculture, C.P.
The Secretary to Government, P.W. Department,
Buildings and Roads Branch.
The Secretary to Government, P.W. Department,
Irrigation Branch.

Nagpur, the 2nd April 1921.

Sir,

It has been brought to the notice of Government that the police frequently find it difficult to obtain sufficient evidence for the prosecution of political agitators and that it has not always been found possible for a Magistrate to attend a meeting to take notes of the speeches in order to give evidence in a prosecution. It is now suggested that in order to attain satisfactory result in a prosecution the police might be authorised to call upon other classes of Government servants to assist them in the matter by attending the meeting and taking short notes of the general trend of the speech with a view to their being in a position to give evidence regarding the effect of the speech as a whole on their minds and its probable effect on the minds of the audience. This amount of assistance rendered occasionally is not likely in any way to interfere with the ordinary duties of the officials concerned.

I am to request that in the circumstances explained above, you will be good enough to permit the officials of your department to attend meetings whenever called upon by the police to

assist

822 16
assist them in this matter.

I have the honour to be,
Sir,
Your most obedient Servant,

Sd/- A. E. Nelson,
Chief Secretary.

No. 1598/II dated Nagpur, the 1st April 1921.

Copy forwarded to the Commissioner, B E R A R
Division, for information and necessary action.

A E Nelson

Chief Secretary.

etc

AGITATION - NOTES OF SPEECHES

XV-18

S-23

2-4-21

17

as I understand. As
 D's have not received
 copy of this letter,
 it is hereby circulated
 do. to D's for
 information

9/4/21

The manner of
 Recd. Panel

D. Ans: 10/10/21 10/10/21 H

Alida 11/4 11/4 S.W.

Mulvan 13/4 13/4 ad

Yotmal 15/4 20/4 14h

Helium to me

Copy received for coming of Ennis.

H. 10/10/21

S-29 AGITATION
Confidential.

D.O.No. 69/I

5108

18

Nagpur,

12-4-21 12th April 1921.

My dear Turner,

*See file
Agitation
non-co-operation*

In continuation of my confidential demi-official letter no.43/I, dated the 25th February 1921, regarding the measures which Government desires to be taken in regard to the non-co-operation movement, I am directed to refer to paragraph 2 of that letter, in which it was suggested that proceedings under section 108 C.P.C. should be taken against offenders of lesser importance. I am now to say that action under section 108 C.P.C. may be taken with the sanction of the Commissioner without reference to the Local Government. The Commissioner should report in his fortnightly demi-official letter all cases in which he has accorded sanction to a prosecution.

Yours sincerely,

Arden

To

F. C. Turner, Esq., M.L.C., I.C.S.,
Commissioner, Berar Division,
Amraoti.

CONFIDENTIAL.

D.O. No. 43B/I

Nagpur,
The 26th April 1921.

Dear Turner,

In continuation of my demi-official letter No. 43/I dated the 25th February 1921, regarding the non-cooperation movement, I am to address you regarding that part of the instructions which relates to the wearing of the Gandhi cap. The orders are that Government servants should be prohibited from acting in any way which could be interpreted as showing sympathy with the movement, e.g. by the wearing of the Gandhi cap. It has now been brought to notice that a certain class of government servants such as menials and lower subordinates are attracted towards the Gandhi cap by its cheapness, while others have been driven to wear it by methods of terrorism. In explanation, therefore, of the previous instructions I am to say that the wearing of the Gandhi cap should not be penalised except where the wearer uses it as a symbol of non-cooperation. Ordinarily, the wearer's word should be accepted if he disavows all connection with the non-cooperation movement, unless this is clearly belied by other manifestations of sympathy with the movement.

Yours

Alfred
for Chief Secretary

incl. 4 spare copies for D.Cs.

To

F. C. Turner Esq., I.C.S.,
Commissioner,
Berar.

2-26 AGITATION -

D.O.No.C/ 67

W.G. JOSHI

28-4-21

19-A

Strictly Confidential.

Pachmarhi,

28th April 1921.

My dear Powell,

The Home Member agrees to W. G. Joshi in the event of his conviction at Akola being transferred to Chhindwara. You should make arrangements to effect the transfer without friction or disorder, consulting the Deputy Commissioners (Akola and Chhindwara) and the Commissioner (Berar) if necessary. The Deputy Commissioner of Chhindwara should be given full notice of the date and time of transfer.

Yours sincerely,

Sd/- A.E. Nelson,

To

Major J. Powell, I.M.S.,
Inspector General of Prisons,
Central Provinces,
Nagpur.

Copy forwarded to the Commissioner, Berar Division, Amraoti Camp, who will kindly inform the Deputy Commissioner, Akola.

A. E. Nelson
Chief Secretary.

SS. Akola

Please see return

W. G. Joshi

2/5/21

5-27
Confidential

AGITATION- REPORTS 20

Government of the Central Provinces. 17-5-21

Political and Military Department.

To

All Deputy Commissioners,

Central Provinces and Berar.

No.C/ 157.

Dated Pachmarhi, the 17th May 1921.

Memorandum.

When sending up recommendations to the Local Government for the prosecution of persons making seditious speeches, Deputy Commissioners are requested to follow the under-mentioned instructions:-

- (1) If the notes of the speeches taken by officers are in the vernacular, those notes should always be copied in clear Devanagari characters, and the English translation accompanying them should be sent typed.
- (2) If the notes are in English, then a typed copy of the notes should accompany them.

Sd/- A. E. Nelson,

Chief Secretary.

Confidential

No.C/157-A

Dated Pachmarhi, the 17th May 1921.

Copy forwarded to the Commissioner, Berar Division, for information.

A. E. Nelson

Chief Secretary.

Confidential.

Office of Inspector of Schools, Berar. 21

Dated Amraoti Camp, the 21st May 1921.

Dear Sir,

I beg to submit a general resumé of the effects of the Non-co-operation Movement on Anglo Vernacular Schools in this circle during the last five months of the year 1920-21 called for in your D.O. of the 7th April 1921.

2. It is needless to go into the circumstances under which the movement was started. It was after the special session of the Indian National Congress held at Calcutta that the withdrawal of students from Government and Aided institutions began to be preached regularly from the press and the platform. This preaching unhinged the minds of students and also of some guardians and students began to hold clandestine meetings to discuss and consider the pros and cons of the question at issue and decide upon the course they should adopt. There are reasons to believe that Nagpur College students from Berar tried to instigate and encourage the students in this circle in this movement. A regular campaign by the so-called leaders of Non-co-operators which began after the Annual Session of the Indian National Congress held at Nagpur added fuel to the fire and the conflagration spread from school to school. Appeals to sentiments made by some irresponsible agitators were, in some cases, too strong to be counter-acted successfully by appeals to reason made by teachers and well-wishers. Attacks made in the beginning were very vigorous but the effects were, on the whole, discouraging to the invaders though here and there a few captives were taken. Gradually reason began to assert itself and suppress the effervescence of emotion. A few of the captives have already made good their escape and returned to schools and a few more are likely to follow suit after the vacation. The invasion being not so successful and fruitful as was expected seems to have been abandoned.

3. On the 11th day of the death of Mr. Tilak a very large number of students of the Hindu High School, Amraoti, and a

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and a small number from other High Schools and Anglo Vernacular Schools absented themselves without permission of teachers. Many of them produced authority of their parents or guardians for their absence and were let off without any punishment. The boarders of the Hindu High School hostel who had walked away on that day without permission expressed their regret and were re-admitted. They were punished with detention in the hostel on two important public holidays. One day all the students of Shegaon Government Anglo Vernacular School left their class rooms in a body without permission and went to the Railway Station to have a look at the most eminent leaders of the Non-cooperation party who travelled that day via Shegaon. They afterwards repented and begged to be excused for this breach of school discipline. The punishment inflicted on them was attendance at the school on two Gazetted holidays.

4. The first shots in the regular fight may, however, be said to have been fired when in ^{October} November some 40 students of the Mohommadan High School, Amraoti, left but this attempt proved a failure as all but 6 returned almost immediately. Out of the 6 who remained out some sought readmission but were refused it in the interest of the school. It is worth noting that this school which attempted to take the lead had such a bitter experience that it never attempted the game again. The dramatic exit of the pupils of the Hindu High School has already been described in Mr. Jog's "Confidential" report dated the 24th January 1921. Attacks were made simultaneously at several points with varying success. The points which suffered most are :-

Govt. Schools.

1. Hindu High School, Amraoti.
2. High School, Khamgaon.
3. A.V.School, Daryapur.
4. -do- Talegaon Dashasar.
5. -do- Murtizapur
6. -do- Karanja.

Aided A.V.Schools.

1. Dhamangaon.
2. Chandur Railway.
3. Anjangaon.
4. Amraoti Municipal
5. Akola Municipal
6. Akot Municipal.

8-30
Government Schools.

7. A.V.School, Balapur.
8. -do- Mehkar.
9. -do- Chikhli.

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Aided A.V.Schools,

7. Mangrulpir.
8. Khamgaon Municipal.
9. Mehkar school has been nationalised and hence removed from the list of recognised schools.

5. The statements ~~xxxxx~~ attached to this report give the total number of withdrawals during the last five months of the school year 1920-21 for Non-cooperation as well as for other causes. Withdrawals for Non-cooperation are reported to be about 695 or 32.5% of the total fall and only 95 of these are returned to have rejoined. The classification of withdrawals cannot, however, be taken as quite accurate since many students and their guardians having not the courage to say that the withdrawal was due to Non-cooperation have given other reasons. The total fall in the circle for all causes was about 18.6% while it was about 2.9% only during the corresponding period of the year 1919-20. The difference may roughly be assumed to be the work direct or indirect of the Non-cooperation Movement. It is interesting to note that Yeotmal District which had been so fore-most in political agitation was not affected by the Non-cooperation Movement as far as schools are concerned.

6. The fate of the following Aided Anglo Vernacular Schools is reported to have been hanging in the balance:-

- | | | |
|-------------------|---|-------------------|
| 1. Dhamangson | } | Amraoti District. |
| 2. Chandur Ry. | | |
| 3. Chandur Bazar. | | |
| 4. Mangrulpir. | } | Akola " |
| 5. Patur. | | |
| 6. Akot Municipal | | |

7. Only one temporary teacher from Government School resigned his post during the period the reason given being ill-health. From ~~xxx~~ Municipal Anglo Vernacular Schools 2 and from other Aided Anglo Vernacular Schools 10 gave up their appointments. Out of these only one from Municipal A.V.School, (Akola) and 4 from Private Aided Anglo Vernacular Schools

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Schools (3 from Dhamangaon and one from Welgaon) are returned to have left for Non-cooperation.

8. Statement B attached hereto gives information about National Schools started in this circle. The figures are approximate and not accurate.

These schools are generally staffed by college or school boys who have given up their course of studies for Non-cooperation and by persons imported from other provinces. In a few places local men came forward as honorary teachers but they have been gradually quitting the job.

Funds are being raised by subscriptions. In some places students and teachers go a-begging from house to house for money. There is scarcely any probability of sufficient financial aid at any place.

A systematic and well-organised attempt to conduct a school on sound basis is not in evidence any-where. All these schools have been launched into existence without any definite plan regarding finance, staff or curriculum and for the present they seem to be quite aimless, devoid of all organisation, discipline. It is likely that some of them at least will adopt the curriculum that is being worked out at Poona and Ahmedabad.

About 25 students from Berar are reported to have appeared at the Matriculation Examination of the Tilak Mahavidyalaya, Poona, at Amraoti Centre. There was no other centre of the Examination in Berar.

9. As for the future nothing can be said definitely today. It is, however, expected that many of the pupils who have failed to get promotion in the last annual examinations of Govt. and Aided Schools will be attracted to such of the National Schools as continue to exist after the current vacation. Withdrawal of so much weak material will result in the enhanced efficiency of our schools. A marked improvement that was seen in the results of the last annual examinations particularly of the High School Entrance and Scholarship Examination was partly due to the weeding of our schools effected by Non-cooperators. I have no misgiving about Government

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Government Schools. They will gradually regain their former strength soon after they have re-opened on the expiry of the vacation but I am afraid that about three or four of the Aided Anglo Vernacular Schools will either be closed or Nationalised. Out of the existing National Schools many will shortly die of starvation and consequent emaciation.

Yours *C. W. Kulkarni*.....

K. W. Kulkarni
Offg. Inspector of Schools, Berar.

To

A. I. Mayhew, Esquire, B.A., C.I.E., M.L.C.,
Director of Public Instruction,
Central Provinces,

*Copy Submitted to the Commissioner, Berar,
for information.*

21-5-1921

K. W. Kulkarni
Atg. Inspector of Schools
Berar.

B.

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38-A

Statement giving information about National English
Schools started in Berar during 1920-21.

Place where started.	Approximate number on roll.	Remarks.
<u>Amraoti District.</u>		
1. Amraoti.	125	
2. Sultan-pura (Ellichpur)	15	
3. Daryapur	20	Reported to have been closed closed.
4. Chandur Railway:	42	
5. Dhamangaon	Not known.	
6. Anjangaon.	41	
7. Walgaon.	16	
<u>Akola District.</u>		
1. Akola	150	
2. Akot	30	
3. Murtizapur	67	
4. Karanja.	40	
<u>Buldana District.</u>		
1. Khangaon.	75	
2. Mehkar	75	
3. Chikhli	22	
4. Shergaon	Not known.	
<u>Yeotmal District.</u>		
1. Yeotmal.	Not known.	

SECRET

Nagpur,

D.O.No. 884/IThe 16th July 1921.My dear *Turner*

In continuation of my demi-official letter No. 43 I, dated the 25th February 1921, I am directed to forward a copy of secret demi-official letter No. 1060-Pol. of the 18th June 1921, from the Government of India (Home Department), in regard to the policy to be followed towards the non-cooperation movement and to state for your information the matters which require your attention.

2. The policy recently followed in this province in regard to prosecutions has been in strict accordance with the direction given in paragraphs 6 and 7 of the Government of India letter and no fresh instructions are required. The Inspector General of Police has already issued orders emphasizing the necessity of watching agitators who in the guise of sadhus devote their energies to stirring up trouble in villages or industrial centres, and all agents who are engaged in endeavouring to seduce the police or troops from duty. In connection with this question of prosecutions I am here to refer to the necessity of impressing on the district magistrates in your division the need for caution in using the preventive sections of the Criminal Procedure Code. There has, in the opinion of His Excellency the Governor in Council, been a tendency to use Section 144, Criminal Procedure Code, too freely and for purposes for which it was not intended. Clear instructions regarding the proper use of this section were issued in my letter No. 76-I of the 4th May 1921, and I am to ask you to see that in future these instructions are carefully complied with.

3. I am to invite attention to the request of

Governor

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Government of India in paragraph 8 of their letter that no prosecution which is likely in the opinion of the local Government to affect the general situation in more than one province should be instituted without the previous ~~sanction~~ approval of the Government of India. Prosecutions under Section 108, Criminal Procedure Code, are now controlled by you and before giving sanction in each case you should make sure that the request made by the Government of India is not lost sight of.

4. With regard to the so-called non-cooperation courts or panchayats mentioned in paragraph 9 of the Government of India letter, I am to say that the local Government would be glad to have a review of the progress made by this movement in your division. Hitherto the Government has received isolated reports about the formation of individual courts at various centres but has been supplied with scanty information regarding their subsequent history and progress.

5. In paragraph 10 of their letter the Government of India suggest:-

- (a) that in pending cases under the sedition sections or in cases where a prosecution under these sections is contemplated for an offence already committed, Government might consider the advisability of withdrawing the prosecution under certain conditions;
- (b) that in the case of persons who have been actually convicted similar clemency might be exercised subject to certain conditions.

His Excellency the Governor in Council has given this matter his careful consideration and is of opinion that it is desirable to accept the proposals made by the Government of India in principle. He considers, however, that an apology is likely to have little value unless accompanied by some undertaking ~~against~~ against undesirable agitation in future. I am, therefore, to forward a draft form of apology and undertaking for use in all pending cases and in cases in which a prosecution is contemplated. In cases under trial the accused should only be given the option of apologising before the charge is framed ^{(vide} ~~under~~ Section 494, Criminal Procedure Code.) You should in each case obtain the local Government's sanction to the withdrawal of the prosecution.

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As regards the person already convicted, I am to ask you to examine the record of each offender confined in the jails of your division and to report whether in your opinion he should be given the opportunity of obtaining a remission of his sentence by signing a similar statement, the statement to be subsequently published in the local press.

6. The question of increasing the armed police of the province referred to in paragraph 12 of the Government of India letter is already under examination.

7. Regarding the danger of the non-cooperation party capturing local bodies and utilizing their funds to promote the non-cooperation movement, which is discussed in paragraph 13 of the Government of India letter, I am to say that a separate enquiry will be made.

8. The question of forming district anti-revolutionary leagues advocated by the Government of India in paragraph 14 of their letter was recently discussed at the Commissioners' Conference at Pachmarhi. Both official and non-official members expressed themselves in favour of the suggestion. It was agreed, however, that even if Deputy Commissioners took the initial steps towards the formation of these leagues, the leagues themselves should be entirely non-official. His Excellency the Governor in Council accepts the conclusions of the Conference, and I am to ask you to consider whether in consultation with the Deputy Commissioners of your division in what districts steps in this direction can suitably be taken. Detailed information regarding the organisation of these leagues may be obtained from the Deputy Commissioner of Saugor where one has already been successfully launched. I am to ask you to report by the 1st September what progress has been made in this matter.

Yours sincerely

Alfred

Turner, Esq., I.C.S.,
Commissioner,
Berar.

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SECRET.

D.-O. NO. 1060.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLITICAL

Simla, the 18th June 1921.

MY DEAR

In the Home Department telegram no. 572, dated the 28th March 1921, a promise was made that local Governments would shortly be addressed again by the Government of India in regard to the policy to be followed towards the non-co-operation movement. The promised communication has, however, been deferred from time to time owing to the rapid changes that have recently occurred in the general political situation in India. At the moment there would seem to be a lull in certain aspects of the movement, and the Government of India have taken the opportunity of examining, in the light of the replies received to O'Donnell's demi-official letter no. 156, dated the 28th January 1921, the question whether it is desirable to adhere to, or to modify, the policy which was outlined in that letter, and was amplified in the Home Department telegram of the 28th March 1921. They now desire to state for the information of local Governments the conclusions at which they have arrived.

2. On the one hand it must be recognized that within the last few months the situation has undergone substantial change, firstly owing to the arrival in India of a new Viceroy and secondly, by the results that have followed from His Excellency's interview with Mr. Gandhi, especially in its effect on the position as leaders of Mahomed Ali and Shaukat Ali. The Hindu community as a whole, with the exception possibly of a few extremists, has for some time been seriously alarmed by the utterances of these brothers on the possibility of an Afghan invasion and on the attitude which they have advised Indian Muhammadans to adopt in that contingency, and this feeling of alarm had undoubtedly weakened the influence of the brothers. Their prestige as leaders of their co-religionists has now also been diminished by the contrast between the terms of their public apology and the bravado of their previous speeches. Mr. Gandhi himself also appears from the speeches which he has made since he left Simla to be less sanguine of success and more inclined to direct attention to the social side of the movement than to political agitation. His attitude on the Afghan question and his assumption of autocratic authority have also affected his influence. One or two of the most prominent leaders, e.g., Mr. B. C. Pal, have openly split with him and there are signs that others are growing restive under his leadership. His own attitude too has undergone some modification. Information before the Government indicates that he recently addressed a letter to the leaders of the movement in Bihar counselling moderation, both in speech and action, and it is not improbable that similar advice has been given in other provinces. Nearly all provinces have lately reported a general decline in interest in the movement, a falling-off in subscriptions and a growing disinclination to attend public meetings.

3. These are certainly hopeful signs, which indicate that the leaders of the movement are less confident of success and that some of them at any rate are less bitter. Moreover, we have now practically reached the end of what is always the most critical season of the Indian year, when the agricultural classes owing to enforced idleness are peculiarly exposed to the influence of the agitator. It might be argued that the moment has now arrived for some relaxation of the policy which has hitherto been followed, and that it would now be politic not to institute prosecutions for seditious speeches or writing when this can be avoided. On the other hand it would be idle to deny that there are still many seriously disquieting symptoms. The

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recent exodus of coolies from the tea-gardens of Assam is believed to have been largely promoted by emissaries of the non-co-operation movement. The coolies have constantly asserted that they were acting under the orders of Gandhi Maharaj whom they believed to be the ruler of the country. The strike on the Assam-Bengal Railway was undoubtedly the work of extremist agitators, and though nominally undertaken in sympathy with the fugitive coolies, in fact greatly added to their hardships. Similarly, there is some reason for thinking that the economic unrest prevalent in the coal-fields of Bengal and Bihar, which has had the effect of seriously decreasing the output of coal and which promises to hamper many of the most important industries in the country, was at one time encouraged, though without success, by non-co-operators. In Bengal and Bihar rumours of a general strike within the next month or two are common. Hostility to the European planters of Bihar has at times in the present year been very marked, and has in more than one instance been accompanied by criminal action and by threats to their personal safety. There is thus little sign of any slackening of activity in the campaign which the movement is making against the industries of the country, especially on those in which European capital is invested. The dangers of this campaign are obvious. Not only is it calculated to lead to violence and disorder, in view of the great numbers of uneducated labourers whom it affects, but it also threatens, if allowed to continue unchecked, to paralyze the most important industries and greatly to increase the existing economic distress.

4. Another symptom is that in certain provinces, especially Bengal, Bihar, Assam, and the United Provinces, emissaries of unrest in the guise of *sadhus* and *fakirs* are travelling about the country. How far they are directed by any central organization has not yet been ascertained. Their propaganda is variously described as *Pan-Islamic*, *Bolshevistic* and *Non-co-operationist*, but it is always directed to produce disaffection and their activities unquestionably add to the difficulties of the existing situation. Lastly, there is the eagerness, and it may be added the skill, which the non-co-operation leaders have recently displayed in exploiting any movement however remotely connected with their own doctrines which are likely to embarrass Government or to lead to civil disorder. Instances of this are to be found in the Kisan agitation in the United Provinces, the Gurdwara reform movement among the Sikhs and the temperance movement in various provinces.

5. Moreover, even if it be correct to say that the present attitude of Gandhi and possibly also of other leaders is less bitter than it has been in the past, it would not be safe to assume that this change is a permanent one, that it is accepted by their followers, or that the non-co-operation movement is for this reason less of a menace to the general peace of the country. The real danger of the non-co-operation movement lies in the influence which it exercises over the ignorant masses. With the educated classes it may be said on the whole to have failed, but the factory hands and the railway employees who strike, the convicts who have broken out of jail, the coolies who have migrated from Assam and the peasants who recently defied law and order in Oudh, all proclaim Mr. Gandhi as their leader and appear to think that if they obey what are represented as his orders, the British Raj will disappear and a golden age of prosperity for India will begin. However insistently Mr. Gandhi and other leaders may preach the doctrine of non-violence, Government cannot overlook the dangers that still underlie the popularity of the movement among the ignorant masses, in the face of the definite evidence regarding the general disrespect for law and order and the contempt for authority which it engenders. There is always the possibility of such sudden and unforeseen outbreaks of violence as recently occurred in Partabgarh, Malegaon and Giridih. The leaders of the movement probably recognize that these outbreaks weaken their cause but nevertheless they seem to be wholly powerless to control or prevent them.

6. On a careful review of the existing situation the Governor General in Council has come to the conclusion that, while it is not desirable at the present juncture to force the pace or to risk exciting a fresh outburst of anti-Government feeling by overdrastic action against the less violent and dangerous adherents of the movement, he must insist that there shall be no general relaxation of the policy in regard to prosecutions for incitement to violence, direct or indirect, laid down in previous letters, though he is prepared to leave it to local Governments to make such exceptions in individual cases as seem to them for special reasons to be desirable. The

Government of India are confirmed in this view by the general consensus of opinion among local Governments that the measures set forth in paragraph 6 of O'Donnell's letter no. 156 of 28th January 1921 should continue to be applied. I am now to supplement those instructions with more detailed directions in regard to prosecutions, as there are indications that in certain quarters the orders already issued have been to some extent misunderstood. It has for example been suggested that the Government of India have been averse from the prosecution of the leaders of the movement: doubts have been expressed of Government's intention to enforce the law against any but local firebrands and finally the view has been put forward that under existing orders local Governments are only to undertake prosecutions in cases of direct incitement to violence.

7. It is not the intention of the Government of India that those restrictions should be imposed on the powers of the local Governments or local officers, and I am now to repeat what was stated in the Home Department telegram of the 28th March 1921, that in the view of the Government of India it is highly desirable that prosecutions should be freely instituted under the ordinary law not only against those persons who are guilty of direct incitement to violence, but also against those whose speeches are calculated to arouse such feelings of disaffection, enmity or hatred as are likely, in the opinion of the local Government, to lead to violence, not as an ultimate or remote consequence but as a probable result in the near future. While anxious not to hamper the action of local Governments by too minute or detailed directions, the Government of India desire particularly to emphasize the necessity of watching and where necessary prosecuting local agitators who frequently in the guise of *Sadhus* devote their energies to stirring up trouble in villages or industrial centres, and all agents who may be caught endeavouring to seduce the police or troops from their duty.

8. As regards the prosecution of leaders, the direction that no prosecution against Mr. Gandhi should be instituted without prior reference to the Government of India will remain in force. The Governor General in Council has carefully considered the cases of other prominent individuals whose prosecution would be likely to affect the situation in more than one province. He fully recognizes the responsibility of local Governments for the maintenance of law and order, and realizes that they are in a better position than the Government of India to judge whether the prosecution of individuals is necessary to prevent local disorders. He is therefore anxious to interfere as little as possible with their discretion in the matter, but he has after careful consideration come to the conclusion that he must, in modification of previous orders, request that no prosecution which is likely, in the opinion of the local Government, to affect the general situation in more than one province should be instituted without the previous approval of the Government of India.

9. There is another point to which the attention of the Government of India has been drawn by recent reports from various provinces and that is the growing extent to which the so-called non-co-operation courts or *panchayats* are usurping the functions of the ordinary courts of law. While the substitution of arbitration by private bodies or persons for expensive and protracted litigation in the civil courts is in itself not only a reasonable but a desirable principle, the Government of India consider it essential that these *panchayats* should not be allowed to assume jurisdiction by force or illegal pressure over persons who are unwilling to submit to it. Several cases of oppression and ill-treatment of individuals by these non-co-operation courts have recently been brought to their notice, and they desire to impress on local Governments the desirability of prompt enquiry into all complaints of such oppression and where necessary of criminal proceedings against the oppressors.

10. In the foregoing paragraphs I have attempted to indicate the general policy of the Government of India towards the non-co-operation movement, but there is one other matter arising out of the recent public apology and undertaking given by Mohamed Ali and Shaukat Ali to which I am desired to draw the attention of the local Governments. The Governor General in Council is anxious to avoid all appearance of treating the more prominent leaders with greater leniency than agitators of only local or provincial importance, and he accordingly desires local Governments to consider the advisability of extending to other and less prominent offenders

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the same concession as was given to the Ali brothers. The question is largely one for local Governments, who are in the best position to decide to whom this indulgence can be granted with due regard to the public interest. Probably there are, however, some cases, particularly those of immature youths or of persons convicted of comparatively venial offences, in which such clemency would be beneficial. Should local Governments agree that this is feasible, it is suggested that in trials actually pending the Public Prosecutor might state that it is the desire of Government to prevent disorder rather than to punish it, and might, where the local Government think this course desirable, explain the conditions on which the prosecution would be withdrawn. The Government of India are, further, of opinion that subject to the same limitations this clemency might be exercised, not only in the case of those who are being prosecuted or whose prosecution is contemplated for offences already committed, but also in the case of persons who have been actually convicted, provided that they are willing to make public apology for their past misconduct and to give guarantees of a trustworthy character to the satisfaction of the local Government for their future good behaviour. This opportunity should in no circumstances be given to persons guilty of offences involving actual violence, but only, when the local Government thinks this course desirable, to persons who have been convicted or whose prosecution is contemplated for offences under sections 124-A, 153-A and 188 of the Indian Penal Code in connection with the non-co-operation movement, or who have been imprisoned in default of furnishing security under section 108 of the Code of Criminal Procedure. It is, I am to add, not suggested that the same indulgence should be shown to those who offend in future. Nor is it the intention of the Government of India that anything in the nature of a general amnesty should be announced, as that might only result in pressure being brought on offenders to refuse to accept clemency on any terms. But should local Governments accept this proposal in principle, they could doubtless arrange to inform prisoners now in jail of the terms on which they can obtain their release.

11. Hitherto reference has been made to the prosecution of individuals as such. It now remains to consider whether the prosecution of the principal leaders on a charge of conspiracy would be practicable in the event of this course becoming necessary. At present the Government of India do not intend to embark on a campaign of this nature. They believe the time to be inopportune; they are doubtful of the benefit of such a course and are not entirely sanguine as to success of a prosecution if undertaken. In any case the same results could probably be secured by the prosecution of individuals under section 124-A, or 153-A of the Indian Penal Code or under section 108 of the Code of Criminal Procedure.

12. The prompt suppression of any outbreaks of disorder and violence that may occur is, of course, essential, but in present conditions the despatch of small detachments of troops sometimes asked for by local Governments for this purpose is often impossible. The number of troops relegated for duty in connection with internal security is small and indeed it is no part of the functions of the army to carry out what are primarily the police duties of quelling civil disturbances or of providing a deterrent in the primary stages. The Government of India are therefore of opinion that local Governments should consider the advisability of forming as early as possible strong battalions of armed police, indenting on the Army Department for such arms as are available, if further arms are required, which could be utilized at apprehended danger points instead of the regular troops. They refrain, however, from giving any direction to this effect, as a decision to form such battalions must largely depend on the accurate appraisal of local needs and financial considerations, but they commend this suggestion to the very early and favourable consideration of His Excellency the Governor in Council.

13. The decision of the Extremist party no longer to boycott Municipal Boards and other local bodies, followed by the active participation of the members of the non-co-operation party in municipal elections in particular provinces, raises a question of importance which has not hitherto been dealt with in the correspondence with local Governments on the subject of non-co-operation, namely, the possibility of local bodies being captured by the non-co-operators with the object of employing the corporate authority of these quasi-official bodies in direct opposition to Government and of utilizing municipal or local funds in order to establish national

schools. The Government of India cannot on the information available form an opinion as to the success likely to attend the efforts of the non-co-operation party in this direction, and it is possible that the candidature of many non-co-operators for municipal and local bodies may give some impetus to the anti-non-co-operation movement which is now beginning to assume an organized form. At the same time the Government of India are of opinion that the possibility of municipalities and local bodies being captured by the non-co-operation party and the funds of such bodies being used to promote the movement must be faced. The danger arising from this new development is particularly serious in regard to educational institutions, the control of which is now very largely vested in local bodies. The law relating to local bodies varies in different provinces, but I am to request that early attention be given to this matter, that the legal position may be carefully examined and the action to be taken may be fully considered and as far as possible be decided in advance in order that, should this contingency come to pass, prompt steps may be taken before serious developments occur. I am to add that information of any substantial success of the non-co-operation party in this direction should be promptly communicated to the Government of India.

14. Finally while the Government of India hope that the policy indicated in this letter will maintain confidence in the prestige and authority of Government, they are of opinion that there is some force in the criticism occasionally put forward that Government might with advantage take more active and vigorous steps to defend and justify its attitude. In paragraph 6 (3) of Mr. O'Donnell's letter of January 1921, the importance of counter-propaganda, as for example giving the widest possible publicity to the intention of Government to introduce remedial measures, was mentioned, but I am now to say that the Government of India believe that the time has come to consider whether propaganda should not be carried on in the more human and personal way characteristic of western countries. Resolutions of the Government of India or of local Governments published in the Gazette, communiqués, inspired articles and pamphlets have their uses but experience shows that in reality they do little to break down what has been described as "the barrier of silence" between the Government and the people. In this connection the suggestion has been made that as in western countries the Ministers of Government are constantly moving about the country explaining and justifying their policy, so in India heads of local Governments, Members of Council and Ministers, Commissioners and District Officers should use every opportunity, both public and private, to explain the aims and policy of Government. The Government of India have reason to believe that something is already being done on these lines, especially in the United Provinces where instructions have been issued that the preventive work of instituting prosecutions and prohibiting meetings must be supplemented by positive propaganda. Specific orders have been given that district officers should appeal publicly to all classes (other than the avowed non-co-operators) to come forward and form an anti-revolutionary league, of which the District Magistrate should be president and some prominent lawyer-politician secretary. It is possible that action on these lines or similar lines is contemplated in your province, but if this is not the case I am to commend to the very early and earnest consideration of His Excellency the Governor in Council the possibility of establishing similar organizations to combat the movement and of inviting the assistance of the non-official community with this object. The advantage of constant public pronouncements regarding the policy of Government, or in answer to criticisms made, by high officials of Government and heads of administrations is obvious. The success attending the new Legislative Councils and the frankness exhibited by official spokesmen of Government are ample evidence of this, and the Government of India believe that with the development of this spirit of frankness on the part of high officials and of the sense of responsibility among non-officials even greater success will be attained in the future.

15. The Government of India regret that they are unable to accept this view that the situation in Burma at present is such that a different policy should be adopted in that province. The policy they have laid down must be regarded as a

To Burma only.

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general one for the whole of India and the application of different principles in Burma might, in the opinion of the Governor General in Council, re-act unfavourably on the policy in India.

Yours

(Sd.) H. D. CRAIK.

To

All local Governments and Administrations.

Maharashtra State Archives

FORM OF APOLOGY.

For persons against whom prosecution is contemplated
or proceeding.

I

express regret that in the speech I made at

on the

19

I made remarks which were seditious and I undertake that

if the prosecution now contemplated against me for
proceeding

sedition is ~~not instituted~~ not instituted by Government
withdrawn

I will refrain from making speeches in public for a

period of one year from the date of my release. And I

pray that Government may release me accordingly.

8-55

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FORM OF APOLOGY.

For prisoners.

I

express regret that in the speech I made at

on the

19

I made remarks which were seditious and I undertake that if
the remainder of the term of imprisonment I am undergoing
is remitted by Government I will refrain from making
speeches in public for a period of one year from the date
of my release. And I pray that Government may release me
accordingly.

AGITATION. LIBERAL FEDERATIONS

AMAN SABHAS

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S-56

D.C. No. 452-A
IV.

9-7-21

Nagpur the 9th July 1921.

Dear

Mr. Turner,

I am desired to forward for your information, a copy of the Proceedings of the Saugor Liberal Federation meeting held on the 20th June 1921 at Saugor and to say that as you have agreed to ask the Deputy Commissioners of your Division to start similar Leagues the Proceedings may be useful to you.

Yours

Sincerely

Encl. Proceedings.

P. H. Kent

F. C. Turner, Esq., I.C.S.,

Commissioner, Berar Division.

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Proceedings of the Saugor Liberal Federation
meeting held on 20th June 1921 at 8 A.M. in the
Government High School, Saugor.

~~~~~

I. Rai Bahadur Shrimant Seth Mohanlal President  
of the Federation took the chair and requested Mr. R.  
Hamilton as patron to explain the origin of the  
Liberal Federation. Mr. Hamilton addressed the meeting  
in good Hindi for half an hour explaining the harmful  
policy of non-cooperation and said that the question  
was only about the method for obtaining the Swaraj and  
not for the Swaraj itself. He was cheered when he  
resumed his seat.

The Honorary Secretary then read the notice  
calling the meeting.

II. Confirmation of the proceedings of the prelim-  
inary meeting held on 10th May 1921 proposed by Mr.  
Ganpat Rao Shrikhande and seconded by Mr. Raghubar  
Pershad Bhandari passed unanimously.

III The following amendment to head (D) of the  
creed was suggested by Mr. Ramkrishna Rao, M.A., LL.B.,  
and in his absence was proposed by Mr. Ramsingh,  
seconded by Seth Chandmall.

Amendment.

(D) To foster the development of self governing  
institution and the attainment of Swaraj by constitu-  
tional means. The original head was (d) to foster  
the development of self governing institution by  
constitutional means.

The amendment passed unanimously.

The amended creed stands as under:-

Creed.

I agree

- A. To educate the public as to the meaning of  
Reform Scheme of Government.
- B. To oppose all unconstitutional and revolu-  
tionary movement.



C. To press on the Local Government the special interests and needs of the Saugor District through the Legislative Council, Central Provinces, and

D. To foster the development of Self Governing institutions and the attainment of Swaraj by constitutional means.

Signature.....

Date.....

Address.....

The following gentlemen addressed the meeting.

1. Rao Sahib Govind Rao.
2. Mr. Ganpat Rao Shrikhande.
3. Mr. Sunder Lal, M.L.C.
4. Mr. Dravid, M.L.C.

Mr. Ganpat Rao and Mr. Dravid were very clear in their speech and ideas and it is hoped that the audience reaped the full benefit of their reasoning. Both pertinently remarked that the non-cooperators want all toleration for their opinion but had no generosity to extend it to those who hold different views.

IV. The accounts up to date amounting to Rs.96.7.9 read to the meeting by the Secretary and passed unanimously. Proposed by Mr. Atma Ram Gupta B.A., LL.B., seconded by Seth Chandmall.

V. The appointment of the following lecturers to carry out the object of the league confirmed unanimously.

The Secretary informed that these gentlemen had been working in the interior of the district for a month.

1. Mr. Lachman Das Honorary lecturer with Rs.2/- as daily expenses.
2. Makund Rao on Rs. 60/- P.M.
3. Durga Pershad on Rs. 60/- P.M.



4. Kanhaiyalal on Rs.60/- P.M
5. Gourishanker on Rs.50/- P.M.
6. Dayalchand, ~~Duke~~ on Rs.75/- P.M.

Proposed by R. B. Balichand Tiwari.

Seconded by Mohammed Azimulla Khan Sahib.

Mohammed Azimulla Khan Sahib and R. B. Seth Mohanlal announced that they removed the condition that a lecturer should be a graduate for their promise of Rs.900/- each, besides Rs.500/- each for the appointment of other lecturers.

VI. Appointment of tahsil committees and the empowering of the secretary fully to carry out all actions and incur all expenditure necessary for the purpose of Federation passed unanimously.

Proposed by Rao Sahib Banerji.

Seconded by Seth Chandmall.

VII. Working committee to frame articles of association and rules to be confirmed on approval of all Tahsil committees passed unanimously.

Proposed by Mr. Sunderlal, M.L.C.

Seconded by Seth Bhairon Buksh.

VIII. Thanks of the Liberal Federation, Saugor, to

1. Rana Khadga Shamsherjung Bahadur for his donation of Rs.1,000/-
2. R.B. Ballichand Tiwari for his donation of Rs.500/-
3. R.B. Shrimant Seth Mohanlal for his donation of Rs.500/- and promises of Rs.900/- for other lecturers.
4. Mohammed Azimulla Khan Sahib for his donation of Rs.500/- and promises of Rs.900/- for other lecturers.
5. All other donors and the Secretary to convey their thanks to the four gentlemen for their liberality.



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4.

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Proposed by Seth Chandmall.

Seconded by Mr. Ganpat Rao Shrikhande.

Passed unanimously.

IX. The president thanked Mr. Dravid, M.L.C., for the trouble taken by him in coming from Nagpur to be present at the meeting and for his addressing the meeting in an instructive speech in a lucid manner in Hindi. He also thanked Mr. Hamilton, Deputy Commissioner, Saugor, for being the patron of the Federation and for giving his valuable time for this work. The President did not forget to thank those who were present in the meeting and especially those who travelled from the interior of the district to attend the meeting. About 200 persons were present out of 1000 members and the incessant rains during the last few days made it most inconvenient for the member to attend the meeting from the interior of the district.

(Sd) Ganpat Rao Shrikhande,

HONORARY SECRETARY,

LIBERAL FEDERATION,

SAUGOR, C.P.

SAUGOR.  
D/20.6.21.



Confidential.

AGITATION - PENSIONERS 55

15-6-21

5-61  
Copy of letter no. 1042 Dated Simla the 15th June 1921 from N. D. Craik, Esq., C. I. E., Secretary to Government of India, Home Department (Political) to the Chief Secretary to Government of Bihar and Orissa.

I am directed to refer to your letter no. 30 G.T. dated the 24th April 1921, in which you asked for the directions of the Government of India on the question whether the pensions of retired Government servants who take an active part in the non-co-operation movement should be withheld. You state that in the opinion of His Excellency the Commander-in-Chief, any retired Government officer who associates himself with the movement is guilty of misconduct of a kind which justifies the withdrawal of his pension under article 351 of the Civil Service Regulations and you enquired if the Government of India accepted this view.

2. In reply <sup>and to</sup> I refer you to the Home Department's letter no. 1681, dated the 10th September 1918, <sup>a</sup> copy of which was forwarded to you with endorsement no. 1682 ~~dated~~ of the same date. In that letter it was held that seditious and violent agitation against the administration clearly falls within the ~~agitation~~ meaning of the expression 'misconduct' for the purposes of article 351 of the Civil Service Regulations, and the Government of India pointed out that if, after a warning any Government pensioner persisted in such agitation, it was open to the local Government to take steps to reduce or sequester his pension. The Government of India at the same time emphasised the importance of warning the pensioner before penal action was taken, and expressed the view that if such warning proved to be ineffective, each case should be investigated and dealt with on its merits.

3. The letter proceeded to discuss the question whether agitation in the form of passive resistance to the orders of Government or the advocacy of such a course by a Government pensioner is grave misconduct within the meaning of article 351. The Government of India stated that, in their opinion,



the answer to this question must depend on the circumstances of individual cases, such as the nature of the passive resistance and the terms of the pensioner's advocacy, and that consequently each case should be dealt with on its merits.

4. The position has been re-examined by the Government of India since the receipt of your letter of 24th April 1921, and they are of opinion that the principles laid down in their letter of the 10th September 1918 must be held to apply to Government pensioners who participate in the non-co-operation movement. Active support or advocacy of that movement, the professed object of which is the subversion of the Government established by law in British India, constitutes, in the opinion of the Governor-General in Council, grave misconduct within the meaning of article 351 of the Civil Service Regulations, and it is therefore within the competence of the Local Government to withhold or withdraw the pension of any retired officer who, after a warning, persists in such support or advocacy. The question whether sequestration is necessary or politic is one that must be decided by the Local Government after an examination of the particular circumstances of each individual case. The primary consideration should clearly be the nature and extent of the pensioner's participation in the movement, but there may be cases where the retired officer would regard the forfeiture of his pension as a cheap price to pay for the increase in influence and notoriety which would accompany its loss. In such cases the Local Government would doubtless consider carefully whether the enforcement of the general principle would be expedient.

No. 1043.

Dated Simla the 15th June 1921.

A copy together with a copy of the Bihar & Orissa's Government's letter no. 30 C.T., of the 24th April 1921, is forwarded to the Chief Secretary to Govt. C.P. for information and guidance.

SD/-H. D. Craik,  
Secretary to the Govt. of India.

Government of the Central Province,  
Political & Military Dept.

No.

90 B/I

Dated 22nd July 1921.

Copy with a copy of the enclosure, forwarded to the Commissioner, Berar Division, for information & guidance.

*[Signature]*  
Under Secretary.



Copy of letter no. 30 C.T., dated the 24th April 1921 from  
G. Rainy, Esq., B.A., C.I.E., Chief Secretary to Government,  
Bihar and Orissa, Political Department, Special Section,  
to the Secretary to the Government of India, Home Department  
Simla.

I am directed to address the Government of India  
on the ~~subject~~ question whether the pensions of Govern-  
ment pensioners who take an active part in the non-co-  
operation movement should be withheld.

2. The Commissioner of the Orissa Division recently  
reported that a retired kamungo, Babu Prahalad Charan Patra  
presided over a meeting at which a person named, Ganeshwar  
Das made a violent and seditious speech. Information has  
also been received that a number of retired police officers  
in the Bihar divisions have associated themselves in one way  
or ~~with~~ another with the movement, and a report from the  
Inspector General has been called for. The general question  
what action should be taken in such cases affects the whole  
of India and is for the decision of the Government of India.

3. The professed object of the non-co-operation move-  
ment is the subversion of the Government established by law  
in British India, and its leaders have plainly intimated that  
they will not shrink from illegal and ultimately from  
criminal methods in order to obtain their object. In these  
circumstances, the Governor-in-Council considers that not  
only is it a grave offence for a Government officer to give  
the least encouragement to the agitation or to show sympathy  
with it, but also that any retired Government officer who  
associated himself with the movement is guilty of misconduct  
of a kind which justifies the withdrawal of this pension  
under article 351 of the Civil Service Regulations. If the  
Government of India accept this view, I am to request that  
very early orders on the subject may be issued.



With 5 spare copies  
for B. Co.

AGITATION - PICKETTING

CLOTH SH

SECRET

S64

9-8-

D.O. No. 107-A/I.

GOVERNMENT OF THE CENTRAL PROVINCES

POLITICAL AND MILITARY DEPARTMENT.

Nagpur the 9th August 1921.

MY DEAR

*Turner*

I am desired to forward you a copy of Government of India Secret Demi-official No. 228 (Home Department—Political), dated the 23rd July 1921, on the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi. I am to say that His Excellency the Governor-in-Council approves of the action suggested in paragraph 5 of the Government of India letter. With regard to clause (3) of that paragraph, I am to enclose a memorandum of instructions which has been supplied to the Inspector-General of Police for issue to the District Superintendents of Police of the province.

It is necessary that the police should act promptly and courageously in all these cases and should be given an assurance that they will have every possible support from Government should their conduct be unjustly impugned.

Yours sincerely,

*Al Nelson*

What sent to all  
D's  
11/6/21

Maharashtra State Archives



S-65 60

SECRET

D.O. NO. 228.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

(POLITICAL.)

Simla, the 23rd July 1921.

MY DEAR

I am desired to address you on the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi, and more especially on his threat to picket the shops of cloth-dealers if within a fixed time they do not dispose of their stocks of foreign-made cloth and fall into line with the movement.

2. From information which has reached the Government of India from various sources it does not seem likely that the boycott will in the long run meet with substantial success so far as the piece-goods dealers themselves are concerned. Although it may succeed for a time, self-interest and financial considerations are likely to prove in the long run stronger than Mr. Gandhi's appeal to sentiment. It is reported that it is quite impossible for the dealers to dispose of their stocks within the limit laid down, unless they do so at prices which would involve them in bankruptcy, and it is well known that most of them have already been hard hit by the fall in exchange. As regards the Bombay mill-owners, although a successful boycott of foreign cloth would no doubt benefit them, many of them are either European or Parsis and it is therefore unlikely that any moral support for the boycott is to be expected from the mill-owners as a body. Nevertheless it would be idle to disregard the risk that the movement may receive a considerable measure of popular support, or the dangers which are likely to result from it. The cessation or even a substantial reduction of imports would inevitably mean a large enhancement of the retail price of cloth, would increase the existing economic distress among the lower classes and might very probably lead to disorder in rural areas and to the looting of markets and shops.

3. The Government of India apprehend that although many dealers in foreign cloth may hesitate openly to oppose Gandhi's campaign and may even profess a certain amount of sympathy with it, the great majority both of importers and dealers and indeed of their customers have no real desire to see foreign cloth excluded from India. Great pressure is, however, being brought to bear by Mr. Gandhi and his adherents on the dealers, who are naturally anxious to know what line Government is going to take in the matter, more particularly when the period of grace expires or the picketing of shops begins. It is therefore important that Government should take adequate steps to protect citizens in the exercise of their lawful right to purchase and sell what goods they like. In the circumstances the Governor-General in Council considers that it is essential that importers and dealers in foreign cloth should receive as soon as possible definite assurances of the support and encouragement of Government in opposing the boycott movement.

4. So far as picketing is concerned, there is of course a clear distinction between lawful persuasion and intimidation and Mr. Gandhi himself definitely advocates non-violent or peaceful picketing; at the same time it is evident that he himself is doubtful whether it can be dissociated from the use or show of force. In a recent conference with the Parsi liquor merchants of Bombay he emphasized the view that bad characters should not be employed on picketing and gave an assurance that if force were used he would stop picketing. Little value can, however, be attached to this assurance. Experience in India and indeed all over the world has shown that picketing is in fact not peaceful,



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that it is accompanied by intimidation and that it almost invariably leads to the commission of such offences as wrongful restraint, criminal intimidation and the use of criminal force. There were a large number of cases of assault, riots, theft and intimidation in connection with the boycott of foreign goods that was so prominent a feature of the anti-partition agitation in Bengal in 1906-07, and quite recently serious disorders have been caused in various parts of India by the picketing of liquor shops. It must therefore be recognized that if Mr. Gandhi adheres to his threat of picketing shops in which foreign cloth is sold, breaches of the law will inevitably follow and there will be risk of grave disorder.

5. It is clearly the duty of Government to protect its citizens from these consequences. In dealing with the picketing of liquor shops, Government was in a somewhat difficult position, as any strong action on their part might have been represented as hostility to the cause of genuine temperance reforms. This difficulty does not, however, exist in regard to the picketing of cloth-dealers' shops, and it cannot be seriously argued that there is any moral or religious objection to the use of foreign cloth. The Government of India hope therefore that all local Governments will take vigorous action to oppose any campaign of unlawful picketing and that they will make it clear that disorder arising out of this campaign will not be tolerated. It is suggested, for the consideration of His Excellency the Governor in Council, that in localities where it is likely that picketing will be introduced, action should be taken on the following lines:—

- (a) a vigorous campaign of propaganda should be started in order to make people realize that, as India produces less cloth than her population requires, the boycott of foreign cloth must inevitably lead to an immediate and serious rise in prices and may lead to disorder and looting, and that these consequences will be the result, not of any action on the part of Government, but of Mr. Gandhi's campaign;
- (b) an assurance of support and protection should be given to importers and dealers who are opposed to the boycott movement and every effort should be made to give effect to the assurance;
- (c) in threatened localities, the police force and especially the superior rank should be temporarily strengthened in order to protect shopkeepers and their customers from intimidation and annoyance and to prevent the possibility of disorder or rioting. The active intervention of the police in bazars where picketing is threatened, to prevent intimidation is probably the most effective method of dealing with the matter, but if it is to be successful, the police must have very clear instructions and a definite assurance of support in cases in which their conduct is impugned without justification; and
- (d) prompt and vigorous prosecutions should be initiated for any form of criminal intimidation, assault, criminal force or wrongful restraint. The Government of India attach particular importance to this form of action, as they believe that any hesitation in prosecuting actual offenders would not only gravely discourage those who are opposed to Mr. Gandhi's doctrines but would also encourage the general contempt for authority and the spirit of lawlessness which have been engendered by the non-co-operation movement.

Yours sincerely,  
(Sd.) H. D. CRAIK,

The Chief Secretaries of all  
local Governments and Administrations.



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SECRET.

**Memorandum of Instructions to the Police regarding the picketing of foreign cloth shops.**

1. In threatened localities the Police force and especially the superior ranks should be temporarily strengthened in order to protect shopkeepers and their customers from intimidation and annoyance and to prevent the possibility of disorder or rioting. The active intervention of the Police in bazaars where picketing is threatened, to prevent intimidation, is the most effective method of dealing with the matter, but, if it is to be successful, the police must have before them a definite line of policy to pursue; and such a line is indicated below.

2. The actions of picketers may extend by gradations from mere peaceful persuasion to actual rioting; but there are five fairly well defined stages each with its own proper action:—

- (1) The first stage is that of mere peaceful persuasion in which the police can do nothing but keep a strict watch over developments.
- (2) The second stage is where picketers begin to obstruct and annoy intending purchasers without actually committing any offence. To such cases section 31 of the Police Act will apply, and the Police in the exercise of their duty to keep order on the public roads and public streets, will be acting rightly if they interfere and direct picketers to "move on."
- (3) In the third stage the picketers proceed to the use of criminal force and to criminal intimidation and assault. The use of criminal force and assault is punishable under section 352, Indian Penal Code, and criminal intimidation under section 506. Both of these are non-cognizable offences, and the police may not arrest without warrant. But they may act under section 31 of the Police Act, and they should in all cases encourage the aggrieved parties to make complaints. If they show signs of resentment and there is any likelihood that they would lodge a complaint, any police officer in whose presence any of these cognizable offences has been committed may proceed under section 57 (1) of the Criminal Procedure Code and take down the names and addresses of the picketers concerned. If they refuse to give their names and addresses or give obviously false ones, the police officer may arrest them and proceed as laid down in that section.
- (4) The fourth stage is when the intending purchaser is definitely obstructed and prevented from proceeding to the shop. This amounts to an offence of wrongful restraint, which is a cognizable offence, punishable under section 341, Indian Penal Code. The police should in all such cases arrest the offender, but they should bear in mind that the duty of preventing offences is more important than the punishment of the offender, and they should intervene at the earliest possible stage under section 149 of the Criminal Procedure Code to prevent the commission of the offence. If a picketer or group of picketers is obviously bent upon wrongfully restraining any intending purchaser, the police should act under section 151 of the Criminal Procedure Code and arrest the picketers.
- (5) The last stage is when the picket is a large one consisting of more than five persons and seems likely to cause a disturbance of the public peace. In such cases the officer in charge of the Police Station should be sent for, and he should act under section 127 of the Criminal Procedure Code. If it is desired he may proceed under section 128 and disperse the assembly by force, and in doing so he should arrest as many of the offenders as he and his men can lay hands upon.



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SECRET

AGITATION - PICKETTING OF  
CLOTH SHOPS

9-8-21

D.O. No. 107-A/I.

GOVERNMENT OF THE CENTRAL PROVINCES

POLITICAL AND MILITARY DEPARTMENT

Nagpur the 9th August 1921.

MY DEAR X

I am desired to forward you a copy of Government of India Secret Demi-official No. 228 (Home Department—Political), dated the 23rd July 1921, on the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi. I am to say that His Excellency the Governor-in-Council approves of the action suggested in paragraph 5 of the Government of India letter. With regard to clause (3) of that paragraph, I am to enclose a memorandum of instructions which has been supplied to the Inspector-General of Police for issue to the District Superintendents of Police of the province.

It is necessary that the police should act promptly and courageously in all these cases and should be given an assurance that they will have every possible support from Government should their conduct be unjustly impugned.

X  
All Commrs:

Yours sincerely,

A. E. NELSON.

No. 107-B/I.

Dated the 9th August 1921.

Copy, with a copy of the Government of India letter and the memorandum, is forwarded to the Inspector-General of Police, for information.

A. E. NELSON,

Chief Secretary to the Government,

Central Provinces.



569 63  
SECRET.

**Memorandum of Instructions to the Police regarding the picketing of foreign cloth shops.**

1. In threatened localities the Police force and especially the superior ranks should be temporarily strengthened in order to protect shopkeepers and their customers from intimidation and annoyance and to prevent the possibility of disorder or rioting. The active intervention of the Police in bazaars where picketing is threatened, to prevent intimidation, is the most effective method of dealing with the matter, but, if it is to be successful, the police must have before them a definite line of policy to pursue; and such a line is indicated below.

2. The actions of picketers may extend by gradations from mere peaceful persuasion to actual rioting; but there are five fairly well defined stages each with its own proper action:—

- (1) The first stage is that of mere peaceful persuasion in which the police can do nothing but keep a strict watch over developments.
- (2) The second stage is where picketers begin to obstruct and annoy intending purchasers without actually committing any offence. To such cases section 31 of the Police Act will apply, and the Police in the exercise of their duty to keep order on the public roads and public streets, will be acting rightly if they interfere and direct picketers to "move on."
- (3) In the third stage the picketers proceed to the use of criminal force and to criminal intimidation and assault. The use of criminal force and assault is punishable under section 352, Indian Penal Code, and criminal intimidation under section 506. Both of these are non-cognizable offences, and the police may not arrest without warrant. But they may act under section 31 of the Police Act, and they should in all cases encourage the aggrieved parties to make complaints. If they show signs of resentment and there is any likelihood that they would lodge a complaint, any police officer in whose presence any of these cognizable offences has been committed may proceed under section 57 (1) of the Criminal Procedure Code and take down the names and addresses of the picketers concerned. If they refuse to give their names and addresses or give obviously false ones, the police officer may arrest them and proceed as laid down in that section.
- (4) The fourth stage is when the intending purchaser is definitely obstructed and prevented from proceeding to the shop. This amounts to an offence of wrongful restraint, which is a cognizable offence, punishable under section 341, Indian Penal Code. The police should in all such cases arrest the offender, but they should bear in mind that the duty of preventing offences is more important than the punishment of the offender, and they should intervene at the earliest possible stage under section 149 of the Criminal Procedure Code to prevent the commission of the offence. If a picketer or group of picketers is obviously bent upon wrongfully restraining any intending purchaser, the police should act under section 151 of the Criminal Procedure Code and arrest the picketers.
- (5) The last stage is when the picket is a large one consisting of more than five persons and seems likely to cause a disturbance of the public peace. In such cases the officer in charge of the Police Station should be sent for, and he should act under section 127 of the Criminal Procedure Code. If it is desired he may proceed under section 128 and disperse the assembly by force, and in doing so he should arrest as many of the offenders as he and his men can lay hands upon.



5-70 64  
SECRET

D.O. No. 228.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

(POLITICAL.)

Simla, the 23rd July 1931.

MY DEAR *Nelson*

I am desired to address you on the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi, and more especially on his threat to picket the shops of cloth-dealers if within a fixed time they do not dispose of their stocks of foreign-made cloth and fall into line with the movement.

2. From information which has reached the Government of India from various sources it does not seem likely that the boycott will in the long run meet with substantial success so far as the piece-goods dealers themselves are concerned. Although it may succeed for a time, self-interest and financial considerations are likely to prove in the long run stronger than Mr. Gandhi's appeal to sentiment. It is reported that it is quite impossible for the dealers to dispose of their stocks within the limit laid down, unless they do so at prices which would involve them in bankruptcy, and it is well known that most of them have already been hard hit by the fall in exchange. As regards the Bombay mill-owners, although a successful boycott of foreign cloth would no doubt benefit them, many of them are either European or Parsis and it is therefore unlikely that any moral support for the boycott is to be expected from the mill-owners as a body. Nevertheless it would be idle to disregard the risk that the movement may receive a considerable measure of popular support, or the dangers which are likely to result from it. The cessation or even a substantial reduction of imports would inevitably mean a large enhancement of the retail price of cloth, would increase the existing economic distress among the lower classes and might very probably lead to disorder in rural areas and to the looting of markets and shops.

3. The Government of India apprehend that although many dealers in foreign cloth may hesitate openly to oppose Gandhi's campaign and may even profess a certain amount of sympathy with it, the great majority both of importers and dealers and indeed of their customers have no real desire to see foreign cloth excluded from India. Great pressure is, however, being brought to bear by Mr. Gandhi and his adherents on the dealers, who are naturally anxious to know what line Government is going to take in the matter, more particularly when the period of grace expires or the picketing of shops begins. It is therefore important that Government should take adequate steps to protect citizens in the exercise of their lawful right to purchase and sell what goods they like. In the circumstances the Governor-General in Council considers that it is essential that importers and dealers in foreign cloth should receive as soon as possible definite assurances of the support and encouragement of Government in opposing the boycott movement.

4. So far as picketing is concerned, there is of course a clear distinction between lawful persuasion and intimidation and Mr. Gandhi himself definitely advocates non-violent or peaceful picketing; at the same time it is evident that he himself is doubtful whether it can be dissociated from the use or show of force. In a recent conference with the Parsi liquor merchants of Bombay he emphasized the view that bad characters should not be employed on picketing and gave an assurance that if force were used he would stop picketing. Little value can, however, be attached to this assurance. Experience in India and indeed all over the world has shown that picketing is in fact not peaceful,



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that it is accompanied by intimidation and that it almost invariably leads to the commission of such offences as wrongful restraint, criminal intimidation and the use of criminal force. There were a large number of cases of assault, riots, theft and intimidation in connection with the boycott of foreign goods that was so prominent a feature of the anti-partition agitation in Bengal in 1906-07, and quite recently serious disorders have been caused in various parts of India by the picketing of liquor shops. It must therefore be recognized that if Mr. Gandhi adheres to his threat of picketing shops in which foreign cloth is sold, breaches of the law will inevitably follow and there will be risk of grave disorder.

5. It is clearly the duty of Government to protect its citizens from these consequences. In dealing with the picketing of liquor shops, Government was in a somewhat difficult position, as any strong action on their part might have been represented as hostility to the cause of genuine temperance reforms. This difficulty does not, however, exist in regard to the picketing of cloth-dealers' shops, and it cannot be seriously argued that there is any moral or religious objection to the use of foreign cloth. The Government of India hope therefore that all local Governments will take vigorous action to oppose any campaign of unlawful picketing and that they will make it clear that disorder arising out of this campaign will not be tolerated. It is suggested, for the consideration of His Excellency the Governor in Council, that in localities where it is likely that picketing will be introduced, action should be taken on the following lines:—

- (a) a vigorous campaign of propaganda should be started in order to make people realize that, as India produces less cloth than her population requires, the boycott of foreign cloth must inevitably lead to an immediate and serious rise in prices and may lead to disorder and looting, and that these consequences will be the result, not of any action on the part of Government, but of Mr. Gandhi's campaign;
- (b) an assurance of support and protection should be given to importers and dealers who are opposed to the boycott movement and every effort should be made to give effect to the assurance;
- (c) in threatened localities, the police force and especially the superior rank should be temporarily strengthened in order to protect shop-keepers and their customers from intimidation and annoyance and to prevent the possibility of disorder or rioting. The active intervention of the police in bazars where picketing is threatened, to prevent intimidation is probably the most effective method of dealing with the matter, but if it is to be successful, the police must have very clear instructions and a definite assurance of support in cases in which their conduct is impugned without justification; and
- (d) prompt and vigorous prosecutions should be initiated for any form of criminal intimidation, assault, criminal force or wrongful restraint. The Government of India attach particular importance to this form of action, as they believe that any hesitation in prosecuting actual offenders would not only gravely discourage those who are opposed to Mr. Gandhi's doctrines but would also encourage the general contempt for authority and the spirit of lawlessness which have been engendered by the non-co-operation movement.

Yours sincerely,  
(Sd.) H. D. CRAIK,

The Chief Secretaries of all  
local Governments and Administrations,



AGITATION SATYAGRAHA

30-10-21

Camp Chikalda.

66

Dated the 30<sup>th</sup> Octr: 1921.

S-72

My dear Nelson

The Deputy Commissioner of Amraoti has shown me papers received by the District Superintendent of Police containing confidential information from the Criminal Investigation Department, Bombay that in connection with the Mulshi Petha agitation the nationalists propose to start Satyagraha from the 7th of November at Amraoti and Yeotmal. The agitation is to take Kha form. It is not very clear what exactly it is proposed to do. The papers show the Kha form as the local form. The only proposed action mentioned is to picket the houses of Government servants and to endeavour to induce them not to attend office.

2. The Deputy Commissioner has asked for orders and I propose to instruct him and also the Deputy Commissioner of Yeotmal to prosecute at once in case of the breach of the law, but that the District Superintendent of Police should take no action in any case except on orders of the District Magistrate. I trust that these instructions meet with the approval of the Local Government.

Yours Sincerely

*My dear Sir,  
Approved by the  
Local Govt  
Local Agent*

To

A.E. Nelson, Esquire, O.B.E., I.C.S.,  
Chief Secretary to the Government,  
Central Provinces,  
Nagpur.



# AGITATION - KARACHI RESOLUTION

Confidential.

D.O.No.C/589

31-10-21 67

Nagpur,

31/10 October 1921.

My dear Turner,

I am to ask you not to sanction the prosecution of persons who re-affirm the Karachi Resolution without a prior reference to the Local Government. In some cases this reference has been made and it has been decided not to institute prosecution mainly on the ground that a mere expression of opinion does not require action in this province, although of course action would be necessary against offenders who took direct action for giving effect to that opinion by attempting to seduce policemen or others from their service.

Yours sincerely,

*Adhels*

To

R.C. Turner, Esquire, M.L.C., I.C.S.,  
Commissioner, Berar Division,  
Amraoti Camp.

*Circulated to D.C.'s confidentially  
for information - Recd?*

| Amraoti |  | 3/11  | 50 |
|---------|--|-------|----|
| Ahola   |  | 4/11  | ad |
| Muldana |  | 12/11 | ad |
| Yedmal  |  | 6/11  |    |

*for return to me*

*R. C. Turner*  
*Adhels*

2/11/21



574  
D.O.No. C/607

AGITATION

26th December 1921.

My dear Turner,

I am directed to enclose a copy of Government of India demi-official letter No.1538, dated the 19th December 1921, and to ask you to embody in your fortnightly reports such information and such an appreciation of the situation as will enable the Local Government to comply with the wishes of the Government of India.

Yours sincerely,

*W. H. Nelson*

To

F. C. Turner, Esquire, I.C.S.,  
Commr., Berar Division,  
Amraoti. Camp.



Delhi, the 19th December 1921.

My dear Nelson:

The general success throughout India of the hartal of November 17th, and the obvious fact that it must have been carefully organised beforehand, make it clear that the present Intelligence system in India does not obtain - or at any rate does not communicate with sufficient promptitude - advance information as to the probable activities of political agitators. At the present juncture it is important, indeed almost essential, that the Government of India should receive timely information beforehand if possible as to all activities of more than purely local interest. For this purpose it is not only necessary that very careful and thorough enquiries should be made about the organisation of the non-co-operation party and the action contemplated by its adherents, but also that any reliable information received by Local Governments on this latter point, together with an expression of their own views, should be communicated with the greatest possible despatch to the Government of India.

2. I am also desired to request that Local Governments will supplement the secret fortnightly reports by a brief appreciation of the situation in which they should embody their considered opinion of the trend of events and a forecast of probable developments in the near future.

Yours sincerely,

Sd/- H. D. CRAIK.

A.E. Nelson, Esquire, O.B.E., I.C.S.,  
Chief Secretary to the Government of  
the Central Provinces.



SECRET.

AGITATION

No. 148-A

26.12.21

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Government of the Central Provinces.  
Political and Military Department.

From

A. E. Nelson, Esquire, O.B.E., I.C.S., M.L.C.,  
Chief Secretary to Government,  
Central Provinces.

To

All Commissioners of Divisions,  
Central Provinces and Berar.

Dated Nagpur, the 26<sup>th</sup> December 1921.

Sir,

In continuation of my Secret letter No. 88-A/I, dated the 14th July 1921, I am directed to address you on the policy to be followed towards the non-co-operation movement and to draw your attention to the matters which especially require your attention at the present time.

2. The first matter of importance relates to attempts to spread disaffection among the troops and the police. Instructions have already been issued that prosecutions should not be instituted against persons who merely affirm the Karachi resolution but that prosecutions should be freely instituted against any persons who attempt to give effect to that resolution by any direct action to seduce the troops and police. His Excellency the Governor in Council desires this policy to be continued. The existing law provides adequately for the prosecution of persons seducing or attempting to seduce soldiers from their allegiance and duty. Neither the Indian Penal Code however, nor the Police Act contain provisions which directly apply to attempts to spread disaffection amongst, or to induce resignations by members of the police force, although to some extent section 29 of the police Act read with sections 109, 110, 112, 114 and 117 Indian Penal Code can be utilised for this purpose. The Government of India are now taking steps for the introduction of special legislation on the lines of Section 3 of the English Police Act by which any persons causing or ~~xxx~~ attempting to cause disaffection is guilty of a misdemeanour. Pending the introduction of such legislation I am to ask you <sup>to</sup> see that full use is made of the existing law.



5-77  
against persons who directly attempt to seduce from government service members of the police force.

3. The next matter relates to the Volunteer movement regarding which you have been addressed in my letter No.135-E, dated the 1st December 1921. As at present advised His Excellency the Governor in Council does not consider that a case has yet arisen in this province for the extension of Act XIV of 1908 but he desires that the position should be watched carefully, and if circumstances arise in which it seems desirable to extend this Act to any town or district owing to an increase in the organization and activity of any body of volunteers, the facts should be fully reported with your recommendation.

4. The third matter in which I am to address you is in regard to devising some method for preventing the hartals which have recently been of such frequent occurrence. Any use of intimidation or threats should be dealt with by prosecution. Such threats of criminal force or criminal intimidation are ordinarily made by volunteers or pickets. Full instructions regarding the picketting of cloth shops have already been issued, and these should be acted upon in the case of persons taking steps to bring about a hartal in so far as they are applicable. Something may perhaps be done, when the occasion arises, towards reassuring the shopkeepers by interviewing some of them and by issuing printed notices guaranteeing them full protection. The police should be instructed to remove immediately all posters which they find containing an incitement to a hartal. I am to suggest further that you should examine the possibility of enrolling as special constables loyal persons willing to assist the authorities on such occasions as a threatened hartal or similar manifestation, or for the purpose of combatting a campaign of intimidation and picketting.

5. I now turn to the graver aspect of the non-cooperation movement, namely, the threatened campaign of civil disobedience. Although there does not seem to be much likelihood of civil disobedience being tried in this province at present, the only sound policy is to make every preparation in advance to meet a



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campaign of this nature, and to act decisively against the first attempt made to put civil disobedience into practice. The programme of civil disobedience is likely to include, in addition to refusal to obey the orders of a Court (e.g. under Section 144 Criminal Procedure <sup>Code</sup>), incitements to tax-payers to withhold taxes, incitements to Government servants to leave government service, the formation of corps of volunteers, the picketting of Courts and government buildings, and the establishment of non-cooperation Courts. Some of the measures which should be taken if a campaign on these lines is started are quite clear. If the orders of a Court are disobeyed the Court itself has ample powers to enforce them and to punish contraventions thereof. Picketting should be dealt with on the lines of the instructions already issued. The most important and dangerous part however of the programme contemplated by the non-cooperators is that relating to the payment of taxes and government service. The attacks in this direction may take one or both of two forms. They may be restricted to the issue of resolutions and manifestos, but such declarations may also be followed up by active steps designed to give real effect thereto. The former might be relatively ~~innocuous~~ innocuous and have very little serious consequences. Such at any rate has been the experience so far as regards the manifesto of October the 4th issued by Gandhi and other leading non-cooperators on the subject of government service. There have been a few resignations of appointments by government servants but these may be attributed more to the feeling engendered by the Khilafat agitation rather than to the manifesto. But incitements which take the form of direct appeals to a gathering of tax-payers, of the despatch of emissaries to the villages for the purpose of persuading revenue or rent-payers to withhold revenue or<sup>r</sup> rent, or of direct instigation of particular government servants, whether soldiers, or civil employees, to resign their appointments, are in a different category. It is important that propaganda on these lines should be checked decisively and at the outset. His Excellency the Governor in Council accordingly desires that action should be taken under section 107 Criminal Procedure Code



5-79

against persons inciting to civil disobedience in all cases where this seems to be advisable. If civil disobedience is proclaimed in any part of the province and active measures such as those just mentioned are taken in pursuance of such a proclamation or declaration, not only should action be taken under section 107 Criminal Procedure Code, but where desirable sanction should be obtained to the prosecution of the most prominent participators in the movement under section 124-A Indian Penal Code. There seems to be no doubt that such incitements, if shown, as they can easily be, to have been made with the object of paralysing and subverting the government, do offend against section 124-A Indian Penal Code. The steps to be taken to deal with a situation of actual refusal to pay land revenue, irrigation dues and rent, have already been detailed in my demi-official of the 7th March last and I am again to invite your attention to these instructions, a copy of which is appended to this letter. Similar action should be taken against persons who refuse to pay other government taxes or dues, in accordance with the legal powers of recovery conferred by the particular act relating to each.

6. These instructions refer to offences committed by political agitators in speeches and other methods of direct propaganda, but it is desirable to point out that they also apply to similar offences committed by the Press. The Local Government does not of course suggest or desire that steps should be taken to suppress papers merely because they are hostile to government. But where a newspaper offends against the law, prosecutions under such section or sections of the Indian Penal Code as may be held to be applicable should be instituted, particularly if the offence is one of instigating or encouraging active civil disobedience, just in a similar way as against an individual who commits the offence by word of mouth or otherwise.

I have the honour to be,  
sir,  
Your most obedient servant,

al Helsm

Chief Secretary

Copy sent to all  
Deputy Commissioners.

TA.



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Copy of demi-official letter dated the 7th March 1921, -  
from A.E. Nelson, Esquire, O.B.E., I.C.S., M.L.C., Chief Secretary to Government, Central Provinces, Nagpur, to all Commissioners of Divisions, Central Provinces and Berar.

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In continuation of my demi-official No. 43-I, dated the 25th February 1921, explaining the measures which Government desires to be taken in connection with the non-cooperation movement, I am desirous to address you regarding the policy to be adopted if a situation arises of refusal to pay land revenue, irrigation dues and rents. There has been some preaching of the non-payment of rent and revenue and there is reason to apprehend that the ground is being prepared for this final stage of the non-cooperation programme. As regards speeches advocating this non-payment action under section 107 of the Criminal Procedure Code should be taken without any delay. If there is any general or organised attempt on the part of tenants to withhold the payment of rent to malguzars, the Tahsildar should go to the village or villages concerned and having satisfied himself that the malguzars are not attempting to collect rents which have been suspended or remitted by an order under section 65 of the Tenancy Act, he should inform the tenants that the Government intends to exercise all the powers that the law gives it for assisting the malguzars in the realisation of their dues. No summary process for the collection of rents however exists, but the Tahsildar should advise the malguzars to file suits for arrears before him as additional judge to the court of the Munsiff and should dispose of such suits with all expedition. If the attachment and sale of moveable property should prove fruitless owing to no bids being forthcoming, proceedings should be taken for executing the decree by the sale of the holding, if it is held in absolute occupancy right (section 9 of the Tenancy Act) and by the ejectment of the tenant, if the holding is held in occupancy right (sections 23 and 24 of the Tenancy Act) but the periods of notice prescribed by these sections have to be observed. If the Deputy



5-81 75  
Commissioner thinks that the non-payment of rents is due to non-cooperation propaganda, he should use his discretion in issuing a threat that persons who decline to pay their rents will not receive takavi. In Berar if there is deliberate non-payment of revenue, despite the very liberal suspensions which have been given, and if the Deputy Commissioner is satisfied that the occupant is in a position to pay, the penalties of imprisonment, ejection and forfeiture should be enforced where necessary.

There has been a liberal remission of irrigation dues owing to the failure of to supply waterings sufficient to bring the crops to maturity, and if the Deputy Commissioner is satisfied that there is any refusal to pay dues for land which has received adequate supply of water, the amount due should be recovered as arrears of land revenue by the Deputy Commissioner under Section 45 of the Northern India Canal and Drainage Act on its being certified by the Executive Engineer to be due.

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I. A.



582 AGITATION - PROPAGANDA

Government of India.  
Home Department.  
(Political).

WORK 76

D.O.No.D/3836.

Delhi, the 12th January 1922.

12-1-22

My dear Nelson,

I am desirous to invite attention to para. 14 of Mr. Craik's demi-official letter of the 18th June 1921 in which the question of counter-propaganda and of taking vigorous and active steps to defend and justify the attitude of Government is discussed. The Government of India are aware that in some of the provinces at least a good deal has been done on these lines, but they are greatly impressed by the need at this juncture for organising and enlisting support of Government a body of moderate and sensible opinion. Every effort is being made by the non-cooperators to misrepresent the action taken by Government against the volunteer associations and to create the belief that Government have embarked on a policy which aims at the repression of legitimate political activities. The only effective means of combating this propaganda, which has already, it is clear, seriously affected moderate opinion, is by giving the widest possible publicity to the events and circumstances which compelled the Government to take steps for the enforcement of law and order, and the Government of India trust that no pains will be spared to secure this result. As to the methods which should be adopted for the purpose, the Government of India have little to add to the suggestions contained in Mr. Craik's letter above referred to. They attach, however, great importance to public pronouncements from time to time, by heads of provinces; they are inclined to think that district officers would be in a better position to bring home to members of the public the gravity of the developments with which the administration is ~~xxxxx~~ faced if they were placed in possession of full information as to the happenings in other parts of the province; and they would suggest that publicity organisations should endeavour to supply papers of a more friendly kind with full materials and information regarding the sinister activities of the non-cooperators.

Yours sincerely,  
Sd/- S.P.O'Donnell.

To

A.B. Nelson Esq., O.B.E., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

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CONFIDENTIAL

GOVERNMENT OF THE CENTRAL PROVINCES.  
Political & Military Department.

No.10-A/I, dated Nagpur, the 20<sup>th</sup> January 1922.

Copy forwarded to Members of Government  
all Commissioners of Divisions  
all Deputy Commissioners  
the Publicity Officer to Government  
for information.

*A.B. Nelson*

M.A.

Chief Secretary.



SECRET.

No. 471.

GOVERNMENT OF THE CENTRAL PROVINCES.  
POLITICAL & MILITARY DEPARTMENT.

From

A. E. Nelson Esq., O.B.E., I.C.S., M.L.C.,  
Chief Secretary to Government,  
Central Provinces,

To

All Commissioners of Divisions  
All Deputy Commissioners  
Central Provinces & Berar.

Nagpur the 7<sup>th</sup> February 1922.

Sir,

I am directed to refer to the instructions conveyed in my (Secret) letter No. 148-A, dated the 26th December 1921, on the subject of the policy to be adopted towards the non-cooperation movement, and to say that, whilst the local Government adheres to the views expressed in that letter regarding attempts to spread disaffection amongst the troops and police, and the threatened campaign of civil disobedience, it desires to invite special attention to the instructions regarding the use of the preventive sections of the Criminal Procedure Code, particularly section 144. Subsequent events have shown that the use of section 144, Criminal Procedure Code, for the prevention of seditious meetings, or the prevention of hartals, or the suppression of picketting, has been seized as a facile pretext for resort to civil disobedience. In regard to hartals, any reference to action under section 144, Criminal Procedure Code, was deliberately omitted because it was considered that this might lead to civil disobedience. It is important that no suitable pretext should be given for the institution of civil disobedience in any part of this province and District Magistrates are therefore warned that orders should not be passed under section 144, Criminal Procedure Code, which would give any opportunity for civil disobedience, unless there is clear proof of their necessity in the local conditions of the tract. The policy of the Government is primarily to prosecute any offenders against the ordinary criminal law who commit violence or who are guilty of offences against the ordinary provisions of the law, but it is not desired at the present juncture to have recourse to special laws or the provisions of section 144, Criminal Procedure Code, which give a favourable opportunity for civil disobedience, unless there is clear proof that public peace and order cannot be maintained without such action.

I have the honour to be,  
Sir,  
Your most obedient Servant,

*[Signature]*  
for Chief Secretary.

M.A.



CONFIDENTIAL.

AGITATION-

No. 76/I.

5144

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4-5-21

584  
Government of the Central Provinces.  
Political & Military Department.  
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From

A. E. Nelson Esq., O.B.E., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Commissioners and Deputy Commissioners,  
Central Provinces & Berar.

Nagpur, the 4<sup>th</sup> May 1921.

Sir,

In supersession of all previous orders on the subject, I am directed to forward a Note on the use of section 144, Criminal Procedure Code, to forbid public speaking which has been prepared by the Legal Remembrancer. Orders under section 144, Criminal Procedure Code, should not in future be passed by District Magistrates and Sub Divisional Magistrates except in accordance with the instructions contained in this Note.

I have the honour to be,  
Sir,  
Your most obedient servant,

*J. H. Stent*  
Under Secretary.  
for Chief Secretary.  
elm

Enclosure  
1 Note.

M.A.



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A Note on the use of Section 144 of the Criminal Procedure Code to forbid Public Speaking.

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1. Chapter XI of the Criminal Procedure Code, which consists of Section 144, is headed - "Temporary Orders in Urgent Cases of Nuisance or Apprehended Danger", and it confers upon certain Magistrates, "powers to issue orders absolute at once" when, in their opinion, "immediate prevention or speedy remedy is desirable". The central elements of the section are danger and urgency, and it is because of these elements that the Legislature has conferred upon the Magistracy powers to interfere with the exercise of legal rights. The section must be distinguished ~~from~~ from the preventive provisions of Chapter VIII, which are aimed at the prevention of the commission of offences. Chapter XI goes beyond Chapter VIII, in that it authorises executive interference with acts which are legal, but are likely to have undesirable results.

2. The section cannot ordinarily be used to put a stop to public speaking, even though it is apprehended that some, or even many, of the speeches will be seditious. All public speaking is not necessarily seditious; and the making of a seditious speech, or even of a series of seditious speeches, cannot be said in itself to create a crisis calling for "immediate prevention or speedy remedy". The Indian Penal Code provides for the punishment of sedition, and section 108 of the Criminal Procedure Code for its prevention. If the circumstances of any require stronger preventive action, the ad hoc provisions of the Prevention of Seditious Meetings Act (X of 1911) may be brought into play. Section 144 cannot be used as an alternative to these penal or preventive provisions, but must be confined to its legitimate use to meet a crisis. The Magistrate must be satisfied that there is an immediate danger calling for immediate prevention, and that the temporary abrogation of the individual's right to speak in public is likely to prevent, or will tend to prevent the danger. His justification must be twofold - danger and urgency.

3. What we need in the Central Provinces must now is some



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test, or policy, to help the Magistracy in deciding when such a crisis has arisen, to secure a reasonable uniformity, and to avoid risk. Broadly speaking, it may be said that a crisis has arisen when (1) the minds of the people are excited and inflammable, and (2) ~~the~~ inflammatory speeches have been made and more are about to be made. A Magistrate may then argue soundly that further inflammatory speeches will be sparks near gunpowder, and that he will be justified in putting blankets over the sources of the sparks. But the first of these tests concerns a mental condition, and acts are the only kind of proof that the law will accept of it. The most obvious acts which prove an excited state of the public mind are -

- (1) an actual disturbance of the public tranquility of recent occurrence; and
- (2) frequent anti-Government or anti-class demonstrations bordering on violence.

It is impossible to make an exhaustive category, and undesirable to cramp the Magistracy by an attempt; but these two kinds of acts show sufficiently clearly the general lines on which an order would be justified. It would be a safe order under section 144 which set out -

- (1) that there had been a recent breach of the public tranquility; or
- (2) that there had been frequent anti-Government or anti-class demonstrations bordering on violence; and
- (3) that inflammatory speeches had been delivered which had contributed to the disturbed condition of the people; and
- (4) that more speeches of a like kind were anticipated.

As said above, there may be other justifying circumstances, but these must be left to the discretion of the local authorities. The foregoing is intended only as a guide.

4. Orders under section 144 may be directed to an individual, or "to the public generally when frequenting or visiting a particular place". The case of ~~the~~ the individual is simple enough, but the case of the "public Generally" is more difficult. The words "particular place" have not been judicially interpreted



587 81  
interpreted yet, and are not free from ambiguity. It will probably be correct to give them a restricted meaning, for the word "place" does not connote any great extension, and the word "particular" seems further to restrict it. Reported rulings under the section relate to temples, mosques, streets and market-places; and no order relating to a wide area seems to have come under judicial scrutiny. The words will probably cover a village or town; and, as an order covering only a village or town could be easily evaded by holding meetings just outside, it is probable that the Courts would allow a Magistrate to make his order effective by including a reasonable area surrounding the village or town. It is doubtful if the words would apply to a whole tahsil or district, and the section should not be employed with such a wide extension.

5. The section must be used with care, because it is not simple, and we have not had the benefit of much judicial interpretation. At least one Judge of the Judicial Commissioner's Court has held that these orders are not open to revision, by reason of section 435 (3) of the Criminal Procedure Code; and this seems to be the general trend of judicial opinion on the point. An order, therefore, cannot be challenged until it has been disobeyed, and some recalcitrant speaker is prosecuted under section 188 of the Penal Code. A break down at this stage will be most prejudicial to good order.

6. Two skeleton orders directed to (1) an individual and (2) to the public generally, are attached for the use of Magistrates.

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Order under Section 144 of the Criminal Procedure Code.

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To

The public of the town/village of \_\_\_\_\_ in the  
Tahsil of the \_\_\_\_\_ District.

Whereas I, A.B., District Magistrate of the \_\_\_\_\_ District  
have information -

- (1) that a disturbance of the public tranquility occurred on or  
about the \_\_\_\_\_ day of \_\_\_\_\_ 1921 at the town/  
village of \_\_\_\_\_ ; or
- (1) that there have been frequent demonstrations against  
Government and government servants in the neighbourhood  
of the town/village of \_\_\_\_\_ ; and
- (2) that the people of the said town/village are in an  
excited condition; and
- (3) that some persons are making speeches tending to incite  
the people of the said town/village to violence.

And Whereas in my opinion the immediate prevention of a  
disturbance of the public tranquility is desirable, and whereas  
I consider that the prohibition of public speaking will tend to  
prevent such a disturbance -

I therefore forbid all persons residing in or visiting the  
said town/village of \_\_\_\_\_ from promoting, attending or  
addressing any public meeting within the said town/village or with-  
in a distance of five miles therefrom.

Given under my hand and the seal of the  
Court this \_\_\_\_\_ day of \_\_\_\_\_ 1921

District Magistrate

(S E A L).



To

A.B., son of C.D., caste

389  
resident of

Whereas I, E.F., District Magistrate of the District, have information

(1) that a disturbance of the public tranquility occurred on or about the day of 1921 at in this district; or

- (1) that there have been frequent demonstrations against Government and government servants in this district; and  
(2) that the people of the district are in an excited condition;  
(3) that you have been making inflammatory speeches of an inflammatory kind;

And Whereas in my opinion the immediate prevention of a disturbance of the public tranquility is desirable and whereas I consider that the prohibition of your public speaking will tend to prevent such a disturbance -

I therefore direct you A.B. to refrain from promoting, attending or addressing any public meeting within my jurisdiction.

Given under my hand and the seal of the Court this day of 1921

District Magistrate.

(S E A L).



[illegible]



Aurangoti DistrictGovernment High Schools

(1) Hindu High School 473 357 116 30 4 34 70 12 82 u u u Not known

2 Maho. H.S. Aurangoti 223 194 29 18 22 40 8 15 23 14 20 34 u

Total

696 551 145 48 26 74 78 27 105 14 20 34 u

Government H.S. Schools

1 A.P. H. Talegaon Dasta 77 50 27 u 29 29 u 4 4 u 3 3 10

2 - do - Morai 144 137 7 u 5 5 u 6 6 u u u

3 do Ellichpur City 141 126 15 u u u 21 21 u u u 10

4 do - Daryapur 138 104 34 u 25 25 u 11 11 u 2 2 20

5 A. Jirdu s. Ellichpur 102 102 u u u 5 5 u u u 5

Total

602 519 83 u 59 59 u 47 47 u 5 5 45

Private High Schools

(1) Muspl H.S. Ellichpur 173 171 2 u u 2 2 u u u

(cont)







Akola DistrictGovernment High Schools

|                     |     |     |    |    |   |    |   |    |    |   |   |             |
|---------------------|-----|-----|----|----|---|----|---|----|----|---|---|-------------|
| 1 Akola High school | 400 | 356 | 44 | 28 | 3 | 31 | 7 | 11 | 18 | 5 | 5 | About<br>15 |
| 2 Total             | 400 | 356 | 44 | 28 | 3 | 31 | 7 | 11 | 18 | 5 | 5 | 15          |

Government A. V. Schools

|                              |     |     |     |   |     |     |   |    |    |   |   |     |
|------------------------------|-----|-----|-----|---|-----|-----|---|----|----|---|---|-----|
| 1 A. V. School Akola<br>Town | 205 | 167 | 38  | u | 18  | 18  | u | 20 | 20 | u | u | 11  |
| 2 — — — Balapur              | 115 | 70  | 45  | u | 19  | 19  | u | 26 | 26 | u | u | u   |
| 3 — — — Basur                | 144 | 136 | 8   | u | u   | u   | u | 8  | 8  | u | u | u   |
| 4 — — — Akoh                 | 110 | 97  | 13  | u | 4   | 4   | u | 9  | 9  | u | u | 4   |
| 5 — — — Murpizapur           | 180 | 100 | 80  | u | 67  | 67  | u | 19 | 19 | u | 6 | 67  |
| 6 — — — Karanjur             | 96  | 54  | 42  | u | 41  | 41  | u | 1  | 1  | u | u | 31  |
| 7 Allround Akola             | 83  | 71  | 12  | u | u   | u   | u | 12 | 12 | u | u | -   |
| Total                        | 933 | 695 | 238 | u | 149 | 149 | u | 95 | 95 | u | 6 | 113 |



## Aided A.V. Schools

|                        |      |      |     |    |     |     |   |     |     |   |    |    |     |
|------------------------|------|------|-----|----|-----|-----|---|-----|-----|---|----|----|-----|
| 1 Imphel A.V.S. Akolai | 198  | 140  | 58  | u  | 39  | 39  | u | 29  | 29  | u | 1  | 1  | 39  |
| 2 - do - Akol -        | 94   | 55   | 32  | u  | 46  | 46  | u | 15  | 15  | u | 28 | 28 | 19  |
| 3 - do - Karanjia      | 17   | 12   | 5   | u  | 2   | 2   | u | 5   | 5   | u | 2  | 2  | 2   |
| 4 Aided A.V.S. Patul   | 34   | 29   | 5   | u  | u   | u   | u | 5   | 5   | u | u  | u  | u   |
| 5 - do - Tetharu       | 76   | 70   | 6   | u  | u   | u   | u | 6   | 6   | u | u  | u  | u   |
| 6 - do - Maupulpis     | 32   | 22   | 10  | u  | u   | u   | u | 11  | 11  | u | u  | u  | u   |
| 7 - do - Risod         | 63   | 56   | 7   | u  | u   | u   | u | 7   | 7   | u | u  | u  | u   |
| 8 - do - Shurpur       | 43   | 43   | u   | u  | u   | u   | u | u   | u   | u | u  | u  | u   |
| Total                  | 534  | 431  | 123 | u  | 87  | 87  | u | 78  | 78  | u | 37 | 37 | 60  |
| Grand total            | 1887 | 1482 | 405 | 28 | 239 | 267 | 7 | 184 | 191 | 5 | 37 | 42 | 188 |



Buldana DistrictGovernment High Schools

|                        |     |     |    |    |    |    |    |    |    |   |   |   |    |
|------------------------|-----|-----|----|----|----|----|----|----|----|---|---|---|----|
| 1 Khangaon High School | 274 | 187 | 87 | 36 | 27 | 63 | 10 | 16 | 26 | 1 | 1 | 2 | 52 |
| Total                  | 274 | 187 | 87 | 36 | 27 | 63 | 10 | 16 | 26 | 1 | 1 | 2 | 52 |

Government A. V. Schools

|                      |     |     |     |   |    |    |   |    |    |   |   |   |    |
|----------------------|-----|-----|-----|---|----|----|---|----|----|---|---|---|----|
| 1 A. V. A. Chitkhali | 99  | 65  | 34  | u | 27 | 27 | u | 7  | 7  | u | u | u | 23 |
| 2 Do Mehkar          | 80  | 45  | 35  | u | 39 | 39 | u | 13 | 13 | u | u | u | 39 |
| 3 Do Buldana         | 133 | 129 | 4   | u | u  | u  | u | 9  | 9  | u | u | u | u  |
| 4 Do Shegaon         | 106 | 91  | 15  | u | 13 | 13 | u | 4  | 4  | u | u | u | u  |
| 5 - do - Malkapur    | 267 | 249 | 18  | u | u  | u  | u | 31 | 31 | u | u | u | u  |
| 6 - do - Jalgaon     | 94  | 93  | 1   | u | u  | u  | u | 10 | 10 | u | u | u | u  |
| Total                | 779 | 672 | 107 | u | 79 | 79 | u | 74 | 74 | u | u | u | 62 |



[illegible]



Geotmal District  
Government High Schools

1 Geotmal High School 226 207 19 u 3 3 7 10 17 u 1 1 u

Total 226 207 19 u 3 3 7 10 17 u 1 1 u

Government A. V. Schools

1 A. V. School Wun 112 103 9 u u u 16 16 u 7 7 Nil

2 A. V. School A. Darwaha 54 40 14 u u u 14 14 u u u

Total 166 143 23 u u u 30 30 u 7 7 u

Dided A. V. Schools

1 Mupl A. V. S. Geotmal 195 169 26 u 10 u 23 23 u 2 2 u

2 Dided A. V. S. Pusad 98 92 6 u u u 6 6 u u u

3 - - - Darwaha 70 66 4 u u u 4 4 u u u



|   |                           |      |      |      |     |     |     |     |     |     |    |    |    |     |   |   |   |   |   |
|---|---------------------------|------|------|------|-----|-----|-----|-----|-----|-----|----|----|----|-----|---|---|---|---|---|
| 4 | - 20 - Panchar -<br>Kawda | 38   | 36   | 2    | u   | u   | u   | u   | u   | u   | u  | u  | u  | u   | u | u | u | u | u |
| 5 | - 20 - Umarthar           | 38   | 35   | 3    | u   | u   | u   | u   | u   | u   | u  | u  | u  | u   | u | u | u | u | u |
| 6 | - 20 - Digra              | 48   | 47   | 1    | u   | u   | u   | u   | u   | u   | u  | u  | u  | u   | u | u | u | u | u |
|   | Total                     | 487  | 445  | 42   | u   | 10  | 10  | u   | u   | u   | u  | u  | u  | u   | u | u | u | u | u |
|   | Grand Total               | 879  | 795  | 84   | u   | 13  | 13  | 7   | 82  | 89  | u  | 10 | 10 | u   | u | u | u | u | u |
|   | Government H.S. 5         | 1596 | 1301 | 295  | u   | 58  | 171 | 102 | 64  | 166 | 20 | 22 | 42 | 67  | u | u | u | u | u |
|   | - 14 - A.V. Schools 20    | 2480 | 2029 | 451  | u   | 287 | 287 | u   | 246 | 246 | u  | 18 | 18 | 220 | u | u | u | u | u |
|   | Aided High School 1       | 173  | 171  | 2    | u   | u   | u   | u   | 2   | 2   | u  | u  | u  | u   | u | u | u | u | u |
|   | - 14 - A.V. Schools 29    | 2885 | 2309 | 576  | u   | 237 | 237 | u   | 410 | 410 | u  | 35 | 35 | 162 | u | u | u | u | u |
|   | Total 55                  | 7134 | 5810 | 1324 | 112 | 583 | 695 | 102 | 722 | 824 | 20 | 75 | 95 | 449 | u | u | u | u | u |

N.B. New admissions re-administrations of those who had left for reasons other than non-cooperation have been excluded throughout.

18.6%

52.5%



## Government Hostels

| Name                           | No. enrolled on 1-11-1920 | Total fall | No left for     |              | Remarks |
|--------------------------------|---------------------------|------------|-----------------|--------------|---------|
|                                |                           |            | Non-Cooperation | other causes |         |
| 1 Hindu High School<br>Surat   | 73                        | 65         | 20              | 11           | 5 18    |
| 2 Mahomedan High Sch.<br>Surat | 103<br>(October)          | 87         | 12              | 14           | 10      |
| Total                          | 176                       | 152        | 32              | 25           | 15 18   |
| (1) Talegaon Dashedur          | 20                        | 20         | 9               | 9            | 18      |
| Grand Total                    | 196                       | 152        | 41              | 34           | 75 18   |

\* These were two  
boarders but the  
hostel was temporary  
closed from 1-3-21 for  
want of sufficient  
boarders

5-42



Atrola District - Hostels  
Government - High Schools

1 Atrola High School 79

12

19

68

8

20

1

u

Total

79

60

19

12

8

20

1

u

Government - A.V. Schools

1 Murligapur A.V. School 37

31

6

1

5

6

u

u

Grand Total

116

91

25

13

13

26

1

u

5-43

36



FORM 1.  
Reference to latter cases.

S-96

| Subject. | File No. | Year. | Section. |
|----------|----------|-------|----------|
|          |          |       |          |

total - 90  
24/11/14  
Vaishali

Reference to previous cases.

| Subject.    | File No. | Year. | Section. |
|-------------|----------|-------|----------|
| Maharashtra |          |       |          |