

C. D — 1929-30-31 File No 3

XV-62  
O.R.

SI  
FORM E.

VIDARBHA

Confidential

229

SECTION.

NO

SUBJECT.

Orders

Reg - C. D. movement  
1929-30-31

P.&M.	130	
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130

4204972

OFFICE

DISTRICT.



Subject :- Orders - C.D.Movement - 1929 -30

- |       |                               |          |  |  |
|-------|-------------------------------|----------|--|--|
| (1)   | Ch.Secy's D.O.No.34-2-I D/-   | 1-2-29   | Attitude of Govt.  | p. 1   |
| (1-A) | Proceedings of the Akola M.C. | 20-11-29 | National Flag. servants towards political movements  | pp.1-Ato 3                                       |
| (2)   | Ch.Secy's D.O. No.188-I       | 1-12-29  | -do-   | pp. 4 to 5                                       |
| (3)   | Ch.Secy's D.O. No.554-II      | 19-3-30  | do   | pp. 6 and 7. also kindly see pp.20 to 22         |
| (4)   | Ch.Secy's endt. no.C-105/I    | 11-4-30  | Salt Satyagraha.   | pp. 8 & 9.                                       |
| (5)   | Ch.Secy's endt. No.C/118/I    | 12-4-30  | do   | pp. 10 & 11.                                     |
| (6)   | Ch.Secy's letter no.C-392/V   | 2-5-1930 | Action under the Legal Practitioners Act, XVIII of 1879 against practising pleaders taking part in C.D.Movement.   | pp. 12 & 13.                                     |
| (7)   | Ch.Secy's letter no.C/546/V   | 12-5-30  | Participation in the C.D.Movement by Title-holders, hony. magstts, khas mulakhatis and darbaris.   | p. 14.   |
| (8)   | Ch.Secy's d.o. No.C/574/II    | 14-5-30  | Necessity for keeping in the closest possible touch with the Agents of Rly.Admins. and Post & Telegraph authorities in the event of labour trouble resulting from political causes.  | p. 15  |
| (9)   | Ch.Secy's endt. No.C-687/I    | 24-5-30  | Policy to be pursued in regard to picketing of cloth shops and liquor shops.   | p. 16  |
| (10)  | Ch.Secy's endt. No.C.S.48     | 29-5-30  | Competence of the Local Govt to withhold or withdraw the pension of any ret'd. officer who, after a warning, persisted in in support or advocacy of N.C.O.Movement the professed object of which was the subversion of Govt. | p. 17 (also p. of file No. ). also p. 31 of this |
| (11)  | Ch.Secy's endt. no.C.S.72-A   | 6-6-30   | Prosecutions for offences under the C.D.Movement.  | pp. 18 & 19 also p.33 of this file.              |



5-4

NO 55-55 OR 25473

	Letter No.	Date	Subject.	
pp. 20.to 22	Ch.Secy's D.O. no.C.S.95	10-6-30	<u>Flag demonstrations</u>	(12)
p. 23	Ch.Secy's d.o. no.C.S.122	17-6-30	<u>Avoidance of open collision between the police and supporters of C.D.Movement.</u>	(13)
pp. 27 & 28	Ch.Secy's d.o. no.115-I	10-7-30	<u>Summary trial</u>	(14)
pp. 29 & 30	Ch.Secy's letter no.116-64-I	10-7-30	<u>Boycott of foreign goods.</u>	(15)
pp. 31& 32.	Ch.Secy's endt. no.121/180-I	11-7-30	<u>Policy and procedure in regard to forfeiture of military pensions and other military awards.</u>	(16)
p. 33 (pp. 18 & 19 of this file)	Commsr's d.o.	19-7-30	<u>Policy of Govt. regard ing prosecution for offences under the C.D.Movement.</u>	(17)
pp.35 & 36	Ch.Secy's letter No. 237-I	2-8-30	<u>Transference to Commissioners the responsibility for adopting measures against C.D.Movement.</u>	(18)
37	Ch.Secy's letter No. 241-I	4-8-30	<u>Transfer of C.D.Movement prisoners.</u>	(19)
38	Ch.Secy's d.o.no.245-228-I	4-8-30	<u>Transfer of certain hunger strike prisoners.</u>	(20)
p. 39	Commsr's d.o.	30-7-30	<u>Waiving of congress flag by schools boys-Yeotmal</u>	(21)
p.40	Ch.Secy's d.o.no 269-I	8-8-30	do	(22)
pp.41 to 43	Ch.Secy's d.o. no.C-140-I	25-9-30	<u>Whipping for offences committed in connection with the Forest Satvagraha</u>	(23)
p. 44	Commsr's do	10-9-30	<u>Recovery of fines by attachment of moveable property by the order of the magistrate who inflicts the fine.</u>	(24)
p.45	Commsr's D.O.	do	do	(25)
p.46	L.R's d.o. XX	12-9-39	do	(26)
pp. 47 & 48	Ch.Secy's endt. no.C.S./326	23-10-30	<u>News sheet and Press Ordinances.</u>	(26)
pp.49 & 50	Ch.Secy's letter	Octr.30	<u>Display of force by the police.</u>	(27)
p. 50	Ch.Secy's endt. no.C-489-I	21-10-30	<u>Apologies by C.D. prisoners</u>	(28)
50-A	Ch.Secy's endt. no 137-262-1 Ch. Secy's no. 552/cd	21-1-31 14-5-31	<u>Reg. instances of violence on the part of C.D. workers Prosecution withdrawn on donation</u>	(28-A) (29)



S-5

(52) Endt.No.595/CD 6-7-31 Reg. Regrant of Arms Act  
from Ch.Secy. Licenses.

pp. 52 & 53  
(vide page  
20 of General  
Orders recd.  
in connection  
with Non-co.  
operation Mov  
- 1920)

Maharashtra State Archives



D.O.No. 34-2-1.

Nagpur, *26*

The 1<sup>st</sup> Febry. 1929.

My dear De,

In reply to your d. o. dated the 29th December 1928 enquiring about orders passed in connection with the attitude of Government servants towards political movements, I am desirous to refer you to the following instructions on the subject:-

(1) Circular letter No. 180/XVI-2-4 dated the 1st July 1916 to all Heads of Departments.

(2) Confidential letter No. 13/I dated the 17th January 1921 to all Commissioners, Deputy Commissioners and some Heads of Departments.

(3) D. O. No. 43/I dated the 25th February 1921 to all Commissioners. In paragraph 6 of this D.O. instructions were issued 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.

(4) D. O. No. 88-A/I dated the 14th July 1921 to all Commissioners on the subject of prosecutions.

2. I am also to refer you to rule 23 of the Government Servants Conduct Rules and to paragraph 12 of Book Circular I-9 dealing with connection of Government servants with political



movements.

Yours sincerely,

*K. R. An*

To

B. N. De, Esq., I. C. S.,  
Commissioner,  
BE R A R.

I.A. 1/2.  
Dev



Proceedings of the Ordinary General Meeting of the Akola Municipal Committee held on the 20th. November 1929 at 5-50 p.m. in the Town Hall.

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Members present.

- (1) Mr. P. B. Gole, President.
- (2) " G. V. Karnik, Vice-President.
- (3) Mrs. Durgabai Joshi.
- (4) Mr. Sakhararam Pandurang.
- (5) " Gopalrao Vaidya.
- (6) " Sadashiva Rodaji.
- (7) " Abhyankar.
- (8) " Sawadekar.
- (9) " Thomare.
- (10) " Wasudeo Digambar.
- (11) " Jainul Abidin.
- (12) " Jaskarnalal.
- (13) " Ramprasad Budhai.
- (14) " Motiram Sonaji.
- (15) " Abdul Sattar Khan.
- (16) " Kisanlal Onkardas.
- (17) " Dr. Apte.

Read Proceedings of the Education Sub-committee dated 19-10-29 and 9-11-29.

Proposed by Mr. Thomare

Seconded by Mr. Gopalrao Vaidya.

(1) Resolved that the proceedings of the Education Sub-committee dated 19-10-29 and 9-11-29, except resolution No. 3 dated 19-10-29 regarding the increment to be given to Head Master Gujrathi school, be passed.

Carried unanimously.

Read proceedings of the Finance Sub-committee dated 10-3-29, 27-8-29, 31-8-29, 4-10-29, 9-10-29, and 4-11-29.

Proposed by Mr. Karnik

Seconded



2 5-8 -2-  
seconded by Mr. Sadashive Rodaji.

(II) Resolved that the proceedings of the Finance Sub-committee dated 10-8-29, 27-8-29, 31-8-29, 4-10-29, 9-10-29 and 4-11-29, except resolution No. 13 dated 4-10-29, Resolution No. 20 dated 4-10-29, Resolution No. 1 dated 9-10-29, and Resolution No. 28 dated 31-8-29, be passed.

Carried unanimously.

Read proceedings of the Water Works Sub-committee dated 31-8-29, 25-9-29, 11-10-29, 22-10-29 and 4-11-29.

Proposed by Mr. Wasudeorao Digambar

&

seconded by Mr. Sattar Khan.

(III) Resolved that the proceedings of the Water Works Sub-Committee dated 31-8-29, 25-9-29, 11-10-29, 22-10-29 and 4-11-29, be passed.

Carried unanimously.

Read proposal of Mrs. Durgabai Joshi for hoisting a national flag on the office of the Akola Municipality.

Proposed by Mrs. Durgabai Joshi

&

seconded by Mr. Kisanlal.

(IV) Resolved that a national flag be hoisted on the Town Hall Akola.

Carried unanimously.

(b) Proposed by Mr. Sattarkhan

and seconded by Mr. Taskaranlal

that the president be authorised to send a letter of request to all the Municipal Committee in C.P. & Berar to hoist similar national flag on their buildings.

Carried unanimously.

Sd/-P.B. Gole,

President,  
Municipal Committee, Akola.

20-11-29.

Read over and confirmed.

Sd/-A.S. Patil

Sd/-P.B. Gole,

Secretary, M.C.  
Akola.

President, M.C.  
Akola.

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No.



No. 2 Dated Akola, the 21st. November 1929.

Copy is forwarded to the Deputy Commissioner, Akola, for information, through the Sub Divisional Officer, Akola.

*a. S. Patel*  
Secretary,

21-11-29.

Municipal Committee, Akola.

*Re 21.11.29*

*Submitted to Secy*

*180*

*21.11.29*

*p-2*

*Kindly see resolution no: IV (a) & (b)  
re: hoisting a national flag on  
the town hall -*

*No. 8/11 of 2/12/29.*

*Forwarded to the Commissioner, Berar  
for information. Resolution with a  
universal interest.*

*Recd 27/12/29*

*Ambedkar*  
Deputy Commr  
Akola

*27/11/29*

*DRM*  
*27.11.29*

*27/11*

*Seen and returned with thanks..*

*Commissioner, Berar.*

*3/12/29*

*These  
Send copy of Res - IV (a) & (b)  
to Secy. Akola. & return  
the papers to me*

*Replied with returned.*  
*2/12*



CONFIDENTIAL.

D.O.No. 188. I.

510

Nagpur,

The 21st Decr. 1929.

My dear De,

Will you kindly refer to your endorsement No.0/III, dated the 4th November, 1929, with which you forward resolution No. 9 passed by the Amraoti District Council on the 29th of September, 1929, to the effect that the national flag be hoisted on the District Council office and the offices of Local Boards? I am desired by the Hon'ble Minister for Local Self Government to say that, as you will be in Nagpur on December the 17th for a meeting of the Financial Relations Committee, he will take the opportunity of discussing the matter with you personally then. In the meantime if the District Council show a desire to take any overt action in pursuance of the resolution I am to suggest that you should endeavour to persuade them not to do so for the present. Nothing need be said to the office bearers of the Council unless some such disposition manifests itself.

Yours sincerely,

K. R. W. R.

To

B.N.De, Esq., I.C.S.,  
Commissioner, Berar Division,  
Amraoti.

I.A.3/12.



7 S/3

Copy to S.T. Amraoti (do.) for  
favour of report

leaves

Maharashtra State Archives



549 8

GOVERNMENT OF THE CENTRAL PROVINCES

Political & Military Department.

EXPRESS LETTER.

(N.B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.)

FROM

E. Gordon, Esqr., I.C.S.,

Chief Secretary to Government, C.P.

TO

The Deputy Commissioner,

Akola.

No. C-104/I

Pachmarhi Dated 11th April 1930<sup>1929</sup>

Sir,

In continuation of my telegram of today's date I am directed by the Governor in Council to say that on the meagre information at present before it Government is inclined to think that the best policy will be to watch events and see how the situation develops before taking action against the salt satyagrahis.

For this purpose the local station house police will probably be found sufficient but the Sub Divisional Magistrate and the Circle Inspector of Police should also be directed to be present. Government is inclined to deprecate at present the drafting into the area of extra police unless you apprehend a breach of the public peace.

2. A daily report should be sent for the information of Government until further notice, in which you should give as full information as possible both as to the course of events and as to their effect locally. You should also indicate what measures, if any, you think are necessary, in view of the local situation, to deal with actual breakers of the Salt Law and with any salt that may be manufactured.

3. A copy of this letter is being sent to the Commissioner, Berar.

GPN-311-FS-22-4-29-500.

Secretary.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- E. Gordon.

Chief Secretary. P.T.



9

~~Today~~  
~~Recd~~  
~~Vol 4~~

S-15

No. C-108/I, dated Pachmarhi, the 11th April 1930.

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

*E. S. S.*

CHIEF SECRETARY.

Com-  
~~Recd~~  
~~14/4~~

Recd  
15/4

Maharashtra State Archives



Confidential.

No.

4117/E

10

Government of the Central Provinces.  
Political and Military Department.

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From

E. Gordon, Esqr., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Deputy Commissioners,  
Central Provinces and Berar.

Pachmarhi, the 12th April 1930.

Subject:-

Salt Satyagraha.

Sir,

Now that the Salt Satyagraha has started in certain districts of the province, I am directed by the Governor in Council to request that as soon as this or any other movement aiming at the subversion of Government's authority begins in your district, you will be good enough to send a daily report on the situation, mentioning any new developments or incidents of importance that may occur. For the present, in the absence of any detailed information, Government is not in a position to issue any general instructions, but on the information at present available is disposed to think that until the situation discloses itself more clearly, the best policy will be to watch the development of events before taking any action against the Satyagrahis.

2. I am, however, to invite your attention to the provisions of section 117 of the Indian Penal Code and to ask you to bear this section in mind when making recommendations for dealing with leaders of this movement. I am also to say that you should be



careful in dealing with any situation that may arise to avoid, so far as possible, passing any general order, e.g. under section 144, Criminal Procedure Code, the disregard of which may give the opponents of Government an opportunity of offering mass Satyagraha and thereby forcing Government into a disadvantageous tactical position under which it would be compelled to make numerous arrests for technical or comparatively trifling offences.

I have the honour to be,  
Sir,

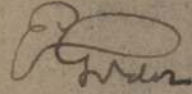
Your most obedient servant,

Sd/- E. Gordon,

Chief Secretary.

No. C/118/I Ranchurhi, the 12th April 1930.

Copy forwarded to the  
Commissioners of Divisions, Central Provinces & Berar,  
Inspector General of Police, Central Provinces,  
for information.

  
Chief Secretary.



CONFIDENTIAL.

Government of the Central Provinces.  
Judicial Department.  
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From

E. Gordon, Esqr., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Commissioners of Divisions,  
C.P. and Berar.

Dated Pachmarhi, the 2nd May, 1930.

Sir,

I am directed by the Governor in Council to inform you that Government has recently been examining the question whether action can be taken under the Legal Practitioners Act, XVIII of 1879, against practising pleaders who take part in the civil disobedience movement.

2. Government is advised that disciplinary action can be taken in such cases. It has been held that "among various types of misconduct of a pleader there is none more reprehensible than such conduct as tends to impede, obstruct, or prevent the administration of the law \* \* \* and any attempt on the part of the pleader to \* \* \* obstruct the administration of justice, constitutes ground for disbarment or suspension". The principle involved is that pleaders are officers of the Courts and that no officer of a Court and no person who lives by the law should be permitted to take part in a movement, the avowed object of which is the subversion of the law.

3. Before Government proceeds further in this matter,



I am to request that you will be good enough to report at an early date the names of legal practitioners in your division who have taken part in the civil disobedience movement, together with a note showing what each has done and in what kind of Court, civil, criminal or revenue, each is accustomed to practice, and to say against whom you advise that proceedings should be instituted. On receipt of your report, the question whether any action is desirable will be considered.

I have the honour to be,

Sir,

Your most obedient servant,

*F. D. D.*

Chief Secretary.

*referred*

*Copy to D. S. D. - by name -*

*for favour of conf report*

*1/5*

*2/5/30*



No. C/546/V

5-20

14

Government of the Central Provinces  
Judicial Department

FROM

E. Gordon Esq., I.C.S.,

Chief Secretary to the Government of the  
Central Provinces

TO

All Commissioners of Divisions,  
Central Provinces and Berar

Dated, Pachmarhi, the 12th May 1930

Sir,

In continuation of my letter No. C-392/V, dated the 2nd May 1930, I am directed by the Governor in Council to request that you will be good enough to obtain from the Deputy Commissioners of your division notes regarding any participation in the civil disobedience movement by title holders, honorary magistrates, khā mulakatis or darbaris in their districts. The notes should show what persons, if any, have been implicated, and in what way, e.g. either directly by active participation, or indirectly by taking part in demonstrations or voting for resolutions directed against Government, and should be forwarded with your advice as regards any action to be taken.

I have the honour to be,

Sir,

Your most obedient servant

*E. Gordon*  
Chief Secretary

*Please send copy to S.D. for info  
re manning action.*

*17/5*

*15/5*

100



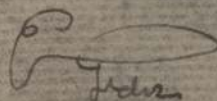
D. C. 01574/12  
S-21  
15  
Confidential

Pachmarhi,  
May 14th, 1930.

My dear De,

I am desired to inform you that the Government of India have drawn the attention of the local Government to the necessity in the present political situation for keeping in the closest possible touch with the Agents of the various railway administrations and with the Post and Telegraph authorities, specially with regard to any threatened labour trouble whether resulting from departmental or political causes. Ordinarily the local Government will take steps to keep the Agents of the various railways and the Postmaster-General informed of any reports which they receive from the districts on such matters, but in order that the authorities mentioned may have early information of any impending trouble, I am desired to ask you to instruct Deputy Commissioners in any case of emergency where immediate trouble is apprehended to be good enough to send to the Agent of the Railway, or the nearest senior railway officer, concerned, as appropriate, or to the Postmaster-General, as the case may be, copies of any necessary extracts of the reports on the situation which they may be sending for the information of the local Government.

Yours sincerely,



To

B. N. De, Esqr., I.C.S.,  
Commissioner, Berar Division,  
Camp Chikalda.

Cop. to Des. d. o. for info  
involving action



5-22  
Pachmarhi,  
May 24th, 1930.

16

My dear De,

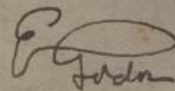
I am desired to address you on the subject of the policy to be pursued in regard to picketing of cloth shops and liquor shops, the intensification of which may be expected.

2. Hitherto the policy of Government in regard to the civil disobedience movement generally has been to deal with those leaders who have made seditious or inflammatory speeches in circumstances which are likely to lead to mob violence, to prevent as far as possible any breach of the peace, and to avoid open clashes between the police and the public. This policy should be continued in regard to picketing activities. So long therefore as picketing continues peaceful, the police should keep aloof from it and not interfere, and shopkeepers should be left to deal with the nuisance themselves. Should, however, picketing pass beyond legal bounds and become forceful, or should actual maltreatment occur, as was the case in 1921, then the police must intervene and action should be taken under Section 341 or other appropriate Section of the Indian Penal Code. Government deprecates the issue of any order directed either to the public in general or to any section of the public under Section 144, Criminal Procedure Code in relation to this activity.

Yours sincerely,

To.

B. N. De, Esqr., I.C.S.,  
Commissioner, Berar Division,  
Camp Chikalda.



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No.C-686/I, dated Pachmarhi, the 24th, May 1930.

Copy forwarded to all Deputy Commissioners, C.P. & Berar, for information.

Sd/- E. Gordon,  
Chief Secretary.



Copy of confidential letter No. D 2440, dated the 14th May 1930, from the Secretary to the Government of India, Home Department (Political) to the Chief Secretary to the Government of the Central Provinces.

I am directed to refer to this department letter No. 1042, dated the 15th June 1921 addressed to the Chief Secretary to the Government of Bihar and Orissa, of which a copy was forwarded to you under this department endorsement No. 1043, dated the 15th June 1921. In para 4 of that letter it was laid down that active support or advocacy of the non-co-operation movement, the professed object of which was the subversion of Government established by law in British India, constituted grave misconduct within the meaning of article 351 Civil Service Regulations and that it was within the competence of the local Government to withhold or withdraw the pension of any retired officer, who, after a warning, persisted in such support or advocacy.

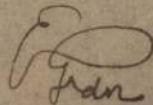
The position has now been re-examined with reference to the civil disobedience and allied movements, which aim at the subversion of Government established by law in British India, and I am to say that in the opinion of the Government of India, active support or advocacy of such movements should be held to constitute grave misconduct within the meaning of article 351 Civil Service Regulations and subject to the considerations set forth in paragraph 4 of the letter referred to in the preceding paragraph, action should be taken under that article if in the opinion of the local Government it is necessary to do so.

Government of the Central Provinces.  
Political & Military Department.

No. C.S. 48 dated Pachmarhi, the 23<sup>rd</sup> May 1930.

Copy forwarded to all Commissioners of Divisions, for information and guidance in continuation of this Department's endorsement No. 90-B/I, dated the 23rd July 1921.

Encl:- Sp. copies for  
D.Cs.

  
CHIEF SECRETARY.

LRM.28/5.



Government of the Central Provinces,  
Political and Military Department.  
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From

R. Gordon Esq., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Deputy Commissioners,  
Central Provinces and Berar.

Dated Pachmarhi the 6<sup>th</sup> June 1930.

Subject.- Prosecutions for offences under the  
Civil Disobedience Movement.  
-----

Sir,

In continuation of my letter No. C-117/I, dated the 12th April, 1930, I am directed to say that where political motives exist behind general exhortations to the public to commit offences in furtherance of the civil disobedience movement, Government desires that so far as possible, its orders should be obtained when there is time to do so before action is taken to start prosecutions against such offenders.

In the case of persons, however, who incite to breach of the forest laws some relaxation of this general rule may be permitted. Such incitement will often be more of local than of general interest, and will not be of sufficient importance to require the orders of Government in every case. As, however, in such cases there will usually be time to obtain the orders of higher authority without detriment to the local situation, Government desires that before taking action under Section 117, Indian Penal Code, Deputy Commissioners should always, where possible, obtain the approval of the Commissioner of the Division to institute such proceedings. Commissioners are authorised to use their discretion to sanction such prosecution without reference to Government but should invariably refer the case for Government's orders if the issue involved is general rather than local, or if the accused is a political leader of more than local importance e.g., Mr. Aney. In such cases it should be



~~xxx xxxxx~~ remembered that the deciding factor in recommending or sanctioning prosecution should be the effect on the public of the incitement referred to rather than the incitement ~~xxxxxxx~~ in itself.

2. As regards some breaches of the law, however, this general principle of previous reference to higher authority cannot, for obvious reasons, always be applied. For example, in some cases of breach of the forest laws, it may be imperative to take ~~xxx~~ prompt and effective action immediately and local officers should in such cases have no hesitation in putting the law in action without reference to higher authority against persons actually committing such offences.

3. Instructions regarding action to be taken against offences following on picketing have already been conveyed in my endorsement No. C-687/I dated the 24th May 1930.

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

sd/- E. Gordon

Chief Secretary.

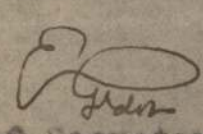
No. CS 72-A

Dated Pachmarhi the 6<sup>th</sup> June 1930.

Copy forwarded to all Commissioners of Divisions,  
the Inspector General of Police,

Central Provinces and Berar,  
Central Provinces,

for information.

  
Chief Secretary.



D.O.No.

C.S-95

S-26

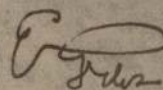
20

Pachmarhi,  
June 10th, 1930.

My dear De,

I am desired to forward a copy of my demi-official letter No. C-297/II, dated the 24th April, 1930, to Irwin which you may care to see, as the subject of flag demonstrations is always cropping up.

Yours sincerely,



To

B. M. De, Esqr., I.C.S.,  
Commissioner, Berar Division,  
Camp Pachmarhi.

Enc. 1.



Pachmarhi,  
April 24th, 1930.

My dear Irwin,

It is not very easy to answer the question put in your d.o. letter No. C.12, dated the 13th April, 1930, about what a Deputy Commissioner should do if asked to preside at a local gathering, at which the so called national flag is being flown. So much depends on the circumstances of each case. Until some other flag is recognised by higher authority Government cannot approve officially of any flag except the Union Jack. At the same time there is no disguising the fact that there is a large body of respectable opinion, Indian and European, which would welcome the recognition of a distinctively Indian flag, whether in addition to or in substitution for the Union Jack. It follows that Government is not anxious to make the flying of the so called national flag an issue between its officers and those responsible for such action. Thus, where the act is not intended as a challenge to authority, but merely as the expression of a patriotic feeling, ~~xx~~ a Deputy Commissioner would be well advised to follow the lead you gave, on the occasion you refer to, and ignore it. On the other hand where a challenge is the motive, and an incivility is intended, a Deputy Commissioner would act wisely in refusing the invitation to be present, though he need not necessarily give it as his reason that the flag was objectionable to him. In the nature of things invitations to Deputy Commissioners to attend functions conceived in an anti-Government spirit would be uncommon, so that the occasion for abstention would not often arise. I am to add that in present circumstances,



particularly in places disturbed by the civil disobedience campaign, Deputy Commissioners will need to be specially careful in this matter. Government does not propose to issue any circular order on the subject as it would be liable to misinterpretation. The remarks made in this letter are intended for your personal guidance if it should be necessary to advise any Deputy Commissioner working under your orders.

Yours sincerely,

Sd/- E. Gordon.

To

C.J.Irwin, Esqr., C.S.I., C.I.E., V.D., I.C.S.,  
Commissioner, Jubbulpore Division,  
Jubbulpore.



CONFIDENTIAL.

Pachmarhi,

17th June, 1930.

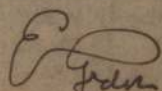
My dear Sir,

In continuation of my D.O. letter No.C/686/I, dated the 24th May, 1930, in which it was explained that the policy of Government was so far as possible to avoid open collision between the police and supporters of the Civil Disobedience movement, I am desired to say that it has been brought to the notice of Government that when proceedings are instituted under section 108 Cr.P.C. and only a notice is issued to the person against whom information is laid, a crowd of sympathisers or admirers is likely to be present in and about the court, and there is a risk of disturbance of the peace.

2. In this connection I am to invite attention to the provisions of sub-section (3) of section 117 Cr.P.C. and to say that Government is advised that the procedure laid down therein of requiring the immediate execution of a bond pending the completion of the enquiry refers to any period of the enquiry begun under section 108 Cr.P.C. It is therefore open to the Magistrate, if he considers the circumstances demand it, to require the immediate execution of a bond when he makes his order under section 112 Cr.P.C.

3. I am to request that, when occasion so requires, the attention of such District Magistrates as are entrusted with section 108 cases may be invited to the provisions of this section with a view to its application in suitable cases. These orders are of course without prejudice to the power to issue a warrant of arrest under the proviso to section 114 Cr.P.C., when such action is more appropriate.

Yours sincerely,





Pachmarhi,

17th June, 1930.

My dear

In continuation of my D.O. letter No.C/686/I, dated the 24th May, 1930, in which it was explained that the policy of Government was so far as possible to avoid open collision between the police and supporters of the Civil Disobedience movement, I am desired to say that it has been brought to the notice of Government that when proceedings are instituted under section 108 Cr.P.C. and only a notice is issued to the person against whom information is laid, a crowd of sympathisers or admirers is likely to be present in and about the court, and there is a risk of disturbance of the peace.

2. In this connection I am to invite attention to the provisions of sub-section (3) of section 117 Cr.P.C. and to say that Government is advised that the procedure laid down therein of requiring the immediate execution of a bond pending the completion of the enquiry refers to any period of the enquiry begun under section 108 Cr.P.C. It is therefore open to the Magistrate, if he considers that circumstances demand it, to require the immediate execution of a bond when he makes his order under section 112 Cr.P.C.

3. I am to request that, when occasion so requires, the attention of such District Magistrates as are entrusted with section 108 cases may be invited to the provisions of this section with a view to its application in suitable cases. These orders are of course without prejudice to the power to issue a warrant of arrest under the proviso to section 114 Cr.P.C., when such action is more appropriate.

Yours sincerely,

Sd. E. Gordon.

Copy to all Ds (dno.) for information &  
Am Dava.

Sd.

MR

27/6/30



S-31

XXVI  
SECT.

*Immediate*

Will L.R. Kindin advise if in a proceeding under sec. 108, Cr. P. Code, the Magistrate can take action under sub sec. 3 of sec. 117 Cr. P.C., before the stage mentioned in sub sec. (1) of that section is reached? Can the Magt direct simultaneous issue of a summons the person against whom the proceedings are started to execute a bond <sup>for maintaining</sup> ~~the~~ ~~best~~ ~~of~~ good behavior until the conclusion of the inquiry?

S.R.

L.R.

29.5.30

The point is not quite clear, but I think it is open to the court to proceed under sec. 117(3) at the same time as issuing the summons under sec. 114. According to Sohoni "inquiry" means everything done in a case by a Magt, and according to

NOTES.—Contd. Sales.



Woodroffe an inquiry into an offence commences with the complaint. From this it appears that the inquiry in proceedings under sec. 108 commences with the laying of the information, & I do not think that the words "proceed to inquire into the truth of the information" in sec. 117 (1) mean that the inquiry does not start till the acc<sup>d</sup> appears. His view is corroborated by Woodroffe's remark that sec. 117 (3) provides an alternative to the immediate arrest allowed by sec. 114.

TC Powell

29.5.30

KMH.



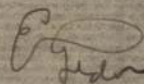
5-33  
27  
D.O.No. 115-I

Nagpur,  
July 10th, 1930.

My dear De,

In continuation of my d.o. letter No.89/I, dated the 3rd July, 1930, I enclose a copy of a d.o. issued today to all District Magistrates in Berar.

Yours sincerely,



To

B. N. De, Esqr., I.C.S.,  
Commissioner, Berar Division,  
Amraoti.



5-34  
28  
D.C.No. 113-T

Nagpur,  
July 10th, 1930.

My dear Parmanand,

Will you kindly refer to paragraph 4 of my d.o. letter No.89-I, dated the 3rd July, 1930, to De, a copy of which he must have sent you? I trust that the apparent contradiction between the instructions in paragraph 4 and those in paragraph 3 regarding summary trial have not led to any mistake. Where a sentence of 6 months rigorous imprisonment is desired, the trial of course cannot be summary, vide Section 262(2) of the Criminal Procedure Code.

Yours sincerely,

Sd/- E. Gordon.

To  
Parmanand, Esqr., I.C.S.,  
Deputy Commissioner,  
Yeatmal.

-----  
No. 114-T dated Nagpur, the 10th July, 1930.

Copy forwarded to the Deputy Commissioner, Amraoti,  
Buldana,  
Akola,

for information.

Sd/- E. Gordon,  
Chief Secretary.



CONFIDENTIAL.

No. 116-64-I.

GOVERNMENT OF THE CENTRAL PROVINCES.  
Political and Military Department.

From

L. Gordon, Esq., I. C. S.,  
Chief Secretary to Government,  
Central Provinces.

To

The Commissioner,  
Nagpur Division.  
Berar "  
Nerbudda "

Dated Nagpur, the 10th July 1930.

Subject:- Boycott of foreign cloth.

Sir,

In continuation of the correspondence ending with my letter No. C-826/L, dated the 10th June, 1930, on the subject of propaganda, I am directed to say that in view of the prominence given to the agitation in favour of the boycott of foreign cloth Deputy Commissioners in the cotton growing districts should be able with advantage to draw the special attention of the cultivating classes to the connection between the continued fall in the price of cotton and the collapse of the Bombay cotton market and the Civil Disobedience movement. The moral can be particularly emphasized in places where specific resolutions have been passed at public meetings in favour of the boycott of foreign cloth or decisions have been taken by merchants under Congress pressure to place seals upon stocks of cloth and to abstain from sale for stated periods. The points to be emphasised are :-

- (a) that with the boycott of foreign cloth and the stoppage of imports, there is bound to be a contraction of the supply and an increase in price to the consumer,

(b)



- (b) On the other hand there is also bound to be a fall in the exports of raw cotton and the result will be that the price to the cultivator will fall still further.

The net result therefore will be that the cultivator qua consumer will pay more for his clothes, while qua cultivator he will receive less for his cotton crop. The two tendencies mentioned above are of course accentuated and exaggerated by the lack of confidence and instability in trade conditions due to the present political agitation.

3. Government considers that this aspect of the movement should be brought prominently to the notice of cultivators in the cotton districts.

I have the honour to be,

Sir,

Your most obedient servant,



Chief Secretary.

A1B

No. 117/64-I, dated Nagpur, the 10th July 1930.

Copy forwarded to all Deputy Commissioners, Central Provinces and Benar, for information.



Chief Secretary.

A1B

I.A.10/7.



S-37

31

Secret

Copy of letter No. B/9959/1(A.G.8) dated the 30th June 1930, from the Deputy Secretary to the Government of India, Army Department, Simla, to the Chief Secretary to the Government of the Central Provinces.

Policy and procedure in regard to forfeiture of military pensions and other military awards.

I am directed to refer to this Department letter No. A.29162-3(A.G.8), dated the 10th November 1924, on the above subject, in which it is laid down that it rests with the local Government concerned to initiate action to withhold or withdraw the pension or other military award of any retired Indian Officer or soldier who becomes involved in any form of seditious agitation or disloyalty towards Government.

2. The Government of India are of opinion that active support or advocacy of the present civil disobedience campaign and allied movements also constitutes "grave misconduct" for the purpose of paragraph 184, Pension Regulations for the Army in India, which has taken the place of the orders referred to in paragraph 3 (i) of the above-mentioned letter. They consider that action for the forfeiture of pensions in such cases may be taken without hesitation.

GOVERNMENT OF THE CENTRAL PROVINCES.  
Political and Military Department.

No. 121/180-I, dated Nagpur, the 11th JULY 1930.

Copy, with extract paragraph 184, Pension Regulations for the Army in India, forwarded to -  
all Commissioners of Divisions, Central Provinces and Berar,  
the Political Agent, C. P. Feudatory States, Raipur,  
all Deputy Commissioners, Central Provinces and Berar,

for information and necessary action, with reference to the correspondence ending with this Department's endorsement -

No. 1822-1616-II, dated the 23rd December 1925;  
(No. 1824-1616-II dated the 23rd December 1925).

For D. Cs.  
only.

I.A.11/7.



Chief Secretary.

ASB



5-38 32

Extract copy of paragraph 184 of the Pension Regulations  
for the Army in India.

Pensions and Gratuities to Indian officers and other  
ranks and non-combatant personnel.

N.B.- In those rules, the phrase "Indian officers" means  
Indian officers other than those holding King's commissions.)

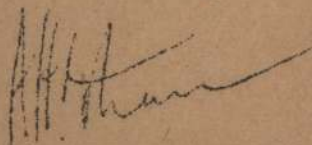
Reduction or forfeiture of pension.

184. Future good conduct is an implied condition of every  
grant of a pension. The District or Independent Brigade Com-  
mander may, in consultation with the C.M.A. concerned and, if  
necessary, with the civil authorities also, withhold, reduce  
or restore, in full or part, the pension (service, disability  
or family) or gratuity of an Indian military pensioner who  
may be convicted of serious crime or be found guilty of grave  
misconduct, other than of a political nature. In cases relat-  
ing to misconduct of a political nature, the District Commander,  
on the recommendation of the local civil authorities, is com-  
petent to order the forfeiture or restoration of the pension  
(including family pensions drawn by adult males only).

The full pension admissible under rule is not to be given  
as a matter of course, or unless the service rendered has been  
really approved; if the service has not been thoroughly  
satisfactory, the authority sanctioning the pension may make  
such reduction in the amount as it thinks proper.

Note:- In every case whether a pensioner is sentenced to  
imprisonment or is found guilty of grave misconduct, a re-  
port should forthwith be made to the C.M.A. concerned and  
pension provisionally suspended pending the final settlement  
of the question whether the pension should be withheld,  
reduced or continued in full. In no case, however, will  
pension be admissible for the period of actual confinement  
in jail, except as provided for in paragraph 583.

True Extract,



Superintendent,  
Political and Military Department.

I.A.12/7.



S-34

Amraoti Camp.

33

Dated the 19th July 1930

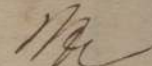
My dear

Please refer to Political and Military Department letter No. C.S./72 dated the 6th June 1930 in which the policy of Government regarding the ~~prosecution~~ prosecution for offences under the civil disobedience movement has been outlined. It has been found often difficult to obtain Government orders in cases where violation or breach of the peace occurs. Government has therefore amplified the instructions to the following extent-

"It is throughout <sup>has</sup> <sup>been</sup> ~~being~~ Government's policy to to take action as soon as the words of agitators are translated into acts of violence. <sup>24</sup> When violence or breach of the peace has occurred or is eminent the local authorities should take the necessary action to secure the peace without previous reference to Government".

In such cases action under 117 I.P.C. or under the an appropriate action of the I.P.C. would be suitable

Yours sincerely



Des All

Berob



S-40

34

No. \_\_\_\_\_ Dated Amraoti Camp, the 4<sup>th</sup> August 1930


Forwarded to \_\_\_\_\_ Deputy  
Commissioner, All Berar for information, guidance and  
favour of necessary action.

2. Paragraph 1.- I have already given full instructions to which I have very little to add. So far as I am aware picketing in Berar has been peaceful everywhere and not forcible or obstructive. If force is being used anywhere the fact should be reported in the daily reports. The Deputy Commissioner will kindly report the strength of the Police force both ordinary and reserve in his district. He will also let me know from time to time, say once a week, the jail accommodation and also the number of prisoners in his district jail.

3. Paragraph 2.- So far as I am aware it will ~~xxx~~ perhaps <sup>un</sup> be/necessary to extend the provisions of Chapter I or II to any local area in Berar. The Deputy Commissioner may, however submit proposals if he thinks fit.

4. Paragraph 3.- I have already given very full instructions on the subjects dealt with in this paragraph. Perhaps a little stricter vigilance is needed in regard to some of the publications printed in certain presses.

5. Paragraph 4.- The Deputy Commissioner will no doubt submit proposals should occasion arise.

  
Commissioner, Berar.



hopes, however, that resort to the Ordinance may not be necessary.

3. I am also to suggest that the time has now come when it will be advisable to tighten up the sentences which are being imposed by Magistrates for offences committed in connection with the civil disobedience movement, and to say that the imposition of substantial fines should be considered for those offenders who are able to pay. Where there is a reasonable expectation of recovering the fines, the sentence need not invariably include imprisonment in lieu of fine. Firmer control over the press by means of the Press Ordinance also appears ~~indicated~~ indicated.

4. I am also to invite your attention to the provisions of section 15 and 15-A of the Police Act, and to say that, should you apprehend any outburst of violence in any local area in your division, you may, if you so desire, approach Government for a proclamation under section 15 of the Act. This procedure renders it possible to impose punitive police at the cost of the area affected, and to recover from the population of that area compensation for any damage done in the course of any outbreak of violence which may occur.

5. Lastly, I am to make it clear that should violence be offered to the police in the execution of their duty, they will be supported if they are compelled to fire so long as the fire is kept under control and is not in excess of the needs of the moment.

6. In the case of Nagpur city and movements emanating directly from Nagpur, I am to ask you to get in touch with Government, so far as is possible, before taking any unusual steps, so long as Government is in Nagpur.

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

*A. Gordon*

Chief Secretary.

Enclosures.  
Spare copies for  
D.Cs.

M.A. 2/3



*Confidential*

No. 237-I

Government of the Central Provinces.  
Political & Military Department.

From

L. Gordon Esq., I.C.S.,  
Chief Secretary to Government,  
Central Provinces,

To

All Commissioners of Divisions,  
Central Provinces & Berar  
(Except Jubbulpore).

Nagpur, the 2<sup>nd</sup> August 1930.

Sir,

In view of recent developments the Governor in Council has decided to transfer to Commissioners the responsibility for adopting measures against the civil disobedience movement generally. I am accordingly to authorise you from now onwards to initiate prosecutions in your discretion without <sup>any</sup> previous reference to Government. In particular Government thinks that the time has come to act firmly under the ordinary law against forcible or obstructive picketers. The activities of this class have in places exceeded all bounds and it is necessary that the evil should be dealt with. You should recollect, however, that no extra police help is likely to be available from outside your division, and that the jail accommodation for all prisoners will have to be found within your division. In case you should act against prominent leaders, I am to request that you will be good enough to inform Government, as soon as possible, of any action taken by you under the authority of these orders.

2. I am also to inform you that at the instance of this Government, the Government of India have recently applied Ordinance No. V (Prevention of Intimidation Ordinance, 1930), to the province. Should you desire to take advantage of the provisions either of Chapter I or of Chapter II of this Ordinance in any local area in your division, vide sections 2 and section 6 of the Ordinance, you should submit your proposals to Government in due course. Government still



CONFIDENTIAL.

343 37  
No. 241 I.

Government of the Central Provinces.  
Political and Military Department.

From

E. Gordon Lsq., I.C.S.,  
Chief Secretary to Government,  
Central Provinces,

To

The Inspector General of Prisons,  
Central Provinces.

Nagpur, the 4th August 1930.

Subject - Transfer of civil disobedience movement  
prisoners.

Sir,

With reference to your letter No. 28-E, dated the 16th July 1930, I am directed by the Governor in Council to say that Government agrees with you that the transfer of all prisoners convicted in connection with the civil disobedience movement should now be made without reference to Government.

2. I am at the same time to forward, for your information, a copy of my letter No. 237-I, dated the 2nd August, 1930, on the subject of the transfer to Commissioners of Divisions of the responsibility for adopting measures against the civil disobedience movement generally, and in view of the obligation imposed on the Commissioner of finding jail accommodation for all prisoners within his division, to request that if numerous transfers are proposed from one division to another you will be good enough to consult the Commissioner concerned beforehand.

I have the honour to be,

Sir,

Your most obedient Servant,

Enclosure - 1

No. 242 I, dated Nagpur, the 4th August 1930.

Copy forwarded to all Commissioners of Divisions,  
Central Provinces and Berar, for information.

Enclosures.

Spare copies for  
Dy. Comrs.

Chief Secretary.

L.A. 4/8



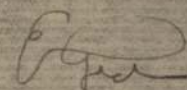
5-44 38  
D.O. No. 245-228-1

Nagpur,  
4th August 1930.

My dear De,

In reply to your demi-official letters of the 2nd of August 1930 regarding transfer of certain hunger strike prisoners, I am desirous to say that Government agrees that you should arrange for the transfer of these prisoners in communication with the Inspector General of Police.

Yours sincerely,



To

B.N.De, Esq., I. C.S.,  
Commissioner, Berar Division,  
Amraoti.



g-WS 20/7/30.  
Hoisting of Congress flag by schoolboys - Yeshwant

My dear Gordon,

Please see para 2 of Parmanand's daily report of 29/7/30. Clark also spoke true about the matter. It appears that the boys have been allowed to sing such songs & wave the flag for several days past without the H.D. Master reporting the matter to the Inspector & that the boys repeated the usual practice when Clark went to the school on inspection. He has reported the matter to Jones & orders are awaited.

2. I am afraid I do not agree with the D.C. in his opinion of schools that the practice should be permitted. If this is done, it is sure to be adopted in other schools & gradually lead to the hoisting of the flag in the school compound or at the school building. As Govt has ~~refused~~ declined to recognize any flag other than the Union Jack it would, I think, be inconsistent with the position taken up to permit the practice that appears to have been allowed to pass up through the incompetency of the H.D. Master. In my opinion, orders should be issued discontinuing the practice & if the schools disobey the order the school be closed temporarily.

3. The best solution of the difficulty, I think, is the recognition of a national flag for India. Until this is done, it is difficult to see how the use of the Congress flag associated as it is with the anti Govt movement can be permitted by Govt in Govt schools.

Yours Sincerely  
H.C.



D.O.No. 269-1

546 40  
Nagpur,

The 8th August 1930.

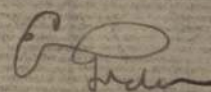
My dear De,

In reply to your demi-official letter of the 30th July on the subject of the display of the congress flag in the Government High School at Yeotmal, I am desired to say that Government agrees with you that the display should not be permitted.

2. In my letter No.136/I, dated the 15th July 1930, to the address of the Director of Public Instruction, a copy of which was sent to you with my letter No.217/I, dated the 28th July 1930, it was clearly laid down that no other flag than the Union Jack could be permitted to be flown on any government building. The congress have now definitely challenged the established authority of Government, and Government considers that any formal or concerted display of the congress flag, such as is reported from Yeotmal in government school premises offends against the spirit of that order, and if such a display is made by the boys it should be prohibited. Government agrees with you that if the practice is permitted it will be only a matter of time till the display in the compound is converted into an attempt to fly the flag on the building. Issue may therefore be joined at once, and if the attempt is persisted in the school may be closed. I am to add that where the flag is displayed simply as a sign of any individual's political predilections, e.g., by being worn in the button hole, it will be wiser to ignore it.

3. A copy of this letter is being sent to the Director of Public Instruction, all Commissioners and Deputy Commissioners, for information.

Yours sincerely,



To  
B.N.De Esq., I.C.S.,  
Commissioner,  
Berar Division.



547  
26-9 September 1930.

My dear De,

It has been brought to the notice of Government that the instructions contained in

- (1) my d.o. letter No.274-I, dated the 10th August 1930,
- (2) " " " No.275-I, dated the 10th August 1930,
- (3) " " " No.278-I, dated the 10th August 1930,

on the subject of whipping for offences committed in connection with the forest satyagraha movement need to be made clearer in certain particulars in the light of experience. Consequently the instructions referred to should be regarded as cancelled and the following substituted.

First, the responsibility for deciding when matters have reached a state in which Magistrates should be encouraged to resort to whipping as the only practicable means of bringing people to their senses rests with the District Magistrate, subject to the control of the Commissioner. This control should be effective. For example the approval of the Commissioner should be obtained before a particular tract is decided to be a suitable one for the infliction of the punishment. It is for him also to see that moderation is used, and that the punishment is given only for so long as is necessary to restore respect for the law. Responsibility for the conduct of particular cases, and for seeing that the instructions laid down in Judicial Commissioner's Circular No.29 are followed, rest with the District Magistrate, and the Magistrate concerned in the usual manner. It is also for them to see that - whipping is given only for offences which are whippable under the law.

Secondly, the need for whipping at the present juncture is not so much to punish the individual for particular offence, as, by a timely example, to stop

develop



548 142

development of real mischief. Ordinarily this punishment is suitable only in jungle or rural areas away from the larger towns, and where either real damage has been done, and more is anticipated at the same place or in the neighbourhood, or the motive is one of personal gain, and the trouble is spreading. Where no real damage has been done the justification for whipping would be that real damage was about to follow, and that excitement was so spreading amongst the ignorant masses that drastic action was needed to prevent an outbreak of violence.

Thirdly, only such persons should be whipped as belong to the lower classes, as explained in Judicial Commissioner's Circular No. 29. Genuine jungle people for present purposes may be reckoned in this category. It does not, however, follow that, because an offender is, say, a Gond by caste, he should be whipped necessarily. There are Gonds and Gonds, and common sense must be used in this matter.

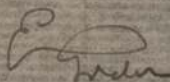
Fourthly, to be of any real use as a deterrent whipping should be given promptly, and on the spot, and to this extent the orders quoted in paragraph 7(1) of Judicial Commissioner's Circular are modified. But whipping on the spot should not be done publicly or in a manner needlessly to disturb other peoples susceptibilities. Such seclusion as is possible should be sought. Offenders whom it is desired to whip, should also be tried on the spot, or near it, and not be brought into tahsil or district headquarters for the purpose. Should the person, whom it is desired to whip, appeal, and be able to furnish bail to the satisfaction of the court, the Magistrate concerned should require his appearance before him under section 391 Criminal - Procedure Code at the place at which the sentence was pronounced, namely on the spot where the offence was committed, or near it, and should arrange to hold his court, and carry out the sentences there, in the event of the appeal being dismissed. An unsuccessful appellant



not be sent in custody to the scene of his offences to be whipped.

Fifthly, a medical examination prior to whipping is desirable, and a medical man should be present, if possible, during the whipping as laid down in the instructions quoted in the Judicial Commissioner's circular. If it is not possible to arrange for this, the Magistrate must use his discretion. If there is any doubt as to the capacity of an offender to stand a whipping no risk should be taken.

2. Copies of this letter are being sent to all Deputy Commissioners.



Yours sincerely,

To

B. N. De, Esqr., I.C.S.,  
Commissioner, Berar Division,  
Amraoti. (Camp).

VTJ.  
24/9



5-50  
Amraoti Camp

44  
Dated the 10th September 1930

My dear

A question has been raised whether in connection with the recovery of fines by attachment of moveable property by the order of magistrate who inflicts the fine houses can be broken open in execution of the warrant of attachment issued by the magistrate. It seems to me that the form of the warrant No. XXXVII, Schedule V of the Criminal Procedure Code makes it clear that the person executing the warrant may attach any moveable property which is found within the jurisdiction of the magistrate. Obviously he cannot attach a property locked up in the house without breaking open the lock. Under section 88 (3) (a) the moveable property can be attached by seizure which involves breaking open of a lock if the property is locked up in a house. I am therefore of opinion that breaking open of a house is permissible. I should, however be glad to have your opinion on the subject.

Yours sincerely

To

R.E. Pollock, Esq., I.C.S.,  
Legal Remembrancer,  
Central Provinces,  
Nagpur.



Amraoti Camp.

5-51 45

Dated the 10th September 1930

My dear

Please see para 6 of your daily report dated the 9th September. I think the form of attachment Form No. XXXVII, Schedule V, Criminal Procedure Code makes it clear that the house can be broken open, otherwise the attachment would be meaningless. Similarly under section 88 (3) (a) Criminal Procedure Code attachment can be effected by seizure of moveable property which obviously involves breaking open of a lock of the house in which the property is locked up. I am therefore of opinion that the house can be broken open in order to effect seizure and attachment of moveable property. I am, however, making a reference to the Legal Remembrancer and will let you know his views on the subject in due course.

Yours sincerely

To

Parmanand, Esq., I.C.S.,

Deputy Commissioner,

Yeotmal.



55 46  
Council Hall,

Nagpur,

12th September 1930.

My dear *de*

Your D. O. of 10th September. In  
executing a warrant of attachment of the  
moveable property under the Civil Procedure  
Code doors may be broken open, as provided  
under section 62 of that Act, and there is  
no doubt that the same principle applies  
to proceedings under the Criminal Procedure  
Code.

Yours sincerely,

*TE Pouch*

To

B. N. De, Esq., I.C.S.,

Commissioner,

AMRAOTI.



CONFIDENTIAL.

554 47

No. G.S./325?  
GOVERNMENT OF THE CENTRAL PROVINCES,  
POLITICAL AND MILITARY DEPARTMENT.  
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From

H.C. Gowan, Esqr., C.I.E., V.D., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All District Magistrates,  
Central Provinces & Berar.

Pachmarhi, the 23rd October 1930.

Subject:- News sheet and Press Ordinances.  
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Sir,

I am directed by the Governor in Council to refer to the correspondence ending with my letter No. 1045-1369-II, dated the 15th July 1930, and to inform you that both the News sheet and the Press Ordinances will expire automatically at midnight of October the 26th - 27th. Government has been informed that it has been found legally impossible to continue the present Ordinances without at least more than a nominal interval, and it follows that all orders hitherto passed under either of the two Ordinances under reference will lapse after the 26th October. Any security which has been deposited hitherto will, therefore, be returnable and should be handed back to the parties from whom it has been received, should they so demand.

2. It is not intended, however, that the press should be permitted to revert to the state existing previous to the promulgation of the present Ordinances, and, in order that Government may be supplied with full information as to the effect of the withdrawal of the Ordinances, I am to request that you will be good enough

- (a) to bring to notice immediately any writing issued after the 26th October, in regard to which you would, in accordance with the powers enjoyed at present, have recommended to Government that action should be taken under the Ordinances;
- (b) to bring to notice the publication of any revolutionary pamphlets published after the 26th of October;
- (c) to report whether news sheets, at present unauthorised, which contain seditious or objectionable matter, continue to be circulated or



are increasing their circulation;

S-SS 48

- (d) to submit any information which may come to your notice to show that there is a definite recrudescence of objectionable writings or that the press is giving a stimulus to the civil disobedience or revolutionary movements.

3. Any report in accordance with these instructions should be submitted through the Commissioner of the division to whom a copy of this letter has been sent.

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

Sd/- H.C. Gowan,  
Chief Secretary.

No. *CS/326*, Dated *Wachmarhi*, the *23<sup>rd</sup>* October 1930.

Copy is forwarded to all Commissioners of Divisions, Central Provinces & Berar, in continuation of my letter No. 1046-1368, dated the 15th July, 1930.

*[Signature]*  
for Chief Secretary.



5-56 49  
No. C-487-I.

Government of the Central Provinces.  
Political and Military Department.

From

H.C.Gowan, Esq., C.I.E., V.D., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Commissioners  
and Deputy Commissioners,  
Central Provinces & Berar.

Dated Pachmarhi, the 11th October 1930.

Subject:- Display of force by the Police.

Sir,

I am directed by the Governor in Council to forward for your information a copy of memorandum No. C/203, dated the 11th October 1930 from the Inspector General of Police to all District Superintendents of Police, Central Provinces and Berar emphasizing the advisability of the employment of adequate force and the avoidance of unnecessary risks by the Police in the execution of their duties in connection with the Civil Disobedience movement.

I have the honour to be,

Sir,

Your most obedient servant,

Officer on Special Duty  
for Chief Secretary.

SVS 30/10 C-487-I



3-57 50  
Government of the Central Provinces.  
Political and Military Department.

MEMORANDUM.

No. G.489-1, Dated Pachmarhi, the 21st October 1930.  
To

All Deputy Commissioners,  
Central Provinces & Berar.

Subject:- Apologies by civil disobedience  
prisoners.

It is requested that in all cases of apologies  
by civil disobedience prisoners which are sent up for  
orders of the local Government or which are accepted  
by the District Magistrate under instructions contained  
in this Department's letter No. 570-I, dated the --  
3rd September 1930, and then reported to Government  
for confirmation, the class in which the prisoner has  
been placed should invariably be stated for the --  
information of Government. This is not done in --  
several cases at present.

*[Signature]*  
Officer on Special Duty  
for Chief Secretary.

No. G.490-1 Dated Pachmarhi, the 21st October 1930.

Copy forwarded to all Commissioners of Divisions  
for information.

*[Signature]*  
Officer on Special Duty  
for Chief Secretary.

SVS 21/10



Copy of memorandum No. C/203, dated Pachmarhi, the  
11th October 1930, from the Inspector General of <sup>G.S.B.</sup>  
Police, Central Provinces, to all District Superin-  
tendents of Police, Central Provinces & Berar.

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There has been more than one incident lately where  
the Police have been attacked and the force of Police  
employed has been less than was readily available  
or was not so well armed as was possible.

2. Government have expressed the view that  
during the past few months, the Police have displayed  
their gallantry in circumstances of real danger often  
enough. They are very averse to the police conti-  
nuing to run totally unnecessary risks. It is better  
to have too much strength than too little and it is  
better to err on the side of too many men being armed  
than too few. The display of force often overawes  
opposition.

3. I request that you will bear in mind these  
remarks and take steps to see that your officers do  
not run unnecessary risks by underrating the  $\phi$  ---  
opposition.

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CONFIDENTIAL.

No. 136/263-I.

GOVERNMENT OF THE CENTRAL PROVINCES.  
Political and Military Department.

From

H. C. Gowan, Esq., C.I.E., V.D., I.C.S.,  
Chief Secretary to Government,  
Central Provinces.

To

All Deputy Commissioners,  
Central Provinces and Berar.

Dated Nagpur, the 21st February 1931.

Sir,

I am directed by the Governor in Council to inform you that the Government of India have asked to be furnished at once with reports of (1) instances of violence on the part of civil disobedience workers leading to clashes with the police or Government servants, and (2) instances of the use of force or destruction of property by picketers or boycotters. I am accordingly to ask that if any instances of this kind occur in your district they may be reported to Government immediately for communication to the Government of India.

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

H. Gowan

Chief Secretary.

No. 136/263-I, dated Nagpur, the 21st February 1931.

Copy forwarded to the -

Inspector General of Police, Central Provinces,  
all Commissioners of Divisions, Central Provinces and Berar,  
for information.

H. Gowan

Chief Secretary.



51  
D.O.No. 552/C.D. 5-60

Nagpur,

The 14<sup>th</sup> May 1931.

My dear De,

Cases have recently come to the notice of Government in which prosecutions have been withdrawn on donations being made to a charity. I am desirous to draw your attention to the danger of this practice, which, though not open to objection on the merits in particular cases, gives rise to the impression that there is one law for the rich, who can afford to give money, and another for the poor, who cannot. In the circumstances Government desires that the practice should be discouraged. Should a case arise in which it is proposed to interrupt the ordinary course of a prosecution on a payment of this nature being made by the party at fault, the circumstances should be reported specially for the orders of Government.

Yours sincerely,

*Horan*

To

B. N. De, Esq., C.I.E., I.C.S.,

Offg. Commissioner,

Berar Division,

Amraoti.

I.A. 11/5

*cos* 5-31

*Copy to Secy's d.o for  
for further guidance  
16/5/31*



CONFIDENTIAL.

No. 594/C.D.

GOVERNMENT OF THE CENTRAL PROVINCES.  
Political and Military Department.

From

G. P. Burton, Esq., I. C. S.,  
Chief Secretary to Government,  
Central Provinces.

To

All District Magistrates,  
Central Provinces and Berar.

Dated Nagpur, the 6th July 1931.

Subject:- Regrant of Arms Act Licenses.

Sir,

I am directed by the Governor in Council to forward for your information and guidance a copy of a memorandum of instructions received from the Home Department, Government of India, with their Demi-official letter No. D-381/31-Poll, dated the 19th June, 1931, regarding the regrant of Arms Act licenses cancelled on account of activities in pursuance of the civil disobedience movement. In the event of an application being received for the re-grant of such a cancelled license, you should proceed in accordance with the spirit of paragraph 3 of the memorandum. It is not however intended that action should be taken unless and until an application is received.

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

Enclos:- Copy of  
Memorandum.

Chief Secretary.

No. 595/C.D., dated Nagpur, the 6th July 1931.

Copy forwarded to all Commissioners of Divisions, Central Provinces and Berar, for information.

Enclos:- 1.

I.A.6/7.

Chief Secretary.



53  
S-62

MEMORANDUM.

The legal position.

(1) Where the license for a fire-arm was duly cancelled under section 18 of the Arms Act or the rules made thereunder, then under section 16 of the same Act there was an obligation on the person whose license had been cancelled to deposit the fire-arm without unnecessary delay either with the officer in charge of the nearest police station or, at his option and subject to such conditions as the local Government might by rule prescribe, with a licensed dealer. If the person acted in the manner prescribed by section 16 of the Act, then he would be entitled, before the expiry of the period prescribed by the local Government by rule, either to dispose, or authorise the disposal, of the confiscated fire-arm to any person, whose possession of the same would be lawful, and to receive the proceeds of any such sale. Further, if before the expiry of the period the possession of the fire-arm had again become lawful by the issue of a fresh license, he would be entitled to its return.

Under sub-section 3 of section 15 any fire-arm not returned or disposed of before the prescribed period shall be forfeited to His Majesty.

Kind of cases.

(2) The only cases which would, therefore, appear to arise in the present connection are these -

- (a) in which the period prescribed by the local Government under section 16 has not yet expired and the fire-arm has not been disposed of or returned, and
- (b) in which the prescribed period has expired, the fire-arm has been forfeited and is still in possession of Government.

In either case if the fire-arm were returned, it would be an illegal possession, unless and until the license was renewed, for without a fresh license the holder of the fire-arm would be liable to prosecution.

Re-grant of licenses.

(3) The practical question is, therefore, one of the re-grant of licenses, and discretion in this respect rests with the licensing authority, who is usually the District Magistrate. The Government of India are unwilling to request local Governments to fetter the discretion of District Magistrates by any hard and fast rule in this matter, since the latter must have regard to local conditions as affecting law and order, and also to the reputation of the former licensee. In particular, a district magistrate would naturally refuse to regrant a license if he had reason to believe that the fire-arm would be used for terrorist or unlawful purposes.

Where there is no prima facie objection on the above grounds to the regrant of a license, it would be within the spirit of the Settlement of the 5th March if the licensing authority renewed the license and returned the arms concerned, when they were in the possession of Government.

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FORM F.

Reference to latter cases.

XV - 87.  
O.R.

Subject:

File No.

Year.

Section

Reference to previous cases.

Subject.

File No.

Year.

Section.

563



XV-89.  
O.R.

FORM 1.

Reference to latter cases.

Subject.	File No.	Year.	Section.
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Reference to previous cases.

Subject.	File No.	Year.	Section.
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25 July 19

vaishali