

ANTI-HINDI TRIALS

ELATHU SIVANANDA ADIGAL CASE

MR. K. M. BALASUBRAMANIAM'S SPEECHES FILED IN COURT

CASE AGAINST MESSRS. PONNUSWAMI, C. D. NAYAGAM & SHANMUGANADA ADJOURNED TO MONDAY NEXT

Madras, July, 16.

The case against Elathu Sivananda Adigal under Sec. 7-1-a, Criminal Law Amendment Act was taken up by Mr. Madhava Rao, Acting Third Presidency Magistrate, Egmore, for further hearing on Monday, July 11.

Sub-Inspector Seshagiri Rao, Crime Branch was examined for the prosecution. He deposed that he searched the house of Mr. C. D. Nayagam in connection with the Anti-Hindi agitation on 4-6-38 and recovered some letters addressed to Sivananda Adigal, the accused and telegram addressed to Sivananda Adigal...

Mr. J. S. Athanasius, Counsel for the accused, objected to that telegram going in as evidence against the accused.

Another Counsel, Mr. Allah Pitchai, said that the case was not one of conspiracy and so such things should not be filed.

Counsel requested the Court to make a note of the objection.

Magistrate:—I want a specific objection. The objection is not relevant. Well, note what?

Counsel:—The prosecution must prove that it is relevant.

Magistrate:—The relevancy is that this man was putting up with Mr. Nayagam and that the letters have been confiscated.

Counsel:—I may go and stay with a friend. I am receiving some letters. How far will that help the case in which the accused stands charged?

Magistrate:—I note your objection. The prosecution want to file letters and other documents seized from Mr. Nayagam addressed to the accused, c/o C. D. Nayagam, Mahalakshmi Road, Theyagarayanagar, where he was living.

Continuing his evidence, the Sub-Inspector said the telegram ran thus:—“Money collected. Start immediately, Ramaswami.

Magistrate:—Who is this Ramaswami? Where does he come from?

A:—From Udamalpet.

The Prosecution next filed a number of letters written by those interested in the Anti-Hindi agitation offering their services for the Anti-Hindi Movement.

Cross-examined by the Counsel for the accused, witness deposed that he did not know as to who were the authors of those letters. He did not know the circumstances in which the letters were written. He had not in his possession any letters written by the accused by way of reply.

The Magistrate addressing the accused said: What have you got to say?

The accused, a graduate of the Oxford University, said in Tamil—I am filing a statement.

The following is the statement:

“I have not instigated any volunteer to loiter before the house of the Premier. ‘Our Committee has not, by that time, i.e. 11-6-38, decided to offer satyagraha before the house of the Premier. Volunteers who offered Satyagraha before the house of the Premier between 4-6-38 and 11-6-38, did so in their own personal discretion.

impression when you saw so many people gathered there?

Witness:—When I was asked by the office to report about the shed, I came to know on inquiry that they were carrying on a campaign against Hindi.

Cross-examined by Mr. J. S. Athanasius, counsel for the accused, witness stated that he paid three or four visits to the shed. The inmates of the shed were over twenty years in age and they were not schoolboys.

The Magistrate next asked the witness whether he tried to find out what happened in the shed.

Witness stated that it was not his duty to find out what was happening in the shed. His duty was only to issue license.

Magistrate:—Supposing the shed was used for making bombs, will you allow it to be so used? You ought to have made inquiries of what was happening in the shed. If I were your superior, I would have you sacked.

Witness Expresses Regret

The Magistrate, referring to the statement of the witness that it was his duty only to issue licenses, and not to make enquiries about what was happening, said the witness should not have spoken in the manner he had done in the Court.

Witness expressed regret and stated that he did not mean to offer any insult.

The examination of the witness for the prosecution was concluded.

Magistrate:—What are the facts to show that the accused has abetted?

Prosecuting Inspector:—The speeches and the letters which had been filed in the court.

Mr. Allah Pitchai, counsel for the accused, submitted that the allegation against the accused was abetment, and not conspiracy. In a conspiracy case there must be a common intention which must be proved. Before proving that, letters of the kind referred to by the Prosecution must be proved. In this particular case there was no use of words like “war” or “violence” as in the case against Swami Arunagirinathar.

It was not fair on the part of the prosecution to say that the very presence of the accused at some of the meetings, and his making speeches, amounted to abetment. What they had to prove in this case was that the accused had instigated some persons to offer Satyagraha before the Premier's house.

Not Declared Unlawful Association

There was one other point, and that was that the Anti-Hindi League, had not so far been declared as an unlawful association by the Government. The Magistrate observed that those arguments had been advanced in the other case.

The Magistrate continuing said that he had repeatedly told them that what was required, was an assurance that the accused would not associate himself with the Anti-Hindi Movement. If the accused felt that he had not done anything and if he assured the Court that he was not going to violate the law or associate himself with such activities.

“Accused Did Not Violate Law”

Counsel:—The accused did not violate the law as he did not instigate any person to offer satyagraha. If the accused were to give an undertaking, it will mean that he has committed the offence with which he is charged. The offence with which the accused had been charged was that he had instigated persons to offer Satyagraha.

The Prosecuting Inspector said that what they were concerned was with abetment, and not with conspiracy.

Further hearing of the case stands adjourned to Saturday the 16th inst.

The case against Sivananda Adigal stands adjourned to 18th.

Case Against Mr.

K. M. Balasubramaniam

Mr. Kesava Menon, C. I. D. Sub-Inspector, examined for the prosecution, deposed that the Department of Education and Public Health of the Madras Government had issued an order

introducing Hindi in certain secondary schools in Forms, I, II and III. An agitation was restarted to oppose the introduction of Hindi, an Anti-Hindi League was formed with the purpose of carrying on propaganda to coerce the Premier to cause the cancellation of the G.O. The Headquarters of this League was established in Venkatanarayana Road, Theyagarayanagar. There was a ‘dictator’ of the League. Mr. C. D. Nayagam was the first ‘dictator’. The accused was an advocate residing in Meenan Sahib Street, Mount Road, and was one of the committee members of the League. In the month of May, a number of meetings was held. Leaflets were issued announcing the accused as a speaker at those meetings. Witness had seen the accused visiting the Headquarters on many occasions. The accused was visiting Mr. Nayagam's house, where one Mr. Stalin Jagadeesh was fasting unto death, and who was exhibited at the meetings. Witness had seen the accused conferring with Mr. C. D. Nayagam, Sivananda Adigal, Swami Arunagirinathar and others. There were other office-bearers also. Elathu Sivananda Adigal was the second ‘dictator’, and Swami Arunagirinathar, the third. Witness had seen volunteers residing in the accused's house. He remembered one Muslim volunteer named Yakub Khan who later loitered in front of the Premier's house and who was convicted. The accused delivered propaganda speeches in the mofussil. On 1-6-38, Ponnuswami came and loitered in front of the Premier's house. Volunteers came from the headquarters and among those was Yakub Khan. Witness attended the meeting held at the High Court Beach on 5-6-38. The shorthand notes of the speech delivered by the accused were filed along with a Tamil transcription of the same. Some of the portions of the speech were marked as offensive by the prosecution. They read thus.

“Conrade Ponnuswamy said, ‘I shall fast unto death. Even if I am released from the jail, I shall fast unto death in front of the Premier's house.’ If Jagadeesh would die, knowingly or unknowingly, thousand lives must go. If so, by means of the flood of blood, Tamilians will be inspired with courage. True Tamilians, Valiant Muslims, I ask you one thing: ‘Are you not prepared to offer Satyagraha in a body in front of Rajaji's house? If, at least, 500 of you would get into jail by the 17th, we are sure of victory. If I am imprisoned for having instigated you, I am ready for it. For doing all these, at least, 500 youths should come forward. Standing before schools, you must tell them (students) not to do so. If it is said that Hindi will be introduced in the schools of the city, there can only be 5 teachers here. The neighbours of the teachers should keep a close watch over them. If the teacher goes to the rice bazaar, the seller should not give them rice, the dhobey should not wash his clothes. No one should shave them. (Laughter). We are carrying on this agitation. This is not restricted to Hindi. This war will smoulder till this Congress reign, this Rajaji's reign, is rooted out completely. First, we must hoist our flag of victory in the opposition to Hindi. Don't think that Rajaji is a courageous man. I say that he is coward No. 1.”

There was no cross-examination of this witness.

Mr. Aravamudan Iyengar, Shorthand Sub-Inspector, examined next, said that 6-6-38, witness had attended a meeting held by the Anti-Hindi League at Sivagnanam Park. The speech delivered by the accused in Tamil when translated, runs thus:

“The seed which we sowed at Soundarya Mahal, grew up day by day, ripened into a fruit of the arrests of those men, and dropped as three fruits. The Tamilians should taste these fruits and such of them who did so, should go to jail. If, before attaining this, if anybody could prevent it, my humble opinion is that we are doing harm to Tamil. It is not under the directions of Committee but, in my individual capacity, I request that at least some persons should stand in front of Comrade Rajagopalachari's house and do satyagraha. In consequence of that, three warriors have gone to that place to-day. Their names have been entered into the police books. Mr. Nayagam was arrested for supporting Ponnuswami. I say that for the matter of my requesting you in my individual capacity to offer satyagraha, I may also be honoured in a similar way. Comrades, arise: I shall tell you one thing. If I ask you to shed your blood, it is not my tongue that says it or feeling. It is only with a view to prove the truth of it, three persons

realise that danger is threatening their Urdu language, they should also join in this war. Realising that to day's Minister would be a pauper, I request our Brahmin brethren to co-operate with us or at least not to hinder us. If, on the other hand, out of pride they think that Rajaji and Police Officers should be able to protect them and start doing harm.....”

Magistrate:—Who is this “Rajaji”?

The Prosecuting Inspector:—Rajaji is Rajagopalachari. My friend might say it is not this Rajaji, but that it is another Rajaji.

Accused:—There is only one Rajaji.

Continuing, the Prosecuting Inspector said: “.....to Hindi opposition, harm will certainly befall them. To crown all, I request you to come forward to go to jail.”

Witness next stated that he attended the meeting held at the High Court Beach on 5-6-38. The shorthand notes of the speech delivered by the accused were filed along with a Tamil transcription of the same. Some of the portions of the speech were marked as offensive by the prosecution. They read thus. “Conrade Ponnuswamy said, ‘I shall fast unto death. Even if I am released from the jail, I shall fast unto death in front of the Premier's house.’ If Jagadeesh would die, knowingly or unknowingly, thousand lives must go. If so, by means of the flood of blood, Tamilians will be inspired with courage. True Tamilians, Valiant Muslims, I ask you one thing: ‘Are you not prepared to offer Satyagraha in a body in front of Rajaji's house? If, at least, 500 of you would get into jail by the 17th, we are sure of victory. If I am imprisoned for having instigated you, I am ready for it. For doing all these, at least, 500 youths should come forward. Standing before schools, you must tell them (students) not to do so. If it is said that Hindi will be introduced in the schools of the city, there can only be 5 teachers here. The neighbours of the teachers should keep a close watch over them. If the teacher goes to the rice bazaar, the seller should not give them rice, the dhobey should not wash his clothes. No one should shave them. (Laughter). We are carrying on this agitation. This is not restricted to Hindi. This war will smoulder till this Congress reign, this Rajaji's reign, is rooted out completely. First, we must hoist our flag of victory in the opposition to Hindi. Don't think that Rajaji is a courageous man. I say that he is coward No. 1.”

Continuing his evidence for the prosecution, Mr. Kesava Menon, C. I. D. Sub Inspector, said that Mr. Nayagam's house was searched by Sub-Inspector Seshagiri Rao on 4-6-38. The letters were addressed to Elathu Sivananda Adigal, c/o Mr. Nayagam. Before Sivananda Adigal came to the shed, he was living with Mr. Nayagam. After 3-6-38, A. I. was arrested, volunteers were sent in batches of two and four from the camp to loiter in front of the Premier's house and it was still going on.

A number of reports appearing from time to time in the columns of “Viduthalai” relating to the Anti-Hindi agitation, gifts, lists of the names of volunteers for the Anti-Hindi Movement, resolutions passed at the Trichy Tamil Conference, proceedings of committee meetings, and reports of the fast undertaken by Ponnuswami in front of the Premier's house, were read by the Prosecuting Inspector and filed in the court.

Further hearing of the case was adjourned to Wednesday, July 13.

WEDNESDAY'S PROCEEDINGS

Madras, July 16.

The case against Mr. P. Ponnuswami and Swami Shanmugananda for picketing and loitering in front of the Premier's house in Theyagarayanagar under Sec. 7-1-a, Criminal Law Amendment Act and Mr. C. D. Nayagam for abetment under Sec. 109 and 117, I.P.C., was taken up for hearing by Mr. K. Kunikrishna Nair, Acting Chief Presidency Magistrate, Egmore, on Monday, July 11.

Continuing his evidence for the prosecution, Mr. Kesava Menon, C. I. D. Sub Inspector, said that Mr. Nayagam's house was searched by Sub-Inspector Seshagiri Rao on 4-6-38. The letters were addressed to Elathu Sivananda Adigal, c/o Mr. Nayagam. Before Sivananda Adigal came to the shed, he was living with Mr. Nayagam. After 3-6-38, A. I. was arrested, volunteers were sent in batches of two and four from the camp to loiter in front of the Premier's house and it was still going on.

Witness next filed the shorthand notes of the speech delivered by the accused, along with the Tamil transcription of the same.

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(Continued from page 5)

The following is the English translation of the speech according to the prosecution:

"To prevent Hindi being made compulsory the time for beginning the agitation should be started two months later. Yet, in order to rouse the sleeping people, he (referring to Mr. Stalin Jagadeesh) commenced fasting in Theagaroyanagar. To help him in his efforts, Sivannanda Adigal has collected some people in Madras for attempting to picket near the house of Mr. Rajagopalachariar and Dr. Subbaroyan. Apart from the question of Hindi opposition whether good will result from it or not, the only duty is to the man who is fasting and is about to die, and that is by preventing the students from attending the Hindu Theological High School.

Referring to Mr. Jacob, the Headmaster of the Christian College School, the speaker stated. "We must also tell him that the pupils will not be sent to his school and prevent Hindi being introduced into that school. We must make him say that he will not agree to introduce Hindi in his school. If you want to save the life of Jagadeesh, you must see that the education of our children is not spoilt by Hindi. It is clear that the present day slavish Tamilians are unfit for anything.

For the last fifty years the Tamil Nad did not produce any eminent warrior.

Referring to the probable death of Stalin Jagadeesh, the speaker said. "He is going to die. If you want to prevent this, you must start work now, and your first duty is to prevent children going to school. The next duty is that you should come to Theagaroyanagar for setting fire to the corpse. You must work with the intention of getting success in our efforts, so as to keep him (Mr. Jagadeesh) with us alive, so that, he may also enjoy the fruit of the success."

Witness, at this stage, said:

That is what he (the accused) means.

The Prosecuting Inspector:

We are not concerned with what he meant. We are only concerned with what he said.

Cross-examination of the witness by the Counsel for the accused was reserved.

Mr. Swaminatha Sastri, another Shorthand Sub-Inspector said he attended a meeting held under the auspices of the Anti-Hindi Propaganda League in Sivagnanam Park on 8-5-38. The second accused spoke at that meeting.

The speech recorded in short-

hand and along with the Tamil transcription was filed in the Court.

The following is the English rendering of the speech said to have been delivered by the accused:

"Mr. Stalin Jagadeesh is a man of Tiruvarur. A

comrade has written to me

that he is coming to Theyagaroyanagar to give up his

life. I said this need not be

done. Is it not enough if

picketing is done? If picketing is done, the present insolvent Government have no

money. They have sent

away those who committed

murders and thefts from

prison for the reason that

they have no money to feed

them. Therefore, if we

picket, they will not send us

to jail. If you are truthful,

go to the parents of pupils

and ask them to get rid of

Hindi and tell them that if

Hindi is introduced into the

schools, they should not send

their children to the schools.

After that, we shall see if

the Theological High School

can get on. Chettiar, it

must be said, should refuse

to give any rice. You must

tell them that obstruction

would be caused to their

trade.

The Prosecuting Inspector,

after reading the marked for-

tions of the speech) in Tamil said:—The accused finished his speech in English which runs thus:

"If you do not do this, you should all come to Theyagaroyanagar and attend this Stalin Jagadeesh's funeral. He is only living in my house, and I know that he is going to die. You will bring also Brahmins. They can receive "Seruppu", "Thadi Kambam" and "Thanam," (alms):

Witness next stated that the audience was five hundred strong and listened to the speech with attention.

Counsel for the accused submitted then to the Court that the accused meant when he said "Seruppu", "Thadi Kombu" and "Thanam" only funeral gifts.

Continuing, the witness deposited that he had also attended a meeting held at Moolakothalam on 18-5-38, at which A 3, Swami Shanmugananda spoke. The shorthand notes of the speech and the transcription in Tamil were filed in the court by the witness. Witness also stated that he saw A-2 at that meeting.

The Tamil speech alleged to have been delivered by Swami Shanmugananda at that meeting was read by the Prosecuting Inspector. and the following is the English rendering of the same:

"If I see Rajagopalachari before me, I will rip his throat. If Tamilians are to prosper and if Mr. Stalin is to remain alive, the proposal to introduce compulsory Hindi should be dropped. Otherwise, Mr. Jagadeesh will have to die. If all these Tamilians will it, we can destroy Rajagopalachari's body and his progeny. We are going to conduct this meeting in front of Mr. Rajagopalachari's house also. Tamilians cannot prosper unless Mr. Rajagopalachari's rule is got rid of. We shall trample under our feet the person who does not respect us. Mr. Rajagopalachari is a very evil minded person. I know to which persons the Congress leaders are born. Tamils should be prepared for adopting both the methods. If Mr. Rajagopalachari honourably drops the proposal, all will be well. Otherwise, some among the Tamilians should be prepared to perish. It is stated in Bhagavat Gita that you can kill a person who comes to kill you. You, Tamils, should render full help. Mr. Rajagopalachari has lacerated my heart. I do not wish to say what will happen if Mr. Jagadeesh's life is in any way endangered. What will happen will certainly happen."

Witness stated that the audience numbered about a hundred. They listened to the speech with attention. There were cries of "shame" in the middle.

Cross-examination of this witness by the Counsel for the accused was reserved.

The Prosecuting Inspector, at this stage, represented to the court that Mr. Nayagam's speech had not been transcribed, and that he would file it, if necessary on another date.

Some more witnesses yet remain to be examined, and His Worship posted the case to Monday, July 18.

Mr. S. G. Rangaramanujam, assisted by Messrs. S. V. Rajan and Mungeswaran, appeared for the accused, and Mr. Manickam Pillai, assisted by Inspector Arunagiri Mudaliar, conducted the case for the prosecution.