

ANTI-HINDI TRIALS

MR. K. M. BALASUBRAMANIAM DEFENDS HIMSELF

CHARGE OF ABETMENT OF OFFENCE UNDER SEC. 7-I-A OF CRIMINAL LAW AMENDMENT ACT

Madras, July, 23.

The hearing of the case against Mr. K. M. Balasubramaniam, B.A., B.L., for abetment of picketing before the Premier's house was resumed on Monday last (July 18) by Mr. Kunnikrishna Nair, Acting Chief Presidency Magistrate, Egmore.

Mr. R. Venkatachalam Iyer, Shorthand Sub-Inspector, examined for the prosecution, deposed that he attended a meeting held in Spur Tank on 11-6-38. The meeting was attended by about thousand persons and the accused spoke at that meeting.

The Tamil transcription of the accused's speech recorded in shorthand by the witness was filed in the Court.

Some of the portions of the speech marked as offensive were read out by the Prosecuting Inspector in the Court. The following is the English rendering of the speech delivered by the accused in Tamil:—

"It may be said that that Rakshasha's mind has not been moved by Mahatma Stalin Jagadeesh's fast. Elathu Sivananda Adigal has been imprisoned to-day. They have snatched away the planks at Mambalam. There is no place for volunteers to board and lodge. As I expected and as others expected, volunteers did not come forward. Volunteers have not properly come to do work. My last request to this meeting is that the Madras Presidency has paled into significance. I am asking whether you are going to prove that Madras will not be fit to be headquarters, or start the war from to-morrow. Mr. Annadorai might roar. He may be ready to go to jail. Even though there may be no leader, members of the Adi-Dravida Community and Muslim community of sensitive Madras must conduct this movement. I ask when to start work, if we are to speak. We are going to show that we are ready to sacrifice for our Tamil mother? We are waiting for the fortune of being arrested this minute or next. If you have really come here with a genuine feeling, you must come forward for action. Do not think that Satyagraha is the only weapon in this war. Whatever weapon is to be used, it shall be used. Every kind of weapon could be used in a war. Help with money. Financial condition of the Anti-Hindi Propaganda League is not good, and I request you further to say that the time for speech is over, and that there is no use of speech. Action has to be undertaken. Are you going to overthrow this Congress reign or show that you are retreating like cowards, I ask? One Sarvadhikari has gone in and come out. Another has gone in. He will not come out. Hundreds of youths are required. Those youths who go and apologise need not come. You must have the courage, You who have assembled should come and join to-morrow, even if there is no "Sarvadhikari" by name. This "War" must continue daily. After seeing the statement of Mr. Rajagopalachari, ten persons as volunteers should come here

There was no cross-examination of this witness. The Prosecution has closed its case and His Worship adjourned the case for further hearing to Wednesday, July, 20.

WEDNESDAY'S PROCEEDINGS

Mr. K. M. Balasubramaniam's Statement

The following is the statement filed on July 20th by Mr. K. M. Balasubramaniam, B.A., B.L., Advocate, at the resumed hearing of the case against him for abetment of picketing before the Premier's house.

"The accused most respectfully begs to raise the following objections against the framing of the charge in the case.

1. "The charge sheet states that the first offence is under Section 7 (1-A), of the Criminal Law Amendment of 1932, read with the Act of 1935. The 1935 Act has been repealed and so the Act of 1932 cannot be read with the repealed Act, and so the Criminal Law Amendment Act of 1932 is not now in force.

2. Section (7) of the Criminal Law Amendment Act of 1932 has not been validly extended to this province, and Sec. 7 is not in force in this province since the notification of 1932 is not operative.

3. The Act of 1935 is illegal and "Ultra Vires" as it has not been made in accordance with the provisions of the Sec 67 B of the Government of India Act.

4. There cannot be abetment of the crime under the Criminal Law Amendment Act, as it is not an offence as defined in the Penal Code.

5. The charge under Sec. 117 is not valid since there was no abetment of the offence by more than 10 persons at one and the same time.

6. "The offence mentioned in the charge-sheet, having been supported by the evidence tendered by the Prosecution, and therefore, the case has to be rejected, and the accused discharged.

7. "The allegations made by Prosecution witness are not wholly correct and true.

"I crave leave to raise other objections as well."

Reply To Charge Of Intimidation

In filing the statement, Mr. K. M. Balasubramaniam represented to the Court that with reference to the Hindi teachers, he had been charged with the commission of an offence which was described in the charge-sheet as intimidation. Intimidation was not defined in the Criminal Law Amendment Act. They should look into the Penal Code for a definition of that word. Intimidation meant threatening of a person to abstain from doing a thing which he has got a right to do without injuring the reputation or a person or property. As such, he submitted that intimidation was not at all proved anywhere by the Prosecution.

"The worst that has been made out against me," Mr. Balasubramaniam continued, "is that I preached the social boycott of Hindi teachers. The Hindi teachers, I submit, were not entities in existence at the time when I made speeches referred to by the Prosecution, and they did not vest in person a right to do a thing. Even granting that I have preached social boycott, I have committed no offence, because, it has been very clearly laid down in the 'Madras Weekly Notes of 1932'.

that preaching social boycott did not amount to any offence at all.

"As for the second charge of abetment, what I have preached was a request to Hindi teachers to abstain from teaching Hindi, and to the students to abstain from going to schools where Hindi is taught, and to the parents to abstain from sending their children to schools. This is not an offence under the Criminal Law Amendment Act as it requires loitering and shouting out, which I have never asked them to do. Therefore, I have not abetted an offence under Section 7, 1-A, Criminal Law Amendment Act.

Therefore, I submit that the Court should discharge me since there is no material for framing a charge.

Prosecution's Statement

Mr. Manickam Pillai, Prosecuting Inspector, said: "Your Worship is not going to be guided by what the Police have written in what is called the charge-sheet. Your Worship has got the evidence of the Prosecution before you to find out what offence or offences the accused is said to have committed. First of all, the accused said that the picketing in front of the schools is the only one that he had advocated and that he simply asked the people not to send students to schools where Hindi is taught and the students not to learn the language. The charge was under Sec. 117 I.P.C. The evidence that has been adduced is to prove that the accused advocated picketing and loitering in front of the Premier's house with the intention of causing him to cause the cancellation of the Order introducing Hindi. If that charge is substantiated by the evidence, Your Worship can frame a charge under Sec. 117. If Your Worship finds that the exhibits filed do not warrant such a charge, then of course, the Prosecution is out of Court."

His Worship adjourned the case for further hearing to the following day.

THURSDAY'S PROCEEDINGS

Text Of The Charge

Asked by the Court, whether Mr. K. M. Balasubramaniam has to say anything at the resumed hearing of the case against him on Thursday afternoon, (July, 21) he said:—

"I admit having made speeches reported by the Prosecution, except for certain passages, which are incorrectly reported.

"I did not use certain words therein with a view to instigating the people to loiter and fast in front of the Premier's house or schools. What I preached was, that I requested them to peacefully go and persuade the persons concerned to drop the measure."

The following is the text of the charge framed against Mr. Balasubramaniam:—

"That you addressed meetings organised by the association known as 'Anti-Hindi League' and at such meetings, you made speeches in which you instigated the public, generally consisting of Tamilians, Muslims and Adi-Dravidas, exceeding ten persons, to resort to fasting and loitering in front of the house of the Premier of Madras, as well as in front of schools in which Hindi is taught, with intent to cause the said Premier to abstain from carrying out, as he has a right to do, the Order issued by the Government of Madras for the compulsory teaching of Hindi in Forms I to III in certain schools of the Province.

"That you abetted the commission of an offence under Sec 7, 1-A of the Criminal Law Amendment Act of 1932 by the public generally consisting of Tamilians, Muslims and Adi-Dravidas exceeding ten persons, and thereby committed an offence punishable under Sec. 117, I. P. C."

The accused pleaded 'Not Guilty' to the charge, and His Worship adjourned the case to July, 27 and 28 for cross examination of witnesses.

Mr. K. M. Balasubramaniam

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Shanmugananda delivered on that occasion:—

"From the time we started this Anti-Hindi movement, we convened conferences and protest meetings, and warned Rajagopalachari many times. He not only slighted them but also addressed us as fools and monkeys. So, the time has come to teach a proper lesson to Achari. You must now come forward to extinguish this Aryan gang.

"Oh! Tamilians! All Tamilians may have to start for war. If Tamilians are united, no reign can destroy them. You have heard that Ponnuswami, who was fasting in front of Achariar's house has been forcibly removed by the Police. It seems last night the two sons of Rajagopalachari mocked some others and said that Ponnuswami was a lunatic and that he would be sent to the Lunatic Asylum or jail. If one, belonging to the Brahmingang could do this, and if we tolerate this, I ask you if your heart is of stone or iron. War has commenced now. A life is about to end. We should not waste our precious time. Soon after this conference, we all must go in a crowd to the Premier's house to-morrow and start our war. Even if you are charged with lathis, we must show our body and say that we will bury this Aryan gang and perform obsequies for them.

Appeal to Muslims and Adi-

Dravidas

"Oh! Muslim Brothers! You must stand shoulder to shoulder and join us in this war. Adi-Dravidas also should come forward to remedy the evils that have befallen us. Let this Hindi propaganda be left aside. The question now is, 'Are the Tamilians to live or die.' Now, the war has begun between Tamilians and Brahmins. Letters are being received from Bangalore offering volunteers should help us? Achariar's reign has become unbearable.

"You must go to the minister's house to-morrow and offer satyagraha. Go in hundreds. Let them assault and jail us we shall not retreat.

"To prove that he possesses the venom of cobra, he is wearing blue glasses. He is a big cheat. But, we are not afraid of you (C.R.) We have all joined in this war. If the Madathipathis and Sanyasins do not come in and work for us at this juncture, you should also beat them blue. Rajagopalachari is of a 'bonda' selling caste. To-morrow, you must go in front of his house and shake the walls of his house by your voice. This is my request. Even if Jagadeesan and Ponnuswami die, he will not be moved. He will be afraid of violence only. But you need not now resort to violence. If he is not moveable to Satyagraha, there are 'Sama, Thana, Betha, Dhandam'. We shall see.

There is no use of meeting hereafter. You must come to the war camp without fail to-morrow. You must start saying that you would return only victorious, and if not, you die."

Further hearing of the case was adjourned to Monday July 25.