

# ANTI-HINDI TRIALS

## MR. S. G. RANGARAMANUJAM'S ARGUMENTS

### Swami Arunagirinathar Sentenced To One Year's R. I.

### MAGISTRATE REFUSES TO SANCTION SPECIAL DIET TO ELATHU SWAMIGAL, UNDERGOING TREATMENT IN HOSPITAL

Madras, July 9.

The case against Swami Arunagirinathar for alleged incitement of the people to stage a satyagraha opposite the Premier's house in Bazlullah Road, Theyagaroyanagar with a view to compelling the Premier to have the Government Order relating to the introduction of Hindi in schools, cancelled, in the course of his speeches made on three different occasions, came up for further hearing on Monday last before Mr. B. Madhava Rao, Acting Third Presidency Magistrate, Egmore.

Mr. Kesava Menon, Sub-Inspector, Intelligence Department, cross-examined by Mr. S. G. Rangaramanujam, Counsel for the accused, said that the songs sung by the accused related to Anti-Hindi propaganda. Witness did not know the meaning of "Satyagraha". He also did not know whether it meant disobedience of law.

Mr. Gopal Rao, another Sub-Inspector, cross-examined, stated that the agitation was Anti-Hindi, because, it was advertised so. "Thandam" meant force. Satyagraha might be called struggle. The word "Satyagraha" had nothing to do with violence, force or coercion in the real sense of the term.

Mr. Rangaramanujam observed that the words seemed to have changed their meaning and had become obnoxious to-day.

The Magistrate, at this stage, said that he would let off the accused if he would give an undertaking that he would not disobey the law.

The accused said that he had no intention of breaking the law at all.

On some reconsideration, the Magistrate said that the accused must also give an undertaking that he would not associate himself with the Anti-Hindi propaganda.

The accused did not want to give an undertaking as required by the Court.

The court rose for the day, and His Worship adjourned the case to the day following for hearing arguments.

Mr. S. G. Ranga Ramanujam Counsel for the accused, said that the offence with which the accused was charged was that he abetted the commission of offence under Sec. 7. (1-A) of the Criminal Law Amendment Act. What the Prosecution stated, with reference to the nature of the offence, was that the accused made certain speeches on three occasions; i.e., on 10th 13th and 14th of June last, and that on all these occasions, the accused called for volunteers to offer Satyagraha and to sacrifice their wealth and property and to lend their service to the Movement. Unfortunately, they do not have any official translator for the purpose of giving a correct translation of the speeches delivered by the accused in Tamil. The prosecution contended itself with putting shorthand reporters in the box and making them read out certain words and portions of the speeches delivered on three occasions. The shorthand reporters were not in a position to answer any one of our questions. They satisfied themselves with saying that they were not translators and they were only shorthand reporters. In any important case of this

nature, a correct interpretation of the words and speeches was necessary. The words left by themselves were meaningless. But they were magnified in this case by the prosecution. For instance, the word, "PORE" (புர) was made much of by the prosecution witness to mean, in fact, a war: The prosecution witnesses were very much accustomed to the usage of English words, as was evident by their inability to understand the actual meaning of Tamil words. For instance, when the word "Satyagraha" was put before the prosecution witnesses, they were not able to give its correct meaning. The word "picketing" was so much in their minds. They at once said that Satyagraha was picketing. When the word "PORE" was put before them they said that it meant "War". They were expected to place before the Court the portions of the speeches that came within the purview of the Section, under which the accused was charged.

Counsel then read the portions of the speeches delivered by the accused and marked by the prosecution as offensive. They run thus:—"People are called upon to offer satyagraha and go to Jail".

The Court:—If it is merely Satyagraha, why do you incite people to go to Jail?

Counsel for the accused:—It is not inciting people to go to Jail.

The Court:—"Offer satyagraha and go to jail". I want to know what is the idea behind it.

Counsel for the accused:—If need be, people must be prepared to go to jail.

The Court:—Why ask people to go to jail?

Counsel:—The speech was made on the 13th June. The first offence in connection with the Anti-Hindi propaganda was committed on June 1. The person who committed the offence was arrested by that time, and many were arrested later. The accused had in his view then who were arrested for offering satyagraha at the time when he expressed that they should be prepared to go to jail. This could be clearly seen from the speech before the Court, which stated:—

Because, we are now engaged in a fight for the establishment or protection of our own language, which is sought to be dethroned by the introduction of compulsory Hindi, we must be even prepared to go to jail. There was nothing in the speech as the Court could see that could be interpreted as incitement of the people at all. For the succeeding sentence of the speech was that they never had an idea of transgressing the limits of the law. Further the accused stated, in the course of his speech, that they knew, the moment they picketed, they would be arrested. After all what the accused meant when he said that, was that they shall be prepared to go to jail for fighting for a righteous cause.

"Your Honour" knows, continued the Counsel, "that in the history of human progress, how many persons had suffered for no crimes of their own. People had been sent to jail for the sake of their religion. The history of Christianity would show how the Catholics were persecuted

for their defending the principles of their religion. I have referred to it to show that the speech referred to does not constitute an offence. The accused clearly stated that they were true lovers of Tamil, that they felt that Tamil was in danger, and he appealed to the audience to offer Satyagraha for the sake of protecting their mother-tongue, and if, in so doing, they had to go to jail, they must be preferred to go to jail. Going to jail may not only be offering satyagraha, but even for causing obstruction of traffic marching in procession without obtaining a license.

From another exhibit filed in the court relating to another speech delivered by the accused, Counsel read thus:—"You must assist the cause by offering your body, property or service for this cause. Those who are willing to become volunteers can raise their hands up, and give their names. In this manner, you should render you assistance to uphold the dignity of the Tamil language." The next sentence, Counsel said, took away whatever sting or instigation there was in the previous sentence. When the accused finishes the speech he makes a peroration.

Exhibit H 3 (last portion marked) was referred to by the prosecution as inciting the people. Because the speaker was disappointed at the result of the appeal he had made for volunteers to join, the accused says:—"I am so thoroughly disappointed, and my heart burns. Yet, I appeal to you to offer assistance to this movement."

Counsel asked by what stretch of imagination any one could say that there was incitement of the people. If there really was any incitement of the people, the last sentence contradicted whatever he had stated in his previous sentences. It was an honest confession of the uselessness of his appeal to the people, and I do not think that, that constitutes incitement of people.

Exhibit F., another portion of the speech made on 14th June, runs thus:—"If you are true Tamilians at least a hundred of you should come forward to offer satyagraha." The Counsel said that it did not amount to committing an offence, and much less an offence under Sec. 7. (1-A) of the Criminal Law Amendment Act. Nothing of violence, nor intimidation nor loitering, nor anything of the kind was found in his speech, except an appeal to the volunteers to come forward. With regard to the word "Por," I would like to call it a struggle, fight or conflict, and not "war" as used by the prosecution witnesses. The word "war", is used in many ways. It is also used as a figurative expression. For instance I say, "war against illiteracy." "War on disease." It should not be understood that it was a war with armaments. Here is a person who gives expression to a word like "pore." Therefore, he has done something offensive. If that is going to be the line of argument, I can only say that it is unwarranted.

The Court:—What was the intention of the person when he appealed to the public to go to jail?

Counsel for the accused:—My contention is that the whole speech should be taken into account, whereas prosecution must have simply read the whole speech and then marked out some portions of it as offensive.

The accused had further stated:—"We have not done any mistake; we have not committed any murder. We are not going to upset the government. therefore, you should all come to offer satyagraha."

The Prosecuting Inspector:—By going to Jail?

The Counsel:—If need be. Because the police are anxious to send them to jail.

The Prosecuting Inspector:—In the name of satyagraha, persons are sent to jail.

Counsel for the accused:—It is nowhere held that peaceful picketing is an offence. There are even authorities to state that picketing does not amount

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to an offence. If merely two persons are asked to offer satyagraha, my friend should not jump up and say that it is satyagraha. Whether it is satyagraha, whether it is picketing, so long as it is by peaceful means, no offence is committed. Where violent methods are adopted, then it becomes an offence. In this case, people going and offering satyagraha in front of the Premier's house is in no way an offence. I ask where is force, intimidation, violence or coercion? If, tomorrow my friends, the Prosecuting Inspector and others go to the house of the Premier with a view to get promotion and make some representation, is it loitering or picketing? It is nothing short of absurdity. That the accused has asked ten persons to commit an offence should be shown. Has the accused in the whole of his speech asked anything to be done except offering satyagraha? He has clearly stated that he has not committed any offence, but is only fighting for a righteous cause. The accused further says, "I am not a politician and I have nothing to gain."

The Prosecuting Inspector:—How do you assert it?

Counsel for accused:—He is only a "Swamiyar."

The Court:—Why should Swamiyars play a prominent part in this movement?

Counsel:—They start from religious leadership and slowly drift into politics. It has been the case everywhere.

The Court:—Can you tell me how it is consistent with peaceful satyagraha. It is for you to explain how they are consistent with what is called peaceful representation. I cannot understand why you should harass the Ministry.

Counsel for the accused:—The Minister does not come into the bargain at all. Where does harassing come? What share of evidence is there that there has been molestation or waylaying or harassing? It is not, in fact, the Minister who feels the annoyance. It is only the Police who feel the annoyance.

The Counsel went on reading another portion of the speech delivered by the accused. The accused had stated:—"We have spoken at meetings. We have asked the Minister to take the sense of the public at large. The Minister is still stubborn. Therefore, we are now driven to the necessity of drawing the attention of the public to this matter." This is not a war against Mr. Rajagopalachariar, this is not a war against Government, but this is a war against language which certain people do not want. That is why the word "war" is used. If I am fighting a language, with what weapon should I fight? It could be clearly understood what he meant when he said that there was one method of fighting by which the Vaishnavites believed they could attain salvation. It is a fight without a sword, or a scabbard. They were only fighting for mere principles. People who are fighting for India, are they not fighting for principles? I ask whether it amounts to a "war". In this case people are fighting against the introduction of Hindi in Tamil Nad. Those who want to introduce Hindi, I would like to call them as "Anti-Tamilians". These Anti-Tamilians are now trying to introduce a language which Tamilians do not want. These Tamilians do not want this language.

The Court:—We are only concerned with one point i.e., whether any unlawful means were adopted or not, whether there was any incitement or whether there was any harassing of the Ministry.

Counsel:—There is no evidence whatsoever about harassing the Ministry much less any incitement of the people.

What Does "Thandam" Mean?

The word "Thandam" which forms part of the backneyer phrase "Sama, Bada Thana"

The Court:—Quite sensible advice!

Council:—That is said to be inciting people!

The Prosecuting Inspector:—We are not concerned either with the merits or demerits of the case.

Counsel:—Reference has been

made to these portions of the speeches as objectionable. Taking the speech as a whole, Your Honour will have to see the effect of the speeches, and whether they were of such a nature as to instigate the commission of an offence. The word "Satyagraha" according to the prosecution is an offence. The author of Satyagraha is Mr. Gandhi. Mr. Gandhi himself refers in his book as to how it was introduced. It was his (Mr. Gandhi's) son who introduced the word. Satyagraha means picketing. The very word is opposed to transgression of law. The very word means that one should not do anything in violation of any law. All that the accused stated was against a language. The word "Satyagrah" according to Mr. Gandhi is holding on to truth. It therefore excludes violence. Therefore, in this case, the accused does not want to punish any one, as could be seen from his speech except themselves by teaching a lesson to the Premier by undertaking a fast. Where then comes the question of "Thandam" i.e., force in the whole of the speech? The Prosecuting Inspector:—If my friend says that there is no offence at all, we are certainly out of court.

Counsel:—To say that Mr. Rajagopalachari should be taught a lesson by Mr. Stalin Jagadeesh's fasting, is it inciting the people? After all it was only a statement of fact that one of their men was going to suffer from self-destruction. The accused goes on to say that they cannot waylay him or molest him, but there is a method by which they can bring him down, and that is by the fasting of one of their own men. The mere mention of the fast undertaken by one of their men does not amount to an offence.

Counsel next read some more portions of the speech marked by the prosecution as offensive, which referred to the discussion by the accused about the disadvantages of the introduction of Compulsory Hindi. They also refer to the volunteers, in their own individual capacity, being ready to offer satyagraha. They (these assembled) should offer their material and moral support to prevent Hindi being made compulsory.

The Court:—Have not the Germans mastered Sanskrit. Well, what is the difficulty about the introduction of Hindi?

Counsel:—That has nothing to do with the case. Let Hindi be introduced by all means. There is no objection to it. But the controversy is with regard to Hindi being made compulsory.

The Court:—I am not aware of that.

Counsel: As for the introduction of Hindi, there is absolutely no objection.

The Court:—Are you speaking on behalf of the league?

Counsel:—No, I learn that from the facts of the case placed in my possession. The objection I learn, is that it should not be made a compulsory subject. The G. O. regarding the introduction of Hindi has not been filed by the Prosecution. Had it been filed, your Honour will know something more about it. But what are we to do? When we ask anything it is not given to us!

The Prosecuting Inspector:—So, it (Hindi) has come.

Counsel:—So it will go.

Continuing counsel stated that reference was made by the accused in the course of his speech to a meeting convened by the Anti-Tamil organisation. The accused has referred to that meeting and explained what people should do. At that meeting, the accused said that they must go in a majority to attend the meeting, because poll was to be taken as to show many against it. He further says:—"Do not exceed the limits of law."

"Satyagraha"

The Court:—Quite sensible advice!

Council:—That is said to be inciting people!

The Prosecuting Inspector:—We are not concerned either with the merits or demerits of the case.

Counsel:—Reference has been

made to these portions of the speeches as objectionable. Taking the speech as a whole, Your Honour will have to see the effect of the speeches, and whether they were of such a nature as to instigate the commission of an offence. The word "Satyagraha" according to the prosecution is an offence. The author of Satyagraha is Mr. Gandhi. Mr. Gandhi himself refers in his book as to how it was introduced. It was his (Mr. Gandhi's) son who introduced the word. Satyagraha means picketing. The very word is opposed to transgression of law. The very word means that one should not do anything in violation of any law. All that the accused stated was against a language. The word "Satyagrah" according to Mr. Gandhi is holding on to truth. It therefore excludes violence. Therefore, in this case, the accused does not want to punish any one, as could be seen from his speech except themselves by teaching a lesson to the Premier by undertaking a fast. Where then comes the question of "Thandam" i.e., force in the whole of the speech? The Prosecuting Inspector:—If my friend says that there is no offence at all, we are certainly out of court.

Counsel:—If my learned friend undertakes to show that starvation in front of the Premier's house is an offence, I have no case at all.

At this stage the clock struck five and the court asked the counsel how much time he would take to complete his argument.

Counsel stated that the question of law and authorities would take some time.

The Court then rose for the day.

WEDNESDAY'S PROCEEDINGS

The Court re-assembling on Wednesday morning, Mr. S. G. Rangaramanujam, Counsel for the accused, continued his argument.

He said in exercise of Sub-Section III of the Section I, Criminal Law Amendment Act, a notification was issued in 1932 which expired in 1935. There being no notification issued after 1935, there could not be any valid convictions under that Section. The G. O. introducing Hindi was not at all filed in the Court. Section of 78 the Evidence Act stated that an official document must be proved. The failure to issue such a notification and the filing of the same in the Court vitiated the whole proceedings.

The accused is charged under Section 117, I.P.C. according to the prosecution, as instigating a person to do something. If the Court holds that there is an instigation, the next point that it should consider is whether the accused had committed an offence under abetment. An offence is defined under Sec. II of the Indian Penal Code as an offence punishable under the Indian Penal Code. Section 40 I.P.C. enlarges the definition of an offence as an offence under a local act or a special law. Therefore, the offence should be either an offence under the I.P.C. or under a local act or a special law. The Criminal Law Amendment Act is not a local Act. A special law is defined under Section 41, I.P.C., as a law relating to ex-

cise, motor vehicles etc..

The Criminal Law Amendment Act is neither a special law nor a local law. It only formed part of a general law. There were also offences under the Penal Code which were not punishable as offences under the Criminal Law Amendment Act. The abetment of an offence under the Criminal Law Amendment Act was not an offence.

At this stage, the Court rose for lunch.

The Court re-assembling after lunch, Mr. Rangaramanujam continuing, said that Sec. 7, 1-A referred to certain acts such as obstruction, intimidation or loitering with intent to cause any person to abstain from doing any act. As a leader of the party in power or as the head

of the Government of the day, the Premier does an act. The act is not his. It is a public act. And the public have a right to protest against it. Where comes the question of harassment or molestation of the Premier, as alleged by the prosecution?

The Court: What is it they wanted to do near the Premier's house? All that the prosecution had done was to show that he (the Premier) has no right to remove Hindi having once introduced it.

The Counsel:—All that the Anti-Hindi agitation aimed at was to compel Mr. Rajagopalachari to withdraw it.

The Court:—What is the charge?

Counsel:—The charge is that the accused desired to coerce the Premier to cancel his G. O.

The Premier has nothing to do in the matter. It is not his individual order. It is a public question. It is in respect of a public question and this section does not apply to the case at present before the court. Whatever else it might be, it is not an offence under Sec. 7, 1-A, Criminal Law Amendment Act.

It is permissible for parties or newspapers to comment or express disapprobation of a certain act, with a view to make the Ministry desist from it, by a lawful means. Not only from the historical necessity of the act itself, but from the wording of the section, it was obvious that it only related to one's personal rights or actions.

The prosecution must show that the passing of the G. O. is a personal right of Mr. Rajagopalachariar. A man got a normal right to do whatever he likes, provided he does not go beyond the limits of law. Taking into consideration the case as a whole, the facts show that the section is not applicable to the offences with which the accused is charged.

Counsel next referred to the songs sung by the accused at the various meetings which he addressed, and marked as offensive by the prosecution. To show that there was nothing offensive in the songs, Counsel cited 18th Bombay, 758, which related to the case of a poet who wrote a few songs in connection with a riot in Bombay between Hindus and Muslims. The songs were written in vernacular. There also the prosecution gave different versions of translation of the songs, just as in the case now before the court. There were also police witnesses in that case. The poem came in at the time when the riot situation was becoming serious. The police thought that the poem was responsible for the riot becoming serious, as it injured the feelings of the Muslims. Counsel read some portions of the poems written by the poet in connection with the riots and said that the language was stronger and more vehement in language than the songs sung by the accused in this case. After all, what was said in the songs was only that the introduction of compulsory Hindi was harmful to Tamil literature and the Premier was asked to withdraw the order introducing Hindi. He only requested the people to offer satyagraha. The accused further says that they were not robbers or dacoits, and as such they need not fear. The person who wrote the Bombay poem said that death was certain and that it must come at any time, saying that did not amount to incitement of people to commit murder or dacoity. Here in the case before the court, the whole speech as delivered by the accused did not amount to incitement; it only referred to the relative merits or disadvantages of Hindi being made compulsory.

Calcutta Case Cited

The next case which Counsel cited in support of his contention was that there was no case made out by the prosecution against the accused, was Calcutta 38. The case referred to an article written by Sjt. Arabindo Ghosh in the "Amrita Bazar Patrika",

a Calcutta Newspaper, the manager of which was taken to task. Counsel read some portions of the article. The language of the article was violent and virulent. Here was a speech in which the accused said: "We shall not break the law", hence, we need not fear the law."

The Court:—Perhaps the inspiration is not so strong as that in this case.

Counsel:—The purport of the speech should be taken note of, and not the usage of the words. The Court must also take into consideration the speaker's status, capacity and intelligence. A mere look at the words which the accused has used will show that his whole speech was peaceful and legitimate. The word "Thandam" has been explained by the prosecution witnesses as "force", whereas the speaker himself has clearly explained what is meant by "Thandam". He says that "Thandam" is a self-inflicted punishment to teach a lesson to others. "Thandam" does not amount to physical violence. Some of the prosecution witnesses have interpreted Satyagraha as picketing. The word "Sarvadhikari" has been translated as "Dictator", for there is a dictator in a war. The word "Dictator" if translated, has a sinister meaning much more a venomous one.

Here is a Sanyasi, who, for the sake of his mother tongue, rightly or wrongly, thinks that his language will be affected by the introduction of compulsory Hindi. He is said to have incited the people, an offence under Sec. 7, 1-A Criminal Law Amendment Act. The Sec. 7 1-A. Criminal Law Amendment Act does not apply to Government matters or policies. I only appeal to Your Honour not to lay particular stress on some portions of the speech as a whole. After all, Your Honour will see that no where he has asked anyone to break the law. The only thing that the speaker did was that he asked the volunteers to offer satyagraha in front of the Premier's house, which is not an offence.

The Prosecuting Inspector, replying said that the question to be decided was whether there was intention to coerce the Premier to abstain from doing anything which he has got a right to do." The accused has incited people to loiter in front of his house with intent to cause him to abstain from doing a certain thing. The charge is "with intent only to coerce the Premier to cause the cancellation of the order." The Premier has certainly a personal right not to be forced into cancellation of the order. What had been done now was to coerce the Premier to cause the cancellation. If from the speeches, Your Honour comes to the conclusion that there is no case made out, then the prosecution is out of court. That is so far as the facts of the case are concerned. As regards the Criminal Law Amendment Act not being alive, he would like His Worship to see Sec. 6 of the General Clauses Act. At the time when the 1935 act was repeated, the temporary character of the 1932 Act was existing. As regards the notification, he would request His Worship to see Sec. 24 of the General Clauses Act. The Criminal Law Amendment Act dealt with crimes which one cannot escape from doing.

Concluding, the Prosecuting Inspector said that he had nothing more to reply.

Orders, His Worship said, would be passed on Friday, July 8,

The Court rose for the day.

Sentenced to 1 Year R. I.

Madras, July 9.

His Worship passed orders sentencing Swami Arunagirinathar to one year rigorous imprisonment.

Mr. S. G. Rangaramanujam

assisted by Mr. S. V. Rajan and others appeared for the accused.

CASE AGAINST ELATHU SIVANANDA ADIGAL

Madras July 9.

The case in which Elathu Sivananda Adigal stands charged by the Police under Sec. 7, 1-A Criminal Law Amendment Act and 117, I.P.C. was taken up by Mr. R. Madhava Rao, Acting Third Presidency Magistrate, for further hearing, on Monday last.

Mr. Kesava Menon, Sub-Inspector attached to the Intelligence Department of the Police, examined for the prosecution, deposed that a movement was started by a certain section of the Tamilians for the purpose of coercing the Premier to cancel the Government order introducing Hindi. Meetings were organised, speeches were made, money collected and volunteers were enrolled. The accused, witness said, paid a license fee of Rs. 15 to the Corporation towards the erection of a shed at the Headquarters. It was Mr. C. D. Nayagam's land. A signboard in English and Tamil was displayed in front of the shed. A camp for boarding and lodging of volunteers was also established. There were volunteers in the camp for the purpose of loitering in front of the Premier's house. When one batch was removed by the Police, a fresh batch came out from the headquarters. There was a meeting on May 31 in Theagarayanagar near the shed. The accused attended the meeting and was present there. The accused was seated along with the organisers. Ponnuswami was the prospective person who was to loiter in front of the Premier's house the next morning and to fast unto death till such time the Government cancelled the order. The accused was subscribing himself as "Sarvadhikari", and was in charge of the camp and its affairs. The next day, on June, at about 10-20 a.m., a procession started from the camp. The accused was found in the procession. Palladam Ponnuswami was leading the procession shouting Anti-Hindi slogans such as "Down with Hindi" and "Let Tamil thrive" and was also singing a song in chorus denouncing Hindi. About twenty-five persons formed the procession. The procession went to Bazulullah Road and stopped in front of No. 45, Bazulullah Road, (the Premier's residence). Ponnuswami was kept there. A placard with Anti-Hindi slogans was placed. There was a crowd at the place where Ponnuswami stood. An announcement was made by one Elangovan, Publicity Officer, that Ponnuswami would fast in front of the Premier's house on June 1. The accused was present at the meeting held in Nun gambakam Lake grounds. An appeal was made by the speaker for enrolment of volunteers for the purpose of loitering near the Premier's house. The accused was found sitting at the meeting with a paper and pencil. The prospective volunteers were requested to give their names to the accused. One N.P. Raju of Tanjore District gave his name. The accused read his name. Witness was standing at a distance of about 20 feet away from the speaker. N. P. Raju and Kandaswami came and loitered near the Premier's house, and both of them were convicted later. The accused was arrested at the Headquarters on 11-6-38. The volunteers made an ovation and nominated Swami Arunagirinathar as the accused's successor. The accused next gave instructions to Swami Arunagirinathar to send telegrams to Mr. E. V. Ramaswami Naicker of Erode and to Karur about his arrest. Then the accused instructed them to carry on the work as usual. Immediately, Swami Arunagirinathar, the successor to the accused assumed Charge of the volunteers and asked two volunteers to take their food and loiter near the Premier's house. One of them was Chidambaramanathan of

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Chidambaram. He was arrested on 18th June and was convicted.

The Counsel for the accused said that the accused had nothing to do with the conviction of other persons. He submitted to the Court that that was not relevant.

The Prosecution Inspector said that he referred to the conviction of the person, because there was a letter written by him (the convicted person) to the accused, which, he said, would be proved later.

Letters received by the accused, addressed to Mr. C. D. Nayagam's residence were filed before the Court. Witness knew the accused's handwriting. An unfinished letter written by the accused to Mr. K. A. P. Viswanadham of Trichinopoly on May 24 was also filed in the court and the letter related to the collection of funds.

The Prosecuting Inspector next filed a copy of "Viduthalai" of 8-6-38 where in an article alleged to have been written by Swami Sivananda, as Sarvadhikari, was filed.

Further hearing of the case was adjourned to Thursday, July 7.

At the resumed hearing of the case against Elathu Sivananda Adigal on Thursday the examination-in-chief of Mr. Kesava Menon, Sub-Inspector, Intelligence Section of the Madras City Police, was proceeded with.

The Prosecuting Inspector:—Have you got a cutting of the "Viduthalai" of 7-6-38? I told you not so send it. What a curious sort of people you are? I want to file it in connection with the announcement of the readiness of a girl named Andal of Chidambaram to go over to Madras and join the Anti-Hindi propaganda. Among the letters seized at Mr. C. D. Nayagam's house, one contained that announcement along with the covering letter identified as a letter addressed to the accused.

The Prosecuting Inspector:—next filed a letter addressed by Andal to Elathu Sivananda Adigal. The letter which the Prosecuting Inspector read before the court stated that the girl saw the accused's appeal in "Kudi Arasu". The covering letter was written by one Nelliappa Nadar. In connection with this matter, there is a complaint of kidnapping the girl in the Chidambaram Police Station. That complaint was made by the father of the girl.

Witness:—That girl came to Madras on 11-6-38 and went to Mr. Sivaraj's residence.....

The Prosecuting Inspector:—Look at your diary and then say.

Witness:—I mean, to Mr. C.D. Nayagam's house. She then went to Mr. Sivaraj's house and stayed there. She was present at a meeting of the Anti-Hindi propaganda on 12-6-38. He did not remember whether the accused was present. He had information that the girl and Nelliappa Nadar had been traced in Chidambaram and the case was now pending.

Cross examined by Mr. J. S. Athnasilus, Counsel for the accused, witness stated that he had seen a copy of the Government Order introducing compulsory Hindi. He was one among the audience at a meeting attended by about 400 persons held in Theagaroyanagar. The meeting lasted from 6-30 p.m. to 9-30 p.m. Those that addressed the gathering were Sir K. V. Reddy, Mr. E. V. Ramaswamy Naicker, Mr. C. D. Nayagam and others. The accused was seated along with the other organisers viz. Mr. C. D. Nayagam, Swami Arunagirinathar and Mr. E.V. Ramaswami Naicker.

Counsel:—Where did you get the information that they were the organisers,

Witness: My information is privileged.

There were about twentyfive persons in the procession and the accused was among them. There were other leaders and they were Swami Arunagiri Nathar and Ponnuswami. The accused was distributing pamphlets. He did not know the whole song sung by the processionists nor could he repeat the

same. He could repeat some portions of the song. There was another meeting held at Nungambakam which was attended by about three hundred persons. There were about three or four speakers. The accused was one of the audience who listened to the speeches. The accused was seated along with the president. Some of the audience were sitting and some standing. Witness was standing to the left of the meeting.

Mr. Aravamuda Iyengar, Shorthand Sub-Inspector, examined next, stated that the accused delivered a speech at a meeting held in the compound adjacent to Mr. S. P. Jayaram Nadar's house in Kalmandapam on June 9. Witness next read out some portions of the speech delivered by the accused, marked as offensive.

Cross-examined, witness said that he could not say definitely that there were present at the meeting all classes and communities.

Mr. Swaminatha Sastri, another Shorthand Sub-Inspector, examined, stated that he attended a meeting on May 18 at Mulakothalam, near Basin Bridge, at which the accused was present, and Swami Shanmugananda presided.

Witness, continuing, stated that he had recorded the introductory speech made by the accused at a meeting on 18th May. The chairman did not make his concluding remarks, as it was late in the night.

Karamchand, a Head-Constable attached to the Intelligence Section of the Police, and Krishna Singh, a Constable, were examined next.

The Prosecuting Inspector then stated that there remained some more witnesses to be examined for the prosecution, and as such, he requested the Court to adjourn the case to Monday next.

Counsel for the accused submitted to the Court that the accused was recently discharged from the Penitentiary Hospital, where he was undergoing treatment. He was very weak, and it was requested that he be given diet under special class.

The Court wanted to know what the status of the accused was.

### Status Of Elathu Swamigal

Counsel stated that he was a graduate and a president of the Tamil Sangham, as also the Editor of a journal known as "Tamil Selvi".

The Prosecuting Inspector:—“If Your Worship wants to know the status of the accused. Your Worship can call for a police report from Karur.

Counsel stated that it would take some time more to get the report, and further said that His Worship should not be influenced by the Prosecution.

The Court asked as to what the special class was, and said he was prepared to enlarge the accused on bail.

Counsel submitted that it was not the desire of the accused to be enlarged on bail, but they were advising him to get sureties for him.

The Prosecuting Inspector:—Kindly advise him to do many things: His intelligence is absolutely wasted. Do advise him in the proper way.

The counsel motioned the accused who was sitting, to stand, and requested the Court to see him (the accused) and his state.

The Prosecuting Inspector:—What is this demonstration? They very same thing is being done with regard to Mr. Stalin Jagadeesh who is taken to the meetings.

The Court:—There seems to be a big movement in which people are being sent to jail, and yet there are not people to come forward to help one of them.

The Prosecuting Inspector asked where was the defence for this poor man.

Counsel stated that the accused was being defended in a way. Counsel continued, saying that if persons like Mr. Satyamurthi and Ananthachari of the Corporation Cheque Fraud Case were being given special diet, he saw no reason why the accused who was in no way of inferior status than



A scene from "Kudi Arasu"

## A REFORMED MARRIAGE

Madras, July 9.

Mr. K. Sivagnanam, son of Mr. M. Kuppaswami, was married to Miss Krishnammal, daughter of Mr. Dharmalingam on Sunday the 3rd inst at No. 3-127, Mount Road, Thousand Lights. A large gathering of friends and relatives was present at the marriage, which was conducted on Self-Respect lines by Mr. T. A. V. Nathan. Mr. P. Balasubramania Mudaliar and others spoke on the importance of avoiding unnecessary expenditure on marriages and blessed the married couple.

In the evening there was a music party.

## AN INTER-CASTE MARRIAGE

Madras, July 9.

Srimati S. Rajya Lakshmi, B. A., daughter of Mr. S. Ramanujam Chetti, was married to Mr. Bepin Chandra Bhattacharji, a Bengalee, yesterday at 63, Harris Road, Pudupet, Madras. The marriage was conducted on Brahma Samaj lines by Rao Bahadur M. Venkatappa. A large number of friends and relatives attended the function.

## A WEDDING

Madras, July 8.

The wedding of Mr. T. E. Gopalaratnam B. A., son of the late Mr. T. Ethiraja Mudaliar B. A., B. L. Advocate, Madras, with Sow. Neelambikai Ammal, daughter of Mr. A. K. Murugesu Mudaliar, contractor, K. G. F. took place at Robertsonpet. K. G. F. on Sunday, 3rd July 1938. The bride and the bridegroom were the recipients of numerous presents and congratulations.

## OBITUARY

### Mr. C. K. Govindarajan

Madras, July 9.

We regret to report the death of Mr. C. K. Govindarajan, son of the late Mr. C. Krishnaswami Mudaliar, on the 5th inst. at Egmore. He was Secretary of the Non-Brahmin Association, for a year, and was elected its Vice-President for the current year. He was 31 years old. He leaves behind him his wife, a daughter and two sons and a large circle of friends to bemoan his loss.

the former should not be given special diet.

His Worship after referring to the Jail Manual, said that only people accustomed to a comfortable mode of living are eligible for special diet and instanced the case of the late Pandit Motilal Nehru.

Counsel said that though the accused could not be compared to Pandit Nehru, yet he was a man of some status, and required to be given some consideration.

His Worship refused to sanction special diet for the accused and posted the case to Monday next for further hearing.

Messrs. J. S. Athnasilus and Allah Pitchai appeared for the accused, while Mr. Manickam Pillai assisted by Inspector Arunagiri Mudaliar, conducted the prosecution.