

CASE AGAINST MR. MUTHUKUMARA-SWAMI PAVALAR

Madras, Oct. 27.

Hearing was resumed on Wednesday last (27-10-38) of the case in which Mr. M. N. Muthukumara-Swami Paivalar of Nelli-kuppam stands charged by the Police under Sections 153 (A) (Class hatred), and 505 (C) I.P.C., (inciting any community to commit offence against another community) by Mr. Abbas Ali, Chief Presidency Magistrate, Egmore.

When the case was taken and the name of the accused was called out, Mr. Allah Pitchai, Counsel for Mr. Paivalar submitted that he had gone out to take lunch.

The Magistrate said that he would remand the accused to custody, for his not being present in the court.

The examination of the defence witnesses was then proceeded with by the Counsel, for the accused.

Mr. Muniswami examined first said that he was the headman of the village. He had been appointed as the headman of the Adi-Dravida of the Thousand Lights locality. The meeting held there was organised by people of the locality. It was held on Aug. 10 last. Witness was present there, when the accused spoke. There were no Muslims among the audience. The accused showed a letter, while he was making the speech. The accused did not abuse Brahmins. Witness was present throughout the meeting. People did not shout "maro, maro". After the lecture of the accused, they did not get excited or disgusted at the Brahmins. Mr. C. Basudev presided over that meeting. Among those who spoke at that meeting were Mrs. Meenambal Sivaraj and others. Soon after the speech of Mrs. Sivaraj, people were coming and going. There was no toddy shop nearby.

Cross-examined by Mr. T. S. Anantharaman, Crown Prosecutor, witness said that the accused spoke on "Hindi" affair. The accused said at the meeting that there was no use of the boys learning Hindi. There was some use in learning English. The accused also spoke of a letter, which he said was written damaging against the Tamil girls. The accused did not speak anything against the Brahmins. He did not remember of having heard the speaker abusing the Brahmins. The speaker spoke for about 15 minutes. Witness was able to hear what all the speaker said, and he (accused) never said a word against the Brahmins. After the speech of the accused, witness had stomach ache and so he left the place.

The Magistrate, intervening, said: After the accused's speech, you (witness) said that no one got disgusted. But, how did you get stomach ache?

Witness said that he was sitting at the meeting for a long time and therefore had stomach ache. Continuing, witness said that four persons spoke. Mr. C. Basudev, Mr. Swaminathan, Mrs. Meenambal Sivaraj and then Mr. Muthukumara-Swami Paivalar. Witness had not seen the accused before, nor did he know him. He had organised the meeting at the instance of the public of the village. He did not organise the meeting of his own accord, and said that as headman of the

village, he could not do anything as he liked. He knew Mr. Basudev as a Member of the Legislative Council. Mr. Basudev spoke in English and his speech was translated into Tamil. A man with a beard translated the chairman's speech.

Crown Prosecutor: Does Mr. Basudev know how to speak in Tamil?

The Magistrate: He is a Telugu man.

The Magistrate: Did the accused speak anything against the Brahmins? Did he speak of the "Kailas" story?

Witness: He did not.

Crown Prosecutor: What did Swaminathan speak?

Witness: He spoke fastly and we could not follow.

Q. What did Mrs. Meenambal Sivaraj speak.

A. She spoke about "Hindi".

Re-examined by the Counsel for the accused, witness said that the accused told the audience that the letter which he had in his hand would have been written by a person who knew something of "Tholkappium".

Mrs. Meenambal Sivaraj was examined next. She said that she was a Honorary Magistrate. Her husband was a member of the Central Assembly. He was also elected as a Councillor to the Corporation of Madras.

Q.—You are being treated by the people as one of the leaders of the Anti-Hindi agitation?

A.—How can I say. I think that the anti-Hindi leaguers regard me as one of their leaders. So far as her community is concerned, she is considered as one of their leaders.

Witness then said that she had delivered speeches in connection with the anti-Hindi meetings, which were countless in number. She attended a meeting held in Thousand Lights under the presidency of Mr. C. Basudev on Aug. 10 last. She was present when the accused spoke. At the time when the accused spoke, he had a letter. It was a letter addressed to her, but received by the accused. She saw the letter only at the meeting. The letter was shown to her at the meeting. The accused would not show it to her at first, but she insisted.

The Magistrate:—There is nothing in that letter.....

Counsel:—There are serious allegations contained in it. I shall show you.

Continuing, witness said that the accused did not abuse the Brahmins as a whole, but abused the man who wrote the letter in particular. She was present throughout the meeting. She heard people exclaiming: "Who is it, who is that coward" when the letter was read by the accused.

Cross-examined by the Crown Prosecutor, witness said she remembered of the accused having spoken about "Hindi". She could not exactly remember now what he spoke. But, he spoke about the letter. The accused speaking on the letter, said that women who came to work, they wrote anonymous abusive letters. The accused might have spoken for about 15 min:ts.

To a question whether the accused told her as to who wrote the letter to her, she said that the letter bore no signature. The accused did not know who was the author of the letter. The accused abused the person who ever he was who wrote the letter. He (accused) never said that it was a Brahmin who wrote the letter. Witness knew the accused ever since the anti-Hindi agitation began. She had not known the accused before the agitation against Hindi began. The accused came to her house before to

see her husband in connection with the publication of a paper which he was running. She had come across the accused only after the anti-Hindi movement. The accused was arrested in her house in connection with the case. The accused used to come and stay with us occasionally after anti-Hindi movement began. Mr. C. Basudev presided over the meeting. He spoke. She also spoke. Mr. Balasundaram, and one Mr. Swami also spoke.

To a question whether she remembered of having been told the story of "Kailas" at that meeting, witness said that the accused used to narrate stories at every meeting. Therefore, she could not remember the story spoken of by the accused.

Further hearing of the case was then adjourned to Saturday Oct. 29th.

FURTHER EXAMINATION OF WITNESSES.

Madras, Oct. 30.

Four more witnesses were examined for the defence at the resumed hearing of the case against Mr. M. N. M. Paivalar of Nelli-kuppam on Saturday last (29-10-38) before Mr. Abbas Ali, Chief Presidency Magistrate, Egmore.

When the case was taken up for hearing the following statement was field by the accused.

The accused herein begs to submit that the speech in question was made against the particular Brahmin who wrote the anonymous and highly scandalous letter against our leaders Mrs. Meenambal Sivaraj and others of his type who indulged in abusing our leaders and men.

The accused files herein the letter with the cover. The accused herein harbours no hatred against the Brahmin community as such as he had many good friends in that community.

As the second prosecution witness has some ill-feeling against the accused herein, the speech in question is not at all correctly reported by prosecution witness (the Tamil Short-hand Sub-Inspector) and the observations he had made in the speech were of his own creation.

It is significant that the second prosecution witness did not take down the story which the accused herein narrated in Tamil in the meeting.

It is also significant that he subsequently wrote down the story in English from memory.

The accused herein begs to submit that he is innocent and that he had no intent to create any such hatred and incitement as alleged against him.

Examined first, by Mr. Allah Pitchai, Counsel for the accused Mr. T. V. Kalyanasundaram Mudaliar, Editor, "Navasakthi" said that he knew the accused for the past seven or eight years. There was no occasion for him to find the accused abusing Brahmins. The accused was his friend.

Magistrate: What is the use of this witness giving evidence?

Counsel: To show to the Court that the accused had not abused the Brahmins as a community.

Magistrate: If you have got evidence of this kind, I don't want it.

Cross-examined by Mr. T. S. Anantharaman, Crown Prosecutor, witness said that he did not know anything about the activities of the accused ever since the Anti-Hindi movement was inaugurated.

Vidwan Ratnam Pillai, examined next, stated that he knew

the accused for a year. Witness had attended five meetings held under the auspices of the Anti-Hindi League. He was present at the meeting held at Thousand Lights. The meeting was between 9th and 12th of August. Mr. C. Basudev presided over the meeting. The accused at first spoke against the introduction of Hindi. Then, he (accused) spoke in praise of Tamil. Further the accused appealed to the audience to learn English.

Continuing witness said that the accused pointedly criticised about a Brahmin who wrote an anonymous letter. The letter was written to Mrs. Sivaraj. The accused did not abuse the Brahmins as a community in general. Witness had not heard the cries "maro, maro". Had any one cried so, witness said he would have heard.

Cross-examined, witness stated that Mr. Basudev spoke first. Swami Nityanandam Adigal translated Mr. Basudev's speech into Tamil. Mr. Swaminathan spoke second followed by Mrs. Meenambal Sivaraj, Mr. Balasundaram Paivalar and Mr. S. K. Swami. The accused speaking at that meeting said that the letter ought to have been written by a Brahmin, and if he (the person who wrote the letter) came before him, he would give him a proper answer. The accused never said anything against the Brahmins. Witness had not heard the accused saying anything about Mr. C. Rajagopalachariar. He spoke for about fifteen minutes.

Crown Prosecutor:—But you have told everything in a minute (laughter).

Counsel: It is not possible to narrate everything.

Continuing, witness stated that he did not hear the story spoken of by the accused. He did not pay heed to the story. He was only interested in the important subject, i.e. anti-Hindi.

Magistrate:—He is a Vidwan. Why should he hear stories? (laughter).

Proceeding witness stated that the accused did not say that Hindi should be learnt. The accused said that it was a language which came from the North.

Crown Prosecutor:—You are a Vidwan?

Witness:—Yes, A Tamil Vidwan.

Magistrate:—Is there a Vidwan in English? (Laughter).

The Magistrate addressing the witness:—Are you a Vidwan in veena, violin, flute or Sangetha Vidwan like Tiger Rama-swami and others? (Laughter).

Crown Prosecutor:—Have you written any books? About what?

Witness:—I have written about 'Swami' i.e. God.

Crown Prosecutor:—Have they been printed.

Witness:—Yes. They have been printed. But, I have no copies of the books with me.

Witness went on to say that he was employed as a salesman in Messrs. Wrenn Bennett and Co., Ltd. for about 11 years. The company had been closed.

Q.—You are a member of the Scheduled Classes.

A.—Yes.

Magistrate:—Buddhist?

Witness:—Hindu.

Magistrate:—Cox-cheril.

Witness:—No, I am living at Kodambakam High Road.

Witness then went on to say that he attended some meetings addressed by the accused.

He went there out of love for his language. Further, he went there out of interest in Tamil.

Crown Prosecutor: Did any one say that you are not inter-

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ested in Tamil. Is it your opinion that Hindi should not be learnt?

Witness. My opinion is that the members of my community should learn Tamil. I am not one of those who think that Hindi should or should not be learnt. I cannot tell you. It is not my look out.

Crown Prosecutor: Why should you attend the meeting? You went there to hear what they were speaking?

Witness: I attended about five meetings. I cannot give the dates. I never went there to hear the accused.

Witness continuing said that he could not tell where the other meetings were held or under whose presidency. He could not tell the dates.

Magistrate: Can you tell me when was Deepavali?

Witness: On Saturday.

Magistrate: Date?

Witness: I don't know.

In re-examination, witness said that Mrs. Meenambal Sivaraj and others attended the meetings.

Mr. R. Radhakrishnan, Representative of "Tamil Murasu" a paper published in Singapore, was examined next. He said the he used to take reports of the meetings for the paper he represented. Witness had known the accused only for the last four months. He had attended about three meetings, at which the accused spoke. He attended a meeting held at Thousand Lights. Witness was present when the accused spoke. The accused spoke against Hindi, and had an anonymous letter in his hand. For the word anonymous, the witness said 'anamath'.

Crown Prosecutor began to laugh.

Counsel:—Why should you laugh sir? Witness will get excited.

Magistrate:—How can he stop his laughter?

Crown Prosecutor:—I am only laughing at the witness.

Continuing, witness said that the accused had a letter addressed to Mrs. Meenambal Sivaraj, in his hand. The accused said that it was an abusive letter about ladies and further told: "Can such a letter be written"? The accused who was the speaker said nothing disparaging against the Brahmins as a class, nor did he (accused) speak anything against Mr. C. Rajagopalachariar. Witness also attended a meeting held in Chintadripet. He knew Mr. Swaminatha Sastri, Tamil Shorthand Sub-Inspector. A quarrel arose over a chair between the accused and Mr. Sastri.

The Magistrate said that the question put by the Counsel in relation to a quarrel should have been put to Mr. Swaminatha Sastri himself, and not to the witness before the Court.

Counsel submitted that in this particular case, he had failed to do so.

Witness went on to say that at the Chintadripet meeting, there was only one chair. The accused occupied it. Mr. Swaminatha Sastri wanted the chair. The accused refused and said: "Go and sit in the Coom or on the road." Why should you come here? The Shorthand-Sub-Inspector said that he was an old man and that he was going to retire very soon. He had to attend meetings at nights. The meeting in Chintadripet took place in the month of August. He did not know the date. But, it was held before the Thousand Lights meeting.

Magistrate: Are you a reporter? Where was the meeting held?

Witness: It was on the river-side.

Magistrate: When did the meeting take place?

Witness: The Thousand Lights meeting took place four or five days after the Chintadripet meeting.

Witness said that he was the Madras Correspondent of the paper in Singapore. He had attended three meetings, at which the accused spoke. He could not give the dates. One meeting was held behind the Gaiety Theatre. Mrs. Sivaraj presided over that meeting. Messrs. Balasundaram Pavalar and Swaminathan also spoke. He could not recollect who else spoke. Witness also attended another meeting held in a lane by the side of the Coom in Chintadripet. He could not tell when it was held. He was definite that he was present throughout the meeting. He used to take the cuttings from some papers and send them to Singapore. He sent cuttings from "Viduthalai" also. Referring to the letter, the speaker said: "Have they not got sisters and mothers" and that the writer must be an Iyer.

Crown Prosecutor: Not Iyengar?

Magistrate: Not Royar?

Proceeding, the witness said that he did not tell the story. Then the witness said that the accused did tell a story, and that he would narrate the story.

Witness, narrated the story which referred to a Brahmin giving a ticket for "Moksham".

Magistrate: Send them to "Moksham" by aeroplane or train! (Laughter).

The witness was not re-examined.

Mr. C. Basudev, examined, said that he was an advocate, and also a Member of the Corporation. He was once a Member of the legislative Council.

Magistrate: Do not want Ex's.

Continuing, witness said that he presided over a meeting held under the auspices of the Anti-Hindi League held at Thousand Lights. The accused was one of the speakers, and he spoke protesting against Hindi. The accused protested against the compulsory imposition of Hindi. The major portion of the speech of the accused related to an anonymous letter. The letter was supposed to be an insult offered to Mrs. Sivaraj. The accused spoke in high Tamil. Witness was well versed particularly in the abusive side of Tamil. From what the witness could understand from the sort of speech it was a protest, and insult, criticism, and even abuse against the person who wrote the letter. Witness could not remember having heard the cries of "maro, maro". The general effect of the speech was to cause general laughter. He had been for some time in Madras and he could understand the ordinary language spoken by the Tamilians if spoken slowly.

Cross-examined, witness stated that he spoke in English at that meeting. He could talk ordinary Tamil. He could not understand Tamil well. His mother-tongue was Telugu. When witness spoke at that meeting in English, his speech was translated by one Swami. The Swamiji wore the orange-coloured robes. It was the first time that witness has seen the Swami. To some extent, witness had followed the speech of the accused. But he could not follow the accused fully.

Crown Prosecutor: From your knowledge of Tamil, would you be in a position to state that the accused did not utter, if it were a particular portion of the speech?

Witness: From my incomplete knowledge of Tamil, I will not be in a position to say one way or the other, nor at this distance of time will it be possible for me to remember.

The examination of the witnesses for the defence was concluded, and further hearing of

ANTI-HINDUSTANI PROPAGANDA

MEETING AT ERODE

(From a correspondent)

Erode, Oct. 27.

Under the auspices of the Erode Tamil Kazagam, a public meeting was held last evening at 'Theyagaraya Ghat' (river-side compound) under the presidency of Mr. Alavandar, Tamil Pandit, Mahajan High School.

The proceedings commenced with the singing of anti-Hindi songs by Mr. Kalidas and a Muslim gentleman.

After the Chairman's speech, Mr. R. P. John, a Christian Missionary from Ceylon spoke about the glory of Tamil literature.

Mr. M. A. Mohamed Mohideen of Tiruppur then spoke referring to the promises extended to the electorate by Congressmen at the time of the elections and their failure to perform them.

He also referred to the Hindi issue, and criticised the Congress Ministry for pursuing a policy of repression against those who opposed Hindi.

With a few concluding remarks from the chair, the meeting terminated at 9 p. m.

AT TIRUPPUR

Tiruppur, Oct. 28.

To protest against the introduction of compulsory Hindi, a public meeting was arranged for by the Tamil public of this place, last evening.

Mr. E V. Ramaswami Naicker accompanied by Messrs K. A. P. Viswanathan, R. Natesan of Salem and Palladam Ponnu-

swami arrived here from Erode by the 5-30 train. A very large gathering collected in the station to accord a reception to the leaders. They were next taken to the house of the proprietor of V. M. S. Motor Service, where they were entertained with refreshments. Later, they attended the public meeting.

People from Palladam, Salur, Coimbatore and other places in the vicinity attended the meeting. The gathering was estimated to be more than three thousand. Mr. S. Subramaniam proposed that Mr. T. R. Sundaram to take the chair.

The proposition, being duly seconded by Mr. Gurumalingam, Mr. T. R. Sundaram took the chair amidst cheers.

Mr. E. V. Ramaswami Naicker and Mr. K. A. P. Viswanathan were garlanded and presented with addresses of welcome on behalf of various associations.

The chairman, after his introductory remarks, called upon Mr. K. A. P. Viswanathan to speak.

Mr. Viswanathan spoke for about one hour and a half referring to the introduction of Hindi by Congressmen, and the motive behind it.

Some people in the audience wanted that Mr. E. V. Ramaswami Naicker should speak.

Soon after Mr. Naicker began to speak, it began to rain. Mr. Naicker continued to speak for about five minutes being drenched in the rain.

When it began to rain hard, some Brahmin Congressmen shouted out saying: "rain, rain, no meeting."

The chairman dissolved the meeting on seeing that the people began to disperse.

The audience requested that the meeting should be continued

the case was adjourned to Monday, Oct. 31.

Adjourned To Nov. 7.

Madras, Oct. 31.

The case against Mr. M. N. Nellikumpam for alleged promotion of class-hatred and incitement to commit violence by one community against another, which stood adjourned to Monday, Oct. 31, was further adjourned to Nov. 7, for the examination of some more witnesses for the defence.