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Meerut Communist Conspiracy Case

[Judgement delivered --- in the)

Vol. II Part XVI

By

R. L. Yorke.

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VOLUME II.

PART XVI.

O. P. 794.
PHILIP
SPRATT.
1.

I come now to the cases of individual accused and in dealing with them shall follow the same order in which their cases were argued in the final summing up on behalf of the prosecution, as this order was selected with a view to the avoidance as far as possible of repetition. In the light of the statement by Nimbkar accused at page 2611 of the statements of the accused where, speaking of the bourgeois democratic revolution which will achieve the complete freedom of India from the control of British Imperialism and will result in the establishment of an independent democratic republic, he said that "this is the revolution for which we were working", it would seem almost unnecessary to go into the cases of the individual accused who put in an application to the Court declaring that this statement by Nimbkar embodied their considered views. But it is not possible unfortunately to dismiss the cases of these 19 accused in this summary fashion. We have of course in the course of the history of the conspiracy been able to get some idea of the part taken by each accused but in the first place that idea is in a large number of cases very incomplete, which might lead one to take a less serious view of their activities than is really justifiable, and secondly the present position of one or two accused as set forth in the joint statement does not tally exactly with what we already know from the evidence or with the conclusions which we would naturally derive from their original individual statements to this Court. The best example of this is the case of Radha Raman Mitra accused, to which I shall come in due course.

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I come first then to the case of Philip Spratt accused. I think it will be safe to deal fairly summarily with Spratt accused's case. His name has been mentioned so frequently already that it is impossible to feel any doubt that he participated in the conspiracy described above. This accused was educated at Downing College Cambridge and left Cambridge in 1925. After that we have it on his own authority that he joined the Communist Party of Great Britain and the National Minority Movement and was a member first of the Workers' Union and later of the Shop Assistants' Union. This was apparently while he was working as an employee in the book-selling firm of Birrell and Garnett. During this period in England he was also connected with the Labour Research Department for which he says he used to do voluntary work. Spratt accused arrived in India in December 1926. According to his own statement he came out with two purposes in mind; one was to do business for Messrs. Birrell and Garnett and the other to do work for the Labour Research Department, to collect material for it on the Indian Labour Movement and if possible to initiate work on the same lines in India. It is however quite clear that that statement of his two main purposes is absolutely false. Had it been the truth there is no reason why there should not be evidence to show that he worked for those two main purposes. But what the evidence does show is that he came out as a Communist agent to help in the organisation of the Communist Movement. I have already indicated how Spratt accused on arrival in Bombay got into touch with Mirajkar, Jhabwala, Shah and others. He was also in touch with Saklatvala whom he must have met both at Bombay and later at Delhi and again at Bombay before his return to England, see P. 1960 and P. 1961. I have also alluded already to the evidence that he took an important part in the foundation and organisation of the Workers' and Peasants' Party of Bombay. His next activity was the visit to Delhi for the Trade Union Congress and the meeting of Indian Communists with Saklatvala, and it was from Delhi that he wrote the letter to Ghosh accused in regard to the Canton Conference to which I have referred already. I have already dealt with the remittances received by Spratt accused from England throughout his stay in India and particularly the large sums received by him early in 1927 for which he has not really attempted to give any explanation. Spratt's attitude in regard to the why and wherefore of the receipt of money by him and the demands for money made by him is most damaging to him. All he says is "if I sent requisitions for money and acknowledgments of receipts of money to the Secretary of the L. R. D. that was only because it was a convenient address. The L. R. D. did not pay me anything. It could not afford to do so." But he does not ever say who it was who really did send him money, and although he says that Messrs. Parsons and Rathbone are well off, he never suggests any reason why they should send him money. The irresistible inference is that the money which was actually sent to Spratt accused was money sent for the purpose of the work which he actually did, and that would mean, and I do not think Spratt himself has ever denied it, Communist work.

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It would follow even if uncorroborated by other evidence (though there is actually some very suggestive evidence) that the money came from Communist sources. As a matter of fact knowing, as we do, the financial difficulties of the Communist Party of Great Britain, there can be no doubt that even if the money came from the C. P. G. B. it emanated ultimately from the Communist International by reason of whose subsidies alone the C. P. G. B. was able to avoid bankruptcy. Spratt himself in his own letters implied quite clearly that what he was receiving was a salary, and when a man receives a salary it is obviously because he holds an appointment of some kind. But what the appointment was that Spratt accused was holding he has been most careful not to explain. 11

O. P. 797.

In March 1927 Spratt accused returned to Bombay and while there made an attempt to have an interview with Allison alias Donald Campbell in Yeravda Jail. In the following month he was seen in the middle of the night talking to Fazl Elahi, a man who was subsequently convicted under section 121-A at Peshawar. Spratt accused next went to Ahmedabad and thence to Lahore where he stayed for a considerable time with Dewan Chaman Lal and got into touch with, for example, Majid accused. He also accompanied Dewan Chaman Lal to Peshawar in connection with the trial of Fazl Elahi, and I have already mentioned the letter in which he speaks of Fazl Elahi as if he were a person whom he had never seen before and in whom he took nothing more than an intelligent interest. 20

O. P. 798.

From Lahore Spratt accused came back to Bombay in September 1927 when his property was searched and some of the most interesting documents in this case were recovered, namely the letters P. 1007 to P. 1012, and the diary P. 1006, besides the general file P. 1013. This search was in connection with the book "India and China" and the witness to it is P. W. 244, Inspector E. S. Patwardhan. Spratt accused made some attempt to question this search and particularly to cast some sort of a cloud over the draft letter P. 1009. His chief point was that this document was not shown to P. W. 277, Mr. Stott, the handwriting expert. But the document was not one which there was any need to show to Mr. Stott for there is in regard to it the evidence of Colonel Rahman, P. W. 133, and moreover it is one about which it is impossible for any one who has had, as the Court and the Assessors have had, to inspect a large number of documents in Spratt accused's handwriting, to feel any doubt. In this connection it was argued that it was not legitimate to compare this document with any other document proved to be the work of Spratt accused because it does not purport to have been written by him, and reliance was placed on the ruling reported in I. L. R. 37 Cal. page 467 at page 502. But this ruling has been dissented from in a Madras case reported in 35 Madras Law Journal at page 608 which was followed in a Bombay case reported in 14 Bombay Law Reporter at page 310. Both of these rulings agree that the word "purports" does not limit the scope of the section (73 of the Evidence Act) to such documents only as are signed or contain intrinsic statements of the identity of the writer. Any document alleged by a party to be in the handwriting of a particular person may for purposes of proof be compared with other writings or signatures admitted or proved. Spratt accused asserted that the handwriting in P. 1009 did not resemble his handwriting at all closely, but at the time of argument Crown Counsel laid the document before the Court along with five documents all tendered by Spratt accused himself, namely D. 142 (20), D. 139 (30), P. 544 (2) D. Spratt, P. 548 (5) D. Spratt, and P. 525 (3) D. Spratt, and it was impossible to avoid the conclusion that not only was there a general resemblance in the appearance of the handwriting but also that there was the closest possible agreement in detail. In addition I have already given at an earlier stage other reasons for being satisfied that this document is the work of Spratt accused. 35

O. P. 799.

On the 15th September Spratt accused was arrested and his room was searched. At this search another diary P. 1947 was recovered from Spratt's possession from which I have quoted already and also two suit cases containing miscellaneous properties were taken possession of but opened at a later stage in the presence of the solicitor's clerk. It was only on their being opened then, at Spratt accused's own request, that there were found the three bottles containing Tincture of Iodine, Hydrogen Peroxide and Vegetable Oil, copies of "Modern India" and "The Golden Treasury", and the envelope with the address of D. J. F. Parsons on it. In addition there were six files of miscellaneous papers, a number of which have been put in evidence and are of very considerable interest. For example P. 1948, consisting of 4 blank slips of paper, each of them having a genuine signature of Donald Campbell at foot and P. 1949, some manuscript notes in Donald Campbell's handwriting are a clear 55

indication of the connection between Spratt accused and Donald Campbell which we have already found in Spratt's letter to Kishorilal Ghosh accused about the latter's going as a delegate to Canton. There is further evidence of this close connection in Spratt's own letter to Page Arnot, P. 1955 (F. C. 193) dated 10th March 1927. This document P. 1949 is a clear indication of Campbell's Communist interests of which of course there is other evidence to which I have alluded already. But the fact of Spratt's possession of this slip of paper also gives rise to an inference that Spratt as it were took over the ministry from Donald Campbell when that unlucky man became incapacitated by his "illness in a foreign country". Other documents recovered in these files are P. 1976, a typed document entitled "Party Training" which includes a syllabus for an elementary training group and also a bibliography which includes along with some other books those named in P. 1949 referred to above. P. 1978 is a membership card of the Workers' and Peasants' Party of Bombay. P. 1979 contains the notes of Spratt's speech on "Revolutions and India" to the Bombay Student's Brotherhood which has been mentioned earlier. P. 1980 consists of notes in Spratt's handwriting on the "Contemporary political situation in India" in August 1927, and contains a suggestion for the capture of the Congress by the opposition to the capitalist section, the idea being that if such a capture were to be successfully carried out the Congress organisation could then be so altered as to admit of the affiliation of labour unions and peasant organisations. The paragraph concludes with the following words: "If the Congress remains under bourgeois control it will be necessary to establish a new national organisation on these lines which will embody the alliance of the petty bourgeoisie, the peasants and the workers." P. 1981 consists of type-written notes on Trade Union work; a copy of this was found in the possession of Thengdi accused also. P. 1982 are manuscript notes in Spratt accused's handwriting perhaps made for the purpose of P. 1981. P. 1983 is Spratt accused's review of Shah's book "One hundred per cent. Indian", which characterises Gandhi as reactionary. P. 1984 contains a typed copy and a manuscript copy in Spratt's handwriting of the review of "Modern India" and the "Future of Indian Politics" which was subsequently published in Kranti and Ganavani and a copy of which was also found at 2/1 E. A. Lane and is in evidence as P. 415 (10). P. 1985 contains a manuscript copy in Spratt's handwriting of an article on May Day, other copies of which are P. 407 found at 2/1 E. A. Lane and P. 482 found with Thengdi accused. It also contains a typed and also a manuscript copy in Spratt accused's handwriting of an article entitled "The meaning of May Day". These documents and the letters recovered in this search were in the main not admitted by Spratt accused in his statement, but the answers in cross-examination of Inspector Desai, P. W. 215, who conducted the search, certainly do not cast any doubt on the genuineness of their recovery. In this search a number of draft letters in Spratt's handwriting were recovered namely P. 1967, P. 1968, P. 1971 and P. 1975 about all of which there is the evidence of Col. Rahmah P. W. 133 who has recognised the handwriting. As regards the type-written letters namely P. 1954, P. 1955, P. 1956, P. 1962 (2) and P. 1974, these have been compared with the type-writing in P. 1005, the search list of the 6th September which was typed on Spratt's machine and it has been shown satisfactorily that these letters were typed on that machine. But that is not the only evidence that they emanated from Spratt accused. In the case of all these letters we find certain tricks of typing which show that they all emanate from the same person. In nearly all these letters the writer types the word "Dear" in the opening words "Dear Robin" or "Dear X" to the left of the margin of the body of the letter. Secondly, instead of, as is more usual, going back a space or two when starting the second line after the opening words he always goes forward a space to the right of the comma. Thirdly he has a trick which appears in four of these letters of typing the address with the writing in the different lines not set, as is commonly the case, in a kind of echelon but with the first letter of each line directly under the first letter of the line above. Then the contents of these letters give clear indications that they or some of them emanate from Spratt accused himself, as indeed one would naturally infer in the case of any draft letter found in his possession. For example P. 1954 suggests plainly that in speaking of a report that one Professor Spratt addressed a meeting, the writer is referring to a report which concerned himself. In the same letter he speaks of attending "yesterday" an extraordinary general meeting of the G. I. P. Railway Workmen's Union. The letter was written on the 18th and Spratt's diary mentions that on the 17th he went to Matunga to attend such a meeting. P. 1955 which has the same two characteristics in regard to the opening words

and the address, is actually admitted by Spratt accused himself. P. 1956 also has them and mentions certain resolutions which the writer says that he sent in rough last week, and in the previous week a letter purporting to have been written by Spratt was intercepted and copied and is P. 1828 C (F. C. 197), and that letter itself has definite support for its authenticity in the fact that it mentions Spratt's having been ill in bed with a temperature of 102, a fact which is corroborated by Majid accused at page 527 of the statements of the accused, and also in the fact that Spratt accused himself was seen by P. W. 269. Deputy Inspector Chawan posting the original. P. 1974 again contains the same tricks in regard to the typing of the opening words and the address and mentions the intention to go to Ahmedabad, an intention which Spratt's own diary P. 1947 shows was put into effect. And that diary is also corroborated by Dange's letter P. 1973 (L. C. 48), also recovered in this search, in which Dange mentions on the 24th June having seen a report of Spratt's Ahmedabad speeches in the Times (of India). In this letter P. 1974 there is also a mention of the receipt of a letter from Burton and the writer asks Robin to tell Burton that he will write to him as soon as possible. This was written on the 6th May 1927 and on the 21st July in P. 1968, a letter in Spratt's own handwriting, we find him saying that "the paper "Kirti" which Burton mentioned to me is conducted from Amritsar". So that we have two letters one in Spratt's own handwriting and one type-written both in his possession and both mentioning or implying the receipt of a letter from Burton. And finally in P. 1975 we find Spratt himself writing in manuscript to Burton from Lahore and saying that he had promised to write him some months earlier. This leaves no room for doubt that P. 1974 has emanated from Spratt accused. But there is still another point. In the last paragraph we find the writer saying: "Mahatma Gandhi was unfortunately the chief hero celebrated in this way (that is with "Jai's"), but Jhabwala Sahib got a good showing, and I am afraid Mr. Spratt Sahib did also."

O. P. 803.

Then there are one or two other type-written letters in regard to which there is evidence that the typewriting was done on Spratt accused's machine, and it will be convenient here to mention the concomitant proof in support of that conclusion which is to be derived from circumstantial evidence. P. 2328P (2) is a letter of the 14th June addressed to Dear Douglas and intercepted en route to Iyengar. I have already indicated at an earlier stage the coincidence of subjects and expressions between this and other letters. Moreover in the course of the search on the 6th September a letter P. 1008 (F. C. 232) was found in Spratt's possession which is addressed to Des (P. 2328P (2) was signed Des in typewriting) and mentions receipt of "your letter dated 14/6." This letter also deals with the same subjects as P. 2328P (2). It is of course a fairly clear inference that if a letter or letters addressed "Dear Des" are found in Spratt accused's possession, Des is a name which is being used for him, and in that case it is impossible to doubt that a draft letter found in his possession signed Des is his and no one else's. Another letter coming under the same category is P. 2329P (1) dated 15th August (F. C. 235). This is another letter intercepted en route to Iyengar and like P. 2328P (2) was accompanied by a covering letter signed George. It is obvious from the fact that it is signed Des, and from the evidence which I have already mentioned in regard to the connected letters P. 1010 and P. 1011, that this letter also emanates from Spratt accused.

O. P. 804.

Coming back to the letters found in the search, P. 1962 (2) is of course unsigned, but it was found in company with P. 1962 (1) and P. 1962 (3), two letters from Mr. Meherally on the same subject both of which are addressed to Dear Mr. Spratt.

P. 1829 (F. C. 190) is another typed letter in regard to the typing of which there is evidence which as in the other cases is not the only evidence fixing Spratt accused with responsibility for it. For instance the letter is signed Des, and there is the evidence of P. W. 269, Deputy Inspector Chawan, to the effect that Spratt accused was seen posting it. This is also a letter in the case of which there is a corroboration from the contents, namely, the mention that the "universities convocation" will be held next week coupled with the fact that in the following week, as Spratt himself says, he did hurry off to Delhi for the T. U. C.

O. P. 805.

As regards the identification of the typewriting it will be sufficient I think to say that Mr. Stott the handwriting expert P. W. 277 gave a detailed explanation of the resemblances and so on at pages 14 and 19 (a) of his statement. All these documents were carefully examined in the company of the assessors and

I cannot see any reason to differ from Mr. Stott's opinion even had there been no corroboration from outside circumstances. Spratt accused contended that there was no evidence that Desmond was a name for himself, a fact about which I do not feel that after a full consideration of the documents there is room for the smallest doubt. He also contended for example that there was no evidence that any one in Colombo knew anything about the accused or was likely to supply them with money. It is not necessary for me to repeat the evidence in regard to arrangements at Colombo to which I have referred already. In regard to P. 2002 C. Spratt accused denied that he ever received the original and drew attention to the fact that the letter though attributed to Dutt was not alleged actually to be in his handwriting but to have been written by Glyn Evans. Consistently with this denial he also denied the receipt of P. 2189, the Orm Massel telegram and when he came to P. 2190 which is his own reply signed Spratt and is proved to be in his own handwriting he merely says that he could not have answered P. 2189 because he never received it, and he says that his supposed replies are not necessarily the replies to this telegram. It can only be said that it is curious that in reply to a telegram about confidence in certain persons Spratt accused should have replied "no confidence," if the alleged reply was not really what it seems to be.

O. P. 806. In the course of his statement Spratt accused went on to deal with the number cipher with which he entirely failed to come to close quarters, and then with the invisible ink writing. He began by denying that P. 1009 was in his handwriting, a point which I have dealt with already. He further denied that he had ever used invisible writing or developed such writing written by others. So far as the use of it goes I have mentioned at an earlier stage letters which imply that Spratt accused had used invisible ink writing himself, and there is good reason to think that he made use of it in the letter, of which P. 1009 is a draft. There is no other apparent reason why the portion of this letter, which relates plainly to invisible writing in letters received by the writer, should have been written between the lines, when there was plenty of room to have written it all either at the top of the page or in the margin at the side. In regard to P. 1859 he commented on the absence of evidence as to the actual substance used for the purpose of this supposed invisible writing. I see no force in this argument. The writing is there, and it is obvious that it cannot originally have been visible, because no one but a lunatic would have written the words, as they now appear, between the lines as part of the original letter. Spratt accused devoted four and a half printed pages of foolscap to argument on the subject of the invisible writing, how it was done or how it could have been done and the defects in the prosecution theory. It appears to me to be useless to argue at any length on the subject of this writing. We have on the record two instances of letters with both of which Spratt accused is concerned, in which there is writing, about which we can feel no doubt that it was originally invisible and subsequently became more visible, some of which has since faded. We do not know what the material was with which this writing was done, or what process was used to develop it. We do know, and Spratt accused himself agrees, that one method is to write with a starch solution and develop with Tincture of Iodine. It would seem that another possible method is to write with Potassium Iodide and develop with Hydrogen Peroxide. The references to developing and intensification in P. 1009 clearly relate to writing, and are not compatible with the theory that the reference is to ordinary photographs. Again there is a clear reference to Spratt accused's having written something which the recipient was unable to make anything of. It is no answer to say that the prosecution ought to have proved what substance was used or to say that the prosecution have been stupid. What the accused has failed to do is to deal with the facts. But that of course is the method which he has followed throughout his defence as put forward in the course of his statement.

O. P. 807. The sequel to the search in which so many of these documents were recovered was Spratt accused's prosecution in connection with "India and China", which resulted in his acquittal. After that he went to the Cawnpore Session of the A. I. T. U. C., where he was elected to the Council of Action and as a member and convener of the sub-committee for drafting a Labour Constitution. From Cawnpore he went on to Calcutta and after a short stay there to Madras for the Indian National Congress. He then returned to Bombay and attended the Bombay Presidency Youth Conference and the Enlarged E. C. of the Workers' and Peasants' Party, at which Muzaffar Ahmad was also present (P. 1348 (41) and P. 1348 (50)). It was at this time that the main resolutions appearing in "A Call to Action" were drafted, vide the remark at the foot of the first page

of the preface of "A Call to Action", where it is stated that "the five main resolutions were originally drafted by a joint committee of the Workers' and Peasants' Parties of Bengal and Bombay." After the Enlarged E. C. meeting Spratt accused took part in the organisation of the demonstration on the occasion of the arrival of the Simon Commission. P. 548 (5), an exhibit, rejected by the prosecution but put in by Spratt accused himself as a defence document, includes a copy of a letter signed by Spratt, Nimbkar and Joglekar accused, in which they claim responsibility for arranging the one day strike of the Municipal workers on that occasion. Another document of this date in his handwriting is P. 1348 (46) (printed as P. 827 (1)), a draft circular letter for issue to Trade Unions, suggesting opposition to the proposal to affiliate the A. I. T. U. C. to the I. F. T. U. and suggesting that if any affiliation is to be considered, it should be in favour of the R. I. L. U. This document is dated the 11th February 1928, and contains a portion in the handwriting of Bradley accused also. P. 545 (3), a letter of 6th December 1928, shows that Spratt accused also circulated at this time copies of a note on the "Functions of the Constitution Sub-Committee" and also of a draft of a proposed statement—"Labour & Swaraj". P. 545 (1) is apparently the original draft of the circular letter and the two enclosures. C. P. Dutt alludes to this draft on "Labour and Swaraj" in his letter to Spratt accused, P. 526 (43) (F. C. 445) on the 14th June 1928, from which it is evident that Spratt accused sent Dutt a copy. After this Spratt accused went to Delhi for the meeting of the E. C. of the A. I. T. U. C., about which he wrote a letter to Muzaffar Ahmad, P. 479, (I. C. 120), on the 6th of March. There are also on record some manuscript notes in his handwriting put in by Spratt himself as D. 145 (30). After the meeting at Delhi he went to Lahore, and took part in a meeting at the Bradlaugh Hall in company with Dange, Sahgal and Majid accused, after which he returned to Bombay, whence on the 9th March he wrote the letter, P. 526 (46), to Page Arnot, in which he mentions this visit to Lahore. He did not stay long in Bombay, but left there before the general meeting of the Bombay Party and proceeded to Calcutta. There he took part in a whole series of activities in the course of the summer of 1928, to all of which I have made references earlier on in this judgment. During this period we find correspondence between him and Basak accused. We find him taking an interest in the Chengail union and strike, in the East Indian Railway strike and particularly in its extension to Ondal and Asansol, and working in association with Mitra, Goswami, Ghosh and Muzaffar Ahmad accused. During this period he sent a letter, P. 526 (11), dated the 20th of May, to the "Forward" urging that the only possible policy for Indian Labour was a revolutionary one. There is no evidence, such as evidence of handwriting, to show that Spratt accused was personally responsible for this letter, but it is found in a personal file, which contains numerous letters addressed to Spratt, and a large number of letters which are in his handwriting, and its contents make it fairly clear that he must be the author. In June of this year Spratt accused is referred to by the name of 'Des' in C. P. Dutt's letter to Bradley accused, commonly called the Sandwell letter, P. 674, (F. C. 425), where Dutt says: "It is a pity that it has not yet been found possible to restart the paper" (obviously the Kranti). "I had hoped that something of what Des has got might be available for this purpose. Any way I hope you will keep preparations in mind so that the ground is prepared." These remarks show quite clearly that what money Spratt accused received was not by any means merely a salary. He must have been receiving a good deal more than a salary, if C. P. Dutt could have hoped that part of what he was receiving would be available for the purpose of subsidising the Kranti. Knowing, as we do, the purpose of the Kranti as the official organ of a revolutionary party deliberately set on foot and run by Communists with a view to furthering the aim of bringing about a revolution in India, we can feel no doubt that Spratt accused was receiving money from Europe for that very purpose.

Much about the same time Spratt accused in Calcutta and Bradley accused in Bombay both received money for use in connection with the sending of a delegate to the Manchester Conference, that is the 6th Congress of the Communist International at Moscow. Closely connected with this was the Conference of the Young Communist International, which was to be held at Moscow in August, for which C. P. Dutt in P. 526 (43), referred to above, pressed Spratt urgently to find a suitable representative, "a real factory rank and file who knows what's what." Unfortunately no such representative was forthcoming, as we learn from Spratt accused's letter to Mrs. Mellonie, P. 546 (10) (F. C. 456). Not long after this we find Spratt accused in touch with Sohan Singh accused, with whose request for an article for the Kirti he complied by sending later on copies of his articles on

O. P. 803.

O. P. 810.

O. P. 811. "Russia and India" and "The Power of Labour." With the request that he should take part in the Lyallpur Conference he was, however, unable to comply.

I have already dealt at considerable length with the part taken from July onwards by Spratt accused in the organisation of the Young Comrades' League, in which he was assisted by Goswami and Chakravarty accused. The organisation of this League resulted ultimately in a fiasco, but it began well and its capture by others was not the fault of Spratt accused. It was very much about this time that Spratt received from Europe enquiries about Rhuden and Uke-Rhug and also about Orm and Massel, in connection with which we have on the record the letters from Glyn Evans in London to Clemens Dutt in Berlin.

The next and very important transaction in which Spratt accused took part was the Party consultation at Bombay from the 6th to the 10th September. This was a real Council of War, in which the whole of the work of the previous year was considered and plans for the future discussed, particularly in regard to the part to be taken and the resolutions to be put up at the Trade Union Congress, the Indian National Congress and the First All-India Workers' and Peasants' Party Conference. There was also, it will be remembered, that very interesting and important discussion about Party organs. When these discussions were over, Spratt accused returned to Calcutta and continued to take an active part in Trade Union activities. One of these activities, though not very successful, was his visit to Jamshedpur in company with Shamsul Huda accused. In October Spratt accused was one of the party, which came to Meerut to attend the Conference, the result of which was the inauguration of the Workers' and Peasants' Party of the U. P. Of course Spratt accused says that he does not remember definitely now whether the U. P. W. P. P. was formed at this Conference, and says it may have been his impression at that time, but as he did not know the language at all, he could have had only a very vague idea of the proceedings, but this is, as I have already pointed out, a very feeble explanation of the various admissions made by him in the course of correspondence. One of these admissions occurs in a very interesting letter, P. 2419F., (F. C. 607) of the 23rd October 1928, a letter in Spratt accused's own handwriting to Page Arnot, giving him information about the Lillooh strike, about Jamshedpur, about his visit to Meerut, about research work and a number of other matters, and it is worth noting that in discussing this letter at page 406 of the statements of the accused Spratt accused makes no attempt to deny it. He merely says that the conclusion drawn by the Magistrate from it is quite without foundation which is a tacit admission of its authenticity. Two of the letters which resulted from this visit, namely Joshi accused's letter to R. P. Dutt, P. 2409, (F. C. 633), and his letter to Muzaffar Ahmad, P. 452, (L. C. 351), both relating to the sending of Joshi's credentials to England, give an important indication of the position of Spratt accused as a link between workers in India and the Communist organisations in England.

Early in November we get Spratt's visit with Goswami to Malda and some letters indicating how preparations were being made for Jharia. Early in December he sends a sum of money to Bradley accused, although there is no evidence of his having received any money for several months before this time, and only a month or so earlier he had been complaining to Robin (Page Arnot) about the irregularity of the receipt of cash by him, and asking Robin if he could manage that it should come rather more regularly. Then he takes part in the A. I. T. U. C. Conference at Jharia and the A. I. W. P. P. Conference at Calcutta, in the course of which the first signs of a split in the Bengal Party began to appear. Just about the end of the year he should have received (and no doubt did receive by some other channel or at a later date) a copy of the E. C. C. I. letter, P. 478, which was sent to him through Ghosh accused in P. 2001 but was intercepted and withheld. The terms of the covering letter from C. P. Dutt are worth noting. He says: "I am sending with this note a copy of the letter addressed to the A. I. W. P. P. Conference in Calcutta. You would be doing a great service, if you would make sure that Philip gets this letter with the least possible delay, as I do not know how to send it to him", and this letter is signed "C", a fact which is perhaps of greater importance in considering the individual case of Ghosh accused. But the fact that C. P. Dutt in England is very anxious that this letter from the headquarters of the Communist International should reach Spratt accused as early as possible cannot possibly lead to any inference except that Spratt accused was the recognised agent of the Communist International at Calcutta at that moment. About this time there were also held in Calcutta the three meetings of the Communist Party of India, in regard to which we have a number

O. P. 814. of notes in the handwriting of Ghate accused. One of these notes, P. 1295, mentions that Spratt and Bradley accused were deputed to look into the complaint made by Shamsul Huda accused against Muzaffar. Spratt accused himself says that while in India he worked with the Communist Party of India, an admission which it was scarcely necessary for him to make. 5

Coming next to 1929 Spratt accused took part in the Anti-Simon Demonstration on the 19th January and in the Lenin Day meeting on the 20th. Towards the end of this month he received the letter from C. P. Dutt, P. 526 (42) (F. C. 744), which contains a reference to "the long statement arrived at after a full discussion of the colonial questions at Manchester", which cannot be other than a reference to P. 90. About a week later he must have received another letter from C. P. Dutt, P. 526 (44) (F. C. 749), dated the 10th January, which was addressed to Spratt c/o. Kishori Lal Ghosh and was apparently delayed for a couple of weeks, because Ghosh accused was away from home at the time. This letter had written at the top the words "Please forward.", from which it would seem that Dutt intended originally to address the envelope to Ghosh but changed his mind. In February and March there is not actually any evidence of public activities on Spratt accused's part, but there is evidence that in answer to a request from Desai accused he wrote an article on the Public Safety Bill for the "Spark", see the letters P. 526 (4) (equals P. 1249), (I. C. 362), P. 2006P. (equals P. 1251), (I. C. 363) and its enclosures P. 2006P. (1) (equals P. 526 (40)). 10
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Finally we come to the search of the office of the Workers' and Peasants' Party of Bengal on the 20th March 1929, in which there were recovered a few more articles in Spratt accused's handwriting, for example, "The Role of the Workers' and Peasants' Party", P. 526 (41), "The Manifesto of the C. P. I. to all Workers", P. 527 (9), "The Power of Labour", P. 526 (36) and others found in the same file, which was evidently a personal file of Spratt accused; so that we can safely infer that other articles found in it, even if not in his handwriting or typed on his machine, were his work, as for example, P. 526 (25) "Russia and India". 25

Now before I take up Spratt accused's statement to this Court in which we should hope to find his explanation of the documents in evidence against him, I should mention that on a rough calculation there are on the record as prosecution exhibits approximately 151 documents, which are in Spratt accused's own handwriting, and 10 which are proved to have been typed on his typewriting machine. But this gives only a very inadequate idea of the number of documents which are in evidence against him. I find from my notes that there are upwards of 400 documents having some bearing on the case against this accused, and all going to indicate the very important and active part taken by him in the organisation of the revolutionary movement, which was the objective of this conspiracy. 30
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I may now turn to consider Spratt accused's statement to this Court when he was referred to all this evidence and asked to say anything he wished to say in explanation of it as provided by section 342 of the Criminal Procedure Code. He began by giving some account of how he came to become a Communist, from which he went on to a defence of Communism. Then coming to certain points dealt with in the Committal Order he discussed the position of the Labour Research Department, in dealing with which he of course stated the prosecution case in terms quite different from those in which it has been stated by the prosecution themselves. He then went on to discuss the sums of money received by him and as I have already pointed out he deliberately abstained from giving any explanation on the subject at all. Next he dealt with the cryptic correspondence and I have probably mentioned in the course of this judgment most of the suggestions which have been put forward. Then he went on to the invisible ink writing and I have said all that is necessary in regard to his arguments on this subject a page or so back. All this was in answer to a general question in which there were put to him a series of documents relating to his coming to India and his activities in correspondence with persons named as co-conspirators in Europe or his connection with them. The next question put to him was in regard to his association with the Workers' and Peasants' Parties of Bengal, Bombay, U. P., and Punjab. In regard to the W. P. P. of Bombay he replied that it was not correct to say that he was instrumental in establishing that Party. He went on as follows: "So far as I understood the W. P. P. was in existence in fact if not in name, and I think actually in name also, before I met any of its members. I joined it fairly soon after I came in contact with it." In my opinion this statement is not true. On the contrary Spratt accused unquestionably took an important part in establishing the Workers' and Peasants' Party 45
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of Bombay in the place of the Congress Labour Party which at the time of his arrival was still only in its infancy. Then he went on to the Workers' and Peasants' Party of Bengal about which he said that it was not correct that he induced that Party to change its name. About this he said further: "I was present at the Bhatpara Conference of the W. P. P. of Bengal. But I had only just arrived in Bengal at that time and I remember it had already been decided to move a resolution to change the name before I went there." That is indeed quite possible because we know that Muzaffar Ahmad was at Bombay for the meeting of the Enlarged Executive Committee of the Bombay Party at which the theses incorporated with some modifications in "A Call to Action" were drafted and it is more than likely that the decision to change the name of the Bengal Party was made at that time. I have already mentioned his remarks about the U. P. Party and dealt with them. As regards the Punjab Party he says that so far as he remembers it did not exist when he was in the Punjab and so he had nothing to do with it. The former is certainly a fact so far as the evidence goes. The Punjab Party was inaugurated on the 12th of April 1928 and Spratt accused's last appearance in the Punjab was early in March that year when he spoke at the meeting at the Bradlaugh Hall. It does not of course follow that he had nothing to do with the fact that the Party came into existence a month later. He admits that he took part in the proceedings of the first A. I. W. P. P. Conference at Calcutta. At the top of page 408 he says without comment, "There is evidence that I associated with the Workers' and Peasants' Party and worked with it. Previous statements by the accused with which I agree have shown that the policy of the Workers' and Peasants' Party was a national revolutionary policy." (It is interesting to put this remark in the balance against the general line of arguments of the counsel who appeared for a few of the Communist accused). Then he goes at some length into an argument to the effect that both the immediate economic interests and the general political interests of the British working class are such that it must support the Indian national revolution and also that that policy is in the highest interest of civilisation itself and he goes on as follows: "I did what I could to carry out that policy in the name of the British working class and the Communist Party, by cooperating with what I thought was the only body actively and effectively working for the national revolution in India at that time, that is the Workers' and Peasants' Party." All that I need remark about this is that Spratt accused makes a very grave understatement of the case when he talks about himself as merely cooperating with the W. P. P. as if the W. P. P. were not a body for whose establishment he was himself largely responsible and which was brought into being under the direct instructions of comrades in Europe who were merely passing on to those in India the instructions received from the Communist International itself. He then goes on to make an attempt, rather a feeble attempt as it appears to me, to show by an argument derived from the Political Resolution laid before the first A. I. W. P. P. Conference that the policy of the W. P. P. was not inspired by the Communist International. As a matter of fact he really gives his case away in the middle of page 419. On page 421 he says: "Now this course of events confirms the analysis of the Communist International and the Colonial Thesis (P. 90) and is contrary to the view of the Political Resolution" (that is, in regard to industrialisation) "and shows very clearly that the difference between them was important and that it is unlikely that the one was inspired by the other." But on page 419 he had already said: "But in this case we did not know what the views of the Communist International on the matter were," and that is the actual fact. The points about which deviation arose were the question of the industrialisation of India and the British policy in regard to it and the nature of the W. P. P. itself and the desirability of retaining such a party. (Page 419). Crown Counsel dealt with this matter at some length and showed that the views on the former of these subjects expressed in the Political Resolution tallied, speaking generally, with the views held in Europe up to the middle of 1928. It was only in the Sixth Congress of the Communist International that the general view that British policy was changing in the direction of the industrialisation of India and therefore of its decolonisation, from which the national inference would be that India would get independence by a process of evolution, was seen to be full of danger from a Communist point of view since it would completely deprive the Communist Movement of any hope of support from the Nationalists. Once this was realised the attitude of the Communist International on the subject changed at once, the decolonisation theory was stamped upon with a very heavy foot, and its supporters ejected from any positions they held, and the support of the Communist International was given whole-heartedly to the theory that British policy is opposed in general to the industrial development of India and that

the tolerance which the British showed towards industrial development during and immediately after the war was only a temporary relaxation of the usual policy. It is not necessary for me to discuss which of the two views is the true one. The only importance of the matter is in regard to the specific point whether the deviation from the view expressed in P. 90 and in Kuusinen's report to the 6th Congress and in many of the speeches at that Congress is due to the fact that the Political Resolution was not inspired by the Communist International. The real point here of course is at what date did the members of the Workers' and Peasants' Party become aware of the change of view. I have discussed that to some extent in connection with the Colonial Thesis (P. 90). It will be sufficient to say that it is exceedingly doubtful whether any of the accused, except possibly Usmani and Adhikari, were aware of the change of view prior to the A. I. W. P. P. Conference. It is also doubtful whether Adhikari was able to get into touch with the leading members of the Workers' and Peasants' Party until the Conference was actually going on. No doubt the thesis, probably through the agency of Adhikari accused, came up for consideration before the meetings of the C. P. I. at Calcutta just after the A. I. W. P. P. Conference. But by then it was too late. In fact as usual what appears is that Spratt accused has been stating something with an element of truth in it but suggesting thereby something quite different. What he says is that this course of events shows that it is unlikely that the Political Resolution was inspired by the Colonial Thesis which is no doubt perfectly true. What he was suggesting was that it was unlikely that the Political Resolution was inspired by the views of the Communist International so far as they were known in India at that time. On the contrary it is clear that the views of the Communist International changed in the course of the year 1928 and that it is most unlikely that at the time when the Political Resolution was drafted and equally when it was actually moved the members of Workers' and Peasants' Party would have been aware of the change of view. The same of course is true in regard to the change of view in regard to the type of organisation necessary for the Communist Movement in India. Crown Counsel quoted a number of references in Inprecorr and elsewhere showing how the change of view on both these points took place or was announced at the Sixth Congress of the Communist International. But I think it will be sufficient for me merely to mention the references. For the earlier view that there had been a definite change in the British policy in regard to the industrialisation of India reference has been made to a speech by Roy at a meeting of the Enlarged E. C. C. I. reported in Inprecorr Vol. 3 No. 46 of the 28th June 1923 part of P. 2491 (a) at page 451. The same view is expressed in R. P. Dutt's "Modern India" P. 290 at pages 52 following, and again in P. 85, the Manifesto of the C. P. I. to the Indian National Congress 1926. Some time perhaps early in 1928 comrade Varga wrote an article in Inprecorr suggesting that this post-war industrialisation policy was only temporary and this was discussed by R. P. Dutt in the notes of the month in the Labour Monthly for June 1928, a typed copy of which forms part of P. 1220, recovered in the search of the Kranti office. Dutt was not satisfied that Varga's view was correct and concluded by saying: "But this is no ground for drawing from the present situation, a conclusion of the abandonment of industrialisation or reversion to the pre-war period, with the consequent political corollary which this would mean of abandoning our central political perspective for India based on the certainty of the growth of the industrial proletariat." This article by Varga and no doubt Dutt's comments on it had clearly been seen by Spratt accused, who mentioned Varga's article in the letter to which I referred just now (P. 2419, F. C. 607 dated 23-10-28). As late as July 1928 the Communist International hesitated to accept Varga's view, as is shown by the discussion in P. 2365, "The Communist International between the Fourth and the Sixth World Congress", at page 464 where the conclusion is stated as follows: "It is not however necessary to conclude that the policy of industrialisation has been abandoned," (and replaced by the old policy of exploitation as a source of raw products and a market for British goods). And the same view was taken in "The Communist International", the official organ of the E. C. C. I. dated 15th July 1928 (P. 1218) at page 328. It was only in the Sixth Congress itself that the danger of the industrialisation theory was brought to light. In this connection reference was made to the speeches of Kuusinen in Inprecorr Vol. 8 No. 68 part of P. 1204 of the 4th October 1928 at page 1226, of Sikandar at page 1247, of Bennett (G. B.) in Inprecorr Vol. 8 No. 72 of the 17th October at page 1321, of Martineau in Inprecorr Vol. 8 No. 74 of the 25th October at page 1352, of Cox (G. B.) at page 1365, of Narayan in Inprecorr Vol. 8 No. 76 of 30th October at page 1390, of Pepper at page 1395, of Murphy at page 1409 and of Lozovsky at page 1412. All these would of course naturally suggest to readers of Inprecorr in India that some change of view might be

taking place but that would not show what the final and considered view of the Communist International was. And that would be sufficient to account for the difference between the view expressed in the Political Resolution and that which we find in P. 90.

O. P. 823. The same is true of the changed view of the Communist International in regard to the Workers' and Peasants' Party. There can be no doubt whatever that the organisation of these parties had the approval and in fact was done under the direction of the Communist International. The changed view that such parties were dangerous things, and must be replaced by something different would have been a great shock had it reached members of the Party before the Calcutta Conference. But there is no sign of any such shock occurring. As late as July 1928 in P. 2365 the Communist International was satisfied with the Workers' and Peasants' Parties as such although it desired certain changes in their policy which would make them take a more independent position. The first suggestion of a doubt in regard to these Parties appears in an article headed "Organisational Problems in Eastern Countries" at page 336 of "The Communist International" dated 15th July 1928, P. 1218. This article is noted as published for purposes of discussion and it mentions in connection with the W. P. Ps. in India the inevitability of dissensions and splits etc. On the other hand I have quoted earlier in another connection the passage in Kuusinen's report in which he drew attention to the defects and dangers inherent in such Parties. This report resulted in a considerable discussion, parts of which I have mentioned already. It may be that Kuusinen and the Communist International were right although Dutt thought they were trying to dismiss the whole problem in a few curt phrases which he considered most inadequate and unsatisfactory. But it matters little in view of the fact that the conspirators in India were certainly not aware of the final considered view of the Communist International until after the Calcutta Conference.

O. P. 824. In answer to questions put to him Spratt accused went on to deal with the part taken by him in the Trade Union Movement, that is in connection with trade unions, strikes and the A. I. T. U. C. I do not think that his replies in this connection contain any attempt to explain the facts in evidence from a relevant point of view. His discussion of the strikes however leads him to a discussion of non-violence about which he takes care to get rid of any possible doubt which might arise from some things said by him in the course of the speeches. He concludes by saying: "The correct attitude is to say that even if we cannot use force very effectively now and it is therefore usually though not always wiser not to try it, it is one of our principal duties to see that this situation does not continue and that we are as soon as possible in a position to use force effectively." And from this he goes on to dilate on the hypocrisy of the preachers of non-violence, both socialists and imperialists. And in this connection he concludes by saying: "There is only one more point about this, that is the violence we propose to use. The Magistrate has quoted one of my speeches in which I said something about the brutal and violent side of our policy. I have nothing to retract from that. We admit that we shall have to use violence." And on the previous page he had said: "It seems to be a matter of common sense to conclude that if we are going to get rid of this regime, it must be done by violence." But he goes on of course to the usual old story about the violence which he proposes being only a temporary violence which will put an end to all violence.

O. P. 825. After this he dealt with the C. P. I., about which he said that while in India he worked with the C. P. I. and on a number of occasions did various small pieces of work at the decision of the C. P. I. "as one is required to do as a Communist in a foreign country." He goes on to explain the necessity of a Communist Party in India and explains that "that is why I considered it necessary to establish and strengthen the Communist Party in India." In this connection the prosecution referred to a passage in Kuusinen's report which appears in Inprecorr Vol. 8 no. 68, dated 4th October 1928 part of P. 1204 at page 1232 where he said: "The British Party itself cannot of course create a Communist Party either in India or in Ireland. The task of the British and French comrades in the respective colonies is that of helper and adviser to the Communist Movement and by no means of a leader of this movement. Their tasks consist in educating and training the comrades in a colonial movement so as to enable them to become the leaders of their movement." And that is exactly what Spratt accused implies in his statement that he had been sent out to do, and as to the object he says at page 431: "The only alternative (to a highly improbable national movement for Independence) is the mass national revolution which

can be carried out only with a Communist policy and under Communist leadership", the very kind of revolution which the Communist Party aims at in India, as shown by the programme it supports and the Colonial Thesis of the Sixth World Congress, as a Democratic National Revolution. So that we may take it that it was with the object of bringing about such a revolution that Spratt accused wanted to establish and strengthen the Communist Party of India. And if there could be any doubt as to whether this is or is not a correct interpretation those doubts were finally set at rest by his statement at page 454 where he says, "I had been doing the things, or some of them, which I am charged with, helping to form a Communist Party, with the ultimate object of bringing about a revolution and so on. But one is not accustomed to look upon these things as being illegal." It is a curious explanation to put forward and is only understandable in the light of a fanatical belief in Communism which renders a man completely unable to judge things from an ordinary standpoint.

O. P. 826.

To sum up I am quite satisfied from the evidence that Spratt accused was sent out to India by the Communist International through the agency of the Communist Party of Great Britain to work as an agent and carry out the policy of the Communist International formulated with a view to bringing about a revolution in India. I am equally satisfied that throughout the whole period from the time of his arrival in India up to the date of his arrest on the 20th of March 1929 the whole of his activities were directed and the whole of his energies given to the business of forwarding the work for which he came. I feel no doubt that he was the moving spirit or perhaps I might better say the inspiration of the Workers' and Peasants' Parties, so much so that in everything important throughout this period except possibly the inauguration of the Punjab Party and the direction of the Textile Strike in Bombay his hand is traceable. It is not necessary in the light of all Spratt accused's writings, speeches, and activities and in the light of his statement to this Court to discuss the question whether he could have been under any misunderstanding as to the object of the conspiracy. Whatever Spratt accused has done he has done with the fullest understanding of the things which he was doing and the objects with which he was doing them. Agreeing with 4 out of the 5 assessors I am quite satisfied that Spratt accused has taken part in a conspiracy to deprive the King of his sovereignty of British India and I convict him accordingly of an offence under section 121-A I. P. C.

PART XVII.

O. P. 827.
B. F.
BRADLEY.
2.

Bradley accused states that he first began to work in a factory at the age of 14 and after a short time settled down to learn the engineering trade (he had described himself at the beginning of his statement as by occupation a Journeyman Engineer). In the course of the Great War he was, he says, led astray by falling a prey to propaganda about fighting for the freedom of all countries and joined the navy in 1916. He was demobilised in 1919 and says that he then found himself in the thick of the "class war". In 1920 he took part in the "Hands off Russia" campaign and in October 1921 after a long spell of unemployment came to India for the first time under a contract with the Government of India. He returned to England the following year and in consequence, he says, of what he had seen in India and his experiences in England began to take a deeper interest in the class struggle. In 1927 he was offered an opportunity to return to India by his elder brother, who was the proprietor of the firm "The Crab Patent Under-Drain Tile Company", in order to develop the firm's business in this country. He goes on to say: "At the same time I saw an opportunity to render some practical assistance to my fellow workers in India; to further study their conditions, to be in close contact with them and to participate in their struggle along with them. I seized this opportunity and in September 1927 I came to India on the P. and O. boat Ranpura using my own name, my own passport and quite openly." I suppose that Bradley accused is emphasising the use of his own name and his own passport in order to suggest a contrast between his case and that of Donald Campbell. As regards the Tile Company there is no evidence on the record as to whether it does or does not exist and there is no evidence whatsoever available to show that Bradley accused ever did an hour's work on behalf of the Company throughout the whole of his stay in India. On the contrary all the evidence goes to suggest that throughout the period of his residence in India prior to his arrest the only work in which he interested himself was trade union work of one kind or another. Had it been possible for him to do so there was nothing whatever to prevent him from producing evidence of work done on behalf of the firm in India during this period.

O. P. 828.

In this connection I should note that Bradley accused has suggested in the course of his statement at page 579 following that the money which I mentioned earlier in this judgment at original page 734 following as received by him from England was salary for his services on behalf of the firm, sent to him by his brother or by his mother on his brother's behalf. It appears to me that Bradley accused's explanation in this connection is most inadequate. He has never stated what his salary was. The following are the sums proved to have been received by him while he was in India:

- (1) £ 70 on 21st December 1927 from L. C. Bradley. 40
- (2) £ 80 on 13th March 1928 from L. C. Bradley.
- (3) £ 100 on 3rd May 1928 from H. P. Rathbone.
- (4) £ 40 on 12th June 1928 from Len with a message "towards sending delegate".
- (5) Rs. 500 on 30th December 1928 from Spratt accused. 45
- (6) £ 80 on 12th March 1929 from Mrs. Bradley with a message "from mother wire receipt League".

O. P. 829.

For the two remittances with which were received the messages "towards sending delegate" and "wire receipt League" Bradley accused's explanation is that he understood that he was to send the receipt for this money to a hotel in Birmingham which was the headquarters of the Commercial Travellers' Association and some other organisations of which his brother was a member, because his brother was on tour in the Midlands and had fixed that as an address to which all correspondence should be sent. (See the paragraph in the middle of the page 580 and the short paragraph in the middle of page 582.) The only reasonable meaning which could be given to the words "towards sending delegate" in these circumstances would be that Bradley's brother sent £ 40 to Bradley in June 1928 to enable him to send a delegate to some organisation in Birmingham. To say the least of it such a suggestion unsupported by evidence fails to carry conviction. On the other hand the coincidence that money (a similar sum of £ 40) was remitted from a post office only about half a mile away to Spratt accused at Calcutta on the same day with a message "For representative Manchester Conference Robin", and the fact that this would have been

dated most conveniently for the sending of a delegate to the Sixth Congress of the Communist International, seems to be highly suggestive in view of the fact that both Spratt and Bradley are members of the C. P. G. B., see Bradley's statement at page 578 of the statements of the accused. Then in regard to the sum of £100 sent by Rathbone all that Bradley can say about it is: "It is quite possible that he (Rathbone) was asked by my people to forward this amount to me." But unfortunately we know the circles in which Bradley accused moved in India, we know his association with Spratt accused and we know that this same gentleman Rathbone sent a sum of £200 to Spratt accused at very much about the same time. It looks much more likely therefore that the purpose of Rathbone's sending money to Bradley was not very different from his purpose in sending money to Spratt. In this connection reference may be made to P. 1505 (F. C. 410) which shows that Rathbone remitted £100 to Bradley through Thos. Cook & Son Ltd.'s chief office (that is their London office) on the 30th of April 1928, and P. 2474 Series (F. C. 411 to 413) which shows that he remitted the sum of £200 to Spratt through the same London office on the 3rd May. The truth of the matter is, I feel no doubt, that this salary had nothing to do with the alleged tile company. On the contrary it is much more likely that it had something to do with the real object of his visit to India which is perhaps that stated (or rather partially stated) by him in his speech at a Mill Strike meeting on the 16th September 1928, P. 1729 (2), at page 77 of the new volume of speeches. In this he says, "I came to India from England with the object of making the workers realise the importance of unity, of union and in order that the people in India, the railway workers, the mill workers, the dock workers should organise themselves just as unions of lakhs of men have been formed in our country (England)."

O. I. 830

I have already alluded to a number of references in the conspiratorial correspondence which it is reasonable to assume were meant to forecast Bradley accused's arrival in India. I am of course for the moment assuming the conclusion to which the evidence about this accused inevitably leads. These references are as follows. In P. 1012 (F. C. 227) C. P. Dutt's letter of the 25th July 1927 Dutt says to Desmond (Spratt): "It is very unfortunate that Nelson is in no condition to travel. On the other hand there is an engineer who will be going to Glasgow soon, who should help the university there as you will be glad to learn." It is obvious that there can be no reason why Spratt in India should be glad to hear that an engineer will shortly be going to Glasgow to help the university, and there are good reasons for supposing that by the university Dutt means the Trade Unions. In the circumstances it is fairly reasonable to infer that by Glasgow he must be meaning Bombay. Again on the 9th August Dutt writing to Des and acknowledging Spratt's letter P. 2328P (2) of the 14th June says: "I have heard that there is a university fellow going *out* before long.... he should try to follow the example of his friend who preceded him. That is the latest advice we have for him and I think you will be able to convey it." Another obvious reference to Bradley accused as the "engineer" is to be found in Dange's letter written at the beginning of 1930, P. 2512, where there can be no doubt whatever that it is Bradley accused who is being referred to.

O. P. 831.

He actually arrived at Bombay on the 23rd September 1927 on the P. and O. S.S. "Ranpura" as he himself says, see also the passenger list, P. 672. Within a few days of his arrival he wrote a letter P. 1673P (F. C. 303), dated 29th September 1927, to one Asaf of Hyderabad, Deccan, and it was through this letter that Deputy Inspector Chaudhri, P. W. 262, was able to identify the letter P. 1671P addressed to E. J. Horseman, 10 Ritching's Avenue, Walthamstow, London, which with its envelope was written in block capitals and contained two passages in number cipher, one of which gives the cover address of Karanth. I have, I think, dealt sufficiently with the reasons for thinking Bradley to have been responsible for this letter at an earlier stage. In the course of his statement as an accused Bradley denied that he had written this letter and said that when in P. 1673, the letter to Asaf he said "I have written a letter to Mac" he was referring to one M. Ellis whom he and Asaf had both known on the boat. He said that he would call evidence to prove his contention, but when the time came he like all the other Communist accused preferred to deprive the Court of the valuable assistance which according to him his witnesses might have given. Apart from the circumstantial evidence supporting the view that the letter to Mac emanates from Bradley there is a curious coincidence of phraseology between this letter and the letter P. 1673P to Asaf which Bradley admits to be his. In both we find the

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phrase "I am keeping well" and there are other instances of the same kind. Then again the writer of this letter says he has been in touch with F. H. which, applying the transposition code (remembering that this letter is in block capitals throughout so that we cannot get "Fh."), would stand for G. H. (or Gh) that is Ghate, and there is evidence to show that this cover address Karanth was used by Ghate accused, in fact that it was he who approached the witness Karanth to let him use it. Then again if it was not Bradley who wrote this letter it is difficult to understand why Dutt in P. 674 (F. C. 425), the Sandwell letter, should write to Bradley that he was afraid that the recovery of P. 1686 (F. C. 348) from the lascar Abid Ali meant that Karanth (written in number cipher) was no longer any good. As to the applicability of the transposition code to the case of this letter, that is of course supported by P. 674 in the manner which I have just indicated, and further by the fact that in P. 674 Dutt asked Fred (Bradley) to wire whether the Social Service League gave its consent to his using Jhurdekuq (Khardikar) for the New York meeting, to which a reply was sent in P. 2186 (F. C. 489) to the effect that "inquiries show university gives no powers". This reply was addressed to Dutt, 162 Buckingham Palace Road, but the person who sent it was not Bradley but Ghate from which it is reasonable to infer the existence of a close connection between Bradley and Ghate accused. There is one other point in connection with this letter P. 1671P., namely that in writing the number cipher the writer has used towards the end a figure 7 which is very distinctive and which is to be found in the date at the head of the admitted letter P. 1673P. and of course elsewhere in Bradley's writings. It is also worth noting that the same design of capital R, M and K and a very small capital O are to be found in this letter P. 1671 as appear in P. 2411P. etc., which are proved by the evidence of Colonel Rahman to be in Bradley accused's handwriting. Bradley accused was inclined to suggest that the supposed reason for the identification of this letter given by the intercepting officer, P. W. 262, namely that the cover was of the same size and colour as P. 1673P. etc., was not correct, and the two envelopes were not really the same. He based this on the failure to produce photographic copies of the envelopes. But this is a very feeble argument because it would have been obviously absurd for P. W. 262 to report in P. 1672 that the cover was of the same size and colour as that of yesterday's letter of Bombay when he was submitting the letter to the very officer to whom he had submitted the original of P. 1673P. the previous day. So we have Bradley within a week of his arrival in India writing a letter obviously intended for C. P. Dutt and using a number cipher which in a very slightly different form we have found already to have been used by C. P. Dutt, by Fazl Elahi, an alleged co-conspirator, and by Spratt accused.

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Bradley accused's next appearance was at the Cawnpore Session of the A. I. T. U. C., where he says that he came in contact with many of the accused in the dock and made friends with many of them. In his statement to this Court he comments on the action of the Government in not permitting the delegate of the All Russian Trade Union Council to attend this Congress, and says that British Imperialism knows the harmless British T. U. leaders, and only they may be allowed to enter India. I do not understand him to include himself among harmless British Trade Union leaders. That he was closely in touch with some of the accused in the months which followed the Cawnpore meeting is shown by the fact that his handwriting appears in the last paragraph of the circular letter dated 11th February 1928, addressed by the W. P. P. of Bombay to the Trade Unions regarding the proposed affiliation of the A. I. T. U. C. to the I. F. T. U. P. 1348 (46) (equals P. 827 (1)). Another piece of evidence leading to the same conclusion is the entry in the minutes of the meeting of the E. C. of the Party held on the 25th March, where we find a sub-committee consisting of the President, the Secretary and Comrade Bradley (as adviser) with power to vote, appointed to discuss the Municipal elections and submit a report within three weeks. The report submitted by this Sub-Committee appears in evidence as P. 1348 (7). The Committee thought that the Party should try to secure 2 or 3 seats in the Corporation, where a certain amount of propaganda could be done amidst the petty bourgeois section. It might not bear much weight at the outset but the Corporation could be used to a certain extent as a "loud-speaker" of the Party.

In the course of the summer, that is during the strikes, Bradley accused spoke in public from time to time, for example on the 24th of April and again on May Day, when he is said to have advocated a Labour Raj. He was away from Bombay for a short period in May, when he presided at a non-Party Peasants'

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and Workers' Conference at Nagpur. On the 21st of May he made a speech at Nagu Sayaji Wadi, P. 2239, in the course of which he talked about Swaraj and said that "the real Swaraj is of the workers." Then speaking of the constitution builders he said: "They are talking of framing a constitution, but they have not yet laid foundation for Swaraj. Let them apply their mind to the problems of the peasants facing them in Bombay, Calcutta and Lahore. By assisting you workers they would lay the foundation of the mass movement and will free India from the bond of capitalism and Imperialism." On the 24th of May he spoke again at a strike meeting and said in P. 2240 (2): "I have no love for the empire though I had fought for it. Since then I have learnt a lesson. The empire must be international of the workers. The present empire is constructed on exploitation." He spoke again on the 30th of May in P. 2241 (2). In the course of this speech we find him saying: "Englishmen like Spratt, Purcell, Hallsworth and myself are like nuisance to the Bara Sahibs, because we want to help you in your struggle to free yourself from the bondage of capitalism. . . . Further, this struggle is not yours only. Financial and moral support is going to come from the Textile International of Russia and the workers of the world. . . . You have got to organise a machine from this struggle so that your machine might become a part of the International movement." On the 4th of June in P. 2244 he contradicted the report that he was a member of the W. P. P. which had no doubt arisen from his close association with its members as an adviser to the G. K. M. M. and subsequently a member of the Managing Committee of the G. K. U. He however said that he had watched with interest what the Workers' and Peasants' Party had done and added: "I see in the Workers' and Peasants' Party a party that will lead the workers of India to freedom."

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The next event of importance in Bradley accused's case must have been the receipt by him of the letter, P. 674, which was found, after his arrest, in an almira in a room which had been in his occupation up to a date not very long before he was arrested. This almira was in a room in the house of Mr. Sandwell, which was not occupied by anyone else between the time when Bradley accused vacated it and the time when this letter was found. I have already discussed this letter, P. 674, and the circumstances of its recovery at considerable length, and I need say no more than that I see no possible reason for disbelieving the evidence in regard to its recovery. It is further well proved that this letter was typed on one of C. P. Dutt's typewriters. I have dealt to some extent with the contents of this letter before, but there are one or two more points, which are worth bringing out. First of all the writer C. P. Dutt mentions the receipt of four letters and a report, none of which have been intercepted. After mentioning these he says: "Can you let us know if any letters are missing", obviously implying that in view of interceptions it is quite likely that some might be. Then he comes to a mention of having had a long talk with Jack, a talk which is also mentioned in a letter written by Dutt to Spratt a week later, P. 526 (43) (F. C. 445), dated the 14th June 1928. The next paragraph relates to the New York meeting and the question of using the young fellow, Jhurdekuq (Khardikar), the reply about which was addressed to Dutt as I mentioned a little earlier. In a later paragraph he talks about having someone for "the young fellows in August" whatever is possible i.e. even if nothing is possible for the N. Y. July meeting. Here again the same subject is referred to in the letter to Spratt accused, P. 526 (43). In the next paragraph we have the remark about arrangements having been made for the supply of carbons, to which he adds: "But just at the moment we are faced with difficulties re. despatch. It would be good to get some idea how you use them also", which is a plain request for an account of the use made of monies sent to comrades in India. Then he goes on to refer to Alec and Nelson and to express satisfaction in regard to the "news of events in your region", which is presumably a reference to the Textile strike in Bombay. In subsequent paragraphs there are the references to the cotton shipments, the re-starting of the paper (the Kranti), the meeting of the young fellows (Young Communist International) in August, the supply of "boost" and the discontinuance of the "mail," and to the unfortunate affair in connection with the search of the lascar Abid Ali. Just about the end of June Bradley accused must have received a letter from Mrs. Mellonie, P. 654, (F. C. 459), which is identical with P. 546 (9) (F. C. 454), from the same lady to Spratt accused to which he replied in P. 546 (10). There is no evidence as to whether Bradley accused ever replied to it. Towards the end of July and in August we come across a number of letters in which Sohan Singh Josh accused presses for the attendance of Bradley at the second session of the Workers' and Peasants' Conference of the Punjab to be held at Lyallpur on the 28th, 29th and 30th

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O. P. 836. September. P. 549 (18) (equals P. 1234) (I. C. 201) and P. 1641 (I. C. 216) are letters of this kind issued by Sohan Singh accused as Secretary of the W. P. F. of the Punjab. In these letters we have it proved that Bradley accused was in touch with members of the W. P. P. not only in Bombay but also in the Punjab.

The next speech of Bradley accused, which is on the record, is P. 1703 (3), dated the 24th July, which is printed at page 49 of the new volume of speeches. He begins by saying: "Now-a-days I cannot come every day. The cause of it is that the other matters in connection with the strike have been placed before the owners, and so also I have been fighting out the question of the G. I. P. Railwaymen. Both your struggle and that of the G. I. P. Railwaymen is similar. Both are fighting against capitalism to keep their wages sufficient. The G. I. P. Railwaymen are fighting against the Government and the Railway Board and we are fighting against the owners. That is both of us are also fighting with capitalism." Later on he says: "It is proved that wherever the Government exists, it is the Government of Capitalism." Bradley accused spoke again on the 29th July in P. 1705, which appears at page 55 of the new volume. In this speech he says: "The owners thought that no one will help these workmen. They (the owners) were undecieved. At this time a cheque of Rs. 3,000 has come for helping you from our Saklatwala Sahib, who is in Britain." This is presumably a sum sent by the W. W. L. I., though it would be interesting to know where that organisation was able to obtain so large a sum of money. Later on in this speech he says: "Today outsiders have begun to raise a hubbub against us about Communism. They want to make it appear as a big bogey." Then he preaches the worthlessness of the law as it stands at present. He says: "We say that these laws are wrong. But we are prepared to disregard even laws themselves. We do not respect these laws. O. P. 836. The world is coming to form the opinion that that law is necessary which will provide for our livelihood. The laws after this will be framed by us, so that arrangements will be made for providing for the livelihood of every person." And further on he says: "The power of changing these laws lies in our wrists. We shall make such arrangements as would provide livelihood for every workman. That strength has begun to bring about unity among us. We shall not fail to improve our conditions by unifying our strength."

This reference to a sum of Rs. 3,000 has a particular interest in connection with the correspondence between Glyn Evans at the office of the W. W. L. I. in London and C. P. Dutt c/o Badhuri in Berlin. On the 9th August 1928 in P. 2401P. (F. C. 515) Alf (Glyn Evans) wrote to J. (C. P. Dutt) acknowledging Dutt's letter which he had received on the 2nd August and saying that he did the requests therein contained, one of which, it will be remembered, was evidently the despatch of the letter, P. 2002 C. (F. C. 513) dated the 2nd August 1928 to Spratt, enquiring about Rhuden and Uke-Bhug. The letter goes on as follows:—"The little sum we had to send over was sent and I had a reply from Fred on the 4th acknowledging same." It would seem highly likely that this is a reference to this particular sum of money. In his next letter to C. P. Dutt, P. 2402P. (F. C. 526), dated the 21st August 1928, Alf said towards the end: "By the way I have had a few letters from Fred, of a general nature for the W. W. L. containing receipts mostly, with a few lines of comments on the general position." Now it is important to note the date of this letter, 21st August 1928, because only two days later Potter Wilson, Secretary of the W. W. L. I., wrote to Bradley accused in P. 1860 as follows:—

"Dear Comrade—I have to thank you for the very interesting letters you have sent to me.also the receipts for the moneys the League has been able to collect from the British workers for the strike at Bombay." These two letters when put side by side clearly suggest the identification of Fred with Bradley.

I have already shown the connection between Bradley accused and the Workers' and Peasants' Parties of Bombay and the Punjab. In P. 1616C, a letter from Muzaffar Ahmad accused to Ghate accused, we get evidence that the Workers' and Peasants' Party of Bengal also knew all about Bradley accused and regarded him as one of their friends. In this letter Muzaffar Ahmad accused states that he has sent 50 copies of "A Call to Action" to Ghate, of which 25 are for distribution and the rest for sale. He asks Ghate to give free copies to Shah, Parvate and others, and to Mirajkar, Nimbkar, Joglekar and Bradley accused. This was on the 3rd of August 1928. On the 5th August Bradley attended the All-India Railwaymen's Federation meeting at Madras, which he mentioned to Potter Wilson in his letter, P. 1861P. (F. C. 568) dated

the 8th September written at a time when, as he said himself, he was terribly busy, and which he had to close rather hurriedly, because, as he said, he had got an engagement which he must attend. Both these are no doubt references to his very important engagements at the Party office for the September Council of War, of which we have his own notes. In this letter Bradley accused promised to send a further report, but that report is not in evidence. There is, however, a reference to this meeting of the Federation in the report, P. 2416P. (5), which Bradley accused sent to Potter Wilson with his letter, P. 2416P. (F. C. 762) on the 18th January 1929. This is a copy of the Administration report of the A. I. R. F. 1927-28 and mentions that on the 5th August 1928 the General Council of the Federation met at Madras and resolved that a programme of common demands of all the Railwaymen should be prepared, so that every railwayman in India should put up a common fight on the lines of the programme. On his way back Bradley accused visited Sholapur, a fact mentioned by him in a speech made on the 9th of August after his return. This is P. 1710 (2) at page 81 of the new volume. Apart from the reference to Sholapur and the strike there, there is another passage of interest towards the end, where after speaking of the Public Safety Bill he says: "The Legislative Assembly is of the Government and not of the workmen. The Legislative Assembly is of the King. If any bill whatsoever is passed in it we do not accept that law. What you people ought to do is to build up a legislature of your own by starting a big union. And Government must be confronted with this our legislature..... We shall place forth our law through Union, and thus we shall create two ruling powers (Kingdoms) in India, one of the Government and one of the workmen." Bradley accused spoke again on the 25th of August in P. 1721, which is printed at page 140 of the new volume. In this speech again talking about the Public Safety Bill as a law framed to drive him out of India he said: "Bolshevism is not a bad thing. What it means is Raj of the people, of the workers, Raj of the peasants, Raj of the whole people. That means Bolshevism. Bolshevism is not bad." Meanwhile though not a member of the Bombay Party Bradley accused had still been acting in that capacity. At the meeting of the E. C. held on the 19th August, (see P. 1344), it was decided that the Trades Council and the W. P. P. should co-operate in carrying on a campaign against the Trade Disputes Bill. It is further stated in the minutes that "a resolution was to be drafted by Bradley and Joglekar, to be circulated to different Unions to be adopted by them at their protest meetings against Trade Disputes Bill." No doubt the meeting of the 4th September referred to in Bradley's diary, P. 645, was a meeting of that kind.

From the 6th to the 10th September Bradley accused was, as he said to Mr. Potter Wilson, very busy indeed with the Council of War at the Party office, of which we have his notes, P. 670. Incidentally the letter to Mr. Potter Wilson, P. 1861, is dated the 8th September, which was actually mail day, and Bradley's diary shows that on that day he had two engagements at the Party office at 9 A.M. and 2 P.M. Presumably the reference to an important engagement which he mentioned to Potter Wilson in this letter was the 9 A.M. meeting. Bradley accused made further speeches on the 10th, 14th, 16th and 18th September. The first of these P. 1725 (page 155 of the new volume) consists almost entirely of an attack on Mayekar. The second P. 1728 (page 170 of the new volume) contains numerous references to the Public Safety Bill. It is a speech from which I have quoted at an earlier stage. In it he says: "What a big offence I have committed for which I am to be sent to jail! ... Referring to what I taught, told you during these four or five months, the effort which I made to tell you that the workers should organise themselves, should make unity, should not swim in such a defective manner, should fight with the owners, should secure their own rights from the owners, the capitalists have begun to say that I have committed this offence. The capitalists are to-day in the Assembly as legislators. Therefore by making such laws they may be intending to send me either to jail or to my country." Then he goes on to say that his deportation would not be sufficient to stop the Labour Movement. Further on he says: "Remember that if that happens" (that is, if the owners and the rich are thrown into the sea) "then alone will the labourers' movement stop, then alone will the movement of Communism, of Bolshevism, stop, then alone will the Union movement stop for a time. When do Communism and Bolshevism come? This movement begins to increase only when a condition of extreme penury prevails among the workers, when workers pass days in suffering. If this movement is to be stopped, drive out first these capitalists, owners, mill-owners, factory owners." Then he concludes this speech by urging the workers to build up, after the strike is over, a very big Union, and to fight with capitalism, with

ownerism and with Government. In his speech on the 16th, P. 1729 (2), he repeats this behest for the formation of a big Union of mill-workers, and then goes on to state the object with which he had come to India in the passage which I have quoted before. There is an interesting passage towards the end of Bradley's speech on the 18th September, P. 1730(2) (page 185 of the new volume), a speech translated into Marathi by Dange accused for the benefit of the audience. In this he speaks of the General Strike in 1926 in England and says : " Two years back, that is in the year 1926, an effort for revolution was made there (in England), but owing to the treachery of some leaders it was frustrated. But it is certain that the next effort will not now be frustrated. Therefore it is certain that we shall soon bring about a revolution in our country and that will be successful. While we are making that revolution there, the workers here also—whatever be the result of this strike—must organise a tremendous Union and must make preparations for gaining control over the whole of ownerism." Bradley accused was present at further meetings on the 21st and 25th September, see the entries in his diary, P. 645. On the 4th October the strike came to an end, not so the activities of the accused who had been taking an active interest in it. On the same day there was a meeting of the W. P. P. Trade Union Group at 2 P.M., which is mentioned in Bradley's diary. This meeting was apparently occupied with consideration of the resolutions for the A. I. T. U. C. Jharia meeting which I have mentioned before. On the 12th of October the Managing Committee of the Girmi Kamgar Union issued a leaflet, P. 967, calling for increased enrolment, for a special fund for agitation about the new two sides-three looms system, and for special efforts to raise a Red Army of 5000 men, a company of 100 lecturers and a fund of 2 lakhs for the strike fund. This leaflet was signed by Bradley, Alwe, Joglekar, Kasle, Dange, Nimbkar and Mirajkar accused and one Gadkari.

All this time, as we have seen from various little bits of evidence, Bradley accused was also occupied with work in the Railway Unions. Throughout October he was out on tour attending meetings along the G. I. P. line. This fact is mentioned in his letter to Mr. Potter Wilson, P. 2412P (F. C. 616), dated the 26th in which he says that " although I am not working with Jhabwala in his mill union, I am still working with him organising railway workers. The G. I. P. Railwaymen's Union is going strong. I often have to leave Bombay for a day or two and attend meetings up the line at places." This letter also gives a good idea of the position at the end of the Mill strike and of the work which was being done and its object. He says at one place : " Anyway it is not a good settlement for the workers, and so the slogan that it is only a truce is used." After speaking of organisational work in connection with the G. K. U. and the opening of centres in the mill area he says : " We are holding meetings throughout the mill area, and these are well attended. The spirit of the workers is still good. The slogan of preparation for next May is being accepted by all." And again : " The union is organising the workers round a definite programme of demands, and if organisation goes on, as it is going, in a short time a very strong union will come into being and the workers will be prepared." From all of this it is quite clear that in everything that was being done, in all the work of organisation which was going on, Bradley accused was taking the closest possible interest. He was in fact, as Jack Ryan wrote to his friend in Australia in P. 1806 (F. C. 630) doing " magnificent work." The fact that this work earned him credit in Ryan's eyes has its own value. His efforts on the G. I. P. were also not without fruit resulting as they did in a deputation of Railway workers waiting on the Agent of the G. I. P. on the 7th November, vide the diary P. 638 and the article " Worker Leads Deputation to the Agent " in Bradley's own handwriting and found in his possession, which shows that the deputation was led by Kulkarni and included Joglekar, Jhabwala and Bradley accused. A copy of this was enclosed by Bradley in his letter of the 17th November 1928 to Potter Wilson, P. 2411P. (F. C. 660). That letter also included a copy of Bradley's own article entitled " Brief History, Bombay Mill Strike," a typed copy of which was found in the possession of Hutchinson accused.

This document P. 1035 brings me to a consideration of the relations between Bradley and Hutchinson accused, which perhaps has really greater importance for the case of Hutchinson than it has for that of Bradley. Still it may be convenient to dispose of it here. First of all we have this fact of Hutchinson's possession of a typed copy of Bradley's short history of the mill strike. Then there is an entry in P. 638 on the 25th November of the Khar visit. The next piece of evidence is a letter, P. 1669P, from Hutchinson accused to Bradley, which

was intercepted and photographed by P. W. 262, Deputy Inspector Chaudhri, on the 18th January 1929. It is dated Khar, Wednesday, and must have been written on the 16th. In it Hutchinson says that he could not come yesterday because Subasini Nambiar went down with malaria. He would, however, come along (to see Bradley) either the next day or Friday. Bradley accused himself visited Khar again on the 27th January, (see P. 638) a day on which, as appears from P. 1029, there was a meeting of Hutchinson's Circle of Progressive Youth, which would have ended about the time of Bradley's arrival there. Bradley accused also had in his possession three of Hutchinson accused's visiting cards. Two of these are included in P. 639 and one in P. 658, and each of them has on the back the address of some third person. The connection between Hutchinson and Bradley accused is also shown by Hutchinson's possession of P. 1026, P. 1027 and P. 1028, all three of which contain a word or two in Bradley accused's handwriting, and he was also in possession of P. 1587 (1), a photograph of Bradley bearing his signature. It would seem from all this that there was a closer connection between Bradley and Hutchinson accused than has been admitted by either of them.

O. P. 847.

Bradley's diary, P. 638, shows for the early days of December much activity in connection with the G. I. P. Railwaymen's Union. On the 11th there was trouble in the mill area and on the 12th firing took place there. On the 14th there is an entry showing that he left Bombay for Itarsi en route for Calcutta and Jharia at 10-30 P.M. This fact was also mentioned in his letter, P. 2414 P, (F. C. 719) dated the 14th December 1928 to Potter Wilson.

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The same diary P. 638 contains a whole series of entries in regard to the A. I. R. F. and the A. I. T. U. C. meetings at Jharia. On the first evening after his arrival at Jharia Bradley accused took part in the session of the All India Railway Federation about which he remarks in his diary P. 638 that "the resolution for action was defeated in the open session". On the following day he took part in the E. C. meeting and open session of the Trade Union Congress. At some stage of the proceedings he made a speech which has been reported and is P. 2249, in which he speaks of having had great pleasure in associating himself with the constitutional and continued struggle of one section of the oppressed people of the world. Towards the end he says: "I am always for a militant policy because I believe there is only a militant policy that is going to win the workers' emancipation from Capitalism and Imperialism." In his diary on this date he mentions speaking with J. Ryan (P. P. T. U. S.), Johnstone and Spratt and he also notes the arrest of Johnstone. On the following day that is the 19th he notes that at the E. C. meeting some resolutions were agreed for the open session. The open session took place in the evening and also a further meeting of the A. I. R. F. at which he himself was elected Vice President. On the 20th E. C. meetings of the T. U. C. lasted all day and at the open session he notes: "Some of our resolutions passed. T. Councils. T. D. Bill action. Affiliation to L. A. Imperialism etc. end of T. U. C. elected to E. C. of T. U. C.—Left for Calcutta 1-30 A.M." I have quoted earlier extracts from a number of Bradley accused's reports and articles on the Jharia Session of the A. I. T. U. C. His comments quite clearly indicate his own position. For instance in P. 650 in his notes of the second day's proceedings he writes: "It was clear by the action of certain delegates on the E. C. to this first resolution (relating to Johnstone's arrest) that any resolution savouring of a fighting or militant policy was going to be vigorously opposed by them." Again in his notes of the third day's proceedings he speaks of a terrific scramble of those who wanted a free trip to Geneva, and goes on to say a little later: "The opposition to sending delegates by those in favour of severance with this imperialist organ was carried on in a definite and organised manner. Those who spoke against sending delegates were K. N. Joglekar, D. B. Kulkarni, Shibnath Banerji, myself and others." The vote went against the opposition and the delegates were elected. He says about the election: "our people refused to take part in this." His attitude comes out even more clearly in an article written by him, P. 661, in which he says for example that "the attempts that were made at Jharia to lead the young Trade Union Movement of India on to reformist lines must be vigorously fought." The last paragraph of this article runs as follows: "On the international question the workers' organisation (i.e. the T. U. C.) must sever connections with all pro-imperialist bodies, that is the I. L. O. and the Second International and other subsidiary organisations, and link up with those organisations which are carrying on a fearless struggle against Imperialism and for the freedom of the exploited masses of the world, to make a united front of all oppressed colonial peoples to effectively fight Imperialism." Bradley's account

O. P. 849.

of the A. I. R. F. meeting at Jharia will be found in P. 2416 P. (4) (F. C. 763). The item of business to which the greatest amount of importance is attached in it is the resolution in favour of a general strike failing the satisfaction of demands by a certain date, moved by Kulkarni, seconded by Joglekar accused and supported by Bradley and Banerji accused and Fernandes of the B. B. & C. I. The resolution was ultimately defeated by a small majority and, as Bradley puts it, "a policy of no action and wait and see was adopted by the Federation."

o. P. 850.

Bradley reached Calcutta on 21st December and took part in the sessions of the A. I. W. P. P. Conference on the 21st, 22nd, 23rd & 24th as a delegate of the Bombay W. & P. P., see P. 468 (2) (I. C. 321). There are notes in his diary about each of the four days and on the 23rd he mentions the procession of workers to Congress Pandal about which we have evidence. On the 24th he notes: "Split of Bengal over position of E. C. and office." Bradley accused took an active part in the preparation of the report of this conference and there is a note in his diary on Saturday the 5th January, "Party Office 9-30 A.M. Prepare Report." This no doubt explains the appearance of his handwriting in P. 1764, a file containing manuscript notes for the report, and P. 1771 a manuscript copy of the constitution of the A. I. W. P. Party. At the time of the search of his property he was found in possession of a copy of the report P. 669, and another copy P. 1373 (9) found in the search of the Bombay W. P. P. office contains some corrections in his handwriting.

o. P. 851.

On the 25th December Bradley attended the first session of the All India Youth League Congress. On the 26th, 27th, 28th, 29th, 30th and 31st his diary P. 638 contains a series of notes in regard to the Subjects Committee and the open session of the Indian National Congress. During the same period, that is on the 27th, 28th and 29th the meetings were held of the Communist Party of India to which I have referred not infrequently already. In the meeting of the 28th Bradley was deputed with Spratt to look into the complaint made by Shamsul Huda accused that he was neglected by Muzaffar Ahmad. During all this period Bradley was also from time to time attending the Party office, as for example on the 26th, 28th, 30th and again on the 1st, 2nd, 3rd, 4th and 5th of January. On the 1st of January he also had an engagement to attend a meeting of the Transport Workers' Union of Bengal at Holiday Park at 5 P.M. On the 3rd he had an engagement to attend a meeting of strikers of the Bauria jute workers at 5 P.M., and again on the following day the entries in his diary show that he went to Bauria and attended a meeting of strikers there, besides going round the workers' chawls. It was on this occasion that he made the speech P. 2226 in which he asked the workers not to submit to the damnable conditions to which they were put by the capitalists. He also said that the workers should organise themselves and put pressure upon the Mill Owners' Association to realise the demands on the pain of the general strike all over the jute area. The assistance given by Bradley in organisational work during his short stay in Calcutta is illustrated by the two documents P. 489 and P. 490 which were rejected by the prosecution but put in by Spratt accused as defence documents. P. 490 which is incorrectly dated 4th January 1928 instead of 4th January 1929 is apparently in Bradley's handwriting and is a draft letter on the letter paper of the Transport Workers' Union of Bengal, Temporary Head Office, 21 European Asylum Lane, Calcutta, stating that the members of the Union had at a mass meeting agreed upon several demands which were stated. The manager of the firm to which this letter was addressed was asked to consider these demands and furnish a reply. P. 489 is an office copy or possibly an original letter not actually issued based word for word on Bradley's draft and signed by Shamsul Huda accused as General Secretary of the Union.

o. P. 852.

Bradley accused left Calcutta for Bombay on the evening of the 5th January and en route noted in his diary "Article for Kirti, Amritsar". On the following day we find a similar entry in his diary "Article on Strikes and Methods for P. C. Joshi 34 Holland Hall, Allahabad." On the following days we find mentions of Editorial Committee (presumably for "Kranti" though the possibility that this may have been a reference to the "Spark" cannot be neglected, particularly in the light of a remark by Bradley which we shall come across later), Girmi Kamgar Union, G. I. P. Office Railwaymen, Girmi Kamgar Union Office, Tramwaymen's Union Meeting Dadar Jhabwala play mischief, G. I. P. Railwaymen Office, Oil Workers Strike Meeting, Jan Mill Sewri Strike, Mill Workers Meetings at Lal Baug and Worli, G. K. Union Managing Committee, G. I. P. Railwaymen's Union Managing Committee, Mill Workers' Meeting Tardea, Mill Workers' Meeting Poibaodi Parel, Wadi Bunder G. I. P. Meeting and so on. After this we find daily engagements at the Girmi Kamgar Office.

During this time he wrote to Spratt on the 14th in P. 526 (2) (I. C. 346) mentioning that "the question of financial assistance to the Bauria jute workers will be dealt with at the Managing Committee of the G. K. U. on Wednesday the 16th." He also wrote on the 18th the letter P. 2416P (F. C. 762) to Potter Wilson enclosing the reports on the A. I. T. U. C. and A. I. R. F. Conferences at Jharia, and on the 19th another letter P. 2415 dealing partly with the Indian National Congress and partly with the Oil Strike and the Mill Inquiry Committee. On the 20th he mentions in his diary a mass meeting at Chowpatti Sands and on the 21st "W. P. P. meeting Lenin Anniversary Jinnah Hall 6-30 p.m." There is a report of this meeting on the record P. 1690. (P. W. 180 B. R. Mankar, shorthand reporter). This speech is not a very logical affair, and it is difficult to know whether Bradley himself or the reporter is responsible for that fact. The last few sentences however are clear enough. He says there :

O. P. 853. "War is inevitable between the workers on one side and Imperialism and Capitalism on the other and I warn you that we have to approach a greater war than that of 1914-1918. I want to appeal to you that if that war comes and when that war comes you will take up your stand in the right place, you will take your stand against Imperialism. I appeal to you tonight to realise this principal factor and see that if and when the next war comes you side with the masses of India, seize the opportunity of freeing India from the bonds of Imperialism and Capitalism and bring about the freedom of the masses of India." On the 2nd February, that being mail day, he wrote again to Potter Wilson a letter P. 2417P (F. C. 799) acknowledging C. P. Dutt's letter of the 10th January, P. 1659P (F. C. 747). He describes this merely as a letter from the League of last mail but later on he quotes as follows : "You say in your letter the position is unclear" and that is exactly what C. P. Dutt had said in the first paragraph of his letter where he remarked that "the situation still continues to be unclear", and there are other similar references, from which it is quite clear that C. P. Dutt is to be identified with the W. W. L. I. just as much as are Potter Wilson and Saklatvala. At the top of F. C. 800 Bradley states that "we will start propaganda against the suggested Government inquiry into the conditions of labour (the Whitley Commission)", and there is indirect evidence that he did so in the letter D. 251 from Ghosh accused to N. M. Joshi in which Ghosh writes that "Bradley has already contributed an article to the "Forward" of 26th February under the title "A Labour Leader" asking that it (the Whitley Commission) should be boycotted". Towards the close of this letter he mentions Jhabwala accused as still playing mischief in the G. I. P. Railwaymen's Union, and the fact that the Oil Strike is still dragging on. But more interesting still is his P. S. in which he writes : "Enclosed find the Spark, a new paper that has come out. It has got to be improved." It seems to me difficult to suppose that a man would write about something that "it has got to be improved" unless he was to some extent at any rate in a position to secure or to work for the desired improvement. From the 4th to the 13th Bradley notes daily in his diary, P. 638, that the Bombay riots were proceeding. Soon after this his name appears in the last minutes of the E. C. of the Bombay Party, those of the meeting of the 17th February. In this we find a mention of "Bradley's statement". There is nothing to show with certainty what the statement was about, but Bradley's diary, P. 638, shows that he attended the Party office at 2 p.m. that day. The diary closes with a note apparently dated 22nd February "Leave for Manmad 9 p.m." There is no evidence of any activities on his part after this date.

In addition to the above there is in his case a certain amount of miscellaneous evidence such as the group photograph P. 459, probably taken at the time of the A. I. W. P. P. Conference, which shows Bradley in company with Mirajkar, Nimbkar, Joglekar and Ghate accused. At the time of his search he was found in possession of a few other articles of interest besides those referred to already : for example a copy of the "Pan Pacific Worker" P. 643, a copy of "A Call to Action" P. 644, "India and the Next War" by Agnes Smedley P. 646, a copy of the "Labour Monthly" P. 647, an article or propaganda leaflet headed "T. U. C. must call for action" P. 659, a group photograph of the Executive of the G. K. U. which shows Bradley in company with Dange, Ghate, Joglekar, Alwe, Mirajkar, Nimbkar, and Kasle accused and others, P. 662, copies of two issues of the "Spark" P. 667, a copy of the "Political Resolution" P. 668, and his notes of the Party Council of War to which I have alluded frequently before, P. 670. Another piece of evidence of some interest is Dange's notebook P. 971 containing entries showing payment of small sums to Bradley.

O. P. 855.

The prosecution have sought to establish that there is in Bradley's correspondence with his family support for the view that his salary was being paid,

not as he suggested by his brother's firm, but by the Workers' Welfare League representing in this instance no doubt the C. P. G. B. In this connection the prosecution have referred to the following passages in the letters which passed between Bradley and his mother and brother which it is necessary to examine and consider. The first letter we have is P. 1862P. (F. C. 372) in which Bradley on the 25th February 1928 writes to Mam and Dad : " My salary is rather a long time coming through, I don't know what the delay is, I have written to the firm about it." Only a few days later on the 4th March in P. 2188 (F. C. 380) he wired to his brother L. C. Bradley at 4 Elmsdale Road, Walthamstow, London as follows : " Salary not received to date please wire same urgent Ben ". Curiously enough this telegram is not in Bradley's handwriting at all and the evidence of Colonel Rahman is that it is in handwriting of Ghate accused as indeed appears from an examination of it. In answer apparently to this telegram Bradley accused received a sum of £80 from Len on the 15th March and this was acknowledged in P. 1827C. (F. C. 394) on the 17th March which is addressed to Mrs. Bradley at the same address as the telegram and contains the following remark : " I received that item I cabled for and I hope things have been put right and by now the office must be disorganised (? reorganised)." Then on the 3rd May 1928 Bradley received a remittance of £100 from Rathbone which I have mentioned earlier. This is followed by a transaction which clearly indicates that Bradley was not receiving a salary from his brother at all. P. 1541 (F. C. 423) shows that on the 18th May 1928 Bradley accused remitted by Foreign Sterling Money Order a sum of £5 to his brother L. C. Bradley at 4 Elmsdale Road, Walthamstow, London, and the money order form bears his signature which has been proved by the evidence of Colonel Rahman. I lay some stress on this point because either P. W. 210, V. J. Raghavachariar who produced this form made a mistake in his statement or I myself made a slip in recording his statement which now reads as follows : " Ex. P. 1541 Foreign Money Order form relates to a sum of £5 sterling sent by L. C. Bradley London to B. F. Bradley Bombay and paid to the latter on 18th May 1928." I imagine that this was a slip on the part of the witness because the document relates to the payment to the post office by the remitter and not to the payment of the amount to the payee. Moreover P. 640 (F. C. 424) found in Bradley accused's own possession is the receipt given to him by the Money Order Clerk in the G. P. O. Bombay for the equivalent of £5 being the amount of Money Order payable to L. C. Bradley. In the face of this only a month later Bradley accused receives nominally from his brother on the 12th June a sum of £40. Bradley accused has never offered to explain why out of his supposed salary he should return £5 to his brother on the 18th May only to have it wired back to him within about a week of its reaching England. On the 20th July Bradley again wired to his brother for money in P. 2181 (F. C. 496) which runs as follows : " Len forward my money urgent Ben ". Bradley refers to this telegram in a letter to Mam and Dad dated 18th August P. 2405P. (F. C. 518) in which he says, " I sent Len a cable for my salary on 20/7/28, hope it has been dealt with as I am short. I must close now, tell Len to see to that." On the 5th December a letter P. 1670C. which was intercepted and copied by P. W. 262, Deputy Inspector Chaudhri on the 21st September, was sent by Mam from Elmsdale (Road) (Walthamstow) E. 17 London, the authenticity of which can well be inferred from the references. In it the writer says, " So pleased to receive your welcome letter this mail " ; that would be P. 2405P. The letter goes on : " I am pleased to say that by the time you receive this you will have received the books we sent, also the other you asked for. I hope to hear in your next you have received all, the cable you sent on the 20/7/28 for your salary we never received, we sent on your S and hope you have had it long before you receive this. I should inquire about it." On the 16th November 1928 Sub-Inspector Kothari, P. W. 253, intercepted and photographed a letter P. 1857P. which is signed Len and contains the address 4 Elmsdale Road, Walthamstow E. 17 and the date 1st November 1928 and begins Dear Ben. This letter evidently emanates from Bradley accused's brother L. C. Bradley and contains the following remarks : " I was pleased to get your letter and hear you were well. I saw the people you mention and registered a strong protest and was told that in future things will be different." Later on in the letter he says, " Well Ben I hope you got your salary right on time this quarter, if not I will gee them up again. And if you could possibly spare me a bit I would be obliged no end." The first passage certainly looks as if it is a reference to an irregularity in the despatch of something or other, most likely the salary, while as to the second if Len himself was responsible for the despatch of this salary why should he gee some one else up about it ? And what is the explanation of Len who ex hypothesi is paying Bradley his salary asking him for a loan ? This letter was followed a week

later by P. 1856P. (F. C. 637) from Mam which is from the same address and is dated 6th November and contains the remark : " We have seen to what you asked. Let me know if it is alright." Apparently it had not been alright, because before this letter reached India Bradley accused had on the 17th November in P. 2182 (F. C. 661) wired to L. Bradley at the same address : " Advance on salary urgent wire reply Ben ". I imagine that this telegram was slightly delayed in transmission because it is not mentioned in the letter written by Mam to Ben on the 20th November, P. 1813C. (F. C. 662) (P. W. 271, Sub Inspector Ketkar), in which Mam says : " You should have received what you asked for long before this letter reaches you, if there is not something very wrong somewhere, let me know at once." And the letter ends with the expression of a hope that Ben has received " what we have sent ". On the 24th November in P. 1826P. (F. C. 674) Bradley accused writing to Mam and Dad acknowledges his mother's letter P. 1856P. but in this letter too he complains of non-receipt of his salary and says : " I have not yet received what I had asked for, my salary. I cabled to Len about it last week on the 17th urgent, ask Len to let me know by return if he received my cable, also to see that what I want is despatched at once if not already done." This letter crossed the letter P. 1815C. (F. C. 677) (P. W. 271, Sub Inspector Ketkar) dated 28th November 1928 from Mam in which she writes to Ben : " I hope by this you have received what we sent. Len saw to it at once from the first time your asking, I cannot understand it." The same witness proves interception of the letter P. 1812P. (F. C. 689) written by Bradley accused to Mam and Dad on the 1st December in which he says, " I am sorry to say I have not yet received any sign of my salary, yet as you know by last week's mail I had wired you, but I expect you did not receive it. Tell Len to get a move on with that." This letter again crossed a letter from his mother P. 1667C. (F. C. 697) (P. W. 262, Deputy Inspector Chaudhri) dated the 4th December 1928 in which she says : " I hope you received what came for you, which I enclosed in one of my letters, what you asked me to send on to you." This remark about something coming for Ben obviously from someone else reads curiously in the light of P. 1668P. (F. C. 703) (P. W. 262, Deputy Inspector Chaudhri) in which Len writes to his brother from the usual address on the very next day, the 5th December : " I went and reminded them about your salary again yesterday. I expect you received it by now. You seem to be having a lot of trouble about it ; " a very curious remark for Len to make if the salary emanated from his own firm, and I may note here that there has been never any suggestion that Bradley accused had more than one brother. The next letter on the subject is P. 1858C. (F. C. 721) dated the 18th December 1928 from Mam to Ben (P. W. 253, Sub Inspector Kothare) in which after acknowledging Bradley's letter P. 1812P. of the 1st December she says, " What you mentioned in the letter has been sent to you long ago, it was seen to at once when we received the wire. I cannot understand its delay." About a fortnight later, on the 22nd of January, Bradley wired again to his brother in P. 2187 (F. C. 796) " Money not received urgent cable reply Ben ". This telegram again like P. 2188 is in Ghate's handwriting (Col. Rahman was doubtful but we have the evidence of Mr. Stott and also the curious fact that it contains a spelling fault which is shown in other writings of Ghate accused of the same date, namely that in spelling the word " received " he writes it with the " i " before the " e " " received " a mistake which also appears in P. 2188). This telegram is mentioned by implication in P. 1816C. (F. C. 803) (P. W. 271, Sub-Inspector Ketkar) dated the 5th February in which Mam writes to Ben : " I was disappointed in not hearing you had received what was sent, I hope to in your next, everything was seen to at once." This letter was crossed by P. 2406P. (F. C. 805) dated the 8th February in which Bradley wrote to his parents : " The remittance that you say you sent in your letter has reached Bombay and I shall make an effort to obtain it." Then on the 12th March a sum of £40 was cabled to Bradley vide P. 1514 and P. 1515 (F. C. 839) with a message " From mother wire receipt League ". It was not delivered until a considerably later date probably because Bradley was away from Bombay at the time of its arrival and was arrested before it could be delivered to him at Bombay. Finally on the 19th March we get a letter P. 1817 (F. C. 857) from Mam to Ben. This is an original letter and contains the following interesting passage : " Len is writing to you this mail, and I want him to explain things to you much better than I am able to. My dear Ben, I did explain in one of my letters that what you asked for was sent every time and its all gone to one place. Any way let me know how I am to send money to you so as you may get it. I will send it as you direct."

Now I think it is obvious on reading through all these letters that there is a curious attempt on the part of " Mam " to avoid talking about Bradley's

salary. She is careful as far as possible to use such phrases as "what you asked for" and so on and Bradley accused does the same. Another important point, for which Bradley accused fails to offer any explanation, is the fact that in the whole of this correspondence there is not a single reference either by Bradley in his letters or by Len or any one else at home in their letters to Bradley's ever having done anything whatsoever on behalf of the firm. It is perfectly obvious that had Bradley really come out to India in order to do work for a Tile Company with which his brother was connected there must from time to time, in the course of correspondence between him and the persons at home who might be taken to be interested in that firm, be references to orders obtained by Bradley in India or the efforts made by him to obtain such orders. We have nothing of this kind at all. On the contrary I have failed to find a single reference to the Tile Company in any letter and if it is to be supposed, as indeed one must suppose from the fact that so many reminders are addressed to him, that Len was the person interested in the Tile Company then it is only necessary to read through the letters written by Len himself to realise that Len has nothing whatsoever to do with tiles at all. On the contrary it appears from his letters that he is a journeyman engineer of some kind who occasionally works as a fitter and who spent a good deal of time out of employment during the year 1928. The whole suggestion of a tile company is obviously a complete fabrication merely intended to give some sort of apparent justification for the receipt by Bradley in India of a salary from England.

I have already mentioned and disposed of a number of the suggestions and explanations offered by Bradley accused in connection with this salary. On page 582 of the statements of the accused Bradley proceeded to work out an account of what he received or ought to have received during the period he was in India prior to his arrest, and calculated that adding it all together and dividing the total by 18 (the number of months during which he was working in India) his salary would come to only Rs. 298-1-5 per month or say a round figure of Rs. 300 a month. He went on to say: "On this huge sum according to the prosecution you are to believe that I was hired by Moscow to create the machinery and to finance the movement to overthrow the sovereignty of the King Emperor in India." He goes on to say that he was short of money even to pay his ordinary expenses such as hotel bills and travelling expenses as is shown by his letters and telegrams, and therefore it is sheer nonsense to suggest that he had money for other purposes. But I do not think that it has ever been contended by the prosecution that Bradley accused did have money to spend for other purposes or that he was hired (as he puts it) "to finance the movement" for revolution. On the contrary the suggestion is that he was hired to do Communist work in the trade unions in India, and in that case it does not appear to me that there is any justification for his pouring scorn on a salary of Rs. 300 a month, as taking his own figures as to what he might have earned in England he would at best have received about £17 a month or more probably, after the rates of wages for his class of work fell off, about £12 a month. And that is on the assumption that he was never unemployed, a very large assumption as the letters of his brother Len indicate. It would be rather like looking a gift-horse in the mouth for a keen Communist like Bradley accused, who had already spent some little time in India, to refuse a salary of between £20 and £22 a month for doing Communist work in this country.

I may now turn to some more general points in Bradley accused's statement, some of which go a good way towards clearing up the purpose of his coming to India, particularly when they are read with his own remarks in his speeches to which I have drawn attention a little earlier. On page 575, after speaking with admiration of the policy of the Communist Party of Great Britain in regard to the revolution in China, he goes on to speak of India and says, "On this basis" (the clear cut demand for the withdrawal of troops from India and the colonies and the recognition of their complete independence) "the C. P. G. B. is forging the link that will unite the struggle of the British proletariat with the struggle of the colonial masses against Imperialism, and lead them to overthrow this great organisation of exploitation and oppression as represented by the British Empire. It is our aim, the aim of the working class movement to overthrow Capitalism and to substitute in the place of the dictatorship of the capitalists the dictatorship of the workers." At the top of the next page (576) he says, "This" (the emancipation of the Indian masses from British Imperialism) "can only be successfully achieved by the linking up of the revolutionary working class movement of Britain and India along with the revolutionary working class movements throughout the world on the basis of the programme

of the Comintern..... The fact that I am in the dock to-day charged along with my Indian comrades shows that we workers in the metropolis are beginning to realise more and more that it is in our interest to see that the domination of our own bourgeoisie over the workers in the oppressed and colonial countries of the Empire within which we live must be abolished once and for all." Then at page 577 he goes on to say : " I claim that the only way out of the present world economic crisis is the revolutionary way, capitalism must be smashed and socialism built up from the ruins thereof, upon this must be taken into consideration the position of the British Empire." He concludes this section of his statement as follows : " I stand here today to register the right of the workers of Great Britain to cooperate with the workers of India in the struggle against Capitalism and Imperialism. In doing so there is no conspiracy, it is open cooperation in the class struggle against our common enemy, and come what may we are determined ultimately to march forward together shoulder to shoulder to our emancipation under the banner of the Communist International." That is to say Bradley accused in so many words claims that he stands before the Court to register the right to take part in a conspiracy to bring about the abolition of the existing form of Government in India by means of a violent revolution, and indeed there is plenty of confirmation throughout his statement for this conclusion. For instance at the foot of page 598 he says, " Whilst it is the correct policy of the Trade Union Movement to have before itself the programme for the "improvement" of the workers' condition within the system of Capitalism, both by economic means and by legislation, nevertheless it is a fact that there can be no real or lasting improvement under Capitalism. Therefore it is our policy to consider the means for attaining socialism and to this end we work for the mobilisation of the masses of workers for the revolution. In a colonial country this takes the form of the revolutionary fight for Independence and the overthrow of Imperialism."

O. P. 864.

That is their theory and at page 704 he says, " Our activities (speeches, trade union meetings etc.) in connection with the movement have been in accordance with our theory. That is a sufficient defence for them." When questioned about his connection with the C. P. I. and referred to certain exhibits at page 706 Bradley's reply was : " I know nothing about these exhibits. Nevertheless as I was a member of the C. P. G. B. in India I worked with the members of the C. P. I., and this of course naturally follows being a member of the same organisation." And he went on further to say in answer to the next question : " I worked with the Workers' and Peasants' Party of Bombay and I attended the A. I. W. P. P. Conference at Calcutta in December 1928." Finally on page 712 Bradley expressed the opinion that there was no evidence before the Court to support the particular charge of the prosecution and added : " Nevertheless I do not shirk the responsibility of anything that I have done while I have been in India. On the other hand, as a Communist, I am proud of the fact that I have been afforded an opportunity of participating in the class struggle with my Indian comrades." In the circumstances it seems a pity that he should have been so evasive in his replies in regard to the evidence in support of that participation.

O. P. 865.

There are only two other points to which I need draw attention in Bradley's case. The first is that the above is of course only a brief summary of the evidence against him. There are actually on record some 62 documents in his own handwriting and approximately 150 documents affecting his case apart from documents relating to T. M. O.'s and the like. The second is that he is a signatory to the joint statement made on behalf of all the Communist accused by Nimbkar accused, a statement to which he made a reference in arguing his case saying that it gave the whole position from the Communist point of view and that he himself adhered to it.

It appears to me that the case against Bradley accused does not admit of any doubt whatever. It is clear that under the cloak of being an agent for the sale of tiles he was sent out to India by the Communist Party of Great Britain, working perhaps mainly through the agency of its subordinate organisation the Workers' Welfare League of India, to do Communist work in the trade unions, in fact to follow in the footsteps of Donald Campbell. It appears to me from the evidence that he did what he was intended to do and did it very well and that he took an active part as a Communist fraction in a number of trade unions. His best work was certainly done in the G. I. P. Railwaymen's Union but he also did a lot of work in the B. B. C. I. Union. He also took a very active part in the Textile Mill Strike and an interest in the Port Trust Railway and Port Trust employees, the Municipal workers, Oil workers and Tramwaymen and also in Jute

O. P. 866.

workers and Transport workers in Bengal. He has himself explained what his objects were in all that he did. In addition to this he served to some extent (of course to nothing like the same extent as Spratt accused) as a link between the European and Indian ends of the conspiracy. The correspondence of his which we have on the record is on the whole fairly innocuous with the exception of P. 674. But it is obvious that a great many of his letters escaped censorship, and if we may judge from the fact that immediately on his arrival he took steps to secure that correspondence should reach him without undergoing censorship the remainder of his correspondence must have been of a kind which he did not wish to come to the eyes of the authorities. That he occupied an important position in the conspiracy is evident from his presence at the Council of War in September 1928, his notes at which show a full understanding of everything that was going on or that was intended to be done in future. In addition to the above he did notable fraction work in the A. I. R. F. and in the A. I. T. U. C. and the fruit of the work done by him and others of the accused in the latter organisation was seen in the split mentioned in the statements of the accused which took place in a year or so later.

Agreeing with four and disagreeing with one assessor, I hold that Bradley accused has participated in a conspiracy to deprive the King of the sovereignty of India and I convict him accordingly of an offence under section 121-A., I. P. C.

PART XVIII.

O. P. 867. Ghate accused's first appearance in the evidence in this case is in connection with the Communist Conference held at Cawnpore in December 1925. P. 1287 (11), a document recovered in the search of Appoji Rao (see the search list P. 1283 and the evidence of P. W. 212, Deputy Inspector De Souza), contains an account of the proceedings of the First Indian Communist Conference held in Cawnpore on the 26th December 1925 and of the meeting of the Central Executive held on the 28th. Of the accused, Muzaffar Ahmad, Joglekar and Ghate were present at this Executive Committee meeting. The document shows that Joglekar, Ghate, Nimbkar, Muzaffar Ahmad and Abdul Majid accused were all elected to the Executive Committee of the Party on this occasion, as also were J. P. Begerhotta and Krishna Swamy Iyengar (Madras), and that Begerhotta and Ghate were elected General Secretaries of the Central Executive. Iyengar (Madras) and Muzaffar Ahmad (Calcutta) were among those appointed as Secretaries for the circles noted against their names. It was also resolved at this meeting that the Central Office of the Committee be transferred to Bombay for the ensuing year, and that Ghate be paid Rs. 60 a month for his own private expenses and be placed in charge of the Head Office at Bombay. Early in the following year there was a considerable amount of correspondence between Joglekar, Muzaffar Ahmad and Ghate accused, who were endeavouring to recover from V. H. Joshi the balance left over from the fund collected in 1924 for the defence of the accused in the Cawnpore Communist Conspiracy Case, see P. 1140 (I. C. 1), P. 1836P and 1837P (I. C. 2), P. 1139 (I. C. 4), P. 1287 (12) and P. 1141 (I. C. 6).

O. P. 868.

We then come to a series of letters illustrating Ghate accused's main activity throughout the whole history of the case, namely the successful maintenance of communications with conspirators abroad. It will be found that nearly all the letters in this connection are letters, to which I have referred earlier, and the proof of which I have already indicated. The first of these is P. 2321P. (F. C. 115), dated 17-2-26, a letter from Sipassi to Iyengar under the cover address 'N. Swamy', in which Sipassi says: "Fh. receives papers, please get all the numbers from him and read them all. If every comrade does the same, it is not necessary to write instructions in letters." Further on he says: "To form a new party and conduct the movement on right lines it is necessary to read and have the literature;" and in a P. S. at the end he says: "I request you again to read our Paper up to date before going in March to take part in the Party conference." By "our paper" it is obvious that Sipassi must mean either the "Vanguard" or the "Masses", at this date probably the former.

The next letter in which Ghate accused is referred to is P. 2322 (1) (F. C. 132) dated the 31st May 1926 from Iyengar at Madras to Begerhotta at Delhi, the letter which came into the hands of the Police through the Dead Letter Office. In this letter Iyengar writes: "What made you shift the office to Delhi? Here with you will find my promised quota of Rs. 50. Is Com. Ghate to be with you there? Poor chap please have him." The reference here is plainly to the moving of the office of the C. P. I. from Bombay to Delhi. This change of the Party headquarters is mentioned in P. 1207 (1), where the relevant passages are as follows:—

"Immediately after we parted from Cawnpore, a meeting was called by Comrade Muzaffar Ahmad at Calcutta of all the Provincial organisers and other members with the idea of changing the headquarters of the Party from Bombay to Delhi, since it was found difficult to go on with it at Bombay, as was decided at Cawnpore. . . . Later a regular office was started at Delhi with Comrade Begerhotta in charge. He was later joined by Com. Ghate and organisational work was started."

The next reference is in P. 2121P (1), a letter dated 20th October 1926 from Iyengar at Madras forwarding to Muzaffar Ahmad accused at Calcutta, the letter P. 2121 P. (F. C. 171) which had been received from Sipassi along with the English letter, P. 2315 P. (F. C. 142), dated 29th September 1926. This Urdu letter is the one which was sent by Iyengar to Muzaffar Ahmad twice over and was intercepted on the second occasion at Calcutta. The first of Iyengar's forwarding letters, P. 2121 P. (1) is dated 20th October 1926 and the second, P. 2121P. (2) is dated the 2nd November. In the first Iyengar writes to Muzaffar Ahmad: "While in Bombay I saw your letter to Ghate." In the second he mentions Ghate three times. First he says "that Englishman Mr. Campbell who is in Bombay and who met Com. Ghate twice has been asked by them" (apparently comrades abroad) "to speak at this Conference of ours. We can also hear what

he has to say." Then later on he says, speaking of the proposed Conference, "I have accordingly written to Ghate all about this and asked for his opinion. Since J. B. too is coming to Bombay at Ghate's call I too shall have to go once more to Bombay, so that all of us could assemble and discuss." As we know a good many of the accused did actually go to Bombay at the time of Saklatwala's arrival to discuss the proposed Conference. 5

We also get a direct reference to Ghate accused by Sipassi in his letter of the 1st December 1926, P. 2324 (F. C. 163), which closes with the following words: "Greetings to Beg, Ghate and other comrades. Communicate the contents of the letter to all," 10

On the 1st January 1927 Ghate in his capacity of Joint Secretary of the C. P. I. wrote the letter, P. 1287 (14) (F. C. 175), to meet Saklatwala at Aden. An office copy of this letter and the reply to it from Saklatwala, P. 1287 (6), were both recovered in the same Appoji Rao's search. Another copy of Ghate's letter to Saklatwala was also found with Begerhotta in the file D. 375. The members of the Party met Saklatwala on his arrival in Bombay on the 14th January, and were very dissatisfied with the way in which he treated them. I have already mentioned the subsequent events in this connection. As far as Ghate accused is concerned, the only important point to note is that Ghate accused was one of those who went to Delhi and met Saklatwala on the 14th March and again at a meeting held the following day in room no. 33 at the Royal Hotel, for which a notice, P. 781, was issued over his and Begerhotta's signatures. 15 20

The occasion of this meeting was the Delhi Session of the A. I. T. U. C., at which Ghate was elected Assistant Secretary of the T. U. C. along with Bakhle. It will be convenient to mention here that, although Ghate had in February been complaining that he was in hopeless straits financially, an offer was made to the T. U. C. soon after the Delhi Session that he and Thengdi were prepared to go at their own expense to Canton to attend the Pan-Pacific Conference as delegates on behalf of the A. I. T. U. C. (vide P. 2517). It is of course obvious that a man like Ghate, who was merely a clerk in the paper trade, working for the firm of Acharya & Co. (see P. 809 (I. C. 36), P. 2128 P. (I. C. 45) and P. 1011 (I. C. 62)), would not have been likely to be in a position to pay his own way to Canton and back. It is more than likely, as I suggested earlier, that the offer that the delegates would go at their own expense was rendered possible by the fact that by this time Spratt accused had received some eight thousand rupees from England. There is also evidence on the record that Ghate accused applied without success for a passport to enable him to go to Canton, as also did Thengdi, but with equal lack of success. 25 30 35

Reverting to Ghate accused's correspondence the next letter of importance from him which we come across is P. 2326 P. (F. C. 187) a letter dated 19-2-27 obviously in his handwriting (see also P. Ws. 133 and 277) to Iyengar under the cover address of Kannan. This is the letter in which he mentions that "we have started the W. & P. Party." An even more interesting remark is about "the boy" (Ajudhia Prasad accused) when he says: "The boy is quite alright. He may write to you separately. The arrangements are being completed on his behalf." Then a few months later we come to P. 2127 P., a letter to Muzaffar Ahmad accused, dated the 10th May 1928, (misdated 1928 for 1927 as it was intercepted by P. W. 54, S. I. R. N. Gupta on 12th May 1927), in which he mentions that "our Vernacular organ" (Kranti) "has been started—a specimen issue has been out, and a copy must have been sent to you already. Our work here is progressing satisfactorily." At the end he says: "Have you heard from Madras Comrade? What about our Party's working C. P. I.?" A fortnight later in P. 2128 P. (I. C. 45) Ghate accused wrote again to Muzaffar Ahmad saying: "You may have received the notice of the meeting. Are you coming over here? Really speaking I didn't expect that enough number of people will attend... Madras friend is expecting to hear from you soon." The reference to a meeting here is no doubt to the general meeting of the C. P. I. held at Bombay on the 31st May 1927, of which we have the full report, P. 1207 (1). It is moreover to be noted that a copy of this report was also found in the search of Ghate accused's own property, and is in evidence as P. 1324. I may perhaps in this connection draw attention to the passage describing the record of work done in Bombay during the period under report. The important part is as follows:—"Bombay—Here a strong left wing organisation was found necessary against the present leadership, and our comrades have been successful in having a W. & P. organisation, which has already commenced work amongst the industrial workers with their organ 'Kranti'. A number of Trade Unions have been formed, and they could command an influential position in the A. I. T. U. C. 40 45 50 55 60 65

recently held at Delhi. With the help of the comrades returned from other provinces, they succeeded in getting Comrades Thengdi and Ghate elected as administrative and Assistant Secretaries respectively." In this meeting of the C. P. I. Ghate accused was elected General Secretary of the Party. Before I leave this report, it may be as well to note that, as is suggested by the above record of work done by the members of the C. P. I. in Bombay, Ghate accused took by no means a negligible part in the organisation of the W. P. P. of Bombay in January and February 1927. His name appears among the E. C. members and in the provisional list in P. 1355 (7) C, and P. 1355 (7) A & (7) B are both partly in his handwriting.

The next apparent reference to Ghate accused is in P. 1007 (F. C. 213), a letter from C. P. Dutt dated the 9th June 1927, found in Spratt accused's possession in September in which Dutt says: "I believe your old friend Fh. knows someone in Colombo who would write something." Next on the 15th August Spratt accused writing to C. P. Dutt in P. 2329 P. (1) (F. C. 235) mentions Ghate accused three times. At the beginning he says: "I am asking Fhusa to tell you about his affairs, as I have been out of touch with them for some time." In the middle he says: "Re. the Bible, which nobody has seen here for years, it is safe to say that we do not know half a dozen men who would read it. Nevertheless half a dozen copies would be valuable, and L. is arranging with Fh. about getting them if they arrive. Similarly for the Bulletin and the C. Times." Then again towards the end he says: "On the subject of books I have not heard from Fhus lately, but unless there has been an unexpected development things will by now have almost reached a crisis." This is a letter which Ghate accused, signing himself "George" in P. 2329 P., forwarded to Iyengar under the cover address "Chakravarty" on the 26th August. Meanwhile on the 22nd August he had written to Spratt accused in P. 1011 (I. C. 62) a letter signed 'S. V. G.' and recovered from Spratt's possession in September 1927. The letter contains a good deal of information. It begins with a reference to the covering letter under which he must have received P. 2329 P. (1) from Spratt. As to this he says: "The main points with regard to the information that you require are being dealt with by Mirajkar in his letter" (P. 1010). Then he goes on to refer to the despatch of Spratt's letter to C. P. Dutt and says: "I have, therefore, only to add that I am sending your matter to the Party concerned, with my remarks in the form of a report." Then he proceeds to discuss the matter of the organisation of the W. P. P. and says that he stands for the affiliation of Unions with the W. & P. Then we get a passage about remittances and Majid which is as follows:—"I have arranged with Majid regarding future remittances, but still I am doubting whether it would be a safe method. He will tell you himself what method it is." The last remark decidedly suggests that this particular letter will be delivered to Spratt by Majid. Ghate accused goes on to say that he is sending some copies of the "Masses" received through 'the boy' (Ajudhya Prasad) and a letter which he brought with him. That letter would certainly be C. P. Dutt's letter, P. 1012 dated the 25th July. Then he mentions F. E.'s father, obviously a reference to Fazl Elahi's father. Then there is an interesting paragraph about the Party organ. He says: "I think we would seriously concentrate on bringing out an English paper—I have begun to doubt our wisdom in coming out with the Vernacular paper first." After that he goes on to discuss the strike in the Apollo and Manchester mills and its conduct by Joglekar accused and Mayekar.

Ghate accused is next referred to in Spratt's draft letter of the 4th September 1927, P. 1009. The reference is as follows:—"About MSS. Fhusa spoke to me on the subject. I think his will be a good scheme." It looks very much as if this was a reference to the arrangements mentioned by Ghate accused in P. 1011, as having been made by him with Majid regarding future remittances: In the middle of this letter there is a passage in number cipher which when decoded gives the cover address "N. S. Mudkatte, Wharf Superintendents Office Sewri, Bombay Fifteen," in connection with which we have the evidence of N. S. Mudkatte, P. W. 264, showing that he was asked by Ghate accused to allow him to use his address for the receipt of letters.

On the 14th September 1927 a meeting was held in Bombay to welcome Usmani accused on his release from jail, and in Ghate accused's search there was recovered P. 1312 which is a copy of a resolution passed on this occasion, which bears the signature of Spratt accused and a note "passed unanimously 14-9-27." On the 24th of this month Ghate accused wrote a letter, P. 2137 P. to Muzaffar Ahmad, in which he mentioned Spratt's case, that is his trial in connection with "India and China" and the formation of a Defence Committee with Mirajkar

O. P. 873.

O. P. 874.

O. P. 875.

as Secretary. This was written the day after Bradley accused landed at Bombay. It is clear that no time was lost by Bradley accused in getting in touch with Ghate accused, vide Bradley's letter, P. 1671, the letter written in block capitals in which Bradley wrote : " I have been in touch with F. H. so that is all right ", and went on to put in a portion in the number cipher, which when decoded, gives the cover address ' Karanth ', an address in corroboration of which we have the evidence of the witness, R. K. Karanth, P. W. 239. And that evidence again is corroborated by the letter, P. 1686, (F. C. 348), whose recovery from the possession of Abid Ali, resulted in the remark by Dutt in P. 674 (F. C. 425) that " I am afraid that it means also that 8|13 etc. (Karanth) is no longer good."

On the 5th October 1927 Ghate accused wrote a letter, P. 1470, to the Superintendent Yeravda, Central Prison, Poona, inquiring about a letter addressed by him to D. Campbell alias George Allison and asking for an interview with Campbell, an act which seems obviously to suggest some connection between them. In November he took part in the meeting held to celebrate the 10th Anniversary of the Russian Revolution, vide P. 1685, the report of Deputy Inspector Chaudhri, P. W. 262. Later on in the same month he attended the Cawnpore Session of the A. I. T. U. C. and was also one of those present at the informal meeting at Gowaltoli, an account of which is given in Dange's letters to Majid and Muzaffar Ahmad, P. 1878 C. and P. 2097 C. (I. C. 72).

O. P. 876. On the 9th December Ghate accused wrote a letter, of which P. 2101C is a copy, to Muzaffar Ahmad, in regard to a proposal made by Singaravelu to hold a Communist Conference at Madras during the Congress week. In this letter he said that he was telling Singaravelu that he was consulting all the comrades for their opinions. He also said that friends in Bombay had suggested that an ordinary meeting of the Party be held at Madras and no Conference. This letter is corroborated by P. 1287 (4), an original letter from Majid, which mentions a circular letter of Ghate dated the 10th December with reference to Singaravelu's suggestion. The ultimate result was that a meeting of the Party was held at Madras in the last days of 1927. In connection with this meeting there are in evidence P. 1285, a letter from Dange to Ghate, accepting appointment on the Presidium of the Party, P. 1287 (1), an application for membership of the C. P. I. from Mirajkar with a note on it in Ghate's handwriting " recommended by S. V. Ghate to be considered in March ", P. 1287 (2), notes on the meeting of the E. C. of the C. P. I., Madras, 29-12-27, the bulk of which is in Dange's handwriting, only the first two or three lines being in Ghate's handwriting, and P. 1287 (5), an application for enrolment in the C. P. I. from Usmani accused with a note in Ghate's handwriting " Enrolled as member, & Elected to the Presidium."

O. P. 877. After this meeting at Madras Ghate was apparently accompanied to Bombay by Spratt accused, who wrote to Muzaffar Ahmad on the 16th January a letter, P. 2096 P. (I. C. 87), in which he gave his address as c/o Ghate. Then at the end of January Ghate as a member of the W. P. P. of Bombay very naturally took part in the Enlarged E. C. meeting of the Party (vide P. 1348 (50) and P. 1348 (41)). It may perhaps be as well here to refer also to the minute book of the meetings of the Executive Committee of the Bombay W. P. P., P. 1344, which gives a good idea of Ghate's position in the Party. Prior to this Enlarged E. C. meeting we find the minutes of four meetings only. Ghate accused was present at all four of them. At the first, held on the 30th April 1927, he was elected to the Editorial Board of the " Kranti ". At the second, held on the 4th May, his name again appears in the Editorial Board, and he was also appointed to the Financial Committee, which was to look after the general financial affairs of the Party and the management of the paper in particular. The actual editorship of the " Kranti " was assigned to Joglekar and Mirajkar accused. At the other two meetings he merely appears as being present. As a matter of fact, Ghate accused was present at all the meetings of the E. C. held prior to the annual general meeting held on the 18th March 1928, at which he was elected Secretary for the following year. After this meeting the names of those present at the E. C. meetings were not commonly recorded, but Ghate's name appears frequently, and as Secretary he would naturally have attended all such meetings as far as possible, and in fact a large portion of the minutes is in Ghate's own handwriting. As to the actual part taken by Ghate accused in the Enlarged E. C. meeting, Mirajkar's letter, P. 835, (I. C. 94), shows that he moved the Youth resolution, a copy of which is on the record as P. 833.

Subsequent to this meeting Muzaffar Ahmad returned to Calcutta, and we find some correspondence between him and Ghate accused in regard to the failure of the copies of the Enlarged E. C. resolutions to reach Calcutta. I have given the references in this connection in dealing with the matter in the first volume of this judgment.

On the 18th March the First Annual Conference of the Bombay W. P. P. was held at the Congress House, Bombay. Accounts of this Conference are to be found in P. 1344 and also in P. 1348 (24), which is in Ghate's handwriting, and is apparently an account despatched by him to the newspapers on the 20th March. It is interesting to note that among the messages received on this occasion were messages from the C. P. G. B. and the Peasants' League of Moscow or Krestintern, and that following the method of the Communist International itself the Conference "instead of passing resolutions adopted a number of theses analysing each problem in its historical and present aspect, in the light of the Party's principles and arriving at a conclusion and programme of work to be followed during the next year."

P. 1344 shows that Ghate accused was a member of the Sub-Committee, appointed by the E. C. on the 25th March to discuss the question of putting up candidates for the Municipal elections. P. 1348 (7) contains the report of the Sub-Committee, which was considered at the meeting held on the 8th April. At this same E. C. meeting Ghate was elected with Spratt and Dange to the Provisional Executive of the A. I. W. P. P. It is clear that information of these appointments was communicated to the Bengal Party, because on the 28th May we get Muzaffar Ahmad writing to Ghate in P. 1348 (22) suggesting that the Provisional Committee should meet and asking if it is convenient for Ghate and Dange to come to Calcutta, as Spratt is already there. This letter is mentioned in the minutes of the E. C. meeting of the 3rd June, in which it was decided that Com. Muzaffar be informed that the two representatives could not leave now for Calcutta in view of Com. Dange's arrest, and hence the question was to be deferred. A whole series of letters and telegrams, to which I have referred earlier on, passed between Ghate and Muzaffar on the subject of this meeting of the Provisional Executive Committee. The whole thing culminated in the Party discussions, which I have called the Council of War, held at Bombay from the 6th to the 10th September 1928.

On the 8th June 1928 P. W. 262, Deputy Inspector Chandhri, intercepted a letter in German, P. 1597, (F. C. 424), from one Max Ziese, who writes from 131|32 Wilhelmstrasse, Berlin Sw. 48, to Ghate which according to P. W. 274, Major Fisher, reads as follows: "I am sending to you Postanweisung (i.e. by some postal method, the witness did not know what the technical term stood for) £20, please acknowledge receipt." On the 6th July P. W. 262 intercepted another letter, P. 1598 (F. C. 462) in almost exactly the same terms from the same writer also addressed to Ghate, and on the same day he intercepted a letter in English, P. 1599, (F. C. 463) from the same Max Ziese to Ghate dated the 19th June, in which the writer says: "I was ordered to send a telegram as follows: 'Three months' money for textile workers paper wire receipt. Tagore.' However I found it very critical to wire this wording and therefore I send it by letter. About the amount I have written you separate and I am awaiting your receipt." Another letter of the same kind in similar terms is P. 1600, (F. C. 470), dated the 30th June 1928, and in the same connection we have two Foreign Sterling Money Orders, P. 1538 (F. C. 472) dated 5th July 1928, and P. 1540 (F. C. 500) dated 21st July 1928. The whole of these relate to a subsidy of £20 a month, which Soumyendra Nath Tagore got sent by some German Trade Unionists for a Textile workers' paper. I shall deal with Tagore when I come to the case of Muzaffar Ahmad accused.

Some time early in July Ghate as Secretary of the W. P. P. received the letter, P. 1348 (27), recovered subsequently from the office of the Bombay Party. This is a letter dated the 20th June 1928 from the League against Imperialism signed by Chattopadhyaya. This is the first evidence of relations having been established between the Bombay Party and the League. It acknowledges Ghate's letter (not in evidence) of the 1st June, with reference to which the writer says: "We shall look forward to your announcement that the E. C. of the W. P. P. has decided to affiliate to the League." Ghate's letter of the 1st June was no doubt a reply to P. 1348 (23), which was addressed to Nimbar and suggested the affiliation of the W. P. P. to the League. That letter was put up before the E. C. on the 3rd June and its consideration deferred. Further on Chatto says: "We are following the strikes in India and especially

the Textile and Railway strikes with very deep interest, and have noted with pleasure the very active part that the W. P. P. has been taking in giving a proper lead to the workers. The League can unfortunately not give any financial assistance to the strikers, because no political question is directly involved", though of course Chatto clearly recognised that indirectly a political question was undoubtedly involved. This letter was put up before the E. C. on the 8th July, and it was decided that it be suitably replied to and filed (P. 1344). Towards the middle of July Ghate received a letter, P. 1348 (34) (F. C. 467), from C. P. Dutt writing as London Secretary of the W. W. L. I. in regard to Nimbkar's speech on the Bardoli movement, and also referring to his reports on the progress of the Textile Workers' strike and asking for fuller information. An interesting point about this letter is that it was addressed to Ghate c/o Dr. Narayan Rao, and P. W. 264, Mudkatte, who was called to depose to the use of his own address as a cover address for Ghate, stated that Ghate had told him that he had been using Dr. Narayan Rao's address but that this had been discovered by the Police, and that was why he wanted to use Mudkatte's address instead. This letter was put up before the E. C. on the 15th July (P. 1344), and the Secretary was asked to reply to the other points raised in the letter. The reply which Ghate accused sent is on the record as P. 2408P. (F. C. 496) dated the 20th July 1928.

Immediately after this we find Ghate in correspondence with Sohan Singh Josh accused from whom he received two letters P. 1638 (I. C. 199) and P. 1640 (I. C. 211) in each of which Sohan Singh asked for an article for "Kirti", in the first case on "Freedom and the Indian Youth" and in the second on "Bardoli struggle from the Communist point of view". On the 7th July Ghate despatched a telegram P. 2186 to Dutt, 162 Buckingham Palace Road, London, to the following effect: "Inquiries show university gives no powers Ghate". The evidence shows that this telegram was discovered as the result of inquiries instituted after the recovery in April 1929 of P. 674 in the room which had been occupied by Bradley till shortly before his arrest.

In the minutes of the E. C. meeting held on the 19th August we hear for the first time of the Roy letter and it is stated that "the Secretary was asked to reply to the Roy letter that appeared in the papers taking a stand that the letter was a fabrication." The consequence of this decision was the issue of the statement contained in P. 549 (20) which also includes a letter from Ghate to Muzaffar Ahmad dated 27th August in which he explains that he is enclosing the cuttings from the papers the statement on Roy letter and the Trade Disputes Bill for Muzaffar Ahmad's information. This original statement issued by the Party evidently did not satisfy Thengdi accused as appears from the minutes of the E. C. meeting held on the 29th August.

The next event of importance was the Council of War held at Bombay and apparently participated in by the members of the Provisional Committee of the A. I. W. P. P. representing the Bombay and Bengal Parties. Ghate accused must therefore have been participating in it, especially as it was he who conducted the bulk of the correspondence in regard to the convening of it.

Towards the end of this month another letter P. 1348 (29) (F. C. 561) was received from the League Against Imperialism over the signature of Chattopadhyaya. It asks for an official statement in regard to the affiliation of the W. P. Party to the League as early as possible. This letter was discussed at the E. C. meeting held on the 14th October (P. 1344) and it was resolved that "this E. C. do recommend that the Party be affiliated to the League". The next reference to Ghate is in P. 2211, F. C. 638, a letter from Chattopadhyaya of the League Against Imperialism to Jhabwala dated 7th November 1928. In this letter he says he hopes that Jhabwala and other comrades will work energetically this year to overcome all the objections to the affiliation of the Indian T. U. C. to the League and he goes on: "Please ask Dange, Ghate, and other comrades to devote especial attention to this question and canvass personally in order to ensure a majority of votes in favour of affiliation."

Much about the same time we find Muzaffar Ahmad getting more and more agitated about the A. I. W. P. P. Conference. Writing to Ghate on the 4th November in P. 1849P. (I. C. 278) he says, "Please prepare a report of the Bombay Party dealing with all possible particulars and send us a typed copy of the same. In this way we want to have a report from other Parties also." P. 421 (I. C. 285) dated the 11th November is Ghate's reply to this letter in which he says "I shall prepare the report of the Bombay Party's work and

send it on to you by the end of this month. Will that do?" Up to the 30th however it had clearly not reached Muzaffar Ahmad who wrote to Ghate on that date in P. 1348 (35) (F. C. 312) saying, "Your report should have reached us by this time. Please send it at once under an insured cover. I believe no separate report will be necessary to be read by you." P. 420 to which I have referred once before and which was recovered in the search at 21 E. A. Lane and has with it a registered envelope addressed to Muzaffar Ahmad appears to be the report for which Muzaffar Ahmad was asking although it is a document without any date on it. It however contains internal evidence of having been written in 1928 as it speaks of the arrival of comrade 'Sak' last year.

Some time in the first half of December Ghate must have received the original of P. 1658 P. (F. C. 677), a letter from C. P. Dutt on the letter paper of the W. W. L. I. thanking Ghate for his letters and notes on the mill strike and other information. In this letter C. P. Dutt says he had been away for some time but he hopes from now on to be writing to Ghate regularly and will try to be of assistance to him as regards books and so on. He goes on to ask for extra copies of "Krantī" which are required for the purpose, purely economic no doubt, of propaganda among Indians as well as for study and information on the movement. There is another suggestive remark towards the end where he asks for the maximum possible of literature and "if possible in more than one copy so that I can send a file elsewhere." By this time Muzaffar Ahmad was getting even more nervous about the A. I. W. P. P. Conference, see his letters to Ghate P. 1348 (35) (I. C. 312) and P. 1349 (36) (I. C. 318). It was probably as a result of this last letter that on the 8th December Ghate wrote to Goswami, Secretary of the Reception Committee of the A. I. W. P. P. Conference sending the names of the Bombay Party delegates which include Joglekar, Mirajkar, Nimbkar, Bradley, Dange, Spratt and himself.

It appears that in the middle of December Nimbkar accused resigned his post as Secretary of the Municipal Workmen's Union and in consequence the Union elected Ghate to represent it on the E. C. of the A. I. T. U. C. vide D. 512. This was discussed at a later date in the E. C. of the W. P. P. vide the remarks in P. 1344 in the minutes of the meetings of the 13th and 15th January 1929. The Party decided that Nimbkar had adopted the wrong method and laid it down that no Party member should withdraw (presumably from a Union) without the Party's sanction. Ghate certainly attended the Jharia Congress although it does not appear that he did anything worth note there.

Going on from Jharia to Calcutta Ghate took part in the A. I. W. P. P. Conference where he opposed the amendment in regard to the attitude to be adopted towards the Independence League and seconded the resolution for the formation of an All-India Party. After that he took part in the meetings of the C. P. I. and we have on the record his own notes P. 1295, P. 1300, P. 1303, P. 1309, and also some notes which may have been written a little earlier P. 1310.

Towards the end of January a letter was received in India which was found in a torn condition in the search of C. G. Shah's property on the 20th March 1929 (P. W. 237, Sergeant Watkins). This document P. 1281 (F. C. 760) is dated the 15th January 1929 and is a letter from A. B. Khardikar, who writes from 24 Friedrichstrasse, Berlin (the address of the League Against Imperialism) to Shah, and contains a mention of Ghate. In it he says, "I am very much desirous of hearing about you and other friends of ours. Please, therefore, write to me how yourself and Ghate, Juvekar, Mantri and others are doing." This letter coupled with P. 1348 (50) in which in both lists we get the names of Mantri, Shah, Juvekar and Khardikar together explains to some extent why C. P. Dutt thought of using Khardikar as a delegate for the Sixth Congress of the C. I.

P. 1346 (I. C. 349) a letter from Muzaffar Ahmad to Ghate dated 22nd January 1929 contains two points of interest. First of all it mentions the receipt by Muzaffar Ahmad of Rs. 500 sent by the G. K. U. for the Bauria Strike and secondly, after a reference to the Simon Commission boycott demonstration and the part taken therein by the Bengal Party, it closes with the remark "Ajudhia is here", a remark which obviously indicates that Ghate would be glad to hear of Ajudhia Prasad's movements. Another letter of interest written about this date is P. C. Joshi's letter P. 1304 recovered in Ghate's search in which he asks Ghate to contribute to "Krantikasi." This letter was intercepted en route on

the 30th January and with it a letter from P. C. Joshi to Shah also asking for an article (vide P. 1854 P. and P. (1)). It was in January also that Ghate sent off the second of the two telegrams which are in his handwriting addressed to L. Bradley on behalf of Bradley accused. I do not know if it is really necessary to go into the evidence which shows how the habit of writing the word "received" incorrectly grew on Ghate accused, but it may be convenient to give the references. Apparently the first occasion on which this mistake is noticeable in his writings is on the 4th March 1928 in P. 2188, the first of the two telegrams written for Bradley. Prior to that date he had been in the habit of writing the word correctly but after it he consistently writes the "i" before the "e"; see for instance P. 449 (I. C. 142) dated 5th April 1928, P. 2408 P. (F. C. 496) dated 20th July 1928, P. 488 (I. C. 212) dated 6th August 1928, P. 416 (4) (I. C. 225) dated 2nd September 1928, P. 1901 P. (I. C. 238) dated 2nd October 1928, P. 421 (I. C. 285) dated 11th November 1928, P. 2187 (F. C. 796) the telegram under discussion dated 22nd January 1929, P. 474 (I. C. 400) dated 14th March 1929 and P. 2280 a letter written in the Meerut Jail dated 1st April 1929 (P. W. 138, M. Abdul Aziz).

O. P. 887.

Just at the end of the period covered by the case we find Ghate accused in correspondence with P. C. Joshi accused. P. 1099 C. (I. C. 406) is a copy made by P. W. 126 P. S. I. Mangal Singh of a letter dated 15th March 1929 from Ghate to Joshi in which Ghate informs Joshi that the N. E. C. is to be called in April. P. 1800 (I. C. 410) is an undated letter, postmarked Allahabad 19th March 1929, from P. C. Joshi to Ghate which was intercepted and withheld on the 21st by P. W. 271 S. I. Ketkar. There is nothing of great importance in this, merely a request that the "Spark" should be sent regularly and that the meeting of the N. E. C. should be held by the first week of April at the latest. Indirectly of course it suggests a close connection between Ghate and the persons responsible for the "Spark". The last activity other than by way of letter writing of which we have evidence in Ghate's case prior to his arrest is his participation in the C. P. I. meetings held from the 17th to the 19th March of which we have notes in Ghate's own handwriting, P. 1296 and P. 1297. Ghate was present at both these meetings and his notes of the second meeting show that he was elected to the Sub-Committee consisting of himself, Adhikari, Khan and Usmani which was to draft out a detailed plan of work. His name also appears of course in Adhikari's note in the same connection, P. 1171.

There are one or two other points in regard to Ghate in P. 1344 which I have not mentioned. On the 20th May 1928 he was asked to draft a statement on the Party's action in voting against the resolution of the A. P. C. and we find in the minutes of the adjourned urgent meeting held on the 22nd that the Committee heard the draft statement which was prepared in connection with the Party's vote in the A. P. C. which was passed for publication. At the E. C. meeting on the 24th June he was appointed to look into the management side of the Kranti, the official organ of the Party, when it was decided that that paper should be revived. Finally on the 14th October his was one of the names on the List of Party members suggested for membership of the E. C. of the Bombay Provincial Congress Committee.

O. P. 888.

In Ghate's possession at the time of the search on the 20th March a good many items of interest were recovered, many of which have probably been mentioned already. He had, for example, P. 1294, an article on "The Communist International and the Subject Peoples" and an article, P. 1325, on "The National Congress", which is taken from the "Masses of India" for December 1927. P. 1306 and P. 1307 are sheets of note-paper of the Communist Party of India. P. 1330 is a visiting card with Ghate's name on it and his description "General Secretary—The Communist Party of India." P. 1328 is a piece of paper with Ryan's address on it. P. 1324 (equals P. 1207 (1)) is the report of the Communist Party of India, including the report of the general meeting of the 31st May 1927. P. 1320 is a copy of the B. I. L. U. bulletin entitled "Eastern and Colonial Bulletin". P. 1313 is an invoice from the Vanguard Press for a series of books all relating to Russia. P. 1314 is a letter from the Vanguard Press and P. 1316, a statement of account from the same. P. 1317, P. 1318 and P. 1319 are all newspaper cuttings dealing with the B. I. L. U. Congress of 1928.

Another search touching Ghate accused very closely was the search of Appoji Rao (P. W. 215, Inspector Desai). In this search, besides other items to which reference has been made already, a diary, P. 1284, was recovered which contains Ghate's name in it, and there are some other entries of interest obviously in his handwriting. For instance, on the 17th January there is an entry "C. P. meeting 9 P.M.—to write manifesto for the Municipal elections", and we

O. P. 889. know that the Municipal elections were then just about to be held. On the 19th there is an address which the search of Amir Haidar Khan shows to be that gentleman's address (P. W. 204, Sub Inspector Savant and search list, P. 1057). On the 23rd January there is an entry "Phone to Karant" and also something about Usmani. Usmani's name appears again on the 29th, and on the 30th there is a note "To write an article on Trade Disputes Bill—(Copy of the Bill to be supplied by Desai)." And in this connection it may be noted that an article on "The Trade Disputes Bill" appeared in the "Spark" on the 20th February, and another one in the "Spark" of the 24th February. On the same date there is an entry "Hell Found—review in next issue", and in this connection it may be noted that at page 1447 of the statements of the accused Mirajkar accused says: "I remember to have sent a copy of "Hell Found" to the "Spark" for review", and Desai's search list, P. 1240, shows that a copy of "Hell Found" was found in his search, vide item 71.

We have now to consider Ghate accused's statement to this Court. At the top of page 1573 he admits that he was the General Secretary of the C. P. I. up to the date of his arrest. He talks rather at large about the Party, but comes to something which is more useful at page 1582, where he says: "An honest genuine revolutionary working-class party is therefore necessary, and that is the Communist Party of India, which alone can truly represent the interests of the toiling masses." A little further on, speaking of "The role of the C. P.", he says: "The period of reformist compromises comes to an end with the development of the capitalist class itself. It becomes impossible for the workers to fight constitutionally in a labour reformist manner—through compromise and conciliation. During the last phase of Capitalism-Imperialism—when the exploiting class is unable to come to any compromise with the working class, because it is itself in a decaying state; hence during this decline the struggle will have to be fought on a revolutionary basis." On the next page he says: "The world Communist Party, that is the Communist International, is perhaps the most organised force of the working class and the oppressed peoples." And further on: "It is the dynamic force which organises the workers by participating in their daily struggle, and leads them to the final seizure of power." Then he comes to the attitude of the Communist Party to the State and says: "The prosecution have made much of the question of 'smashing of the existing State machinery' and have quoted from the thesis of the Fifth World Congress and also from Lenin. We have no quarrel about this. They have only stated the correct thing. Communists want to smash the existing State machinery and build a new one in its place during the transition to Communism." A little further on he says: "The State machinery in India exists in the interests of the British bourgeoisie and as such is suited only to serve their interest. The Indian masses can have no use from such a machinery at all. The establishment of a new State suited to and standing for the wide masses of the workers and peasants will essentially mean the smashing up of the present State, and the party of the working class can accomplish this." He goes on to talk about the C. P. I. and comes to the Roy letter, which he says the Government of India received in December 1927, presumably by cable! He also says about this letter: "It is not difficult for the Government to forge any signature", suggesting that the Roy letter bears a signature, which of course it does not.

O. P. 891. Coming to the question of the affiliation of the C. P. I. to the C. I. he says: "I want to state that the C. P. I. was not at the time of our arrest affiliated to the C. I." But on the next page he says: "Not that we would have hesitated to affiliate the C. P. I. to the C. I. I think we were actually wanting to affiliate the Party to the C. I.; because the C. I. is a fighting organisation for directing the International movement of the working class and oppressed peoples." And at the end of this section on page 1588 he says: "The Party accepted the tasks laid down by the Comintern though it was not formally affiliated to it." Further on down this page he proceeds to set out the tasks laid down by the C. I., following which the C. P. I. put forward certain demands. Of these no. 1 is "The complete independence of India by the violent overthrow of British rule" etc., and no. 2 is "Establishment of a Soviet Government" etc. On the following page he explains the motive for putting forward partial demands in the fight for these main demands. He says: "At the same time the C. P. I. puts forward certain partial demands to facilitate in the mobilisation of the masses for revolutionary insurrection for emancipation." Then on page 1590 when discussing terrorism he says: "The C. P. I. considers that the road to victory is not the method of individual terrorism, but the struggle and the revolutionary armed insurrection of the widest masses of the Indian working class and peasantry, and the Indian

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 O. P. 892. soldiers under its own leadership." I take it to be a reasonable inference that this is what all the members of the Communist Party of India were working for ; and indeed that follows from what he says at the top of page 1591 : " In spite of difficulties, sacrifices and partial defeats, in spite of all the efforts of the Imperialist and the Indian bourgeoisie to separate the revolutionary movement of India from the international proletariat, the C. P. I. will lead the struggle for the complete overthrow of British rule and the feudal system, in order to march forward towards the struggle for the establishment of a socialist system throughout the world."

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 Dealing with foreign correspondence Ghate denied that the witness Karanth received any letters for him. In the circumstances it is curious to note that although Karanth deposed that he had received letters for Ghate, the whole of his cross-examination runs to less than three lines, and nothing whatever of value was elicited from him. Ghate accused has supplied some useful information about the P. P. T. U. S. On page 1599 he says : " The P. P. T. U. S. happens to be a revolutionary organisation fighting for the interests of the workers in all Pacific countries," and on page 1601 he says : " Ryan came to India as a representative from the P. P. T. U. S. to the Trade Union Congress asking the T. U. C. to affiliate itself to the P. P. T. U. S., which is the only militant organisation of revolutionary Trade Unions in the East,—coordinating and assisting in all the revolutionary struggles of the workers in the Pacific countries."

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 O. P. 893. Coming to the A. I. W. P. P. he admits that he was elected a member of the Central Executive. In regard to the W. P. P. of Bombay he says that he was a member of this Party ever since its inception in 1927 and was also a member of the Congress Labour Group which was the predecessor of this organisation. He goes on to claim for the W. P. P. of Bombay the credit for the organisation and direction of the Trade Union movement in Bombay. He says : " In fact its origin " (that is the origin of the T. U. Movement) " is to be found in what was known as the Congress Labour group—the Left section in the B. P. C. C.—which later transformed itself into a W. P. P. with a programme of action. It worked within the Congress, it worked in different Trade Unions, and it organised the workers to fight their bosses in militant Trade Unions. Its work in Bombay during 1928 is too well known. The organisation known as the G. K. U. was formed under the leadership of the Party ". And all of this is exactly what the prosecution have been contending all along.

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 O. P. 894. As in the case of Spratt and Bradley the above is only a much abbreviated summary of the evidence against Ghate accused. There are on the record some 74 documents which are in Ghate's own handwriting and I find from my notes that there are 280 or more documents which affect his case more or less directly. The evidence in his case leaves no room for even a shadow of doubt. He has been connected with the Communist Party of India throughout, he was the leading spirit in the Congress Labour Party and the Party which in other directions received from Europe was founded in succession to it namely the Workers and Peasants Party of Bombay. He participated in all the activities of this Party throughout its history. Further he was an important member of the Provisional Committee of the All India Party and as such took part in the Council of War in September 1928. Throughout the period covered by the case he was in close touch with Spratt and Bradley accused. Finally there can be no room for doubt on the evidence that he was a member of the conspiracy mainly responsible for the maintaining of communications with the conspirators in Europe. As such we find him in touch with the Madras Pondicherry post office, we find him equipped with a series of cover addresses, we find him said to be in touch with some one in Colombo and we find him making the arrangements for Ajudhia Prasad to work as a courier by enlisting as a lascar under the name of Abdul Hamid (P. 2326P., F. C. 187) and making arrangements with Majid for the receipt of remittances through some route probably the north-west of which no fuller explanation has come on the record. With the papers in his possession, the letters and so on written by him and his statement to this Court indicate that everything he did with his eyes open and with the object of furthering the organisation of a violent revolution in this country. Agreeing with 4 and disagreeing with one assessor I am quite satisfied that Ghate accused has taken part in a conspiracy to deprive the King of the sovereignty of British India and I convict him accordingly of an offence under section 121-A I. P. C.

PART XIX.

O. P. 895.
S. K.
MIRAJKAR

Coming to the case of Mirajkar accused the first we hear of him is on the 29th November 1926 when a letter P. 1835 P. (I. C. 13) signed "D", evidently emanating from Donald Campbell (I have dealt with the reasons for this conclusion earlier), was intercepted by P. W. 250, Inspector Dost Mohammad and photographed (and reposted) because, as the witness states, the Police had information that the addressee of the letter V. S. Pawar, Shilotri Bank, Girgaon Branch was being used as a cover address for S. V. Ghate. This letter begins "Dear M" and enclosed with it was a copy of another letter dated, like this one, the 26th November from D to J. That letter was found in Joglekar's possession on March 20th, 1929 and is in evidence as P. 1144 (I. C. 7). There can be no question that P. 1835 P. was meant for Mirajkar because P. 1144 ends with the remark: "I am sending a copy of this letter and the resolutions to Mirajkar." In any case there would have been little difficulty in deciding who M was because the letter speaks of the suggested constitution for the Bombay Labour League obviously another name for the Congress Labour Party with which Mirajkar himself says he was closely connected. Enclosed with the letter to Joglekar P. 1144 were a series of draft resolutions for the A. I. T. U. C., the A. I. C. C. and the National Congress to which I have alluded at an earlier stage.

Mirajkar also appears to have written a letter to Saklatvala at Aden as Ghate had done as the next document in evidence against him in chronological order is P. 1235 (F. C. 177) a letter from Saklatvala found in Mirajkar's possession in March 1929. Apart from showing Mirajkar's affiliations (so to speak) with Ghate and Saklatvala the letter is not of any particular importance.

O. P. 896.

On the 22nd January 1927, as we find from P. 826, the Secretary's report presented to the First Annual Conference of the Bombay W. P. P. on the 18th March 1928, a report which is presumably the work of Mirajkar himself as he was the Party's Secretary at that date, the Party celebrated Lenin Day by holding a public meeting in the Marwari Vidyalaya Hall "recognising the fact that as a working class party it is our duty to observe the day of the leader of the world's working class and freedom." This was a little premature because at that date the W. P. P. had certainly not yet come into existence.

At any rate the birth of the Party was not long delayed and in that interesting event Mirajkar accused took a very active part. A number of the documents in this connection are at any rate partly in Mirajkar's handwriting, as for example the letter of the 26th January 1927 written by him as Provisional Secretary Congress Labour Party to Thengdi accused (P. 855), P. 1355 (7) F, P. 1355 (7) B and P. 1355 (7) A, the last of which is a notice issued by Mirajkar as Secretary of the W. P. Party calling a meeting of the E. C. for Monday the 13th February to consider the preliminary working of the Party. Subsequent to this meeting he consulted Mr. Patel as to the legality of the programme of the Party and communicated the result to Thengdi accused on the 15th February in P. 854 (I. C. 22) to which Thengdi accused replied in P. 853 dated the 17th February. An interesting document no doubt drafted in the very early days of the Party is P. 1017 which I have called earlier on the "Whereas" document. In regard to this we have the evidence of P. W. 244, Inspector R. S. Patwardhan who deposes that P. 1017 was given to him by Mirajkar accused himself early in the year at his own house. He says, "It appeared first in the newspaper. Then I went and saw him and he took out this copy in his own house and signed it and gave it to me." It must have been drafted very early indeed because paragraph no. 6 and the demands which follow it were included in the account of the foundation of the Party sent to the newspapers and found later in Thengdi accused's possession, P. 851. One of Mirajkar's first acts as Secretary of the Party was to send, in reply to P. 1355 (1) (F. C. 177) the letter from the League

O. P. 897.

Against Oppression in the Colonies dated 12th January 1927 and received through Jhabwala accused, the telegram P. 1355 (2) (F. C. 334). Another interesting fact is that at the time when the proposal to change the Congress Labour Party into the W. P. P. was under consideration he must have written to the C. P. G. B. for a copy of the statutes and rules of that Party as P. 1355 (5) (F. C. 182) is a letter dated 14-2-27 in which Albert Inkpin writing for the Secretariat of the C. P. G. B. sends him a copy of those statutes and rules "as per your request". The same Secretary's report for which Mirajkar is responsible, P. 826, also mentions a meeting of welcome to Saklatvala in February 1927 and this is also mentioned in the body of the report at page 70 of the printed exhibit where it is stated that "Mr. Saklatvala by visiting this country tried and succeeded a great deal in fighting the prejudice" (spread by the intellectuals against

workers' interests) "and the Party gave him welcome, helped him and was helped by him during his stay here in 1927."

O. P. 898. Mirajkar accused was one of those who went to Delhi for the meeting of the A. I. T. U. C. in March. He was staying in room no. 33 along with Ghate, Joglekar, Nimbkar and Muzaffar Ahmad (P. 1494) and must presumably have been present at the meeting of the Communist Party of India although he was not a member until a very much later date. Then he too appears to have had some idea of going abroad as he applied on the 8th April for the renewal of his passport (P. 1511, F. C. 204). Later on in April, as appears from P. 1838, P. 1839 and P. 1840, three parcels of books addressed to him were received from London none of which contained the name of the sender and all of which were withheld under the Sea Customs Act. It is reasonable to suppose that these books which are nearly all on Communist subjects were sent either at Mirajkar's own request or under the direction of someone in London who knew that the young Party was in need of literature. In the light of P. 2418 P. (F. C. 233) a letter written by Mirajkar to comrade Pollitt on the 12th August 1927 in which he asks Pollitt to send him some pamphlets of the L. R. D. and two copies of "Modern India" the probability is that Mirajkar had written for these books. 5
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O. P. 899. Mirajkar was a very active member of the W. P. P. throughout the whole period covered by this case. He himself said to Spratt in P. 1010 (I. C. 60) on the 21st of August that he had become Secretary of the Bombay Port Trust Railwaymen's Union and was also working in the Bombay Port Trust Employees' Union. He had also been making some attempt to organise a Clerks' Union. There is further evidence that in spite of his disclaimer in P. 1010 he took a fairly active interest in the strike in the Apollo and the Manchester Mills. T. U. activities were in fact keeping him busy, and in addition, as appears from P. 1344, he was with Joglekar Joint Editor of the "Kranti" which was started from the 7th May. And it was he who was actually the official Manager and Publisher (see P. 1349 (2)). P. 1010 again shows that in August he was almost solely responsible for the paper. Somewhat earlier than this in P. 839 (I. C. 46) on the 10th June, a letter written by Mirajkar to Thengdi accused, we find the clearest possible indication that all that Mirajkar accused was doing was part of a plan. In the third paragraph of this letter he says, "Be Party work. It is proceeding slowly and steadily. We are now making our contact in the Trade Union Movement. We are attending all the meetings of the Unions in the city along with Mr. Jhabwala." And we have confirmation of this letter from the best possible judge, namely Spratt accused, in P. 2328 P. (2) (F. C. 217) dated June 14, 1927 in which writing to C. P. Dutt Spratt says, "University affairs are better. Huz is improving. Organisation is going better and our contact is growing mainly because of the good work of Ler." 20
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O. P. 900. On the 4th July 1927 in P. 1472 (I. C. 51) (= P. 1349 (1)) Mirajkar sought to obtain an interview with Donald Campbell at the Yeravada Prison, Poona. The attempt was of course unsuccessful. Next, on the 28th July, as we learn from the evidence of P. W. 244 R. S. Patwardhan, Mirajkar's premises were searched and a searchlist P. 1014 drawn up. That list shows that at the time of this search Mirajkar was in possession of three issues of "The Communist International" and 35 copies of the "Masses of India". P. 1830 (P. W. 269, Deputy Inspector Chawan) shows that a number of books were returned to Mirajkar accused. This search was, according to the statement of Mirajkar in his letter to Spratt accused P. 1010, rather helpful to the "Kranti". He says about it, "Advertisement side is also hopeful since the recent raid on the office and also our paper is well advertised." There is a good deal more of interest in this letter. For example, like Ghate's letter P. 1011 written at the same time, it mentions the return of Ajudhia Prasad in the following passage: "God's messenger has come from brother and wants to meet you here. He will go first week of the next month (5-9-27). Please come and meet him." (Ghate also mentioned that the boy brought some copies of the Masses and a letter for Spratt.) This letter was clearly being written under Ghate's instructions as Ghate himself says in the first sentence of his letter to Spratt: "The main points with regard to the information that you require are being dealt with by Mirajkar in his letter." Both these two letters also refer to the birth of Mirajkar's son and heir whom Mirajkar describes as a "Bolshevik babe" and Ghate as "Mirajkar's Communist son". 45
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On the 28th August 1927 the W. P. P. organised a Sacco-Vanzetti protest meeting, vide P. 826 and P. 2311, the latter of which mentions that S. S. Mirajkar 65

also spoke in Marathi explaining why the meeting was convened under the auspices of his Party (P. W. 262, Deputy Inspector Chaudhri). Another activity in which Mirajkar accused took part was the welcome to Usmani on his release from jail. P. 1684 is the report of this meeting prepared by P. W. 262, Deputy Inspector Chaudhri, and shows that the meeting was held under the auspices of the C. P. I., but it will be remembered that there is evidence that the Hall was paid for by the W. P. P. Mirajkar (as also Nimbkar) spoke exhorting the people to follow the activities of the C. P. I. and the W. P. P. and not to be frightened by the misleading propaganda of the Government and the capitalist press against the Communist activities.

O. P. 901. Mirajkar was arrested in connection with the publication of "India and China" on the 20th September and for some reason he has used this arrest as the basis for a deliberately false allegation in the course of his statement to this Court. In P. 1011 Ghate had written to Spratt as follows: "Sad! Tale to tell—Mirajkar is likely to be asked to go away and I think he is leaving it himself—and I have severed connection with Acharya and Co." And in P. 1010 Mirajkar says, "More in person when we meet and the meeting must be arranged at once since I am once more free! free! Today (23-8-27) I am no longer the slave of French Bank. Although I have obtained leisure; yet I must know that my bread is gone." It seems extraordinary that in the face of this statement he should say to the Court at page 1377 of the statements of the accused: "Frightened by my arrest and trial my French employers who had already been instigated by the C. I. D. officials to deprive me of my job at last asked me to quit, which I did. . . . At last I lost my job in September 1927 and with it my bread and butter was also gone. Thereafter constant unemployment and its consequent resultants were worrying me and my family. I suffered very miserably as a result of all these. I tried to get another job; but the omnipotent and omnipresent police would always interfere and would not enable me to get an employment." It appears to me that all this is mere propaganda and all the more objectionable because as his own letters show it is entirely false. In the same connection Mirajkar accused sent on the 24th September a cable P. 1350 (5) (F. C. 304) which appears to be in Ghate's handwriting but bears Mirajkar's signature to Page Arnot, Labour Research Department, London in the following terms: "Spratt defence arrangements made through Ginwalla, Cable assistance to Mirajkar Workers' Peasants Party Bombay Mirajkar." It was in the same connection again that about the end of October Mirajkar as Secretary of the Spratt Defence Committee received from C. P. Dutt the letter P. 1233 (F. C. 305) in which C. P. Dutt so disingenuously says that he has been interested in the matter having met Mr. Spratt when he was working at the Labour Research Department, as if that was the only reason for his interest.

Mirajkar accused seldom missed an opportunity of making a speech, so as usual we find him taking part in the meeting held under the auspices of the Workers' and Peasants' Party to celebrate the 10th Anniversary of the Russian Revolution, vide the report of P. W. 262, Deputy Inspector Chaudhri, P. 1685, which shows that Mirajkar explained the object of the meeting and said that the workers and peasants should be organised for the overthrow of British Imperialism that was dominating over them. Another document in this connection is P. 1358, a slip of paper, on which the resolution moved at this meeting appears with the names of the speakers, including that of Mirajkar accused.

His next appearance was at the Cawnpore Session of the A. I. T. U. C. Mirajkar accused dealt with this Session of the T. U. C. at page 1449 of the statements of the accused where he said: "In Cawnpore our Party made an effort to consolidate the Left Wing of the T. U. C. and organised it on the proper basis to coordinate the activities of the various groups in different provinces [P. 1878 (1) C.]. The result of this consolidation was that at Jharia in 1928, our Party showed great strength and Joshi, Bakhle and company felt convinced that the days of their Trade Union leadership were numbered." This is a very clear acknowledgment of the authenticity of Dange's letters, P. 1878 C. and P. 2097 C., with which P. 1878 (1) C. was forwarded.

At the end of the year we find that Mirajkar applied for membership of the C. P. I. His application, P. 1287 (1), is dated Bombay the 29th December 1927, and as I have mentioned already it bears an endorsement in Ghate's handwriting "recommended by Ghate, to be considered in March." Some attempt was made to cast doubt on the Madras meeting of the C. P. I. by reliance on this document. I think however that there is little doubt that the explanation of the endorsement on it is that it was written by Mirajkar at Bombay too late to be put up before the meeting at Madras (he probably remembered that he ought to have put it

in after the members of the Party had left for Madras), and in the absence of a formal application the Committee of the C. P. I. felt it to be impossible to enrol him as a member. The application was not considered in March presumably because no meeting of the C. P. I. was held then. The next meeting of which we have any evidence is the one held at Calcutta in December 1928, at which Mirajkar's application was accepted, and he was appointed a member of the Executive Committee or Central Executive. Mirajkar accused took part in the Bombay Presidency Youth Conference early in 1928, vide D. 587. After that he took part, as he must naturally do, in the Enlarged E. C. of the Party, for which Muzaffar Ahmad came to Bombay, and in consequence of Muzaffar Ahmad's presence we get evidence of association between Mirajkar and Goswami accused, who in P. 548 (8) (I. C. 95) sent his love to Spratt, Ghate, Mirajkar, Dange and others. In this Enlarged Executive Committee meeting Mirajkar appears from his own letter, P. 835, (I. C. 94), in which he reported the proceedings to Thengdi accused, to have moved the resolution on Organisation, P. 833. On the 11th February Mirajkar wrote two more letters to Thengdi accused. One of these is P. 827, in which he enclosed a copy of the circular letter of the same date addressed by the E. C. of the W. P. P. to all Trade Unions and their Executive Committees recommending that the proposal to affiliate the T. U. C. to the I. F. T. U. be rejected, and that if any affiliation is considered, it should be in favour of the R. I. L. U. The other is P. 1831 C. in which he encloses a copy of the open letter addressed by the E. C. of the W. P. P. to the All Parties' Conference calling for a National Constituent Assembly, elected by Universal Adult Suffrage. On the same day in P. 1109 Mirajkar called upon Joglekar as Trade Union Group leader to submit a brief report of the work done by the Trade Union Group during the years 1927-28 for inclusion in the report to be laid before the Annual General Meeting of the Party. Then on the 18th March there was held the general meeting of the Party, for which Mirajkar had issued notices on the 15th February, vide P. 1348 (13). I have already alluded to the Secretary's report, P. 826. The same file in which P. 1348 (13) was found also contained a manuscript copy or draft of the Secretary's report P. 1348 (14) in Dange's handwriting with a note on it by Mirajkar "accepted S. S. M." Mirajkar now ceased to be the Secretary of the Party, being replaced by Ghate, and instead became Group leader in charge of Education and Propaganda.

O. P. 904.

The next activity on the part of Mirajkar of which we hear is an article which appeared in the Gurmukhi Kirti for March 1928, P. 746, entitled: "The second step towards liberty", which suggests the necessity of shedding one's own blood. From this time onwards he was fully occupied with the Mill strike, about which he wrote letters to Aftab Ali and Muzaffar Ahmad, P. 129 and P. 2080 C., (I. C. 158|159) on the 5th May. In proof of the authenticity of the latter of these two letters we have the mention in P. 1322 (I. C. 165), the letter from Spratt to Ghate, of the rumour spread in Bombay that Bradley accused was an agent of the Lancashire mill-owners.

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At the beginning of June five copies of a pamphlet containing the resolutions of the General Council of the League against Imperialism, P. 1634, reached Bombay addressed to Jhabwala accused, and we find from P. 1633, a letter from Chattopadhyaya intercepted on the same date that one of these was intended for Mirajkar accused. Unfortunately both P. 1633 and P. 1634 were intercepted and withheld. At about the same time Mirajkar accused sent to the Secretary of the Party the report of the Propaganda Group, P. 1348(2), which mentions the activities of Party members in the mill strikes in the following terms: "The Party members are enthusiastically busy with the strike work in Bombay and doing everything in their power to make the struggle a success. Our Party member Comrade Spratt is conducting the strike of the Railway workers at Lillooah with the assistance of the Bengal comrades." I think that this is perhaps putting the part taken by Spratt accused in the Lillooah strike a little high. This report also mentions that "Comrade Joglekar has been steadily organising the Railway workers on the G. I. P. lines and at Bhusaval. Comrades Jhabwala and Joglekar successfully organised the Railwaymen's Conference at Bhusaval recently. Our influence is slowly and steadily increasing amongst the G. I. P. Railwaymen. The other Unions' activities are proceeding well." A similar report by Mirajkar sent to the Secretary perhaps a little earlier than this one is P. 1373(16), which deals mainly with May Day celebrations and lays stress on the fact that the Party members at May Day celebrations explained to the workers how it was necessary to have an independent political organisation of the workers. It further says: "In addition to the above, the Party members are actively participating in the existing Textile strike and are consistently pushing on the Party propaganda." During this

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period Mirajkar accused was taking a very active part in the mill strike. Towards the end of June we find from P. 1344 that the need for the Party propaganda was held to be urgent at this stage in the mill strike situation, and it was unanimously agreed that the "Kranti", official organ of the Party, be revived within the following week, with Dange as Editor, Pendse to assist Dange in Editorial work, and Ghate to look into the management side of the paper. At the next meeting of the E. C. on the 1st July it was decided that the name of S. S. Mirajkar be added to the Editorial Committee of the "Kranti". Throughout this period Mirajkar accused was also making speeches. In fact we find from the evidence of P. W. 245, Inspector Hassan Ali, that in the period from the 16th April to the 30th June Mirajkar accused was present at 60 meetings and spoke at 59, and of course his eloquence did not by any means cease on the 1st of July. Of all the speeches made by him throughout the period of the mill strike, there are some 30 in evidence, but as I have quoted freely from these at an earlier stage of this judgment, I will not do so again. It will be remembered that he mentioned Russia very frequently and laid great stress on the necessity for a Workers' Raj, such as has been established in that country. Mirajkar accused was of course invited by Sohan Singh Josh to attend the Lyallpur Conference in September, but for the same reason as other Bombay accused he was unable to do so. In October he distinguished himself by attempting to send a telegram to greet Sir John Simon and the Statutory Commission. Failing to get it accepted he sent a copy in a covering letter, P. 1946, (I. C. 248). In this telegram he says: "Revolutionary Indian masses are determined to achieve complete independence....." The telegram is signed 'S. S. Mirajkar Communist'. A few days later Mirajkar was asked by Kadam (signing himself L. N. Kadam) to attend the Bundelkhand Peasants' and Workers' Conference to be held on the 28th and 29th October. He did not, however, do so. He did, however, attend the A. I. W. P. Conference at Calcutta in December. His name appears in P. 669 in the report of the first day's proceedings as a member of the Drafts Committee. On the second day he spoke against Joglekar's amendment to the Political Resolution, and on the 3rd day he moved a resolution condemning the Trade Disputes Bill. At the C. P. I. meetings which followed he was on the 27th admitted as a member of the Committee and elected a member of the Central Executive, after which he returned to Bombay. There on the 30th December he attended a meeting of the Girmi Kamgar Union, at which he was elected a captain of the corps of volunteers, vide resolution no. 7 passed at the meeting of the G. K. U. on Sunday the 30th December 1928 in P. 954. His last activity before his arrest was his participation in the meetings of the C. P. I. held at Bombay on the 17th and 19th March. At the latter meeting he is merely noted as present, but at the former he appears to have taken an active part in the discussion in regard to what should be done with the W. P. P.

In the search of his rooms conducted by Inspector Fern, P. W. 208, some items of interest appear. For example he had in his possession 129 copies of the first issue of the "Spark" P. 1225, two issues of "The Communist International" P. 1226, a copy of "The Thesis on the Revolutionary Movement in the colonies" P. 1228, a copy of Sohan Singh Josh's Presidential address P. 1231, Lozovsky's "Lenin and the Trade Union Movement" P. 1230, and Trotsky's "The defence of Terrorism" P. 1236.

Like most of the accused Mirajkar accused made a very lengthy statement under Section 342 C. P. P. He began by dealing with his early history, in the course of which he admitted a good many of the facts, which I have mentioned earlier. At page 1384 he came to the subject of his alleged foreign connections. On this subject on page 1385 he said: "In the strike wave that swept over the country during the years 1927, 1928 and 1929, the Indian working class was very substantially assisted by the foreign organisations such as R. I. L. U., League against Imperialism, Pan Pacific Trade Union Secretariat, the Workers' Welfare League in England etc. as a result of which the Indian working class has very rapidly grasped the fact that these organisations alone are our true supporters in our anti-Imperialist and anti-Capitalist struggle." That is an admission which is to be read along with the document "Red Money" to which I have alluded once before, and is a strong corroboration of the prosecution contentions in regard to the work being done by those organisations in this country. On the following page he gives a frank statement of his own attitude, where he says: "And I frankly admit that I am out to destroy the sovereignty of Capital, call it "His Majesty's sovereignty" if you please or whatever else you like." Again on the following page he says about the organisations mentioned: "I unhesitatingly admit my connections with these organisations and

- I feel very proud about it. I unfalteringly maintain that it is our right to carry on such correspondence and keep contact with the revolutionary organisations abroad by any possible means." In the next paragraph he makes a rather absurd suggestion that the evidence in connection with P. 1838, P. 1839 and P. 1840 is fabricated, but his reasons for coming to that conclusion are obviously inadequate. In regard to all except a very few of the documents put to him in connection with his foreign connections he says at the foot of page 1387 : " With regard to other exhibits put to me I do not think that any explanation is necessary. I do not want to admit them, nor do I want to say anything particular about them." In answer to a question in reference to his connection with the W. P. P. of Bombay, other W. P. P.'s and the A. I. W. P. P. he said that he would deal with these documents later, and he proceeded to deal with what he called the fairness of the trial and other matters. On page 1390 we find him referring, as he did so often in his speeches, to the glorious example of Russia and saying : " The revolutionary experience of the working class and the peasantry of Russia is the common heritage of the workers of the world. It teaches them methods and tactics of dealing with their oppressors—of ushering in an era of a new society." And on the following page he says : " Most certainly we are pledged to overthrow the rule of British Imperialism in India ", but he proceeds to justify this aim. Then he reverts to the subject of the fairness of the trial and talks at length about what he calls " Propaganda against the accused ", and mentions a whole series of matters, with which the Court could not possibly have been acquainted, if he had not taken such pains to bring them to its notice. In the course of this he brings up all those old complaints about the selection of Meerut as the place for trial, the refusal of a transfer to Bombay or Calcutta, the refusal of trial by Jury, with which I have dealt already, censorship of correspondence, with which I am not concerned, the refusal to call foreign witnesses, the refusal of bail and so on. But to anyone who is acquainted with the facts of the case, it is perfectly obvious that the whole of this long dissertation is not given for the purpose of explanation or defence but for the purpose of propaganda. A good example of the absurdity of the pleas put forward in defence is his statement at page 1409 about Mr. J. Ryan. He says : " So also it was he who would have deposed as to what the Pan-Pacific Trade Union Secretariat was, and his evidence would have helped us as well as the Court to determine whether the Pan-Pacific Trade Union Secretariat was a conspiratorial body." Bearing in mind the documents of that organisation, which are before the Court, the futility of this contention is only too palpable.
- At page 1424 Mirajkar accused said that he would explain some of the documents put to him at the very outset. He denied the receipt of P. 1835 and said that he was not at all connected with an organisation called the Bombay Labour League which is mentioned in the body of this letter. This is typical of the half-truths which we so often get from the accused in this case. Possibly he was not connected with any organisation called the Bombay Labour League, but it is impossible to doubt that Donald Campbell in writing of the Bombay Labour League was really writing about the Congress Labour Party. Then he went on to talk about the Lenin Day meeting, at which he admits he was present, and of which, he says, he was the principal organiser. Then he goes on to explain why it is celebrated, and says on page 1425 that it was natural for the Congress Labour Party and the Workers' and Peasants' Party, which is the Party of complete Independence, to celebrate Lenin Day and try to give practical lessons in the methods of complete liberation from the bondage and slavery of Imperialism. This is a fairly plain admission of the object with which he had organised this meeting. At page 1426 he explains the occasion of Thengdi accused's jocular remark in P. 1355 (4) about the Marwaris supplying the sinews of war to Mirajkar and his Peasants' and Workers' Party followed by the words : " Now we shan't be long in getting the Dictatorship of the Proletariat when the capitalist class comes forward to help the Workers' Party." But the suggestion that in making these remarks Thengdi accused was making fun of the idea of the Dictatorship of the Proletariat and taunting those who believed in it is fatuous in the extreme. It was the Marwaris at whom Thengdi accused was laughing. At page 1427 he comes to a section headed " Activities among the Bombay Dock Workers ". About them at page 1428 he says : " I decided to organise these workers into a union with a view to improve their condition. I began to move about the dock side in the small hours of the morning in the early part of the year 1929. I used to talk to them and explain how they were deceived by the contractors, by the dock authorities and by the social system of capitalism. I used to address them in small groups. Soon I gathered round a

small group of these dock workers and on 12-2-29 the Dock Workers' Union was formally started with Mr. Jhabwala as the President and myself as the General Secretary. Prior to this, small separate unions of better paid workers and clerks in the Port Trust Dock had existed. My idea in starting this union was to unite all these separate unions into one big and powerful union of all the Bombay dock workers. I succeeded in getting R. I. M. Dock workers and Mazagaon Dock workers, who soon joined the union and the organisation began to grow by leaps and bounds." Then as to the objects of this organisation we find it stated in the clearest terms on page 1429, where he says: "The prosecution has taken exception to a passage from my article in the "Kranti" dated 30-6-28 (P. 930T.) entitled "The Dock workers and revolution". In this article I have suggested that the dock workers in all important parts of India be organised into Trade Unions. These Trade Unions in different places then be interconnected into a strong and powerful federation of dock workers. If such an organisation is brought into existence the conclusion I draw in this article is that it will be able to control the trade and commerce of the country; and that such an effective control by the workers is a modern weapon to fight capitalism. This weapon can also be used by joining hand with other workers for bringing about a successful revolution and establishing instead the rule of the workers and peasants. I do maintain that whatever I wrote was correct and I stick to it." On the following page Mirajkar expresses his views on fraction work. Talking of organisations like the Bundelkhand Peasants' and Workers' Party he says: "We do not consider it our monopoly in starting these organisations. But whenever such organisations are started, we think it necessary to enter them with a view to ensure that they function on the proper class lines instead of becoming hotchpotch organisations conducted by the reformists. The significance of the fraction work which we conduct in various organisations can be understood from our above attitude. We consider it the best way of penetrating an organisation where there is a genuine revolutionary element, of winning it over for the Communist policy and work." Talking of the A. I. W. P. P. he says: "It has been already pointed out to the Court that the Workers' and Peasants' Party was the Party inaugurated with a view to establish complete national Independence through revolution (P. 1017). Several documents and those adopted by the W. P. P. and in particular P. 1013 and P. 309 make this object unambiguously clear". So that is quite clear. He goes on to say, (and this I fear is a misapprehension on his part) that Comrade Spratt has thoroughly refuted the Magistrate's theory that the policy of the W. P. P. was decided abroad, and states that he entirely agrees with what Spratt and other comrades have said. Then he goes on to talk about the Girni Kamgar Union. A good deal of what he says about this is a reply to statements made by Alve and Kasle accused. Then in the same connection dealing with the Red Flag of the Union he says: "During six months of the General Strike our ideology" (that is the Communist ideology) "was so much instilled into the workers that when the Union began to function actively, after the strike was over, they proposed to hoist the Red Flag on the Union Offices and make it a symbol of working-class unity, solidarity and class consciousness. They had known during the strike how the Red Flag was the flag of the Workers' Raj in Russia, and how the workers throughout the world cherished the ideal with revolutionary determination to establish their Raj by destroying the capitalist rule." A little further on at page 1444 he deals with the Red Army of 5000 volunteers, on which he should certainly be an authority, and I have quoted before his final pronouncement on this where he said: "We do not say that they" (the Volunteer Corps of 5000 workers) "will not form the basis of the future workers' army and we do not say that we would not lead them when the time comes, but to say that these workers were organised at that time to overthrow the Government is too far-fetched." But then of course no one had ever suggested that they were organised with that immediate object. The object was of course the one which he has himself suggested in this passage.

At page 1450 Mirajkar accused went on to deal with his speeches. He began by saying that the majority of the speeches produced by the prosecution were his, and that he accepted the fullest responsibility for what he said in these speeches. He went on to offer some explanations, most of which support the prosecution view of the nature and intention of all that he is reported to have said. For example at page 1453, speaking of a passage in P. 1702 which runs as follows: "We shall carry on minor movements so long as the arrangements about revolution have not been made. Taking the weapons in hands we shall fight with you", he said: "In this passage I was explaining to the workers that

O. P. 913.

O. P. 914.

O. P. 915.

the time for the actual revolution had not arrived. Before the actual revolution comes I was trying to impress upon the workers the necessity of preparing and going through the intermediate stages of the revolution and the necessity of organisation of such a workers' revolution." A little further on down the same page speaking of P. 1717 (1) he said that what he had said was due to the fact that at this time some of the workers had become very impatient about harassment by the Police : " In order to pacify these impatient workers we had to explain to them all things and persuaded them to maintain peace which we had succeeded in doing throughout the mill strike, because we knew that the time for breaking peace had not arrived ", which implies of course that in their plans a time would arrive when the peace would have to be broken. On the following page (1454) speaking of P. 1719 he says that the report is not correct, but he goes on : " The general sense conveyed in the passage I do not want to deny. I do maintain that we want to establish Workers' Raj in India. And I was trying to explain to the workers how our Russian comrades had brought about such a Raj in their country." Then on the next page (1455) speaking of P. 1714 he says : " The oppression of Imperialist rule and its allies, the Indian capitalists, I was impressing upon the workers, cannot be removed till the *raison d'etre* of this oppression is destroyed. This could easily be done, if the masses were to rise in revolt in an organised manner, and the power of British Imperialism would collapse like a house of cards, if such mass rising were to materialise. This point is emphasised in the latter part of the speech." Then he goes on to speak of violence and non-violence and says : " Communists do not hesitate to advocate violence. We believe, as all sane people do, that it is not possible to be independent by non-violence, much less it is possible to destroy the capitalist social order by doing penance and by non-violence. The capitalist State and social order is based on violence, is maintained and will continue to be maintained by violence. It will have to be over-thrown also by violence. I was acquainting the revolutionary working class of Bombay with some of these fundamental principles, nothing more, nothing less." A little further on on page 1460 we come to the policy of exposing reformist leaders, about which speaking of P. 1696 (2) he says : " Our policy with regard to these leaders was to expose them in the eyes of the workers ", and he goes on to say that he also criticised Bakhle, another reformist leader. At page 1465 speaking of women workers he says : " It is very necessary to carry on propaganda amongst them, and its importance has been stressed in the thesis adopted in the Third Congress of the Communist International ", by which it is obvious that he feels himself to be bound. At page 1468 he comes to the Anniversary of the Russian Revolution, and sums up his explanation as to why this anniversary is celebrated on page 1471, where after quoting a passage from Lenin he goes on to say : " There is no turning back. Workers and peasants of all countries have to march forward to their November and so have the workers and peasants of India. That is why we celebrate the Anniversary of the November Revolution. That is why we instil into the workers the significance of the November Revolution. The Russian workers have given the lead to the workers of the rest of the world ; that is why we send revolutionary greetings to their representatives on the 14th birthday of the First Workers' Republic of the world." This inspired utterance was of course made on the 7th November 1932. At page 1475 he deals with the " Kranti " and in so doing admits the truth of what I have shown earlier to be proved by the evidence. In the course of this short section he says : " The paper was an official organ of the W. P. P. up to the time of our arrest. . . . The views represented in this paper were the views and the policy of the W. P. P. which we wanted to propagate amongst the workers." Further on after speaking of the vilification of the " Kranti " by the " Times of India " and other papers he says : " But in spite of all this propaganda and vilification the workers' papers like the " Kranti " will continue to give the revolutionary lead to the growing workers' movement in this country."

Then on page 1476 he comes to the Communist Party of India and in the short paragraph on this subject shows that he is well acquainted with the Maslow case. He says : " I have already told this Court that I was a member of the C. P. I. at the time of my arrest. The C. P. I. was an open Party and worked also openly and legally. . . . I have nothing to say about the exhibits put to me in this connection. Communists never discuss Party matters outside their Party meetings, and this court has no right to expect me to explain those documents which are alleged to relate to Party matters." He seems to have forgotten that this Court is in no way bound by the pronouncements of the International Control Commission, but his statement implies that he is so bound,

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and that he is, therefore, equally bound to carry out all the rules, regulations and instructions which emanate from the Communist International. A little further on in answer to a question in regard to connections he says: "I have admitted that I was the member of the C. P. I. and the W. P. P. I was also connected with and actively worked in the Trade Union Movement. As a member of the C. P. I. and the W. P. P. I would naturally have connections with my comrades who associated with those Parties. I regard it a proud privilege to be connected with them and fight hand in hand, with the revolutionary determination to achieve the lofty ideal, namely, the ideal of the establishment of the Communist society. As far as I am concerned I have not the slightest hesitation in admitting those connections." Then he goes on to a passage about White Terror, which is mostly irrelevant and is full of deliberate lies. From this he comes to Red Terror, which brings him to individual terrorism, in a passage about which at the foot of page 1496 he makes some interesting remarks. Here he says: "The Communists discard the weapon of individual terrorism, because they believe that nothing can be gained by the destruction of the individuals who form part of the State machinery." (The old question of expediency again) "Communists aim at the complete destruction of the existing State machinery of Imperialism; hence they must rely on the strength, discipline and organisation of that class, which alone can accomplish that task and erect its own State machinery in its stead. That class is the proletariat; its machinery is the revolutionary Democratic Dictatorship of the workers and peasants, which alone can guarantee the carrying out of bourgeois democratic tasks, such as independence from foreign rule, abolition of landlordism, freedom of organisation for workers and peasants etc. It alone can open the road towards socialism. The Communists therefore agitate, organise and discipline their forces on class lines only to prepare for an armed uprising of the toiling masses, which alone can bring independence to India, freedom, land and bread to the workers and peasants." He concludes by saying that the purpose of his defence statement was to tear the mask of the so-called "abstract justice". It can only be said that he has been very successful in tearing off the mask with which he and other accused have at times sought to conceal their real aims and objects.

O. P. 919.

So much for Mirajkar accused's statement. It may perhaps be as well to add that there are some 59 documents, which are either wholly or partially in his handwriting, or bear his signature, and quite apart from the writings in the "Kranti" there are upwards of 150 documents on record in evidence, which directly affect his case. To put the case shortly, the evidence against Mirajkar accused shows that he has been in close touch with the Communist Party of India from a very early stage, though not actually elected a member until the end of 1928. He was also an active participator in the organisation of the Congress Labour Party and the Workers' and Peasants' Party of Bombay. He took a very active part indeed in Trade Union work, and particularly in 1928 was one of the leading speakers of the Party at strike meetings, no doubt because his tongue, as Alve accused once suggested, rattles on like the Punjab Mail, a fact which was apparent in his statement to this Court. His work on the "Kranti" in 1927 and as a speech-maker in 1928 would almost justify his being described as one of the leading propaganda workers of the Bombay Party, and there can be no doubt that in every speech he made, in every letter he wrote and in all his organising and other work, he was perfectly aware throughout of what he was doing, and he was working, and working strenuously, to establish, train up and strengthen an organisation, which would in good time be able to bring about an armed revolution in India.

O. P. 920.

Agreeing with four assessors and disagreeing with one, I hold that Mirajkar accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India, and I convict him accordingly under Section 121-A I. P. C.

PART XX.

O. P. 921. Joglekar accused was the editor, printer and publisher in 1924 of a paper
 K. N. called "The Socialist" and appears also to have been running a press called
 JOGLEKAR. The Labour Press, see P. 1493, P. 1131, P. 1106 and his own statement at page
 5. 2038 of the statements of the accused. This paper, "The Socialist", published
 some time in 1924 an open letter from Begerhotta on the subject of the Communist Party and when this open letter came to the notice of M. N. Roy, he wrote
 a reply to it for publication in "The Socialist" which is in evidence as the
 enclosure to P. 1138 (F. C. 3) a letter dated November 6th, 1924 addressed to
 Begerhotta which was recovered from Joglekar accused's possession on March
 20th, 1929. Another copy of this article was sent by Roy direct to the editor,
 "The Socialist", but was intercepted and withheld, and is in evidence as
 P. 1868 (1) (F. C. 7). I may perhaps note that Begerhotta's open letter was
 also mentioned in a letter from M. N. Roy to Begerhotta dated October 22nd,
 1924 which was put in by the defence from Begerhotta's search and is D. 374.
 All of these papers have of course been dealt with at an earlier stage. At the
 end of July 1925 Joglekar accused must have received the letter of which
 P. 1843C. (F. C. 59) is a copy from one Arthur Field, B. G. Horniman and
 Shapurji Saklatvala President and organiser of the East-West Circle inviting
 him to a conference in September. This is the letter which has at the foot an
 endorsement from N. M. Joshi, Diwan Chaman Lal and Goswami. The only
 importance of this document is that it shows that people in England knew of
 Joglekar accused as early as the middle of 1925.

O. P. 922. Joglekar accused was of course one of those who took part in the first Indian
 Communist Conference at Cawnpore on 26th December 1925, on which occasion
 he was elected with Ghate, Nimbkar and Begerhotta to represent Bombay on the
 Central Executive Committee. In January and February 1926 he was in corres-
 pondence with Ghate and Muzaffar Ahmad in regard to the recovery of the
 balance of the Cawnpore Communist Conspiracy Case Defence Fund, see P. 1140
 (F. C. 1), P. 1836P, P. 1837P (C. 2) and P. 1139 (I. C. 4). In February
 Begerhotta writing to Ghate accused in P. 1287 (10) suggested a means of getting
 rid of Satya Bhakta from the Central Executive of the Party and proposed that
 Joglekar accused be put in as President and somebody else as Secretary. These
 letters and Nimbkar accused's letter to Begerhotta dated 4th August 1926
 (P. 780) in which Nimbkar says that he has asked Joglekar to write to Begerhotta
 about the proposal to accord a reception to comrade Shafiq all go to show that
 Joglekar accused occupied an important position in the Communist Party of India
 from its very earliest days.

In dealing with Mirajkar accused's case I mentioned P. 1144 (I. C. 7) the
 letter in which Donald Campbell sent to Joglekar a number of draft resolutions
 for the A. I. T. U. C., A. I. C. C. and the National Congress, and a copy of which
 he sent to Mirajkar in P. 1835. In this connection it may be noted that P. 1835
 shows a very close association between Joglekar and Donald Campbell, evidenced
 by the fact that writing to Mirajkar about an article which he wants S. (presum-
 ably Shah) to write he says, "Ask him on my behalf to do it in at least two copies,
 give them to J., he is in charge of my personal affairs." And of course it is
 obvious that if a letter like P. 1144 addressed "Dear J" is found in Joglekar's
 possession it is impossible to suppose that J could stand for anything but
 Joglekar, and in these circumstances it seems certain that J. appearing in a letter
 to Mirajkar (who it will be remembered was mentioned in the last sentence of
 P. 1144) must also be Joglekar.

At the end of 1925 we get in evidence the document P. 85, the Manifesto to
 the All India National Congress dated December 1st, 1926, issued by the Com-
 munist Party of India and printed in London, a fact for which Muzaffar Ahmad
 accused has given an obviously false explanation. There is evidence to show
 that Joglekar accused attended this Gauhati Session of the Congress. In fact
 in P. 1844C, a letter from Muzaffar Ahmad who was then at Lahore to Joglekar
 himself at Bombay, Muzaffar Ahmad says, "I read in papers about your
 activities in Gauhati and I really feel myself proud that one of us took some
 prominent part in the National Congress." This letter goes on to speak of
 the proposed Communist Conference at Lahore at which comrade Saklatvala
 has been asked to preside. Muzaffar Ahmad proceeds to suggest giving Saklatvala
 a reception in Bombay on behalf of the C. P. I. and says that if Joglekar thinks
 it necessary he himself may also come to Bombay (as indeed he did, see P. 1129,
 I. C. 20). This letter is a copy but it derives some support from the fact that
 there is on the record a copy of another letter from Muzaffar Ahmad written

from Lahore and containing the same address c/o M. A. Majid, Mochi Gate, Lahore, on the 15th December 1926 (P. 2125C). Saklatvala actually reached Bombay on the 14th January and as we know the position after his arrival was not entirely satisfactory.

O. P. 924. Joglekar's next recorded activity was his participation in the Lenin Day meeting held on the 22nd January 1926 at the Marwari Vidyalaya Hall, Bombay, under the auspices of the Congress Labour Party. In the report of this meeting prepared by P. W. 215, Inspector Desai, there is a short account of a speech by Joglekar in which he paid a tribute to Lenin etc. and ended by appealing to the audience "to go beyond the arena of limited politics and cultivate the new doctrine of socialism as against landlordism and capitalism". Joglekar also took some part in the inauguration of the W. P. P. of Bombay in the closing days of January and the first weeks of February. We find his signature for instance on P. 1355 (7) A in token of his having received the notice issued by Mirajkar accused calling a meeting of the E. C. of the new Party for the 13th February to consider the preliminary working of the Party. His name also appears in P. 1355 (7)B, P. 1355 (7)C and P. 1355 (7)F. He was ultimately elected to the E. C. of the Party as Trade Union Group leader, see P. 1017, P. 851, and the report of the working of the Trade Union Group made by Joglekar himself as T. U. leader to the Secretary of the Party on the 21st April 1927, P. 1348 (12).

O. P. 925. In March 1926 Joglekar along with other accused went to Delhi for the A. I. T. U. C. Conference and also for the meeting with Saklatvala to which that gentleman had now agreed, vide P. 1846 (I. C. 26), P. 1232 (I. C. 27) and P. 1143 (I. C. 29), the last of which is a wire from Saklatvala himself to Joglekar. Other documents in connection with this meeting at Delhi are P. 781 and P. 1494, the latter of which shows that Joglekar was one of the occupants of room no. 33 in the Royal Hotel, Delhi, in which the meeting of the C. P. I. was actually held. After his return to Bombay we find Joglekar like a number of other members of the Party evidently interested in the question of the sending of delegates to the Pan-Pacific Conference at Canton. P. 1853C is a copy of a letter dated 6th April 1927 in which he made an enquiry from Thos. Cook Ltd. in regard to passages for Hongkong. On the 21st of April Joglekar put in as the Trade Union Group leader the report P. 1348 (12) to which I have alluded already. That report mentions some further items of interest. It says that "Messrs. Ghate, Mirajkar and Joglekar were the important Party men put forth by the Textile Union on the A. I. T. U. C. floor. This Union is also conducting the vernacular paper "Kumkari" for which two of our Party men Mr. Joglekar and Mr. Mayekar are working." In the next paragraph we find that "Mr. Joglekar has been engaged in the formation of the Bombay Press Workers' Union and this Union has been successfully organised on the 6th March last and its position is slowly being worked up and it is completely under the control of our Party. Mr. Joglekar is busy in the formation of its local branches in different presses; two such committees are formed and four more are in the formation. This is the other Union that contributed equally to the success of the Party in the A. I. T. U. C." Then Joglekar gives himself a pat on the back and says in his report: "The Group Leader has done everything that he could to start the working of this group. He managed to get all the men on the floor of the A. I. T. U. C. and his work was chiefly responsible for the success of our Party in the A. I. T. U. C." The report later mentions Joglekar's election on the newly-formed Negotiations Committee of the A. I. T. U. C.

O. P. 926. The activities of Joglekar accused are very closely interconnected with those of Mirajkar accused and it is not necessary therefore to quote in each case the evidence in support of the facts which I have to mention. At the end of April Joglekar was appointed Joint Editor with Mirajkar of the "Kranti" so that for all that appears in the "Kranti" during its first period which ended in September 1927 Joglekar is equally responsible.

In May 1927 Joglekar took part in the May Day Meeting and procession and later in a meeting of the All-India Congress Committee at Bombay. In this connection we have on the record P. 843, a copy of the programme of the Party which is the same as P. 1940 (1), the programme circulated to members of the A. I. C. C. by Mirajkar in P. 1940, dated 24th April with a note that "Messrs. K. N. Joglekar and R. S. Nimbkar members of the A. I. C. C. and also members of this Party, are authorised to move the same in the A. I. C. C. Meeting and my Party do count upon your solid support thereto." This meeting of the A. I. C. C. was originally to be held on the 5th of May but it would appear from D. 182 that it was not actually held until the 15th.

The next event of interest in which Joglekar accused took part was the welcome to Dange accused on his release from jail in connection with which Joglekar sent to Thengdi the telegram P. 840 (I. C. 43). It appears that on Dange's release Joglekar met him and took him to his residence and kept him almost under surveillance for some time, vide Spratt's remark in P. 2328 P. (2) (F. C. 218) where he says: "Cunfa has been disappointing, but this may be due to Hig. who has jealously guarded him all the time." In this connection it may be noted that Joglekar apparently borrowed money from Spratt for Dange about this time, as there is a letter from Spratt on record, P. 2067 (1) P. dated 15th November 1927, in which he says to Joglekar: "You will remember that in April or May last I lent you for Mr. Dange sums amounting to Rs. 250. I should be much obliged if you would let Mirajkar have the money on my account."

Joglekar of course took part in the meeting of the C. P. I. at the end of May and was elected a member of the Executive. I notice that in the list of office-bearers at the end of the report of this meeting P. 1207 (1) Dange's address as a member of the Presidium is given as Fanaswadi, Bombay which is actually the address of Joglekar. Dange's address later was Wadekar Building, Girgaon, Bombay. So we get in this report a confirmation of the statement that Dange after his release lived for some time with Joglekar. This report also mentions in the record of work for Bombay the appointment of Joglekar to the Negotiations Committee of the A. I. T. U. C. and as the Joint Secretary of the Bombay Provincial Congress Committee. It further mentions that in the A. I. C. C. the comrades had succeeded in returning comrades Nimbkar and Joglekar "who put up a considerable fight for our programme at Gauhati and at the meeting of the A. I. C. C. held at Bombay." It will of course be remembered that the programme said elsewhere to have been put up at the A. I. C. C. was not the C. P. I. programme but the W. P. P. programme. But of course there are innumerable pieces of evidence showing that so far as the management goes the people behind the W. P. P. were the same people who were taking the lead in the C. P. I. There is an account of this meeting of the C. P. I. in the "Kranti" of the 4th June 1927 part of P. 989. In the following issue of the "Kranti" Joglekar's activities are mentioned twice. First he took part in the meeting of the G. I. P. Railway Workmen's Union at Matunga at which Jhabwala presided and secondly he took part and spoke at a meeting of Municipal Workers at which also Jhabwala presided. And this is exactly what we should expect in view of his own earlier report to the Secretary of the Party.

Coming to July, the relations between Joglekar and other members of the Party seem to have been rather unsatisfactory about this time. On the 14th June when he was writing P. 2328 P. (2) (F. C. 217) Spratt accused was expecting a rupture with him in the next day or two, and in forwarding Spratt's letter to Iyengar George speaks of the problem of publicly exposing "Sak" and his relations with Jogl. But there is no explanation of these complaints anywhere on the record and it appears that C. P. Dutt too did not quite understand what Joglekar's crimes were; see his remark in P. 1008 dated 9th August 1927: "I was sorry to hear that Hig. has been acting so badly, though you do not specify his crimes exactly." Spratt accused does not mention him again in his letters, and the next we hear of him is in the two letters P. 1010 and P. 1011 from Mirajkar and Ghate to Spratt written in the middle of August in which they speak of Joglekar's conducting the strike in the Apollo and Manchester Mills. Mirajkar also speaks here of Joglekar's non-co-operation in the matter of "Kranti". Later on he says, "Mr. J's attitude is just the same I may say worse than before. He is practically dropped." Both Mirajkar and Ghate speak of the mistaken policy of Joglekar in this strike, in failing to use it as a means of amalgamating the two existing Unions. There are also mentions of this strike in the "Kranti" P. 1375 on the 13th, 20th and 27th August and the 3rd September.

On the 14th September Joglekar took part in the meeting of welcome to Usmani at which P. 1684 shows that he made a speech. In this he is reported to have said that "the Cawnpore Conspiracy case was a got-up case to nip the Communist Movement in the bud in India." "But the Government", he said, "failed in their object as this trial gave an impetus to the movement which is now on a firmer footing; on the release of the four comrades communistic propaganda was being successfully spread in India and the day was not far off when the Imperialist Government would collapse." He also took part in the meeting held to celebrate the 10th Anniversary of the Russian Revolution. The report P. 1685 shows that he attacked the Congress mainly for not allowing them to

put into force the programme of the W. P. P., and said they should force the Congress leaders to accept their demands or disown them if they failed to do so.

After this Joglekar went up to Cawnpore to attend the session of the A. I. T. U. C. and while there he took part in the meeting of the T. U. C. Left of which we have on record Dange's report P. 1878 (1) C. After Cawnpore it seems that Joglekar went to Madras for the session of the Indian National Congress. I have already mentioned the part which he took in this Congress. D. 182 shows that he opposed the raising of the delegates' fees and the document P. 1015 produced by Inspector Patwardhan evidently indicates the changes in the constitution and the programme of the Indian National Congress which he wanted to put before that body. Whether it was actually given to P. W. 244 at Madras or had been printed and used for the meeting of the A. I. C. C. at Bombay in May matters little from the point of view of this case. The part taken by Joglekar and I think Nimbkar (though they are of course not named) at this Congress is mentioned in the notes kept by Spratt and Bradley of the discussions at the Party Council of War in September 1928. There is another mention of it by Spratt accused towards the end of P. 550, a series of notes mostly dealing with Congress affairs.

O. P. 930.

In the course of this visit to Madras Joglekar also took part in the meeting of the C. P. I., vide the note P. 1287 (2) in Dange's handwriting and over his signature "K. N. Joglekar... to be asked to resign from the Brah. Sabha." Soon after Joglekar's return to Bombay the Bombay Presidency Youth Conference took place, but the only evidence of Joglekar's connection with it is the recovery from his possession of P. 1111 a little collection of resolutions in Spratt accused's handwriting evidently intended for this Conference.

Towards the end of January Joglekar accused took part in the meeting of the Enlarged Executive Committee of the W. P. P. at which he moved the resolution on the boycott of the Simon Commission, see P. 833 and P. 835 (I. C. 94). He also took part in the demonstration etc. on the occasion of the landing of the Commission. Early the following month the E. C. of the Party selected four comrades to attend the meeting of the E. C. of the A. I. T. U. C. to be held at Delhi. These were Dange, Joglekar, Nimbkar and Thengdi accused. Joglekar accused however did not actually attend the meeting. Somewhere about this date he was seen by P. W. 244, Inspector R. S. Patwardhan in company with Spratt accused distributing in Bombay two leaflets P. 1016, one of which advises the workers to join the strike of the Sassoon Mill group and the other is an attack on Mayekar. Joglekar was present at the General Meeting of the Party on the 18th March (P. 1348 (17), P. 1348 (18) and P. 1348 (19)). Another account of this meeting is to be found in P. 1344 which shows that Joglekar took a considerable part and was responsible among other things for the addition of the Youth Group. He was himself elected Group leader of the Trade Union Group.

O. P. 931.

After March we find that Joglekar was frequently absent from Bombay travelling up and down the G. I. P. line. This was probably the result of the resolution passed by the Managing Committee of the Union on the 27th of which Joglekar was officially informed in P. 1450 (I. C. 134) a letter from Jhabwala as Honorary General Secretary of the G. I. P. Railway Employees' General Union dated March 28th, 1928. This resolution is as follows: "That Mr. Joglekar's appointment is confirmed. That he be paid Rs. 45 per month for his personal expenses, for which no bills should be asked and that Rs. 30 be given to him as initial travelling allowances and when the fund is exhausted on his submission of bills a further sum be given to him to cover his travelling charges. That he should be on the line for three months commencing from the 1st of April." And this appointment in its turn had the effect of causing a change in the advisers of the G. I. P. Railway Employees' General Union, vide D. 420, which contains a resolution of the G. K. M. passed on the 30th April that "as Mr. Joglekar at present is out of Bombay his name should be removed from the Advisory Committee and Dange should be elected in his place along with Jhabwala and Nimbkar." Joglekar was however restored to this Advisory body on the 15th May when a resolution was passed appointing 8 persons including Joglekar as advisers.

O. P. 932.

It would seem that Joglekar accused was very fully occupied with his work on the G. I. P. throughout the next few months. He appeared in Bombay for the May Day meeting and made a number of speeches in the course of the General Strike. He was also suggested as a candidate for the Municipal elections and on the 8th April was elected to inquire into the question of a W. P. P. Conference at Nagpur and report (P. 1344). I find that he was apparently present

at the Party E. C. meetings on the 1st April, 8th April, 22nd May, 1st July, 15th July, 22nd July, 19th August, 22nd August, 26th August, 27th August, 29th August, 9th September, 23rd September and 14th October. In October preparations were begun for the Conference of the A. I. T. U. C. which was ultimately held at Jharia in December. P. 1344 shows that in the E. C. meeting on the 21st October comrade Nimbkar stated that "the Municipal Workmen's Union had passed certain resolutions to be sent to the T. U. C. at Jharia according to the instructions from the T. U. Group leader." The passage shows that Joglekar had sent out instructions to the Unions to pass resolutions with a view to the Conference. The resolutions would of course be those which had been decided upon by the Council of War from the 6th to the 10th September. The fact that Joglekar had taken steps of the kind is also shown by his letter dated 12th October P. 547 (3) (I. C. 246) (equals P. 2046P) in which he wrote to Spratt accused as follows : "I am sending you a copy of the resolutions. Please try to get them forwarded from different Unions to the Secretary A. I. T. U. C. Hoping to hear from you more often and expecting a rough report of your T. U. activity for the record of the T. U. C. Group." This letter is signed by Joglekar as Organising Secretary of the G. I. P. Railwaymen's Union. Another letter of the same kind is P. 2078P (I. C. 31) dated the 30th November in which, writing to Spratt about Jharia, Joglekar says, "Very soon we shall meet at Jharia. The fight of our Union over the Bhusawal demands is drifting fast towards the crisis. I am sure you will bring from Calcutta good contingent for fraction work at Jharia." Then he speaks of the fraction elements on the A. I. R. F. and the work which has to be done by them namely "if possible to thrust a policy of united front on all railways". He goes on, "Similar precautions you will have to take about getting sufficient fraction men through all possible Unions in Calcutta for the T. U. C. work." Then in the last paragraph he shows by implication the object of all this. He says, "You will agree that the fight between right and left has begun. It has assumed far too bitter complexion on this side (i.e. in Bombay) and we have practically to exert to the point of exhaustion to keep ourselves up against the all sided attack from the nationalists, moderates and trade union reformers." At Jharia in the A. I. R. F. Conference Joglekar seconded Kulkarni's resolution in regard to a general strike on all railways (P. 2416P(4), F. C. 764). At the A. I. T. U. C. Conference Joglekar was one of those who spoke against the sending of delegates to Geneva. He also supported the W. W. L. I. unsuccessfully. After the A. I. T. U. C. had decided to affiliate to the League Against Imperialism he and Thengdi accused were elected to represent the T. U. C. at the next World Congress of the League to be held in Paris in July 1929. All this appears from Bradley's report P. 650. It was as a matter of fact apparently Joglekar's job to have produced a report on the Jharia Congress for the Bombay Party, vide the minutes of the E. C. meeting of the 15th January 1929 in P. 1344, but there is no such report on the record.

From Jharia Joglekar went on to Calcutta to take part in the A. I. W. P. P. Conference as a delegate on behalf of the Bombay Party (P. 468 (2), I. C. 321). The report P. 669 shows that on the first day he was elected on the Drafts Committee. On the second day he moved an amendment to the Political Resolution to the effect that the clause forbidding the entry of Party members into the Independence of India League be deleted. This amendment was defeated. He also spoke on the Trade Union Movement resolution and against the amendment to the constitution moved by Goswami accused. At the end we find his name among those elected to the National Executive Committee. Subsequently he took part in the proceedings of the Indian National Congress, vide the official report D. 163, which shows that he opposed Gandhi's resolution and with Nimbkar put forward the Party Mass Programme as an amendment to the Future Programme proposed by Gandhi (D. 163, P. 550 & P. 1124).

Joglekar accused also took part in the meetings of the C. P. I. at Calcutta on the 27th, 28th and 29th December, and his name appears in all the exhibits in this connection (P. 1295, P. 1300, P. 1303 and P. 1310). He acted as Chairman on the 28th and 29th. He was elected a member of the E. C. for Bombay and was one of those suggested as delegates to the E. C. C. I. P. 1306 contains a note in this connection : "Joglekar suggested—because he is elected to L. A. I." For the period between the Calcutta meetings and the last meeting of the C. P. I. in March we have a certain amount of evidence in P. 1344, which shows that Joglekar was present at E. C. meetings on the 13th, 20th and 30th of January and the

3rd and 17th of February. In the meeting on the 3rd February we find a mention of him as follows : " The G. I. P. Railwaymen's Union. Joglekar's report. Jhabwala refused to obey the decision of the Committee which authorised Joglekar to go on the lines." This passage is followed by some discussion of how Jhabwala's obstructive tactics should be met. Finally on the 17th March P. 1296 suggests that Joglekar took part in the meeting of the Communist Party of India which discussed the future of the W. P. P. and the reorganisation of the C. P. I. 5

The search of Joglekar's premises on the 20th of March was even more productive than most of the individual searches. P. 1104 is the searchlist prepared by Inspector Wagle, P. W. 207, who was accompanied by Sub Inspector Kothare, P. W. 253. Among the documents recovered on this occasion were 2 copies of the Thesis on the revolutionary movement in the colonies and the semi-colonies, (P. 1115), 2 issues of " Spark " (P. 1112), a copy of the P. P. T. U. S. magazine entitled " The Far Eastern Monthly " (P. 1113), a copy of the " Masses of India " (P. 1117), a copy of the " Labour Monthly " (P. 1120), copies of the Bengal W. P. P. Constitution 1928 (P. 1119), of the Trade Union Movement Resolutions (P. 1121), of the Political Resolution (P. 1122), and of Sohan Singh Josh's Presidential Address (P. 1123). He also had copies of Saklatvala's open letter to Indian trade unionists in regard to the A. I. T. U. C., the W. W. L. I. and the I. F. T. U. (P. 1126), and the connected letter P. 1127, some addresses of interest such as those of the editors of the Inprecorr, the Communist Review, The Communist and Young Communist (P. 1131), some copies of Inprecorr (P. 1132), some more copies of the Masses (P. 1133), some issues of the Workers' Weekly of 1924 and 1926 (P. 1134), an English pamphlet called " The Communist International " (P. 1135), " The Reds in Congress " (P. 1136), and a copy of the Constitution of the C. P. I. (P. 1145). There were also copies of Roy's " India in Transition " (P. 1152) and " India's Problem and its Solution " (P. 1153) and of Stalin's " Theory and Practice of Leninism " (P. 1154) and a number of issues of the " Communist International " (the organ of the E. C. C. I.) (P. 1155), a number of issues of the " Labour Monthly " (P. 1156) and of the " Communist Review " (P. 1157) and Plebs (P. 1158). We also have a slip of paper P. 1106 having written on it Lux Hotel Moscow which must apparently be the same thing as the Hotel De Luxe referred to elsewhere. 10
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I have I think already quoted to some extent from Joglekar accused's speeches and there is no point in repeating those quotations. Like other accused he has criticised the reporting and claimed that he was a particularly rapid speaker and therefore particularly liable to be misreported. But he does not really question the general correctness of the sense and he makes it quite clear that everything he said was what he had carefully considered and decided to say. Like others he of course refers to the example of Russia and preaches the Raj of the workers and the peasants. 35
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Before I deal with Joglekar accused's statement, I may note that there are in evidence against him some 22 documents, which are either wholly or partly in his handwriting or bear his signature, and upwards of 170 which affect his case in some way or other. His statement runs to some 350 printed pages, and what he said could have been said very much better in about 100, but that criticism applies to everything that Joglekar accused did during this trial. More time was certainly wasted by this accused in useless cross-examination than by any other accused. He began his statement by referring to the great amount of space in the prosecution evidence taken up by evidence in regard to Trade Union activities, strikes etc. He put forward his own view of strikes by referring to a quotation from Engels. The passage quoted is valuable and is as follows :— " Strikes may be no more than skirmishes ; some times they may be important engagements. They are not decisive combats, but it is abundantly clear that a final conflict between the proletariat and the bourgeoisie is pending. The strikes are the military training colleges of the workers ; they are the schools wherein the proletariat is prepared for its entry into the great struggle which is inevitable ; they are the proclamations whereby the individual sections of the workers announce their adhesion to the Labour Movement as a whole." He then goes on to discuss what he calls a deliberate confusion made by the prosecution, which he says, identified the General Strike with insurrection. But that is, of course, by no means the fact. The General Strike as contemplated by Communists is preparatory to insurrection, and that is I think how the prosecution has always 45
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- O. P. 938. regarded it. But the accused is endeavouring to suggest that the prosecution is charging the accused with working for immediate insurrection, hence this attempt to support that theory. He goes on at page 1720, following the same line of argument, to say: "It is only when there exists an objectively revolutionary situation that a communist is called upon to give a call to the working class to join issue directly for a revolutionary overthrow of the social forces of Imperialism." What the prosecution contend is that the accused have been working throughout the period covered by the case to bring about such an objectively revolutionary situation. The question what progress they have actually made is of comparatively little importance. Discussing part struggle and partial demands he comes at page 1725 to the Communist tactic in respect of partial demands, and in this connection quotes the pronouncements of the Third Congress of the C. I. The relevant passage is as follows:—"On the contrary, it is essential to make use of all the economic needs of the masses, as issues in the revolutionary struggles, which, when united, form the flood of the social revolution. For this struggle the Communist Parties have no minimum programme for the strengthening of this reeling world structure within the system of capitalism. The destruction of this system is the task of all Communists. But in order to achieve this task they must put forward demands and they must fight with the masses for their fulfilment, regardless of whether they are in keeping with the profit system of the capitalist class or not. What the Communists have to consider is not whether capitalist industry is able to continue to exist and compete, but rather whether the proletariat has reached the limit of its endurance. If these demands are in accord with the immediate needs of the great proletarian masses, and if they are convinced that they cannot exist without the realisation of these demands, the struggle for these demands will become an issue in the struggle for power." And on the following page he says: "No doubt that a Communist is an uncompromising enemy of capitalism, and I make no secret of it that if and when objective forces do ripen I shall not hesitate to strike the blow that will lay all forces of capitalism and Imperialism completely prostrate, but to suggest, because of this, that our work in the Trade Unions during the period of 1927-28 was with the intention of raising immediately the standard of revolt for the establishment of the Dictatorship of the Proletariat, is utter nonsense." It is, of course, equally nonsense for Joglekar accused to suggest that that is the charge on which he is being tried. At page 1727 he again expresses admiration of the formulations of Lenin and says about one of these: "Such is the heritage that the Engineer of Revolution has left to the world proletariat, and he must be an inveterate wretch, who will disregard this heritage of rich revolutionary experience." Again at the bottom of the next page (1728) he keeps on hammering away on the same point. He says: "Now even when it is established that the strikes of 1927 and 1928 did occur because of economic reasons, still the fact remains that we are Communists, and whatever may have been the reasons of the strikes, the strike once started and the broad masses mobilised for the fray, if this happily coincides with other factors being objectively revolutionary then surely it is our duty, to quote the Third Congress, to give the slogan "for the uncompromising overthrow of adversary, the capture of political power." The question therefore is not, whether or not our theory contemplates a forcible overthrow of the bourgeoisie and their political instrument, the State, because our theory and its practice do contemplate the necessity for such a forcible overthrow of the bourgeoisie and their State, but the point at issue is that whether or not an objectively revolutionary condition prevailed at that particular time when these strikes were being conducted by us, so as to afford a reasonable ground to believe or otherwise, that we the accused concerned have made use of these strikes not for the fulfilment of the actual daily needs of the workers, but for the overthrow of the bourgeoisie and the smash-up of their bourgeois State." But there of course Joglekar accused is entirely wrong. The point at issue, which he suggests, is not the point at issue at all. According to his theory nothing can be done to deal legally with a revolutionary movement until an objectively revolutionary situation has come into existence. Later on he comes to the 'Political education of the working class' and to 'Workers' Guards', and the relations between 'the Trade Unions and the Workers' Party (Communist Party)'. In this connection he quotes a passage from Lenin in which Lenin says: "The Trade Unions are a part of mechanism. The Party is the engine. Its cogs grip the cogs of the Trade Union wheel and bring them into motion, and in turn the Trade Unions set in motion the greater masses." Then he goes on to talk about the Railway workers, the various Railway strikes, the G. I. P. Railwaymen's Union and his own connection with it and his difficulties with Jhabwala accused, and from that to a good deal which appears to be mainly

intended for the assistance of the people who may be conducting a big Railway strike in future. From this he comes to the Political General Strike, about which he says that "the Political General Strike in general and the Political General Strike of Railwaymen and Transport workers in particular is a very powerful weapon", and it is this fact of course which explains the very active interest taken by the Communist accused in Railwaymen and Transport workers. In this connection he makes some very interesting remarks on page 1958, where he says: "According to Communist view there is certainly very close connection between the revolution and the general strike. No revolution can be successful unless it is backed up and fortified by a general strike paralysing the entire machinery of the bourgeois control consisting of the telegraphs, telephones, transport, the press, the banks and the military and the police. But that does not mean that all general strikes are tantamount to revolution." Then he proceeds to explain why it is that certain general strikes on the one hand (in England and Indonesia) and attempted revolutions on the other (in Germany and China) have failed. The clue is given in the last paragraph of page 1959, where he says: "But it is not only the revolutionary situation synchronising with the General Strike and an attempt at insurrection that creates a successful revolution. Something more is necessary, and that is the well organised C. P. ready to take the lead and carry through the revolution." He goes on to explain how it was that the November Revolution was successful. "There was first of all the Bolshevik Party with the best revolutionary experience of training and discipline. There were the 'Army Committees' and the Soviets. There was the revolutionary situation created by the War, and the working class was ready to support the insurrection." He concludes: "The point therefore is that General Strike by itself is not the same as revolution, and yet I must repeat that no revolution can be successful without the backing of an actual General Strike, or full preparation of the proletariat for a General Strike in the eventuality of the necessity arising for paralysing the forces of the bourgeoisie." He concludes this section with the following passage on page 1961: "The Political General Strike is the best and most convenient method for this mobilisation and consolidation of all anti-Imperialist forces, and as good Communists who understand that the way to social revolution lies through the Democratic Revolution, it is our duty to mobilise all the revolutionary forces for such a revolution. It was for this reason that I suggested a resolution for the organisation of all genuinely anti-Imperialist forces under the slogan of a Political General Strike." Then he goes on to talk about the Jute workers, of whom he had no very direct knowledge himself, and from this circuitously to the Bombay Oil Workers' strike and the Bombay riots of 1929. Finally he comes to the Bombay Textile workers and to May Day 1926, and from this to the Girni Kamgar Mahamandal and his own work therein. About this work which ended at the beginning of the General Strike he says at page 1990: "By our correct lead and consistent work I had now won the confidence of the Textile workers, and they were now in favour completely of the W. P. P., Bombay and were prepared to follow the lead of the Party in their day-to-day struggles. The influence of the W. P. P. grew among the Textile workers, and I do not deny that I was systematically working towards this end. To put in the technical term I was doing consistently "the boring work" on behalf of the Party." On the following page he explains lucidly the use made of the General Strike by members of the Party and says: "During the General Strike our Party certainly paid attention to the training of the workers, and we certainly used the opportunity of the strike for the general education of the workers. And I consider that we did only the correct thing; it would have been criminal on our part to have neglected such an education of the working class, it would have been rank betrayal of the working-class necessity. However the prosecution may make fuss about this working-class education that we successfully carried on, I assert that to carry on such a working-class education at every stage and whenever and wherever any opportunity arises is the only correct course that can be followed by a true working-class leader." Immediately after this passage there is a passage which goes some way to explain why the strike lasted so long. He says that "the strike was fought under the leadership of our Party, and though there was the Joint Strike Committee, still the main policy was considered and decided upon the E. C. of the Party, which met from day to day to review the situation. It was due to this constant vigilance of the Party that we were able to suppress all tendencies towards weakening at their very appearance (P. 1344), and it was due to this vigilance that we could maintain the morale of the workers and win the strike." At page 1991 he deals with his work in the T. U. C. and says: "My attitude in the T. U. C. was in keeping with the principles that I propagated. As a Communist it is my duty to see that the

working class in India develops on the correct class-conscious basis, and whatever I have done in all these Congresses I have done in keeping with this principle." Then he comes to the W. P. P., which, he says, "was the Party of the National Revolution." In this section (arising out of the celebration of the 10th Anniversary of the Russian Revolution) he dealt with the successful achievements of the Russian Revolution, though what their value is in his defence it is difficult to see. Inevitably, of course, there is a good deal of support for the prosecution case in what he has to say on this subject. For example he says at page 2030 : "The Russian Revolution and the building up of Socialism in one country have become the base of the world revolution." At page 2031 he says : "To work for the world revolution through the national emancipation of India, to build up the revolutionary front of the workers, peasants and youths organised under the hegemony of the proletariat, I consider my revolutionary duty towards humanity." He goes on to talk about carrying through the fight for socialism in India and carrying through the Indian revolution. Then he comes to May Day, and in this connection he says that "May Day still plays the role as the military review of the forces of revolution." That was, therefore, presumably the object with which he and the other Communist accused celebrated it. About the C. P. I. at page 2036 he says : "I am a member of the C. P. I. and have been a member of the Party since its foundation in December 1925... I have been a member of the Executive of the C. P. I. since then." In the next paragraph he states his position in the clearest terms and says : "Whatever activities I have been charged of and all the Trade Union and other public activities, I have done as a Communist. As a Communist I do believe in the principles of Marxism and Leninism and I have acted accordingly." As a Communist I do stand and subscribe to the programme and policy that is laid down from time to time by the Communist International, the policy for the world revolution and reorganisation of society on principles of socialism." And on the next page he adds : "And as the way to socialist revolution lies through a national revolution, as a Communist I undoubtedly work for and the C. P. I. also works for national revolution." That is to say, Joglekar accused admits in the most unequivocal terms that he has been working for a national revolution since December 1925. In the last paragraph of his statement he expresses his wish to take an active part in the Indian revolution and speaks of it as a privilege and a high honour of which this Court is likely to deprive him. In fact in spite of all the red herrings which he has attempted to draw across the trail, Joglekar accused has a very clear realisation of the fact what he had been doing for the last three years or more prior to his arrest was to work for an armed revolution, that is to work with the object of depriving the King of his sovereignty of British India.

O. P. 945.

O. P. 946.

Joglekar accused argued his own case at some length. His arguments for practical purposes involved him in a plea of guilty. In the first place he said that the aim of the Communist International and its subordinate bodies was to bring about socialism or Communism, which was not illegal. Coming to the method, however, he had to say that it involved revolution, and he went on to say that constitutional means were rejected because the Communists knew that the ruling class would use illegal means to prevent them (the Communists) achieving their aims by legal means ; and he concluded this portion of his argument by saying that there was no intention to infringe the spirit of the law, that is to say the spirit of democracy, and the Communists only contemplated a breach of law as an alternative to far greater troubles. Then he put forward the plea that the policy was not illegal, because it was a bona fide political policy, and also put forward that odd contention of a common law right which he failed to support by reference to anything except his own imagination. Then he asserted that the evidence was not sufficient to prove any association between the accused and the Communist International and therefore any conspiracy between them. I can only say that I do not agree with him. Then he contended that the evidence did not justify the conclusion that the accused worked in accordance with the aims of the Communist International. This was apparently based on some of the points which I have dealt with recently. In this connection he contended that the accused themselves had not committed any illegal act, meaning apparently acts which were illegal per se, but that does not affect the case. In this connection he claimed that freedom of organisation exists up to the stage of unlawful acts, but none of his arguments dealt with the real questions at issue, namely the existence of a conspiracy to deprive the King Emperor of his sovereignty of British India and his own participation therein.

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O. P. 947. The evidence on record in regard to this accused shows that throughout the whole period covered by the charge he was an active member of the Communist Party of India. He was certainly fully acquainted with the aims and policy of the Communist International, and indeed his own statement to this Court makes his position in that respect entirely clear. He took an active part in the foundation of the W. P. P. of Bombay and in the First Conference of the A. I. W. P. P. He was one of the two Joint Editors of the party organ "Kranti" during its first lease of life. He was also an active fraction worker in the Bombay Provincial Congress Committee and the A. I. C. C. But I think the most important work done by him was his work as Trade Union Group leader, as a member or adviser of the Girni Kamgar Mahamandal and as organising Secretary of the G. I. P. Railwaymen's Union. Bearing in mind his knowledge of Communist principles and the letters which he has himself written about fraction work, it is easy to realise with what objects he was working in these organisations. Taking into consideration this accused's associations, his activities and his own statement to this Court, there cannot be the smallest doubt that he knew exactly what he was doing, and that he was a party to the conspiracy and a very active member of it.

Agreeing with four assessors and disagreeing with one, I hold that Joglekar accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India, and I convict him accordingly under Section 121-A I. P. C.

PART XXI.

O. P. 948. The first appearance of Nimbkar accused in the evidence in this case is in
R. S. P. 1287 (11), which shows that in December 1925 he was elected to the Central
NIMBKAR. Executive of the Communist Party of India at Cawnpore as representative of
 5 Bombay with Joglekar, Ghate and Begerhotta. In August 1926 he wrote the
 letter, P. 780, apparently to Begerhotta (since it was recovered in Begerhotta's
 search) stating that he agreed to Begerhotta's proposal for a reception to be
 accorded to Comrade Shafiq, and had asked Mr. Joglekar to write to Begerhotta.
 The idea was no doubt to give him a reception on his release from jail. P. 1207
 10 (1), the report of the Communist Party meeting held on the 31st May 1927,
 however, shows (see Resolution 12) that Comrade Shafiq was interned by the
 Government of the North-West Frontier Province. He had been elected to pre-
 side over the Party Conference which was to be held at Delhi in November 1926,
 but that Conference was abandoned because of an unexpected raid on the office
 at Delhi of Comrade Nasim, General Secretary of the Reception Committee.
 15 The next document in Nimbkar accused's case is another Communist Party of
 India document, P. 782, which shows that Nimbkar accused was present at the
 Party meeting, which was held at Bombay on the 16th January 1927, at which
 Muzaffar Ahmad, Begerhotta, Krishna Swamy (Iyengar), S. D. Hassan and
 Ghate were also present. This meeting was no doubt in connection with the
 arrival of Saklatwala. The only business transacted so far as appears from this
 20 report was the passing of a resolution proposed by Nimbkar himself that
 Muzaffar Ahmad should be the President for the coming Communist Conference
 to be held at Lahore. It will be convenient in this connection to mention here
 that Nimbkar accused was one of those who went to Delhi to meet Saklatwala
 on the 14th March, and who was present at the Party meeting held in room no.
 25 33 of the Royal Hotel on the 15th.

Turning back to events at Bombay Nimbkar accused took a considerable
 part in the foundation of the Workers' and Peasants' Party of Bombay. His
 name appears as one of the E. C. members and also in the list headed 'Provi-
 sional' in P. 1355 (7) C. He also signed his name on Mirajkar's notice, P. 1355
 30 (7) A, calling a meeting of the E. C. of the Party on the 13th February. P. 1017
 and P. 851, a newspaper cutting found with Thengdi which to a considerable
 extent reproduces P. 1017, both mention Nimbkar as Group Leader, Education.
 Another piece of evidence in this connection is P. 1355 (6), a draft constitu-
 tion of the Congress Labour Party with amendments, which has attached to it
 35 a slip in the handwriting of Ghate accused showing as present Ghate, Mirajkar,
 Joglekar and Nimbkar. Nimbkar accused himself was also in possession of
 P. 1747, one of the original drafts of the Programme of the Party, which was
 gradually amended, until it reached its final form in P. 1017 (equals P. 1373 (20)).
 This draft has a number of alterations made on it in pencil. It also has against
 40 the demands the letters T. D. and I. D. standing for transitional demands and
 immediate demands, which are found elsewhere only in the copy recovered from
 the possession of Thengdi accused, P. 807.

After the Delhi meeting Nimbkar accused like many others made an appli-
 cation for a passport stating that he wanted it in order to enter China, Japan
 45 and the U. S. A. for travel and journalistic studies, which I fear was not a very
 correct statement of his real object. P. 1508 is the application and P. 1791
O. P. 950. (I. C. 34) shows that this application was rejected.

At the end of April 1927 we find from Mirajkar accused's letter P. 1940
 that Nimbkar and Joglekar were authorised as members of the A. I. C. C. and
 also members of the W. P. P. to move in the A. I. C. C. meeting which was to
 be held on the 5th of May the programme of the W. P. P., that is P. 1940 (1).
 The meeting probably took place on the 15th and there is an account which I
 have mentioned already in the "Kranti" of the 21st May of what took place.
 55 Meanwhile on the 1st May Nimbkar accused had taken part in the May
 Day demonstration and he had been seen by P. W. 244, Inspector R. S.
 Patwardhan distributing leaflets on the previous day. On the 4th May
 a meeting of the E. C. of the Party was held at which resolutions
 were passed in regard to the starting of "Kranti". Resolution no. 4 shows
 that Nimbkar was appointed with certain others on the editorial board. On
 60 the 31st May the Annual Session of the C. P. I. was held at Bombay. The
 Secretary's report mentions Nimbkar's name in the record of work done at
 Bombay in connection with the matter referred to above. It is stated here that
 "in the A. I. C. C. they (Bombay comrades with the help of comrades returned
 from other provinces) have succeeded in returning comrades Nimbkar and
 65 Joglekar, who put up a considerable fight for our programme at Gauhati and
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at the meeting of the A. I. C. C. held at Bombay." From the report of the proceedings of the Annual Meeting we find that comrade Nimbkar was appointed to the Central Executive of the Party and resolution no. 2 which was adopted on this occasion states that "the C. P. I. desire that a delegation composed of comrades J. P. Begerhotta, Muzaffar Ahmad and R. S. Nimbkar do travel in Great Britain and the Continent to study labour conditions in those countries. The delegation shall submit a report to the Party." There is a special interest in this resolution in the light of the numerous pieces of evidence indicating how the young Communist Party and the Workers' and Peasants' Party realised that their real field of operations was the labour field.

During the next few months Nimbkar accused took part in a number of public meetings and activities. For example the report P. 2311 of the Sacco-Vanzetti meeting prepared by P. W. 262, Deputy Inspector Chaudhri, shows that Nimbkar read out excerpts from the statements of Sacco and Vanzetti to the Court and said that they were sentenced to death because they were radicals. Another passage at the end of the report shows that these passages came from a pamphlet entitled "Sacco and Vanzetti" which was on sale at one anna per copy at the meeting. There is an account of this meeting in the "Kranti", P. 1375, dated the 23rd September 1927. Another report made by the same witness, P. 1684, shows that Nimbkar was present and spoke at the public meeting held under the auspices of the C. P. I. to welcome Shaukat Usmani on his release from jail. Nimbkar is mentioned on this occasion along with Mirajkar as having spoken exhorting the people to follow the activities of the C. P. I. and the W. P. P. and not to be frightened by the misleading propaganda of the Government and the capitalist press against the Communist activities.

Some time shortly before the 15th October Nimbkar with Jhabwala took part in a deputation of the Bombay Municipal workers which interviewed the Municipal Commissioner. This appears from the "Kranti" dated the 15th October 1927, one of the passages which were translated at the request of the accused.

Another report by P. W. 262, P. 1685, shows that Nimbkar accused took part in the public meeting held under the auspices of the W. P. P. to celebrate the 10th Anniversary of the Russian Revolution. According to the report Nimbkar accused described the conditions of the Russian peasants, workers and soldiers before and after the revolution and pointed out how the people went to the side of Lenin for the purpose of stopping the war. He then criticised the Congress President and others who did not allow him to move resolutions in the last A. I. C. C. meeting in Calcutta in regard to greetings to Russia, ban on Saklatvala and Kharagpur strike.

Nimbkar's next public activity was participation in the National Congress at Madras. He himself tendered in evidence the official report D. 182 which shows that he opposed the resolution for drafting a constitution and seconded the anti-war resolution moved by Jawahar Lal Nehru. Nimbkar of course used the opportunity given him by this resolution to dilate on the subject of war against Russia which as we know is the only aspect of the war danger which really has any interest for Communists. Nimbkar's name does not appear in any of the exhibits relating to the meetings of the C. P. I. held at Madras on the 29th and 30th December, but if he had not left Madras by then he must necessarily have attended them.

In January 1928 there are two events of interest. The first is the Bombay Presidency Youth Conference. The only evidence of Nimbkar's having any connection with this Conference is the recovery from his possession of P. 1792, which is a copy of the Manifesto signed by Thengdi accused and addressed by the W. P. P. Bombay to this Conference. The second event of interest was the meeting of the Enlarged Executive Committee of the Party on the 29th January at which Nimbkar accused presided, vide Mirajkar's letter to Thengdi accused, P. 835 (I. C. 94), written the same night after the conclusion of the meeting. A copy of one of the resolutions passed at this meeting, namely that on the Simon Commission which was found in the search of the office of the W. P. P., Bombay, P. 1348 (42) (equals the second part of P. 833), has on it a note in Nimbkar accused's handwriting "Mr. Joglekar moves—unanimously passed, to be sent to the Press. R. S. N. 29-1-28." This is one of the resolutions which was sent to Muzaffar Ahmad in P. 2050, but intercepted and withheld, a fact to which Nimbkar accused refers at page 2999 of the statements of the accused.

At the beginning of February we come to the landing of the Simon Commission and the demonstration organised on that occasion. P. 544 (1) is a paper recovered at the search of the office of the W. P. P. of Bengal, which is clearly a series of notes in regard to the organisation on this occasion, and bears a note at the side "For Mr. Nimbkar Municipal Union." These notes might be described as a sort of operation orders for the day and Nimbkar aced. at page 2991 admits that they came to him from Jhabwala aced. In connection with them I may refer to P. 826, the Secretary's report presented by Mirajkar to the annual meeting of the Bombay W. P. P. on the 18th March, 1928, in which under the head "Congress Section" we get the following paragraph :—

"In spite of that we had occasion to demonstrate the correctness of our policy on the Hartal question on February the 3rd, 1928. While other classes did play their part, the most active, prominent and organised part was undertaken and worked out successfully by the student Youths and the workers in Bombay. Mr. Jhabwala was especially instrumental in linking the Simon Hartal with the workers, and the huge workers' procession was greatly organised by him along with Mr. P. Spratt and Nimbkar." This report also, like the C. P. I. report, P. 1207 (1), mentions the part taken by Nimbkar and Joglekar accused in putting up the Party programme before the A. I. C. C. The passage on this point seems to me to be worth quoting. It runs as follows :—

"We have taken much part in the Congress work. In 1927 and 1928 we succeeded in electing two of our members to the A. I. C. C. (Messrs. Nimbkar and Joglekar), and have retained the secretaryship of the Bombay Provincial Congress Committee for the two successive years. We do not command an absolute majority in the Provincial Committee and have to form alliances with the most radical groups in the Congress to enforce our point of view. In 1927 and 1928 the Congress Section tried to lay before the A. I. C. C. a comprehensive programme of mass organisation and make the Congress accept a radical move to action. But the bourgeois leadership out-voted us." Another document in connection with the events of the 3rd February is the letter signed by R. S. N., K. N. J. and P. S., which forms part of P. 548 (5) (D. Spratt), in which the writers begin by speaking of themselves as "members of the Municipal Workers' Strike Committee, responsible for arranging the one day strike on the landing of the Commission." Another piece of evidence on the same subject is the statement of P. W. 253, Sub-Inspector Kothare, who in answer to questions in cross-examination stated that meetings were being held under the auspices of the Bombay Provincial Congress Committee for a fortnight before the arrival of the Commission, "in practically all of which Nimbkar, Joglekar and Jhabwala accused and Ginwalla and Jehangir Patel spoke and Spratt accused sometimes". In support of this statement Nimbkar accused tendered copies of the Bombay Chronicle, which show that he was occupied daily from the 19th January up to the 3rd February in outlining the programme at meetings and explaining what was going to be done. The statement of P. W. 225, G. F. Brahmaandkar, a witness who was present at the Mole at the time of the arrival of the Simon Commission, in answer to questions put by Nimbkar himself, shows that Nimbkar accused was present in a procession of some 400 or 500 people carrying black flags, which came to the Mole. This was really the first occasion on which the accused succeeded in getting the workers of Bombay out into the streets on a political issue and elicited the approval of Communists abroad for that reason.

At the end of February there is a little batch of exhibits showing Nimbkar accused in correspondence with the Municipal Workers' Union of Moscow. P. 1997 C. (I. C. 118) is a copy of a letter purporting to be from Nimbkar, Secretary of the Bombay Municipal Workers' Union, to the Editor of the "Khilafat" intimating for favour of publication that the Bombay Municipal workers had received an invitation from the Central Committee of the Municipal workers of Moscow to participate in the deliberations of the 7th All U. S. S. R. Congress of Municipal workers. The Bombay Union resolved that it was unable to participate in the same owing to the Union leaders having much work to do in India itself "in spite of Moscow's hearty offer of defraying all expenses incidental to travelling etc." The Union also passed another resolution sending hearty fraternal greetings to Russian workers and wishing them success in their Congress. The postmark on Nimbkar's letter gave the date as 28th February 1928. In corroboration of the authenticity of P. 1997 C. we have in evidence P. 2403 P. (F. C. 392), which is a photograph of a letter written by Nimbkar accused on the 16th March 1928 on behalf of the Hon. General Secretary of the Bombay Municipal Workmen's Union to the Chairman, Central Committee U. S. S. R. Municipal Workers' Union, Moscow, which refers to a letter from the Moscow

Union dated the 30th December and states that the Managing Committee has decided not to send delegates in spite of the generous offer that their expenses would be defrayed "as our organisation is quite new and our services are wanted here". Nimbkar accused admits in effect the genuineness of P. 1997 C. by saying at page 3001 that "this is an intimation to the press about P. 2403 which I have already explained." Nimbkar accused's explanation of the document, P. 2403, is at page 2970, where he says that it is absurd on the face of it that this should be cited as an example of his direct connection with Moscow. He further says that he does not find any conspiratorial matter in the letter. It is, however, a letter which has a certain value none the less. In the same connection Spratt accused tendered a newspaper cutting, D. 147 (19), which apparently reproduces P. 1997, though of course it is not possible to say what newspaper it comes from.

Nimbkar accused naturally took part in the annual general meeting of the Bombay Party on the 18th March. The report of the meeting which forms part of P. 1344 shows that he seconded three proposals moved by Joglekar, one of which was the proposal to add a fifth group called the Youth Group. He was also elected to the Executive Committee of the Party. P. 1348 (17), a set of notes, which also relates to this meeting, shows that Nimbkar was delegated with Lalji Pendse to Alibagh to explore the possibilities of organising peasants in the Colaba District.

O. P. 957.

At the end of the month, as appears from P. 2049C. (I. C. 130), dated the 26th March, Nimbkar was invited to attend the Bhatpara Conference of the Bengal Party. He refused the invitation on the ground of indifferent health and engagements. Then he says: "As regards the resolutions the Workers' and Peasants' Party of Bombay, to which I have the honour to belong, has adopted at its last meeting, and I hope you will do the same in Bengal." This is a hope which we know was realised, as the resolutions adopted by the Bombay Party appear again with some modification in "A Call to Action", a copy of which was found in Nimbkar's possession, as also was a copy of the Constitution of the Bengal Party, P. 1755.

There is next some evidence of association between Nimbkar accused and Usmani accused. This is a letter, P. 995 (I. C. 150), dated the 22nd April 1928, recovered in Dange's search, in which Usmani giving details of his career to Dange says that if Dange wants a copy of his photograph, he may ask Comrade Nimbkar to give him a copy, as he has got two.

The first of the letters addressed directly to the Bombay Party by the League against Imperialism is P. 1348 (23) dated the 11th May 1928, which is addressed to K. S. Nimbkar, Secretary of the W. P. P. of Bombay. This letter is really admitted by Nimbkar accused at pages 2970 and 2971 of his statement. It represents the first step taken by the League to obtain the affiliation of the Bombay Party. This letter was put up at the E. C. meeting held on the 3rd June 1928 (P. 1344), but consideration of it was deferred. Nimbkar accused in his statement says that this letter was considered on the 8th July, but that seems to be a mistake as the letter which was considered on that date was P. 1348(27). I have already mentioned the series of letters which were received from the League in connection with this matter of affiliation. P. 1344 shows that the Executive Committee of the Bombay Party decided, on a consideration of P. 1348(29) (F. C. 561), on the 14th October to recommend that the Party be affiliated to the League. That was not however the end of the matter, as it came up again in connection with the All-India Party, and we find Muzaffar Ahmad on the 18th February 1929 in P. 1767 (I. C. 378) asking Nimbkar as the General Secretary, W. P. P. of India, whether he had applied to the League against Imperialism and for National Independence for the affiliation of the Party, to which Nimbkar accused replied on the 15th March in P. 2163P. (I. C. 404) that the application about affiliation had been sent to the League. The letter sending the application had at any rate been written, as Nimbkar himself says at page 2984 of his statement, but he further says that he left it with a friend for posting, and that in consequence of his arrest the friend never actually did post it. Nimbkar accused was one of the Party representatives at the All-Parties Conference in Bombay from 9th May, see the statement of P. W. 215, Inspector Desai. P. 1344 shows that the conduct of the Party representatives at this Conference was discussed at the E. C. meeting on the following day, when it came in for a great deal of criticism. Nimbkar said that he was bound by the B. P. C. C. instructions, and as its representative he could not say anything against the resolution. "It was finally decided to issue a statement on the Party's action in voting against the resolution of the A. P. C. Comrade

O. P. 958.

O. P. 959.

Ghate was asked to draft a statement to be placed before an urgent meeting of the E. C. on the following day." This urgent meeting was it seems adjourned but in the minutes of the adjourned meeting held on the 22nd we find the following : " Then the Committee heard the draft statement that was prepared in connection with the Party's vote at the A. P. C. which was passed for publication." 5

During this period the manœuvres in connection with the registration of the Girmi Kamgar Mahamandal had been going on, ending with the registration of that Union by Mayekar. This resulted on the 22nd May in the foundation of the Girmi Kamgar Union with Nimbkar accused as one of the Vice-Presidents. 10
The minutes of the Managing Committee of this Union, P. 958, further show that on the 14th October a resolution was passed that the funds of the Union be deposited in the Imperial Bank in the names of five persons including Nimbkar accused. Finally on the 25th he is mentioned as having been appointed Centre Secretary at Ferguson Road. 15

Going back to the chronological order of events, P. 1344 shows that on the 15th July the E. C. of the Party considered Dutt's letter, P. 1343(34), in which he asked for information regarding the Party's attitude on the Bardoli question as also for details re the Textile strike. The minutes show that " Comrade Nimbkar explained that he had only condemned the apathy of the leaders towards the strike, and that he had not condemned the Bardoli movement as such. The Secretary was asked to reply to the other points raised in the letter." P. 2408P. (F. C. 496) dated the 20th July is the letter which Ghate wrote under this direction of the E. C. Nimbkar's main pre-occupation throughout the whole of this period was with the Textile strike, and there is not a great deal of evidence as to what he was doing otherwise. He was invited to the Lyallpur Conference which of course he did not attend, and it appears that he should have attended a meeting of the All Parties Conference at Lucknow, but sent a wire instead (P. 1796(c)). In the middle of December, as appears from D. 512, Nimbkar resigned his post as Secretary of the Municipal Workmen's Union, an act which was brought up at the E. C. meeting on the 13th January, but deferred to the meeting of the 15th at which Nimbkar put forward an explanation with which the Party was not satisfied. I mentioned this in discussing Joglekar's case. 20
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Nimbkar of course attended the First Annual Conference of the A. I. W. P. P. at Calcutta in December as a delegate of the Bombay Party (P. 468(2)) (I. C. 321). P. 669 shows that he took a considerable part in the proceedings. He spoke on the Trade Union Movement resolution on the 2nd day and the Trade Disputes Bill and General Strike resolution on the 3rd, on which day also he opposed Goswami's proposed amendment to the Constitution of the Party in regard to the election of the General Secretary. On the last day he was elected a member of the National Executive Committee, and appears subsequently to have been elected General Secretary, as he himself admits at page 2972 of the statements of the accused. At the time of his arrest Nimbkar accused had in his possession a number of papers relating to this First Conference of the All-India Party, as for example P. 1763 and P. 1764 which are notes of the meeting, and P. 1760 which is a copy of the E. C. C. I. letter referred to in the report P. 669, in the account of the proceedings of the third day. Other documents in this connection are P. 1759, a typed copy of the Trade Union Movement resolution with some notes on it in the handwriting of Spratt and Bradley accused ; P. 1756, which is more or less identical with P. 669 ; P. 1771, a draft of the constitution containing amendments in Bradley's handwriting ; P. 1754, 22 copies of the Presidential speech ; P. 1750, 17 copies of the Political Resolution ; P. 1749, 20 copies of the printed resolution on the Trade Union Movement, and P. 1751, 19 copies of the resolution on W. P. P. Principles and Policy. No doubt all these copies of the Theses approved by the Conference were intended to be distributed in due course for the purpose of propaganda. There is also in evidence a fair amount of correspondence conducted by Nimbkar accused as General Secretary of the Party during the early days of 1929. After the conclusion of the A. I. W. P. P. Conference Nimbkar also took an active part in the proceedings of the National Congress. More important from the point of view of this trial is his participation in the meetings of the C. P. I. on the 27th, 28th and 29th December. P. 1295 shows that it was he who raised the question of Swamy, which resulted in Swamy's expulsion. He was also appointed a member of the Central Executive of the Party. Nimbkar's name further appears in a list of names at the end of P. 1296, the notes of the meeting of the C. P. I. held at Bombay on the 17th March 1929. That may, however, only be 35
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O. P. 902. a list of members of the Political Department. At any rate Nimbkar accused says that at that date he had already left Bombay, and so was not present at the meeting.

For the period between the 1st January and the 20th March there is not much evidence except the Minute Book, P. 1344, which shows that Nimbkar was present at the meetings of the E. C. on the 13th, 15th, 20th and 30th January. There is nothing to show whether he was present on the 3rd of February, but the minutes of the meeting of the 17th rather suggest that he must have been present then. One note reads : " Nimbkar and Dange Party members' failure to stick to the usual routine work." Another public appearance made by Nimbkar during this period was at the Lenin Day meeting held at the Peoples Jinnah Hall on the 21st January 1929, reported by Mr. B. R. Mankar. At this meeting Nimbkar made a long speech in Marathi. In this speech there are a few remarks of some interest. For example he mentions that he is going to be followed by Dange and Ganga Dhar Adhikari, who has returned here after staying in Germany for about 6 or 7 years. A little further on he says : " I will tell you briefly about him (Lenin) this that you should think of Lenin, Russia and India in the same breath." He went on to discuss the condition of the proletariat and peasantry in a number of countries, and came finally to the slogans of the revolutionaries in Russia in 1917, which he called the principles of Lenin. He ended off with a defence of the ' Moscow Gold.'

O. P. 903. According to his own statement Nimbkar accused made some 500 speeches in the course of the General Strike of 1928. There is evidence on the record that he spoke at 66 meetings out of 67 attended by him between April and June. Among the subjects mentioned by him are organisation, exposure of Congress failure to help the strikers, financial help from Russia, the Russian example and the like. For example in P. 2237 he quotes the Russian example and says : " In India too they should do the same thing and establish workers' rule and workers would get justice." And then he goes on to talk about the Cotton Shipments. In P. 2243 he says : " We have not demonstrated our power yet but if it is necessary we will show our power and demonstrate labour rule in Bombay. . . . But if Government want revolution in Bombay I am prepared to bring about revolution in Bombay." Later on in this speech he again refers to the Cotton Shipments. In P. 1706 he refers to the fact that the time for violence has not yet come and says : " Till our condition improves, volunteers from amongst us must be trained, I heartily wish that there should be no rioting among us." A significant fact in connection with his remarks on the subject of financial assistance from Russia is that at the time of his search he was in possession of a copy of the pamphlet " Red Money " which is item 140 in his search list P. 1739. If he ever read that book intelligently he must have realised its plain meaning that any money that came from Russia was sent from a political and not a humanitarian motive. As to his search he endeavoured to cast a certain amount of suspicion but without much confidence. One thing is clear about this search and that is that the articles recovered from him show a great interest in Russia and Communism. We find him in possession of a book entitled " The Self-Educator in Russian " (P. 1743), Lenin's " Imperialism, The State and Revolution " (P. 1752), " Gandhi Vs. Lenin " by Dange (P. 1772), " Communism " by R. Palme Dutt (P. 1773), " Manifesto of the Communist Party " by Marx and Engels (P. 1775), a book entitled " The Essentials of Marx " (P. 1776), " How the Soviets work " (P. 1777), " Bolshevik Russia " (P. 1778), Lenin's " The Soviets at Work " (P. 1779), Stalin's " Theory and Practice of Leninism " (P. 1780), a book entitled " Soviet Russia " (P. 1781), Laski's " Communism " (P. 1782), copies of the " Communist International " (P. 1783 and P. 1790), copies of the " Masses " (P. 1788 and P. 1789), copies of the " Labour Monthly " (P. 1784), some copies of the " Pan-Pacific Worker " (P. 1785) and of the " Far Eastern Monthly " (P. 1786) and a copy of the R. I. L. U. Bulletin entitled " International Labour Movement " (P. 1787). His search list also shows that he had some other books with which we are familiar such as " The Social Revolution ", " Modern India ", " Lenin as a Marxist " and two books of Roy " One Year of Non-Cooperation " and " The Aftermath of Non-Cooperation ".

Nimbkar's statement is in 2 parts, the first part from page 2610 to page 2968 is the joint statement and the second from pages 2969 to 3091 is his individual statement. The latter begins with a remark which in a way gives away the whole of his defence. He says, " With regard to the documents cited against me I want to give a full and complete answer as far as possible. But the nature

of the case and the way in which the prosecution have tried to prove their documents make it difficult for me to explain in the completest possible detail, because that is bound to end in confessions which naturally your Honour does not expect from me." In this portion he deals first with foreign connections about which he says, "I have had no foreign connections. The prosecution alleges that I corresponded directly with Moscow. If I have done so, from the attitude that I am taking up, your Honour can well take it that I will be proud of such connections. The facts are rather otherwise and I cannot have that pleasure." Going on to individual exhibits he says in regard to P. 1828 that whatever little work he did in the Trade Unions he did "from the national point of view." However he suggests that he has improved since then. In connection with the correspondence with the L. A. I. he says speaking of the consideration of one letter from the League by the E. C. of the W. P. P. "As I am not denying my connections with any political bodies naturally the Court can presume that I accept the collective responsibility whatever it is." At page 2975 he deals with his relations with the Communist Party of India about which he says: "I have already admitted that I joined the Communist Party of India at Cawnpore in December 1925 when I attended the Communist Conference. I was elected a member of the Executive at the time and I continued those relations up to the day of my arrest." And he goes on to explain how he came to join the C. P. I. The upshot of it all was that "a few wasteful moves here and there, a little wandering ultimately led me to get a copy of the manifesto issued by certain friends on Communism. That attracted my notice and a few fiery battles, a lot of discussions with some friends, who knew something about Communism, ultimately convinced me, and there I was in the Communist Party in December 1925." At page 2980 he deals with the question of the affiliation of the Party with the Communist International and says: "The Party was not affiliated to the Communist International until the day of our arrest. . . . I may make it very clear that I do stand for the affiliation of the Party to the Communist International, and I see no reason why a Communist Party affiliated to the Communist International should not be allowed to exist in India, when it is allowed to exist in the metropolitan country as well as all the other colonies and dominions under the British Empire." On the top of page 2981 Nimbkar accused suggested that he might be giving an explanation as to why it was that the Communists were conducting the Workers' and Peasants' Party but when it came to the point he did not even attempt an answer. At page 2985 he deals with his attendance at the A. I. W. P. P. Conference and suggests that he did not reach Calcutta until the third day. I can only observe that this is contradicted by the report P. 669 for which he is himself responsible, see page 77 of the printed exhibit which shows that Nimbkar accused spoke on the Trade Union Movement resolution. At page 2986 he comes to the Bombay Party. About this he says, "I was a foundation member of the Labour and Swaraj Party which was inaugurated in Bombay by 1926. I was elected a member of the Executive of that particular body and I continued those relations up to the day of my arrest even after the original Party was changed into the W. P. P. From the inception of the W. P. P. I was a member of the Executive of the Party and have worked in various capacities. I have acted as the group leader of the Bombay Party as well as the A. I. W. P. P. in the Indian National Congress and I also acted as the group leader of the Party in the Textile Strike and the Girni Kamgar Union, and possibly in a few other organisations of lesser importance." Incidentally in dealing with the Bombay Party the accused questioned the admissibility of P. 851 on the ground of absence of proof. It is sufficient to say that it was recovered from the possession of Thengdi accused and is an admission. It is of course also supported by a number of other documents P. 854 (I. C. 22), P. 853 (I. C. 25), P. 852 (I. C. 25) and P. 2326 (F. C. 187). At page 2988 he comes to the "Kranti" and explains why the Party started the paper. The explanation was scarcely necessary. In the course of these pages he admits a good many documents attributed to him as for example P. 1740 and P. 1741, his article on "The Chinese War of Independence" in the "Kranti" of the 25th June 1927, and his speech at the Sacco Vanzetti meeting reported in P. 2311. At page 2999 speaking of the W. P. P. he says, "We took special care to keep the Party as a legal open body perfectly above board." It is reasonable to ask why such special precautions were necessary if the whole thing was legal and above board as he now suggests. Then he deals with connections and the articles found in his search for each of which he gives some reply. The only interesting one is his remark that "P. 1780 "Theory and Practice of Leninism" is a book from the Party library." Then he comes to Trade Unions and strikes and talks at some length about the Oil

Strike, the Textile Strike, the Joint Strike Committee, and so on. After this he comes to Municipal Elections, the 'Spark' and Lenin Day, the last of which naturally gives him an opportunity for eulogising Lenin. He concludes this passage by saying on page 3031 : " Lenin's Anniversary has a particular significance to India. He, more than any other, has shown the way for the oppressed peoples of the colonial countries to free themselves from the yoke of Imperialism. He proved to us that this revolt of the colonial peoples would inevitably take on a more and more socialist character, leading the way therefore to a world proletarian revolution. The fundamental line of work of the C. I. with regard to the colonial countries was laid down by Lenin himself in the 2nd World Congress of the C. I. (P. 2395)." After this he deals with Moscow agents and Moscow gold and May Day, and then comes to the subject of the Simon Commission. The W. P. P.'s attitude is dealt with at page 3045 and at page 3047 he puts in lucid phraseology the reason why the occasion was regarded as important. He says, " The 3rd Feb. demonstration was a beginning of a new stage of development in which the masses entered the political field as an independent political force under the leadership of their own Party and organisations. They marched in large numbers from one end of the city to the other, waving black flags, with red armlets, with the slogans of their class demands such as, " Eight hours working day " and " Living wage." With these slogans on their banners, led by a placard bearing the name of " Workers' and Peasants' Party ", the huge mass of the workers marched to their meeting place." Then he deals at length with his own speeches in the mill strikes and with the Bombay Communal Riots of February 1929. Lastly he came to his bail application and certain findings of Mr. Justice Mukerjee in his order dated 23rd April 1931 and he tried to demonstrate to the Court that the answers he had given clearly showed that those findings, which were of course based on a very small portion of the evidence available, were substantially correct and to be preferred to the propositions put forward by Crown Counsel. That is to say Nimbkar accused suggested to the Court that all the accused have done is to hold meetings, study the principles of Communism and probably also to make an attempt to disseminate those teachings which are said to be dangerous to society and dangerous to the sovereignty of His Majesty. I am afraid I am unable to accept Nimbkar accused's suggestion.

Nimbkar accused argued his case at considerable length. His arguments contain all the same old theories which I have discussed already. He says that this case was started as a test case to meet the philosophy of Communism. He dilated on the propaganda of the accused. He said that the prosecution had shifted their ground, and further that it was a prosecution for opinions and a strike-breaking prosecution. Then he went on to some quasi legal arguments and tried to argue that section 121-A was governed by the provisions of section 120-A though the explanation to 121-A is quite irreconcilable with the proviso to section 120-A. Then he went on to discuss irregularities and the question of jurisdiction. He argued that this Court has no jurisdiction because the case also covered the acts of organisations outside India. It is no doubt true that the case deals with the acts and organisations outside British India but those organisations are not being tried. Then he came to the question of the local jurisdiction of a Court at Meerut and said that as the acts committed at Meerut were not illegal they could not give this Court jurisdiction. Then he attacked the complaint arguing that it was not sufficiently definite. To my mind it would be difficult to frame a complaint which was more full and definite and detailed than the one in this case. Then he dealt with the application of section 10 of the Evidence Act with which also I have already dealt. He argued that the possession of books and the like proved nothing and that the evidence of expert witnesses in regard to handwriting should be treated with the greatest possible caution. Then he supported Joglekar accused's suggested Common Law Right of organisation. Next he put forward a claim to trial by jury. Then he gave a little lecture on Communist theory with the idea of showing that the developments forecasted by the Communist theory are inevitable and therefore the accused cannot be held responsible for the advance towards revolution. That is the old determinist theory and its force has already been destroyed by the assertions of the accused themselves. Then he came to the same old suggestion that as the violence contemplated was not immediate the prosecution cannot succeed. After this he went on to talk about the C. P. I., and the W. P. P.s, the latter of which he said were legal parties with legal aims and objects. Lastly he dealt with the Bombay General Strike and the speeches in connection with it and suggested that the proper test in regard to these was

whether there was incitement to direct and immediate violence. I have already pointed out that that is not the proper test at all. Lastly he argued that the whole of the activities of the accused were legal activities designed to secure the betterment of the workers and peasants. It did not appear to me that any fresh point of any real value emerged from Nimbkar accused's arguments. I have in fact dealt with all these points, both the legal points and the others, from time to time at the different places where they have arisen. 5

To sum up the case against this accused, he has been a member of the C. P. I. from its very earliest days and there can be no doubt therefore that he is well acquainted with the whole of the directions and instructions issued by the Communist International from time to time for the conduct of the revolutionary movement in the colonies. He was one of those who took a leading part in carrying out the instructions of the Communist International for the establishment and building up of the Workers' and Peasants' Parties. He must have had a very fair understanding of the principles of fraction work and of the united front. Reading P. 1207 (1) and P. 826 together we get a very clear idea of the reason for the work done by this accused in the Municipal Workers' Union and in the Textile Strike. When the policy enjoined from O. P. 971. Europe advances another stage, in the establishment of the A. I. W. P. P. Nimbkar accused occupied a leading position in that Party too as its General Secretary. It was not his fault that just at the moment when he became General Secretary the Party learned from Europe that the entire theory of Workers' and Peasants' Parties had been rejected. The whole of his history prior to the time of his arrest, and even more so his statement to this Court, indicate that Nimbkar accused understood in the fullest degree exactly what he was doing, and that in working in the Congress, in the Communist Party of India, in the Workers' and Peasants' Party, in the Trade Unions and the Trade Union Congress and throughout the Textile Strike he was doing his very best to forward the movement to bring about a revolution in India which would be carried out by violent means. 10 15 20 25 30

Agreeing with four assessors and disagreeing with one I hold that Nimbkar accused has taken part in a conspiracy to deprive the King Emperor of the sovereignty of British India and I convict him accordingly of an offence under section 121-A I. P. C.

PART XXII.

- O. P. 972. Dange accused was released from jail on the completion of his sentence in the Cawnpore Communist Conspiracy Case of 1924 on the 24th May 1927. There is a lengthy account of his release and the public meeting of welcome given to him in the "Kranti" of 28th May 1927 part of P. 1375, a passage translated at the request of Joglekar accused, which shows that Joglekar accused and some others met him at the jail gate from which he was taken to Joglekar's place, 168 Fanaswadi. In the evening a public meeting was held at Congress House at which Mr. Bharucha presided. Joglekar and Spratt accused were among those present. After various speeches Dange himself spoke and said: "I am neither a Bolshevik nor an opponent of British Government. The Russian Communists are called the Bolsheviks, I am an Indian Communist. The British Government carried out an agitation against the Bolsheviks and that is why it calls any Communist a Bolshevik." Later on he said that he was not against the British people but opposed only the British capital. He declared his intention of working to destroy British capitalism and after that Indian capitalism. He finished his speech after giving an assurance to continue his work as before. This last sentence contrasts rather sharply with one of the earlier speeches in which the speaker had suggested that Dange had been convicted for holding opinions and nothing more. The speech made by Dange on this occasion did not give satisfaction to Indian comrades in Europe and was criticised in the "Masses" for July 1927 part of P. 1789. 5
- O. P. 973. Dange accused was apparently not present at the meeting of the C. P. I. on the 31st May 1927 at which, as the report P. 1207 (1) shows, he was elected to the Presidium if willing to sign the creed. Possibly his speech on the 24th had given rise to some doubts; however a resolution was passed to welcome him back from jail and expressing the hope that he would be able to resume his activities immediately he recovered his health. Here again it may be noted that we get the same point, namely resumption of "activities". Dange it seems took a little time to recover and resume his activities after his release. In P. 2328P (2) (F. C. 217) on the 14th June Spratt wrote to Dutt: "Cumfa has been disappointing, but this may be due to Hig., who has jealously guarded him all the time. I have hardly exchanged a word with him, but as he also is now becoming disillusioned we may hope for better things." And it was not long before this hope was realised. From the 4th June onwards Dange began to be active. At that day he was apparently at Poona from where he wrote a letter of which P. 1605C is a copy to Joglekar at Bombay saying that "Poona work was done very nicely as was expected." Then he speaks of going to Nasik and wants to be told if anything comes from Sambamurti. He goes on "if nothing is heard from him, will you arrange for my north trip? You know going north is very important. Please let me know your idea and possibility of the same, will you please?" We next hear of him on the 20th when he writes to Spratt to say that he is on the point of starting for Cawnpore (P. 1972, I. C. 48). Then on the 24th he again writes to Spratt from Cawnpore. And again on the 5th July we get another letter from him from Cawnpore P. 1965 (I. C. 52) which is the letter mentioned at an earlier stage in this judgment in which he speaks of Lajpat Rai wanting to capture the Trade Union Congress and Chaman Lal wanting to oppose him, about which he says, "What do you scent? What do you say to a plan of our Bombay group taking it in, joining hands with Chaman Lal? Is it worth the trouble?" He goes on to speak of meeting Muzaffar Ahmad at Benares and says that "Usmani will be released from Dehra Dun jail by the end of August." A week later Dange writes to Spratt from Benares (P. 1966, I. C. 54) speaking of the appeal made by Muzaffar and Ghate in the "Kranti" for money to support Usmani on his release on the ground that he is suffering from tuberculosis, which Dange says is not a fact. He goes on to speak of the Cawnpore Communist Conference of December 1925 as a conference which had done great damage to the Communist interest. To both these letters Spratt replied in P. 1967 (I. C. 54) from Lahore supporting the proposal to ally with Chaman Lal in the T. U. C. and giving an account of the situation in the Punjab. 10 15 20 25 30 35 40 45 50 55
- O. P. 974. In August 1927 Dange was back in Bombay where he took part in the Sacco-Vanzetti meeting on the 27th August. Deputy Inspector Chaudhri's report P. 2311 shows that Dange spoke at some length on this occasion. He "differed from the President's (Jhabwala's) advocating beforehand fixed up policy of non-violence or violence, because nobody could exactly gauge the psychology of the masses 5 years hence when they were fully organised," which shows quite 60 65

O. P. 975. clearly that his whole idea was to organise the masses. However he went on to say that "he could not say whether the revolution when the time came would take the form of parliamentary constitution or Russian Revolution or Fascism as in Italy." And we find also that he criticised the Congress and the Assembly. He "declared that class struggle against Imperialism and Capitalism was becoming stronger and stronger and contradicted Reuter's news that Communism was cooling down in England." 5

The next mention we get of Dange accused is in Spratt's draft letter to Dutt P. 1009 (F. C. 300) dated 4th September 1927 in which he says speaking of the proposed All-India English Journal, "We have had an informal general conference, Lozzie, Lujec & Co. at Bombay, and have agreed to start one as soon as arrangements can be made, chiefly in charge of Confe and Rhug (Dange and Shah). It will not be official, they think." This combination of Dange and Shah appears on several occasions. On the 14th September Dange was present at the meeting to welcome Shaukat Usmani on his release from jail. Deputy Inspector Chaudhri's report of this meeting P. 1684 shows that "Dange complimenting Shaukat Usmani for fighting against both the foreign and native capitalists and exploiters admitted that the Indian Communists had foolishly kept certain things secret as they miscalculated the power of Government. He was questioned by people as to what was a Bolshevik, or Moscow trained Communist and he would explain by referring to Shaukat Usmani and Firozuddin who had gone to Russia to take training in spreading revolutionary propaganda in India. They had seen with their own eyes how Russian revolution was successfully carried out by the proletariat and how problems of poverty and maintenance of the poor were solved." He then went on to attack the nationalist leaders and newspapers of India saying that "they refused to accept Russian gold for the national movements in India simply because it was dubbed as Bolshevik money." And this again shows that Dange at any rate is under no misapprehension as to the meaning of any money which comes to India from Russian sources. Further on we find that "he also declared that the Communists would still go out and come back without passports, would study revolutionary methods and would go on making propaganda in spite of Government's restrictions and suppression." 10
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Dange also took part in the meeting held on the 7th November under the auspices of the W. P. P. to celebrate the 10th Anniversary of the Russian Revolution for which we have the report of Deputy Inspector Chaudhri P. 1685. In the course of this speech Dange "showed the happiness in Russia enjoyed by the workers there and contrasted them with the actual conditions in India." The resolution passed on this occasion "congratulated the Union of Soviet Republics on their reaching the 10th Anniversary in spite of the frantic efforts of world Imperialism to smash it by blockades, propaganda and invasion." A copy of this resolution was also found in the Bombay Party office and is in evidence as P. 1358. 35
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P. 2138P (I. C. 66) Usmani to Muzaffar and P. 2141C (I. C. 72) Dange to Muzaffar Ahmad are letters which mention the importance of members of the Party attending the Cawnpore Session of the A. I. T. U. C. P. 1878C and P. 2097C (I. C. 72) Dange's letters to Majid and Muzaffar Ahmad accused, enclosing copies of P. 1878 (1) C the report headed "The T. U. C. Left", show that Dange was one of the accused who attended this conference. This report has already been dealt with at some length in the general portion of the case. It will be sufficient to note that in the paragraph in the General Secretary's report condemning the prosecution of labour organisers the T. U. C. Left moved the inclusion of the names of Spratt and Fazal Ilahi, and that in the paragraph regarding recently started labour organs they made an amendment to include the Kranti, Kirti, Mehnat Kash and Ganavani. Coming to resolutions they evidently favoured a resolution expressing sympathy with the aims and objects of the League Against Imperialism and Colonial Oppression which was not allowed. They successfully moved a resolution congratulating the U. S. S. R. on its 10th Anniversary, but two resolutions moved by them, one condemning the encirclement of the U. S. S. R. by the Imperialist States and provocation to war and the other expressing sympathy with the work of the Pan-Pacific Conference at Canton, were rejected by the President. The report concludes with an account of the informal meeting at Goweltoli which "decided to concentrate mainly on building up new and penetrating the existing Unions." It must be said that this is a most illuminating document. 45
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There is good reason to think that Dange was in communication with C. P. Dutt about this Conference. P. 1606C (F. C. 380) is a copy of a letter intercepted at Bombay by Deputy Inspector Chaudhri on the 23rd March 1928 in which a person signing himself C. P. Dutt thanks Dange for the proof copies of the resolutions of the Cawnpore Session of the A. I. T. U. C. for which he had asked for and says that "I shall be glad to use them in the Labour Monthly." The Labour Monthly for the month of April 1928 is on the record as part of P. 1215 and P. 1269, and contains an account of this Congress which is decidedly suggestive of Dange's report P. 1878 (1) C, and thereby goes to show the authenticity of P. 1606C. In this Congress Dange was elected Assistant Secretary and also a member with Spratt and Jhabwala of the Council of Action and the Committee to draft a constitution. The latter was the cause of Spratt's letter to Dange P. 1863P (I. C. 78) written from Calcutta on the 18th December. This letter mentions among other things the possibility of meeting Dange at Madras and the certainty of their meeting in Bombay in case Dange should not come to Madras for the Congress. Dange certainly did go to Madras though there is no evidence that he took part in the Congress. On the other hand it is quite clear that he was present at and presided over the meetings of the E. C. of the Communist Party of India held there on the 29th and 30th December. He had on the 18th accepted his appointment to the Presidium of the Party (P. 1285). P. 1287 (2), the report of the meeting of the 29th, is a document with which I have dealt with before, the first two or three lines of which are in the handwriting of Ghate accused and the rest quite evidently in Dange's handwriting, and which bears his initial signature on both sheets. Another meeting also was held at Madras during the Congress week of which we have on the record manuscript notes P. 1373 (2) in the handwriting of Spratt accused. This was a meeting of the representatives of the Workers' and Peasants' Parties at which it was decided that the formation of an All India Party was desirable in the near future. The suggestion was that a Congress should be held at Calcutta between the 10th of February and 10th of March 1928 (this no doubt explains why Dange wrote in P. 1287 (3) that Mirajkar and Sircar's applications would be considered at the next meeting of the E. C. of the C. P. I. at Calcutta in March) and that invitations should be extended to the W. P. P. of Bombay and Bengal, W. P. P. of Punjab (if in existence), managers of Kirti, Mehnat Kash etc., Trade Unions in Bengal, possibly individuals or the Republican Party in Madras to send delegates with votes, to others to send non-voting delegates. Further we find that Shah and Dange were commissioned (which obviously implies that they were present) to prepare drafts of "(2)", and "(2)" was "a thesis on the existing situation, international and internal, economic and political, and a comprehensive programme of work and a sketch of future lines of development, relation to other parties and social groups and organisations."

At the end of January 1928 Dange accused was present at the meeting of the Enlarged Executive Committee of the Bombay Party at which he moved the resolution on peasants, see Mirajkar's letter P. 835 (I. C. 94). After this meeting was over he was among the members of the Party selected to attend the meeting of the E. C. of the T. U. C. at Delhi in connection with which he himself issued a circular letter in regard to affiliation to the R. I. L. U., see for example P. 1384 (3) addressed to Mukerji accused. He went to Delhi in due course and took part in the E. C. meeting along with Thengdi and Spratt, the latter of whom writing to Muzaffar Ahmad in P. 479 (I. C. 120) mentions this meeting and says, "We succeeded for the time in stopping the attempt to affiliate to the I. F. T. U." Another item of interest in this letter is the remark: "The other business was not of great interest, except the decision that the W. W. L. I. is no longer necessary as the British T. U. C. is now in direct touch with the Indian T. U. C. This is regrettable and Dange and Thengdi opposed it." It is quite clear that Dange sent a report of what happened at this meeting to C. P. Dutt as there is on the record a copy of a letter from C. P. Dutt P. 1607C (F. C. 381) intercepted and copied on the 6th April 1928 in which C. P. Dutt thanks Dange for his letter dated February 29 regarding the E. C. meeting and says, "I have arranged for a copy to be sent to the R. I. L. U. Congress as I think it is very important that they should know what took place." This letter also refers to Dange's National Research and Publicity Institute. As to the authenticity of this letter, it is to be noted that there is in it a mention that on receipt of an account the writer will forward a remittance for the books. Now P. 997 a bundle of postal receipts for registered packets recovered at the time of Dange's search includes a receipt for a registered packet of books, reports

etc. dated 24-2-28 addressed to C. P. Dutt, 162 Buckingham Palace Road, London. That packet would have left Bombay on Saturday the 25th February and reached England a week earlier than the letter of the 29th. So we can be certain that the C. P. Dutt with whom we are already acquainted had received from Dange some books a week before this letter and might therefore be likely to ask for an account to enable him to forward a remittance. There are some other small points which also go to support the genuineness of the letter, as for example the fact that C. P. Dutt suggests Dange's using "the above address of our office as the address of the London office of the N. R. P. I." And in due course Dange did, as in P. 525 (1), use another of Dutt's London addresses namely 162 Buckingham Palace Road as the address of the London Office of the N. R. P. I.

O. P. 881. From Delhi Dange seems to have gone to Lahore with Spratt as we find that on the 3rd March 1928 he, Spratt, Sahgal and Majid attended a meeting at the Bradlaugh Hall, Lahore. He had also by this time got into touch with Sohan Singh Josh accused vide P.1637 (I. C. 125) in which Sohan Singh on the 13th March asks about books, mentions some articles of Dange which would be published in the Kirti very soon and asks for another article from Dange at the earliest possible date and also for an article from Spratt. This letter was intercepted by P. W. 262, Deputy Inspector Chaudhri on the 16th March and withheld. A similar letter is P. 1639 (I. C. 192) written by Sohan Singh to Dange on the 4th July, which also like the former was intercepted and withheld. And still another is P. 1608C (I. C. 196) dated 14th July in which he asks Dange to attend the Lyallpur Conference and to contribute an article for the August number of Kirti.

Dange accused was present at the Annual Meeting of the Bombay Party on the 18th March 1928 and was presumably the person mainly responsible for the Secretary's report P. 826 as there is a copy of it on record in his handwriting, P. 1348 (14). P. 1348 (24), which contains a report of this Conference intended for the newspapers and is signed by Ghate, is also in Dange's handwriting. P. 1344 shows that Dange spoke on the general resolution adopted at the Enlarged E. C. He was also elected a member of the Executive Committee and further seconded the resolution by which the Executive "was directed to explore the feasibility and possibility of contesting seats for the Municipalities, local Boards, and local legislatures, and to submit its conclusions to a general meeting."

O. P. 982. In April 1928 Dange was in correspondence with Usmani, vide P. 1624 C. a copy of a letter dated 2nd April in which Usmani asked Dange to send him the copy of the "Russian Revolution" by R. Page Arnot which was in the Party office. This Party library is also mentioned in P. 1299 which shows that Dange had borrowed from it a number of books for the special Soviet number of the Poona paper "Chitramaya Jagat". Other letters from Usmani to Dange are P. 995 (I. C. 150) dated 22nd April in which Usmani sends Dange the details of his career and P. 1625 C. (I. C. 155) (admitted by Usmani), the letter in which he presses Dange to send him certain facts and figures which he needs urgently.

Dange accused was one of the members of the Party who took part in the All Parties Conference at Bombay. P. 1348 (2), Mirajkar's report of the Propaganda Group, mentions that "Mr. S. A. Dange in a vigorous speech made it clear that the conference was nothing but a mere farce." This report goes on to say: "The accredited representatives of the Party ultimately voted against the resolution of electing a committee to draft the future constitution in accordance with the Party mandate. It was however necessary while voting on that proposition to make clear the position of the Party and clearly point out what it stood for: that being not done then, a statement why the Party representatives voted against the resolution was issued to the press." This makes somewhat clearer the allusion in P. 1344, the minutes of the meeting of the E. C. of the Party held on the 20th May. There is another reference to this speech of Dange in Spratt's article on "The Role of the Workers' and Peasants' Party" dated June 1928, P. 526 (41), in which Spratt writes as follows: "The Party must expose mercilessly the attempt now being made to bind India to Imperialism under the name of the boycott of the Commission. Comrade Dange expressed the view of the Party very clearly when at the Bombay Session of the All Parties' Conference, he pointed out that the only fruitful policy for the Conference was to establish a united front for the fight against Imperialism. To utilise the occasion merely for drafting a constitution is simply playing into the hands of Imperialism. It reduces the fight against the Simon Commission from a

mass struggle to a parliamentary pretence. The Workers' and Peasants' Party cannot take part in such a betrayal."

O. P. 983. By this time the members of the Party were in the thick of the General Mill strike. As a result of Mayekar's registration of the Girni Kamgar Mahamandal the Girni Kamgar-Union was founded on the 22nd of May with Dange as General Secretary and the following accused in other capacities :—President, Alve; Secretaries, Joglekar and others; Vice-Presidents, Jhabwala, Bradley, Nimbkar and one other; Treasurers, Ghate and one other; Members of the Committee, Kasle, Mirajkar and others. 5

There are only a few of Dange's speeches during the mill strikes reported, and it will be convenient to deal with them all here. The first on the record is one which he made on 2nd June 1928, the report of which is in evidence as P. 2242. In this he says: "I want to make an important pronouncement today. There is a party called Workers' and Peasants' Party. —The object of this party is to fight for the rights and liberties of the workers and free them from the domination of the capitalists. I was sentenced to four years' rigorous imprisonment for identifying myself with this party." He goes on to say: "We have prolonged the strike which our enemies do not like." Then he goes on to talk about interception of letters and to bring charges. "Even registered letters are tampered with." Then he mentions the matter of the "cotton shipments", the money from Russia, which was meant for Jhabwala but ultimately came into the hands of N. M. Joshi. Then he says: "I am accused of illegal restraint." This is an allusion to his arrest at much about this date, a fact which we find mentioned by Tagore in P. 76 (F. C. 429) and also in the minutes of the Party for the 3rd June, where there is a passage which runs as follows :—"Comrade Muzaffar was to be informed that the two representatives could not leave now for Calcutta in view of Comrade Dange's arrest and hence the question was to be deferred." When asked to explain this speech Dange accused made the futile reply: "I disclaim any responsibility for the speeches put in through this witness." 10 15 20 25

O. P. 984. His next recorded speech was on the 7th June. This is reported in P. 2245. In it he deals with the impossibility of a revolution at the present juncture suggesting quite clearly that that must be the ultimate aim and object. He says: "We can fight with Government in two ways, constitutionally and by revolution. You cannot get success by revolution because we have no arms and ammunition. All of a sudden all the army of the Government would stand against you and destroy you in a minute. Therefore until you get and win over Indian army on your side, you must go on constitutionally. In police and in army our Indian people only abound. We must try to win our people on our side and then throw away the Government. I shall be the first man, when that day arrives, to throw away the Government. We will purge the evil out from the police and the Government and hand over the administration in your hands." Dange also spoke on the 21st July, see the report P. 1701. In this he says: "Let the nationalist Government understand that I want the strike to last. Loss of strike" (he must probably have said "lasting of strike") "means more sphere for our movement. When we continue our strike we are preparing a double edged sword, one for revolution and the other for the good of the people." Dange dealt with the speeches at pages 2484 to 2489 of his statement. In regard to one of them he disclaimed any responsibility to explain a report which had "missed a good deal." That does not, 30 35 40 45

O. P. 985. however, exonerate the accused from explaining the small amount which was not missed. Either he said it or he did not say it. To my mind it is clear that he did say it, and, if so, if there was any explanation, he should have put it forward. In the case of the other two speeches he goes into a long disquisition on the defects of the reporting and the defects of the reporter and the defects of the system by which this man could have been employed as a reporter, and at the end he disclaimed any responsibility for the speeches put in through this witness. He never attempted to say that any portion of these reports did not represent accurately the sense of his speeches. In those circumstances the responsibility to explain those speeches lay upon him, and if he has not chosen to discharge that responsibility, he must not complain of the result of his refusal. 50 55 60

Coming back to the chronological sequence of events, Tagore's letter to Ghosh, P. 76, (F. C. 429), dated 12th June 1928 mentions that £60 each have been remitted for a paper for Kalidas Babu's Jute Workers' Association at Bhatpara and the Bombay Textile workers. The money for the Jute Workers' Association, he says, has been remitted in the name of Muzaffar Ahmad, to 65
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Bombay it has been sent in the name of Dange. There is, of course, no evidence as to whether Dange accused ever received this money. Towards the end of June the E. C. of the Party at the meeting held on the 24th decided that the need for Party propaganda was urgent at this stage in the mill strike situation. Hence "it was unanimously decided that the "Kranti" official organ of the Party be revived within the following week, with S. A. Dange as Editor, Pendse to assist Dange in Editorial work, and Ghate to look into the management side of the paper. It was also agreed to make it a bi-weekly paper" (P. 1344). Accordingly on the 27th June Dange accused filed a press declaration, which is on the record as P. 1492. On the 2nd August 1928 a letter was sent from London addressed to Dange as Assistant Secretary of the A. I. T. U. C. sending him a Bank Draft for £20 said to be a collection made at Tashkent, U. S. S. R., for Class War Prisoners. The writer, who did not sign his name, suggested that it should be used by the organisation in India for helping Class War Prisoners. Failing such organisation the W. P. P. should assume charge and distribute it in the most advantageous way, publicity being essential. The acknowledgment was to be addressed to Bob Lovell of the International Class War Prisoners' Association. This letter is P. 1609 (F. C. 506) which was intercepted and withheld. A reminder (P. 1807 (1) F. C. 507) in regard to this letter was sent to Dange on the 13th December by Glyn Evans, so that we may safely infer that the first letter emanated from him.

At about this time there was some disagreement between Dange and the rest of the Party, the first mention of which is in the minutes of the E. C. meeting held on the 2nd August. The minutes state about this "The next question taken up was regarding the strike. It was reported by Nimbkar and Mirajkar that Dange had made a statement at a workers' meeting, which was contrary to the Party's policy regarding the strike. Dange contended that he was misrepresented. After some argument it was decided that "No statement should be made by any party member that is detrimental to the declared policy of the Party, and if anyone had any suggestion to make, it should be first decided by a meeting of the E. C." Comrades Nimbkar and Mirajkar were asked to prepare a statement regarding the speech of Dange, above referred, to be placed before the E. C. on Sunday the 5th instant." This quarrel seems to have hung fire for some time, but the matter came to a head at the meeting of the 26th August, when the minutes state that "Letter from S. A. Dange, resigning from his position of 'The Economist' of the Party on the Joint Strike Committee was taken up. Dange's attitude on the question of negotiation came in for severe criticism from the members..... Dange was accused of having failed to adhere to the Party's policy, as decided at the E. C. meeting on the 22nd instant (see the minutes of the meeting of the 22nd). He was also charged of not having placed before the Party the result of his investigations into the standardisation scheme. Dange contended that he had brought the papers on a particular day when the members had not turned up." A resolution was passed in the following terms :—"Mr. Dange may be particularly requested to always confine himself within the limits of the Party's decisions in all public positions, where he has been deputed by the Party to function on its behalf, and lay before the Party all facts and figures concerned thereto whenever called upon." A vote of censure against Dange moved by Joglekar was then considered, but was lost. It was resolved that "Dange should be asked to place all the facts and figures he is in possession of re-standardisation scheme before the House at its meeting on the 27th." The minutes of the 27th show that this was actually done. In connection with Dange's letter it was further resolved that in view of the fact that negotiations had advanced to this stage, the resignation (from the position of Economist) of Dange could not be accepted, and that he be asked to go on with the work. At the next meeting it appears that "Dange's resignation was taken up. After some discussion the Chairman inadvertently tore the formal resignation and prepared a statement to that effect, which was taken up as his formal resignation. It was decided to request Dange to reconsider his resignation." This letter of resignation is presumably the same as P. 1373 (13) (I. C. 221) an interesting letter in which Dange says the Party is not functioning on proper Marxian lines or basing its decisions on Marxist studies. He concludes by offering "to be the first communist victim of repression, and an ordinary soldier-recruit in the army you may like to draft into your ranks, in case repression starts." The ultimate result was that he continued to work in the Party as before.

The very next meeting of the Party shows Dange taking up an interesting position on the subject of the proposed Hartal at the time of the landing of the

Simon Commission on the 12th October. The minutes of the E. C. meeting of the 29th August record that "Dange raised the question of Hartal on the landing of the Simon Commission on 12th October. He thought that the conditions for a Hartal were non-existent, as the Simon Commission had no more importance in view of the attitude of the other parties. The question was whether we should bring out the workers on a non-revolutionary political issue." Joglekar, it seems, wanted to take advantage of the landing for declaring a general strike of the Railways. Ultimately on the 23rd September it was decided that the Party should not take any initiative in the Simon Hartal, but that it should ally with the B. P. C. C., if the B. P. C. C. decided on a Hartal. This is rather interesting in the light of the situation after the Hartal in February 1928, when the Party realised that they had done the work but had not got the credit. The position in fact was that all parties were equally interested in making a political demonstration, and the W. P. P. therefore had no special object in participating, unless the workers could be brought out on a definitely revolutionary political issue.

O. P. 989. We come now to the Council of War held from the 6th to the 10th September. The minutes of the E. C. meeting held on the 8th April show that Dange accused was one of those who had been elected to the Provisional Committee of the A. I. W. P. P. as a representative of the Bombay Party, see P. 1344 and P. 2024C (I. C. 146). During the course of the summer there had been numerous letters passing between Ghate and Muzaffar Ahmad in regard to the holding of the meeting of this Provisional Committee. These letters culminated in a series of telegrams, which resulted in Spratt's and Muzaffar Ahmad's coming to Bombay to take part in the Council of War there, as it was impossible for the Bombay members in the critical state of affairs in the Textile strike to leave Bombay. Dange's name is mentioned in the notes of the Council of War, in both Spratt's and Bradley's notes (P. 526 (32) & P. 670), as the person to write a pamphlet on the need for the All-India Party, and we find this mentioned later on in a letter from Muzaffar Ahmad, in which he asks whether Dange has written the pamphlet, because if he has not, it is too late for him to do it now.

O. P. 990. The next item of evidence against Dange accused is P. 1610P (F. C. 573), a letter from Chattopadhyaya, Secretary of the League against Imperialism, dated the 18th September 1928, in the first paragraph of which Chatto mentions that he has learned from a mutual friend that the League's letters were not reaching Dange accused at all. He is therefore sending this letter to Mr. Joshi's address and hopes that Dange will at least receive it this time. This of course implies that there had been previous letters from the League to Dange accused. This letter refers to the A. I. T. U. C. and the affiliation of the T. U. C. to the League. An interesting passage follows which shows how close the relations are between the League and the R. I. L. U. He says: "We recognise the difficulties at home but if you wish to prevent the Amsterdam people from obtaining control of our Labour movement, it seems to us absolutely necessary that the T. U. C. should become an affiliated member of the League, since in the present phase of the movement and under the difficulties created by the Government it is not easy for the T. U. C. to affiliate to the R. I. L. U." Towards the end of September Dange should have gone to preside over the Lyallpur Conference, but this was not found possible. Very shortly after this on the 10th October we get a letter written on the League against Imperialism letter paper, and from the address of the League signed Binnie to Dearest Gunnu, and later recovered from the possession of Hutchinson accused, which is in evidence as P. 1040 (F. C. 589). Binnie must presumably be a pet name, an abbreviation for Birendranath alias Virendranath. Gunnu we find from other documents is Miss Mrinalini Chattopadhyaya. This letter is in regard to the translation of an appeal to the teachers of India from the Educational Workers' International and its distribution among the teachers at the Conference of the school teachers of the Bombay Presidency. Binnie suggests that Ginnu should attend the Conference, and if she does not, Suhasini (Mrs. Suhasini Nambiar) who is sister to Binnie should undertake the work of conducting the propaganda at the Conference. At the end he comes to the question of expenses and says that if he gets a bill he will be very happy to ask the General Secretary of the International to pay Gunnu the sum without delay. He ends off: "Our friend Dange will surely be able to give you technical help in such a way as to avoid unnecessary expenditure."

O. P. 991. Early in October the Mill strike came to an end, but the activity of the Union and the accused was well maintained, as for example in the issue of the leaflets, P. 956 and P. 967, to which Dange was one of the signatories, and P. 929 which

was signed by him as General Secretary of the G. K. U. Later on in the month Dange is mentioned in connection with research work in Spratt's letter to Dutt, P. 2419P (F. C. 607) dated 23rd October, in which he says that "Dange has done nothing" (in the way of research work) "in Bombay on account of the strike."

Subsequent to the Meerut Conference we find P. C. Joshi asking Dange to write a pamphlet for the U. P. Party, see P. 1619 (I. C. 249) and P. 1621 (I. C. 27). The fact that Dange was to write a tract is also mentioned in the "Krantikari" of the 24th November, and in P. C. Joshi's letter to R. P. Dutt, P. 2409P (F. C. 633) on the 5th November.

Dange's name appears in the list of delegates selected to represent the Bombay Party at the A. I. W. P. P. Conference, and he was originally expected to go there, see P. 468 (2) (I. C. 321) and P. 1348 (35) (I. C. 312). It was however finally decided at the E. C. meeting held on the 7th December that Dange should stay in Bombay to look after the G. K. U. affairs, while the other members were absent at Jharia and Calcutta. Dange was therefore unable to participate in any of these Conferences. He was however elected to the National Executive Committee of the All-India Party and to the Central Executive of the C. P. I. Early in January Dange received a post-card from Usmani dated Amritsar the 8th January 1929, P. 967 (I. C. 343), in which he says that coming back from Kashmir he had been to Calcutta but found nothing interesting there. In the middle of the month Dange sent Rs. 500 out of Rs. 1,000 sanctioned by the Managing Committee of the G. K. U. to Muzaffar Ahmad, see the letters P. 395 (2), P. 395 (1) and P. 1346 (I. C. 348 and 349). On the 21st January he took part in the Lenin Day meeting of which we have a report on record, P. 1690. There

O. P. 992.

are a number of interesting remarks in this speech. He says for example: "According to Lenin, the State is nothing but a close apparatus to dominate other classes that it wants to exploit in its own interest. It is the dictatorship of one class over another. . . . The first thing is that the State is based on violence. . . . Then, coming to the Communists, Communism is this: 'If the State is based on violence, it cannot but be overthrown by violence'. . . . At present the Imperialism of Great Britain, which is based upon violence, is to be overthrown by violence." Then he deals with individual terrorism and rejects it. He says: "The creed of violence of Communism is of a revolutionary type, directed against the State as a whole. Therefore the State as a whole, belonging to one class, has to be overthrown by revolutionary action by another class on the broad mass-basis. . . . For a revolution the situation must be ready. . . . Communism wants to overthrow the social order as it is constructed today. We do advocate an overthrow, but it is an overthrow of what is based on violence, that is the overthrowing of the present social order. We are not making any secret of it."

It is curious to note in connection with this meeting that at the meeting of the E. C. of the Party on the 20th January, when the question of this Lenin Day celebration came up, Dange had urged that "since no propaganda was done there was no use of holding a meeting in the working-class area. But it was decided that a meeting should be held amongst the workers as well as in Girgaon. The Girgaon meeting was to be held on the 21st, while another meeting in Parel was to be held on the 28th January. Handbills etc. were to be issued." Dange in fact realised that it was all right to hold a Lenin Day meeting in the Girgaon area inhabited by educated people without preparation, but useless to do so in the working-class area until preparations had been made.

O. P. 993.

Most of the information in regard to what Dange accused was doing about this time is to be obtained from P. 1344. Dange took part in the meetings on the 13th, 15th, 20th and 30th January, and presided over the meeting on the 17th February, at which the attitude of the Party and the work done by its members during the days of the Bombay Riots were considered. At the end of the minutes on this day's meeting we find a note: 'Krantikari Question. Committee suggested of Adhikari, Deshpande and Dange arranging sales, advt. etc.' His name of course occurs very frequently in the minutes, right through the whole of P. 1344.

Some time towards the end of February C. P. Dutt wrote identical letters on the same day to Dange and Muzaffar Ahmad, P. 1665 and P. 2160, (F. C. 807), asking them to send material for an exhibition to be held on the occasion of the 10th Anniversary of the foundation of the Communist International. The material was to be sent to the Workers' Welfare League of India. Finally on the 17th March we find Dange presiding over the meeting of the Communist Party of India at Bombay, at which the question of the relations of the C. P. I. with

the W. P. and the question of the intensive organisation of the C. P. I. were taken up, vide the notes in Ghabé's handwriting, P. 1296.

Dange's room at Moolji Haridas' Chawl, Nagu Sayaji Wadi, was searched by P. W. 244, Inspector R. S. Patwardhan, on the 20th March 1929 in the presence of Dange's friend, V. H. Joshi. The search list prepared on this occasion is P. 970. In this search we find a number of interesting books and documents. P. 971 is a note-book containing entries of payments to Bradley, Kasle, Mirajkar, Usmani, Alve and others, P. 974 and P. 990 contain some issues of the "Payam-i-Mazdur", P. 975 is Lenin's "Left Wing Communism", P. 976 is a collection of issues of "The Labour Monthly", P. 979 is Lenin's "On the Road to Insurrection", P. 986 and P. 989 are collections of the issues of the "Krantī", P. 987 and P. 988 are some copies of the "Spark", P. 991 is a photograph of Lenin, P. 994 is a list of books including books by Bukharin and Lenin, P. 1000 is an advertisement of Usmani's book "Peshawar to Moscow", P. 977 is a copy of the Trade Union Movement resolution moved at the A. I. W. P. P. Conference and P. 978 is a copy of the "W. P. P. Principles and Policy" resolution moved at the same Conference. Then P. 1001 is interesting as it contains a note of the charges paid to a typist for typing nos. 1, 2, 5, 6, 7, 8 & 9 of the articles found in P. 1220, the file recovered from the "Krantī" office. Besides the above there are some other miscellaneous pieces of evidence in Dange's case, which it may be as well to quote. For example his name and address are found in P. 146 recovered in the search of the Bengal Jute Workers' Association office and in the registers P. 1408 and P. 1409 recovered in the search of the Kirti office. He is also mentioned in P. C. Joshi's diary, P. 311, in a series of notes relating to the "Krantikari". One of these is: 'Provincial letters. Bengal, Muzaffar; Bombay, Dange; Punjab, Sohan Singh; U. P., P. C. Joshi.' Another is: 'Nationalisation of land, Dange' and still another: 'To be advertised in Kirti, Ganavani, Dange. By the latter Joshi probably meant the "Krantī"'. There are also on the record articles written by Dange accused in P. 303, "Payam-i-Mazdur", P. 747, the "Urdu Kirti" (Conspiracy of Imperialism in the A. I. T. U. C.) and P. 492, "Chitramaya Jagat" (the Communist International and the League of Nations). The last and one of the most important documents in Dange's case is P. 2512. This is a document in regard to which we have the evidence of P. W. 251, Mr. George Clarke, and P. W. 252, Mr. A. M. Sheikh. P. W. 251 was at the time of the recovery of this document on the 4th February 1930 an Inspector of Customs at Bombay. On the morning of the 4th February he searched the S. S. Trifels, a German ship, due to sail that day, to prevent the export of Charas. His attention was then drawn by his officials to three men, who were moving about on the wharf. He went up to these men and stopped them, and searched them in the shed on the wharf. One of these men, who gave the name V. H. Joshi, was carrying a small parcel, which turned out to contain merely a pair of slippers, but he had also on his person when searched a black leather wallet, which contained Rs. 200 in notes and Rs. 5 in change, and the document P. 2512. The witness took possession of this property and prepared a panchnama or search list, which is on record as P. 2512A. The witness states that the other two men with V. H. Joshi gave their names as Amir Haidar Khan and Manindra Nath Misra. Now this document which must have been written at any rate a few days before its recovery in Bombay appears to be in the handwriting of Dange accused, and that is also the opinion of P. W. 133, Colonel Rahman and P. W. 277, Mr. Stott, who compared the writing in it with other proved writings of Dange accused. I discussed the question of the admissibility of this document at length in my order dated the 6th January 1931, and I see no necessity to repeat that discussion. It is sufficient to say that I held, and I am still of opinion, that it is admissible both against the writer himself and against the other accused. This document, P. 2512, is entitled "The Situation in India". It begins with a short discussion of the industrialisation of India, which is interesting in view of the differences of opinion on this subject, to which I have referred in connection with Roy's fall from favour and the changed point of view which appears in P. 90. Then he goes on to a long discussion of whether the bourgeoisie is likely to turn revolutionary, now that it realises that industrialisation will not go ahead, as it has been going in the last few years. He decides that the bourgeoisie will not turn revolutionary. He further discusses the position of the petty bourgeoisie and the workers and peasants. Then he comes to the Workers' and Peasants' Party, which, he says, is nearly extinct. He criticises the working of the Bombay Party in 1928, and remarks that "it relied too much on the foreign remittances for relief and thought that the strike could go on that indefinitely." He points to two instances both in 1928 in which he him-

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self had been right and the rest wrong. Dange, of course, has denied the authorship of this document, but it is curious to notice how closely the passages in P. 2512 and in his statement in this Court in regard to the alliance with the Bombay Textile Labour Union in the General Strike of 1928 resemble one another. In P. 2512 he says : " Similarly, the question of alliance with the reformist union at the beginning of the strike. The reformists had a powerful organisation, a block of 50,000 workers, mostly Muslim under their influence ; while the W. P. P. was new and no organisation. It was Dange's proposal to form an alliance with freedom of criticism with the reformists. It helped in bringing a very big section of the workers under W. P. P. influence and gave financial strength to the movement (the criticism of the R. I. L. U. on this point is wrong)." At the foot of page 2431 of the statements of the accused Dange says : " B. T. L. U. was opposed to calling a general strike, but once the strike was an accomplished fact and even its own sections were involved in it, its main grounds for keeping aloof from us vanished. Though we possessed the leadership of the strikers, we had no finances to guide and keep such a huge organisation going. We also wanted unity with the 30,000 workers who were more or less under the influence of the B. T. L. Union. Unity at that time with those confirmed Genevites and class collaborators would have strengthened the strike. Unity with them at that time meant a unity of one section of workers with another section and not merely a unity between leaders. A large section of workers by their own experience had yet to be convinced that our policy was the only right policy. Unity with the B. T. L. U. at that time gave us the opportunity to demonstrate the correctness of our policy and secure large contacts and financial strength, without in any way making us lose our direction of affairs and the right to criticise if necessary our allies." Then he talks about the peasant work and concludes that the proper method is a sympathetic approach to the Youth element. He concludes this portion with the remark that " there is great demand for Marxist and Leninist literature of which advantage must be taken." Then he comes to the Meerut Case. There is a good deal here which indicates that the arrest and confinement of the accused in Jail has not brought the conspiracy to an end. In the course of this part of the letter he mentions the Engineer, clearly meaning thereby the accused Bradley. Then he comes to the question of the statements, evidently referring to the statements made in the Magistrate's Court. About this he says : " Question of statements and acknowledgment of Communist creed. Wrong propaganda done by other party. Need of a statement as a lead to the Lahore Congress Youth elements. Differences on this point between D. and others. The Br. Comrades wanted to wait for Campbell to come and tell them what they should do or say." The reference to the Lahore Congress Youth elements is explained in the joint statement at page 2723, where, discussing the position of the petty bourgeoisie, Nimbkar says that " in 1928 a pseudo-revolutionary peasants' movement was launched in the Bardoli Taluka under the lead of Congressmen, and the " revolutionary " youths supported it vigorously and quite uncritically, while they neglected the genuinely revolutionary workers' movement, which was rising quickly all over the country at the same time. Clearer still is the revelation of the position in 1930. At the Lahore Congress 1929, they forced the leaders to adopt Complete Independence and almost overthrew non-violence. But once the bourgeois leaders gave the signal and began Civil Disobedience their lack of revolutionary consistency and determination showed itself." The point of the British comrades' wanting to wait for the arrival of Campbell becomes clear from the paragraph headed " The Campbell Case " at page 2959, where Nimbkar accused says that " it had been arranged that a lawyer should be sent from England by the National Meerut Prisoners' Defence Committee, for the defence of the case, and that he should be accompanied by Comrade J. R. Campbell, of the C. P. G. B. in the capacity of a political adviser. Comrade Campbell applied for a passport after an agreement had been arrived at with the India Office, but after some delay was informed that a passport could not be issued." From this it is clear that Campbell was expected to come out to India, and that was why the British comrades wanted to wait for him to come and tell them what they should do or say.

At the end he comes to proposals for the future under which head he puts down : " An English theoretical organ. Recruitment of the petty bourgeois, peasant work. Cessation of sending low grade C. P. G. B. men. More attention to developing work under a repression policy. Taking advantage of the temporary Independence mood and consolidation of the petty bourgeois and worker-peasant alliance in provinces where possible. Temporary penetration in the Land Leagues. Fraction in them. More efficient study of the Indian situation at the centre. Literature should be produced on the Indian soil itself.

Subsidy. Adaptation of the Apparatus to Czarist or worse than Czarist conditions. Meerut men should cease interference. Outside should unite. Policy of winning over rank and file, not expulsions, without warning, viz. Balk." The letter is quite clearly one written to a co-conspirator in Europe giving an account of past events with a view to the working out of a sounder policy for the future. 5

It remains only to consider Dange's very lengthy statement, a document which runs to no less than 507 printed foolscap pages. Bearing in mind that the other Communist accused had prepared, or were, at the time when Dange made his statement, preparing a complete statement of their views, this statement can only indicate one of two things, either that Dange accused is burdened with an overwhelming personal conceit or that his opinions differ radically from those of the other Communist accused. Dange has as a matter of fact throughout the case in the Sessions Court kept himself somewhat apart from the other accused. In fact he has really been doing that more or less since the differences of opinions arose in the course of the General Strike in 1928. As to the points of difference between his position and that of the other accused, he seems to be inclined to suggest, thereby differing from the point of view maintained in the joint statement, that violent revolution is not inevitable and that peaceful evolution is a possibility. Secondly he has made an attempt to cast doubt on the evidence that he was a member of the C. P. I. and took part in its meetings. The idea may perhaps be, as Crown Counsel has suggested, to argue that though no doubt he is a Communist by belief that is no offence provided the fact of conspiracy with others is not established, and if the fact of membership of the C. P. I. is got out of the way, it might be possible to satisfy the Court that his relations with other accused do not amount to proof of conspiracy. 10
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Coming to the statement itself he begins by saying: "In answer to a question from the Magistrate in the Lower Court I had said that I was a Communist and I affirm that statement now." Then going on to his aims and objects as a Communist he says: "For the present period the guidance of Leninism is quite sufficient", but he concludes the paragraph by saying: "Therefore my aims as a Communist are not the same as shown by the prosecution, nor is their interpretation of my activities correct"; this is because, as he suggests, the prosecution have misunderstood or misrepresented the aims of Communism. As to that I need only refer back to the first volume of this judgment. The simple question at issue is whether his aims were to deprive the King Emperor of his sovereignty over British India, and whether his activities were directed to achieving those aims. He goes on at page 2109 to say: "My aim as a Communist is to replace world capitalist economy by a world system of Communism." He repeats this at page 2138, where he says: "The aim of Communist is the overthrow of Imperialism and Capitalism, and the immediate aim of the Communists in India is the overthrow of British Imperialism. (Exh. P. 2339)." It appears that there is an apparent modification of this statement in the next few lines in which he says: "It appears that many people misunderstand what we mean by Imperialism. Some think it means the rule of the Emperor, and therefore think that only monarchies are Imperialisms. What we really mean is a certain type of capitalist economy with its political accompaniment." That may be so, but the tangible expression of British Imperialism in India, more particularly of what he would call its political accompaniment, is the sovereignty of the King Emperor, that is the Government at present by law established in this country. 30
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O. P. 1001.

In Part III of this statement entitled "What I have done" (the title itself it seems to be typical of the megalomania from which this accused suffers) we get an account of the history of the Textile mills of Bombay and the Textile strikes particularly the General Strike of 1928. At page 2449 he refers to one of the negotiations with the Mill Owners' Committee in which he took part as Party economist. In succeeding pages he deals with the Roy Letter, relief funds, and so on. Finally he comes to the October settlement and the end of the strike. At page 2473 he comes to a paragraph "Did we "use" the strike meetings and speeches during the strike?—their relation to strike matters and their educative function." The title itself suggests the conclusion. In his discussion of this question he seems to be suggesting the old defence that there can be no offence if the revolution aimed at is not an immediate object. On this page he says, "The strike was what the bourgeoisie calls a genuine trade dispute. Its origin or its duration was not a part of any conspiracy of Communists to bring ruin to the industry or to overthrow the Government. There LS2JMCC 55
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O. P. 1002.

was no political demand as such in the 17 demands which were the subject matter of the strike. There was no demonstration, no resolution in any of the strikers' meetings as such even of a seditious character, let alone an incitement to insurrection against the State. It was not a strike preparatory to an insurrection, a general rising against the State, or intended to develop into a general political strike to overthrow or bring pressure by violence or threat of violence against the State." I do not think it has been asserted that it was. Then coming to the use of the strike he says, "The late Mr. James, while speaking about our strike activities said that "the main objective" of the Communists in a strike is the education of the workers in mass action and to provide so to speak a rehearsal for the general strike in the mass revolution. The other objective is to glorify the Communists before the workers as their real leaders. I fail to see how if the Communist convince the workers that the Communist Party alone works in their interest, it becomes automatically a step in the conspiracy alleged in this case. Every party including that of the bourgeoisie, is trying to convince the workers that it alone works for their good." The suggestion is that because other parties use strikes for the purpose of convincing the workers that they are working for the good of the workers the Communist Party is entitled to do the same. That of course entirely depends on what the object of the Communist Party is. If they do it with the object of furthering a revolution then obviously the situation is changed and the right to use the strike for the purpose of persuading the workers that their party alone works in the interest of the workers is taken away. The real inwardness of what he is aiming at comes at the end of the first paragraph on page 2475 where he says, "With such authoritative expositions (as those in the Thesis of the Second Congress or any relevant article of Lenin) it is absurd to charge the Communists who owe allegiance to Leninism of contemplating, in 1928 conditions, the overthrow of Government, by simply setting up or capturing trade unions and leading strikes in textiles or railways or other industries." That of course entirely depends on what is meant by "contemplating". If by "contemplating" is meant contemplating as an immediate proposition, the statement is no doubt correct. But if by "contemplating" is meant "aiming at bringing about in future" or "working to bring about in future" the position is different. He goes on: "It is a fact that we seized the leadership of the Bombay textile workers through the general strike. But it is not a fact that the strike was brought about in order to create an opportunity to seize the leadership." But again I can only say that I do not think that this has ever been alleged. Further down this page he says: "The prosecution's last thread, by which they hang their case, is that we used the strikers' meetings to preach the principles of Communism, of Proletarian Revolution, the success of Soviet Russia and the necessity to have a like revolution in India also" and he proceeds to make a mathematical calculation showing that so far as the evidence goes such an attempt is only observable in a very minute percentage of the speeches made during the strikes. "From such a performance", he says, "a generalisation is made that the strike meetings were used as a cloak to foment violent revolutionary activity." But he really gives the whole case away in the next paragraph (page 2477) where he says: "The strike period is the only period when the cultural level of the workers can be raised on a mass scale. . . . Therefore it is during the strike period that mass education can be carried on effectively and on a large scale. The mass scale can operate only through meetings and lectures. . . . So one of our reasons in holding such a large number of meetings was to carry on education on a mass scale. Lectures were delivered on the economic construction of present day society, on the history of India and other countries, on class war, dictatorship, the stock exchange, industrial development, agriculture and several other subjects. There is no denying the fact that when Communists spoke on these subjects they did it from the Marxist point of view. . . . The Communists who have a better social order to introduce, can bring their point of view forward only through meetings, books, and papers and they claim the right to do so." The whole of this leads to a fairly obvious conclusion. But he attempts to get a little relief at page 2478 where he says: "It would be, however, a one-sided statement that the lectures were only for this purpose." (Not that there had been any such allegation). "Meetings were held to make announcements about relief distribution, about the various negotiations for settling the strike, about picketing, about attempts to break the strike, about the standardisation scheme and so on." Then he comes to the question of using the meetings for incitement of violence, and on page 2482 makes two points namely (1) that in the speeches and during the strike there was no incitement to violence and (2) that

there were no acts of violence due to the speeches or because of the strike as such. Still he goes on : " But at the same time I do not assert that we were observing the principle of non-violence." And from this he comes on page 2483 to the following : " There is no contradiction or opportunism when on the one hand we asked the strike to be conducted peacefully and on the other hand spoke out one of our principles that no class power is overthrown except by violent revolution. The former was the immediate necessity of the objective situation. The latter is a deduction from historical experience, showing the inevitable way taken by all social revolutions in the past and that will be taken by them in the future also." That is to say he admits that it is one of their principles that no class power is overthrown except by violent revolution, a conclusion from which elsewhere he is evidently trying to escape. On the same page he quotes from P. 2369 " The Thesis of the Third Congress of the Communist International " the following passage, in which, speaking of the acts of White Terror, it is laid down that " in times when the workers are only preparing themselves, when they have to be mobilised by agitation, by political campaigns and strikes, armed force may be used solely to defend the masses from bourgeois outrage." This passage is to be read with his own explanation at page 2501 of " The functions of Red Trade Union Volunteers " where he says : " They are required for picketing, for keeping order at meetings, for acting as couriers from mill to mill in emergency times and to defend the union, its offices and workers from the murderous attacks of the police and its henchmen. The most important of all is the last task." It is clear enough that in certain circumstances the Red Trade Union volunteers are to use armed force and indeed that would follow from the fact that these Red volunteers are expected to develop into Workers' Guards and finally into the Red Army. Dange puts it at page 2504 as follows : " The bourgeois leadership uses the Congress volunteers to maintain class peace, that is to maintain exploitation. The Red volunteers are directed to overthrow exploitation, which naturally means not class peace but class war." In spite of this he can say on page 2506 : " In order to stamp our corps with quite a different tradition, a tradition which is rich with the history of the international proletariat, we used to describe our volunteers as Red Army, Red Corps etc. But because we used these epithets, it would be ridiculous to argue that we were organising a real Red Army. It would be also ridiculous to argue that we were trying to build up a Red Army by merely issuing handbills and cloth belts. . . . Nor were we creating a real Red Army at that stage." Later on he comes to another piece of evidence which is rather suggestive in connection with this matter of a Red Army, namely the handbill P. 929T in which we get a paragraph headed " What Next ! " It runs as follows : " This disorder and commotion must be put a stop to (at once). For this is not the time to make use of and show our bravery. We must be patient for some time more. After the termination of the big strike all were told that we should have with us 5000 drilled volunteers ready. Were they in existence today matters would not have come to this pass." (This is a reference to an alleged attack made by the police on a procession of thousands of workers at Lal Bagh in which three workers and one policeman were killed and 5 or 10 policemen were wounded). So far as I can see Dange accused merely explains why this handbill was issued but makes no attempt to explain this passage. After this he goes on to the consolidation of the Girmi Kamgar Union and various matters of G. K. U. history, and then deals with some alleged false statements of Alwe, Kastle and Ghosh accused about himself, the G. K. U and so on which have no real bearing on the case against himself. After that he deals with his own part in the Tramwaymen's Union and the A. I. T. U. C. Ultimately at page 2586 he comes to the W. P. P. and C. P. I. exhibits. The W. P. P. he implies was organised to be the political party of the working class, and about his own part in it he says, " I began to take part in the activities of the W. P. P. from March 1928, when the Party threw itself wholeheartedly in the struggle of the Bombay workers against the offensive of capitalism. . . . Mainly with this view was the Kranti started from 30th June 1928 by the Party, and as a member of the W. P. P. I edited and managed the paper till my arrest. During this period the paper was more than self-supporting and if I am allowed to bring evidence, I can show from the accounts that the theory of the prosecution that the Kranti was financed by grants from outside is completely baseless." Dange accused had that opportunity but he did not care to avail himself of it, so I must assume that there is no evidence which would rebut the inferences which are to be drawn from the documentary evidence on record in regard to the subsidising of the Kranti from Europe. Coming next to the

C. P. I., at the foot of page 2587 he says, "I have already stated my views on the C. P. I. question. Now as for the documents." It is difficult to remember everything that may be on record in the 480 odd pages which precede this statement. There is one short passage at page 2335 about the programme of the C. P. I., but perhaps what he is referring to is a passage at page 2392 where he says: "If the workers must contend a class struggle" (as of course they must), "they must have their own class party. A class party of the workers with a revolutionary programme against Capitalism and Imperialism can only be a Communist Party." As regards the exhibits Dange says about some of them: "If you read these papers with the previous references the conclusions will be a bit funny..... a very crudely arranged business—this evidence collection or creation, whichever you may like to call it." I should not say myself that the conclusions were at all "funny" from Dange's point of view, and as for calling this a crudely arranged business, there are the facts, and it is a very crude defence to suggest forgery where there is no evidence whatsoever to support such a suggestion. I feel no doubt whatever that Dange accused did take part in the C. P. I. meetings at Madras in December 1928 and the Bombay meeting on the 17th March 1929 and there is of course no explanation whatsoever forthcoming in regard to that participation. On the contrary instead of an explanation we get a deliberate 'suggestio falsi'. He says that "the prosecution had sent their clever man P. W. No. 244 Rao Sahib Patwardhan to see what the Bombay people did at Madras. But he nowhere mentions my presence in Madras." But Rao Sahib Patwardhan was not examined as a witness in regard to the National Congress at Madras except to prove that P. 1015 was given to him there. He was cross-examined at length by Nimbkar accused with regard to P. 1015 and in answer to one of his questions said: "I was sent to the Congress to see what Bombay people were doing there. I remember certain striking things as well and not only those things with which Bombay people were connected. I do not remember to have submitted any report after this Congress. That shows that to my knowledge (i.e. he explained later "so far as my knowledge goes") nothing striking was done by Bombay people in the Congress." He was not asked what Bombay people he saw at the Congress? Dange accused himself cross-examined this witness but he also failed to elicit from him any information as to what Bombay people were present at Madras. So that in reality, although P. W. 244 did not mention Dange's presence in Madras, that fact is not of the smallest value in support of his allegation that he did not go there. As to the suggestion that he was not present at the Bombay meeting of the C. P. I., P. 1296, a document in Ghate accused's handwriting, contains not only the entry "Chairman S. A. Dange" but also in the body of the notes the remark: "Dange thought it premature. Working class was not politically conscious".

He then comes to the letters which are in evidence against him. In regard to the first group which he calls third party letters, that is letters neither addressed to him nor sent by him which contain references to him, he says: "As these letters were not written by me nor they were in my knowledge I can say nothing about them". That is to say he has no defence nor explanation to offer in regard to any such references. Group 2 consists of letters intercepted en route to him and either reported after being copied or photographed, or withheld, and group 3 consists of copies taken in the course of interception of letters written by accused himself. About these two groups he says that "they were born, bred and developed between the post and police. The prosecution have two expert witnesses, one from Calcutta and the other photographer from London who are prepared to own any copy or photograph as their own, no matter where they have originated. So the post, police and prosecution are at liberty to do anything with these papers, I have nothing to do with them." I think this must be the most feeble explanation, if it can be called one, which has been put forward throughout the whole of this trial. Lastly he comes to a group of letters from some party to himself, found in searches in original. The reply he gives in regard to these is almost equally feeble. He says: "The persons from whom they purport to come should be referred to." Lastly he comes to original letters from himself to some other accused and about these he says: "It is useless to answer the question". Why? Apparently because if he did so it would be of some advantage to the prosecution who would be able to point to his statement instead of the evidence of other persons in regard to his handwriting. Then he goes on for several pages to discuss the question whether he should or should not have been allowed to interview with M. N. Roy. It will be sufficient to say about this that by implication this clearly amounts to an admission of the identity of

- the M. N. Roy who was arrested in India in 1931 with the M. N. Roy who has only some 5 or 6 years ago been a person of some prominence in Moscow, and a member of the Foreign Bureau etc., but has since been dismissed. Dange concludes this passage with the remark that he does not agree with Roy in his differences with the Comintern. Then he goes on, on page 2596, to deal with the speeches P. 1684, P. 1685 and P. 2311. He says that the first "is obviously a fabrication." There is certainly no cross-examination suggesting anything of the kind. As regards P. 1685 he says: "I cannot say that the report is correct." But he has not put forward any reason for supposing it to be incorrect. As to P. 2311 he says: "The report of my speech is incorrect." But again there is no cross-examination either by Dange or anybody else to suggest that it is incorrect and if so in what way. Coming to P. 1690 which was reported by P. W. 180 Mr. B. R. Mankar he says that he maintains that "the report of the speech P. 1690 is very incorrect and materially wrong," and he mentions an obvious mistake in Mankar's report of a speech by Nimbkar accused on this occasion. But Dange did not cross-examine the witness in regard to his speech, nor so far as I can see did anyone else. There is therefore nothing to show in what respect the report is incorrect or materially wrong, and I must suppose it to be substantially correct. He then goes on to talk about what he calls the dilatory tactics of the prosecution, useless exhibits, unnecessary witnesses and wasteful printing. The last-mentioned is entirely irrelevant, as to unnecessary witnesses there have been no unnecessary witnesses in the Sessions Court and if there were any in the Lower Court they would have taken a very few days as owing to the absence of cross-examination the witnesses in that Court were able to be got through at a very much quicker rate than was possible in this Court, and as to useless exhibits a certain number of these having been rejected by the prosecution were put in by the accused themselves as defence documents, while the rest certainly did not cause much waste of time. As to delaying tactics on the part of the prosecution it is quite certain that the mere suggestion of anything of the kind is an absurdity. For an accused who has made a statement covering 500 pages to talk of delaying tactics argues the absence of a sense of proportion and that is all. At page 2604 it seems to have dawned on the accused that some explanation of the length and breadth of his statement was necessary. He says here after summarising the contents of each of its three parts: "All the three parts are necessary in order to understand the case. They will show that what we have done is to subscribe to the principles of Marxism-Leninism and to tell them to the people. To hold certain views, to propagate them and to form parties for that purpose is our inalienable right which exists in most bourgeois countries. We claim to exercise that right in India and it does not amount to a "conspiracy to wage war". And he proceeds to fall back on the old defence that there is no evidence to show that the accused were preparing for or had even the intention of preparing for an armed insurrection, meaning thereby one which was in the immediate future. He concludes his statement as follows: "I do not defy but defend, and urge that this Court do recognise the right of every Indian to hold Communist principles, to belong to a Communist Party, to be one with the International of the world proletariat, to carry on trade union and literary activity while subscribing to Leninism". This Court is of course entirely willing to recognise any right if it does not conflict with the law of the land. But if belonging to a Communist Party, being one with the International of the World Proletariat, and carrying on trade union and literary activity while subscribing to Leninism involves, as it quite clearly does, working in order to bring about a violent revolution in order to deprive the King of his sovereignty it is impossible for this Court to recognise such a right.
- The evidence against Dange accused establishes first of all that he is a man who is fully acquainted with the literature and principles of Communism and the Communist International. He was treated as a member of the C. P. I. from the date of his release and was undoubtedly an active member from December 1927 to the date of his arrest. He became a member of the Workers' and Peasants' Party and took a very active part in all its activities in the year 1928. He was editor of Kranti after that paper was revived and took a keen and very practical interest in the Textile Strike becoming General Secretary of the Girni Kamgar Union when that Union was founded. He took an active interest in Trade Union work as a Communist worker both in the Unions and also in the A. I. T. U. C. He was a member of the Provisional Committee of the All-India Workers' and Peasants' Party and as such participated in the Council of War in September 1928. In my opinion taking into consideration the whole of his history and also his own statement to this Court it is quite certain that he was a very active mem-

ber of this conspiracy and had the fullest possible understanding of its meaning and object.

Agreeing with four assessors and disagreeing with one I hold that Dange accused has taken part in a conspiracy to deprive the King of his sovereignty of British India and has thereby committed an offence under section 121-A. I. P. C. I convict him accordingly. 5

PART XXIII.

O. P. 1016. The first we hear of Jhabwala accused in connection with this case is in Roy's letter of the 20th March 1926 P. 2169P. (1) (equals P. 2322 (2)). (F. C. 136), where talking of the future growth of Communist influence over the T. U. C. he says, "The advanced section of the workers should be helped to assume the leadership of the unions and the T. U. C. as against humanitarian intellectuals like Joshi, Jhabwala etc. and careerists like Chaman Lal." That is to say that at that time Jhabwala was associated in the minds of Communist observers outside India with people like N. M. Joshi. He is again mentioned in the Masses of India for August 1926, part of P. 2581, at page 4 where under the heading "Harmless Trade Unions" the following passage occurs: "Rarely has there been such an abject confession of the reformist outlook as that made recently by Mr. Jhabwala, Hon. Sec. of the Railway Workers' Union of Bombay, who stated". Immediately after his arrival in India we find Spratt accused making appointments to meet Jhabwala. There are entries of such appointments in Spratt's diary P. 1006 on the 8th February, 19th April, 26th May and 1st June 1927. Jhabwala accused, as we might expect from this association with Spratt, took some part in the inauguration of the Workers' and Peasants' Party of Bombay in the end of January and beginning of February 1927. His name appears in the names of the members of the E. C. of the Party in the "Whereas" document P. 1017 and the account sent to the newspapers P. 851. P. 1355 (7) C, apparently a suggested list of office bearers, gives his name as Vice Chairman; instead he was elected to the E. C. and Nimbkar accused, who had been the second member of the E. C. along with Ghate, was elected Group Leader, Education.

But this is not the only business in connection with the W. P. P. for which Jhabwala accused was responsible. P. 1355 (7) E. is a notice headed "Congress Labour Party", found in the same file along with other papers relating to the foundation of the W. P. P., calling a general meeting of the Congress Labour Party for Tuesday the 8th February. Among the items of business to be transacted we find item 2 "change of name" and item 6 "letter from the League Against Oppression in the Colonies." It is clear that the reference is to P. 1355 (1) (F. C. 177) a letter dated 12th January 1927 addressed by Jhabwala as General Secretary, Bombay, for the League against Oppression in the Colonies to the Secretary, Congress Labour Party Bombay. This letter is dated Berlin the 12th January 1927 and it would be reasonable to infer from this fact and from its appearance that it is one of a number of circular letters sent by the League to Jhabwala for distribution. It is signed at foot League against Colonial Oppression, S. H. Jhabwala, General Secretary, Bombay. Bearing in mind the date and the fact that the signature League against Colonial Oppression precedes Jhabwala's name, I feel no doubt that this is what had happened. On the same file we find a document P. 1355 (2) which is in Mirajkar's handwriting and is evidently an office copy of the telegram sent in reply by Mirajkar as Secretary of the Workers' and Peasants' Party to the League. There can be no doubt about this fact because it is addressed to Gibarti, Schadowstr, Berlin, the address suggested in the letter for a message of sympathy from the Congress Labour Party to the Brussels Congress of the League.

It will be convenient to examine and consider the whole of the evidence relating to Jhabwala's connection with the League against Oppression in the Colonies or as it was afterwards called the League Against Imperialism before going on to his other activities. Prior to the receipt of this letter Jhabwala at the Lenin Day Meeting on the 22nd January 1927, held under the auspices of the Congress Labour Party and at which he himself in the absence of K. F. Nariman presided, made a speech of which an account is to be found in the report P. 1942 prepared by P. W. 215, Inspector Desai. In this speech after talking a certain amount about Lenin and Leninism he said: "He was glad to know that in Germany a League against Oppression in Colonies was started and their Congress would be held in February and that Pandit Moti Lal Nehru, George Lansbury and Mrs. Sun Yat Sen were respectively the Presidents elected for India, England and China." It follows from this speech that the letter P. 1355 (1) was not a mere shot in the dark on the part of the League against Oppression in the Colonies.

The next piece of evidence of Jhabwala's connection with the League Against Imperialism is a letter found in a file P. 1410 recovered in the search of the office of the Manager of the Kirti at Amritsar conducted by P. W. 163, Inspector Nasiruddin on the 12th February 1929. This is an office copy of a

letter issued by the Manager on the 14th December 1927 and addressed to Mr. H. S. Jhabwala, the writer having apparently put Jhabwala's initials in the wrong order. The relevant passage runs as follows : " We shall be highly obliged if you very kindly keep contributing us regularly and giving us all necessary information regarding the League against Imperialism of which you are the Organising Secretary here in India. Yours in liberty the Editor." This letter file also contains a letter to Jhabwala dated the 2nd April 1928 in which the writer says : " I shall request you to contribute another article on the recent session of the League against Imperialism and its attitude towards India, or you are quite at liberty to write out any other article bearing on the labour principles." Jhabwala's connection with the League is also mentioned in the Assembly Letter P. 377 (1) (F. C. 351) in which the League is mentioned several times. Finally in the section on " International Affiliation " we get the passage : " As far as the W. P. P. is concerned the question is answered ; it should affiliate itself with the League Against Imperialism. That will serve our purpose." A little further on Roy says, " Up till now the League has its relation with India through Jawahar Lal Nehru. The connection with the League has done him some good as indicated by his action in the Madras Congress. But we need not entertain much illusion about him. The League must have relation with the revolutionary organisations. Comrade Jhabwala is already in correspondence with the League. The W. P. P. can eventually become the recognised organ of the League in India ". Which of course implies that the W. P. P. is a revolutionary organisation.

Next on the 16th May 1928 we find a letter P. 1633 (F. C. 421) from Chattopadhyaya to Jhabwala thanking him for his letter of the 19th April and especially for the announcement that three more unions have declared their affiliation to the League Against Imperialism. The writer continues : " We follow your activities in the Labour Movement with very deep interest and have no hesitation in expressing the appreciation of the International Secretariat for your work on behalf of the League and in the movement of freedom generally." There is a paragraph in the middle of this letter which has some interest because it alludes directly to the Imperialist Government instead of vaguely to Imperialism. In this he says : " It is also necessary that strong propaganda should be made among the members of the E. C. of the Trade Union Congress so that the affiliation of the T. U. C. to the League can no longer be hindered by the intrigues of English and Indian reformist leaders. Unless the influence of these gentlemen be destroyed in the early stages of the Indian Labour Movement, they will succeed in using that movement for the service of the Imperialist Government." Further on this letter suggests a connection between Jhabwala and Dange, Mirajkar, Nimbkar, Ginwalla and Thengdi, by asking him to distribute copies of a pamphlet containing " the resolutions of the General Council of the League to those persons. " These resolutions," the writer says, " are of importance because they contain a summary of both the political and organisational principles on which the League is built." Jhabwala is asked if he needs any more copies of this pamphlet for distribution among trade unionists or members of the W. P. Party. There is another mention of Jhabwala's getting unions to affiliate to the League in the " Masses of India " for February 1928, part of P. 1788, at page 9, where it is stated that " the revolutionary nationalists and the revolutionary leaders of the Labour Movement in India will as in other colonial countries recognise the importance of the League ; several trade unions of Bombay under the leadership of Jhabwala have already joined the League others will shortly follow." So that at this stage the " Masses " was recognising Jhabwala as a revolutionary leader.

The next letter on record from the League to Jhabwala is P. 1866P. (F. C. 580) from Chattopadhyaya dated the 18th September 1928. In this Chatto complains that the League have not heard from Jhabwala for a long time. In the second paragraph of this letter he asks whether Jhabwala will be willing to undertake to multigraph and send out the League press service in English, Gujarati and Marathi if the League sends him the text in English manuscript. He asks what this will cost and whether Jhabwala can guarantee its being done regularly, and asks for an immediate reply.

At the end of October 1928 Jhabwala spoke at the Bundelkhand Peasants' and Workers' Conference at Jhansi. P. 292 is a copy of his Presidential Address, not as actually delivered but the advance copy sent for translation in readiness for the Conference. Towards the end of this he says, " Having evolved a national guarantee we may have a wider outlook in the international sphere

and must soon affiliate ourselves with the League against Imperialism and Colonial Oppression. I consider this organisation to be a most fitting link between the European and Asiatic interests. In these international connections India is bound to emerge a most successful and competent revolutionary helping in the establishment of a happy millenium of Soviet Raj in the world." This speech must have been drafted very shortly after the receipt of P. 1866P. Jhabwala evidently replied to P. 1866P. on the 10th of October as P. 2211 (F. C. 638) a letter from the League signed by Chattopadhyaya and dated the 7th November acknowledges his letter of the 10th October. In this letter Chatto says : "The question of placing the necessary funds at your disposal for running an office is being considered and I hope to be able to give you a reply in a week or two", from which it is clear that Jhabwala must have raised the question of establishing an office. This letter was intercepted and withheld. This is the letter in which Chatto asks that Jhabwala and other comrades should work energetically this year to overcome all the objections to the affiliation of the Indian T. U. C. to the League. He also informs Jhabwala of the affiliation of a number of trade unions in Europe to the League and lays particular stress on the affiliation of the All Russian Federation of Trade Unions, an organisation which we know from other sources, to be controlled by Communists. Jhabwala's explanations in connection with this correspondence were somewhat contradictory. On page 721 of the statements of the accused he implied that he had nothing further to do with the League after the retirement of Gibarti. And he maintained this attitude with reference to P. 1633, P. 1866P, and P. 2211. In regard to the last he said : "By the time P. 2211 reached me (it never did reach him of course as it was withheld) I had got out of the orbit." And still in the face of this in the next paragraph he said that when he was presiding at the Jhansi Conference he met Jawahar Lal Nehru and complained to him that "in the absence of true facts with regard to the League and also the settlement of an office it was no longer possible for me to spread round their stuff to the different papers that sometimes I was doing," a statement which is for all practical purposes an admission that he had given the League Against Imperialism good grounds for writing to him in the terms which we find used in these letters. This statement also shows that the replies which he had given just before in regard to the three letters P. 1633, P. 1866P, and P. 2211 do not deserve much consideration, even more so the last sentence of the paragraph on page 720 which precedes his reply in regard to P. 1633.

Subsequent to the inauguration of the Bombay Workers' and Peasants' Party Jhabwala accused went to Delhi to take part in the Trade Union Congress. There is an account of this session enclosed with Spratt's letter P. 1828 (F. C. 197) to R. Page Arnot dated the 26th March. In this account Spratt says that the actual number of delegates was 45 to 50 and included Shiva Rao and Kirk from Madras ; Sethi, Giri, P. Bose, S. Bose, A. Ghosh, Aftab Ali and Muzaffar Ahmad from Bengal ; Jhabwala, Thengdi, Joglekar, Nimbkar, Mirajkar, & Ghate from Bombay ; Chaman Lal and S. D. Hasan from Punjab and Joshi and Rai Sahib Chandrika Prasad. In the course of this meeting Jhabwala moved an amendment to omit the word "confidence" from a resolution expressing gratitude to the Secretary and confidence in him. There is nothing further of interest in regard to Jhabwala in this session except his appointment as Provincial Organiser for Bombay. It is worth noting that Jhabwala stayed during the session at the Royal Hotel in the same room as Thengdi.

We next hear of Jhabwala's activities in the report (P. 1348 (12)) addressed to the Secretary of the W. P. Party by Joglekar accused as Trade Union Group Leader on the 21st April 1927. In this he mentions Jhabwala as a member of the group and as one who were already in the Trade Union work before the group was formed. Further on he says : "Mr. Jhabwala is busy with his Union activities but the party leader has no record of this work as he has never submitted himself to the party control. He has never attended any party meeting and more it is even doubtful, so far as I know, whether he has accepted the party regulations and constitution and signed the party creed." It seems probable that that statement was correct as Jhabwala's application, which is part of P. 1353, is dated the 20th July. The only other mention of Jhabwala in Joglekar's report is in a paragraph relating to work in the A. L. T. U. C. in which he says : "Another of our Party men Mr. Jhabwala has been appointed as the provincial organiser of the T. U. Congress." In connection with this trade union work of Jhabwala it will be convenient to note here that he is mentioned in the Kranti P. 989 and P. 1375 as presiding at a meeting of the G. I. P.

Railway workers at Matunga on the 6th June, at a meeting of Municipal workers on the 7th June and at a meeting of Government peons and menial servants on the 11th June. It was perhaps in connection with some of these meetings that Mirajkar accused wrote in a letter to Thengdi accused in P. 839 (I. C. 46) in June 1927, "We are now making our contact in the Trade Union Movement. We are attending all the meetings of the Unions in the city along with Mr. Jhabwala." These same reports in the Kranti show that Mirajkar and Joglekar were both present at the Matunga meeting and the Municipal workers' meeting.

O. P. 1024. P. W. 244, Inspector R. S. Patwardhan deposes to the May Day celebration in 1927. He says the procession started from Parel and he himself saw it and he saw there Joglekar, Mirajkar, Jhabwala and others taking part. Looking over his report he was reminded and deposed that Thengdi, Ghate, Spratt, Nimbkar and N. M. Joshi also took part. At the meeting which was held when the procession reached De Lisle Road speeches were made by Thengdi, Joshi, and Jhabwala. This witness also deposed that on the last day of April he had seen Jhabwala with Spratt, Thengdi, Mirajkar, Nimbkar and Ghate accused distributing handbills in the mill area asking the workers to join the May Day celebration next day. One of these handbills is in evidence as P. 2522, and is signed by Jhabwala as Secy. Central Labour Board. This May Day meeting is mentioned in Spratt's letter to R. Page Arnot P. 1974 (F. C. 209) dated the 6th May in which he mentions that "Jhabwala Sahib got a good showing." And only a short time after this, that is in P. 2328P (2) (F. C. 217) on the 14th June Spratt wrote to C. P. Dutt that "Huz. (Jab.) is improving," meaning I suppose that Jhabwala was becoming less of a humanitarian and more of a revolutionary.

Jhabwala's next activity was his participation in the Sacco-Vanzetti meeting on the 27th August 1927 at which he presided, see the report P. 2311. In this he is reported as saying that "he regretted that the Indians were not taking interest in the International Labour Movement and appealed to those present to become members of the Peasants' and Workers' Party. He emphasised upon the necessity of international brotherhood of workers."

O. P. 1025. He went on "In his opinion the exploitation and oppression to which the poor were subjected by the capitalists and Imperialistic Governments, could only be stopped by a mass revolt. Unless such a mass movement was set afoot in India no freedom could be expected for her. His experience of the past 10 years' work amongst the workers showed that the capitalists and Government were adamant to even accede to the genuine demands of the labourers. As soon as all the workers were organised, mass revolution could be declared but by revolution he did not mean bloodshed, aeroplanes hovering over head and cannons blowing (? bellowing), because when workers and labourers were united, freedom could be had within 5 minutes without shedding a drop of blood." It was this speech which drew Dange to differ from his advocating beforehand a fixed up policy of non-violence or violence. Here again Jhabwala's explanation in his statement is quite at variance with the facts shown by the evidence. He says at page 735 of the statements of the accused : "I have not developed the faculty of looking at things from the vaster eye upon the nation and to talk of Internationalism is perhaps a frightening climax to me. Therefore I did not much interest myself in those lofty international invasions coming from the countries far and near though such attempts might be considered deserving of encouragement by persons who think differently, and therefore the terms R. I. L. U. or P. P. T. U. S., or any similar alphabetical order of letters have no appeal to my brain." And further on he says that "to talk to the masses in terms of Internationalism and all that it connotes is perhaps driving the ruthless and snoring airy horses of the god Apollo in the vacant space of nothing." Perhaps that is a description which could be aptly given to a good deal of Jhabwala's talk but I should note that it is much more applicable to what he has said in Court than to the things he used to say in his speeches to the workers.

Jhabwala accused does not appear to have taken part in the public meeting on the 14th September to welcome Usmani on his release from Jail, but he presided over the meeting held on the 7th November under the auspices of the W. P. P. to celebrate the 10th Anniversary of the Russian Revolution. His speech, P. 1685, on this occasion seems to me really a bundle of contradictions. We find him suggesting revolution, but it also appears from the report that "He could not say whether the methods used by the Russians in overthrowing the Czarist domination should be used and followed in India at present."

Further on he said that "It was the duty and business of every politician, publicist, and patriot to organise the masses and to teach them to gradually rise against the Government to get what the Russians were now enjoying." Later on again he said: "What they wanted to destroy in India was the system of Government, by organising the masses. . . . Self-Government was the thing to be achieved by the force of their own hands, and it would not be tossed by God from above. By force of hands he did not mean beating anybody. He meant to say that unless the masses and every one of them got enough to eat and clothes to put on there could be no self-Government." In his explanation of this speech at pages 760 and 761 he says: "I merely mentioned the facts" (about the Russian Revolution) "as they actually took place as any other speaker placed under my circumstances would do. But that does not mean the eulogy of all that was achieved by the revolution." Later on he says: "I presented a comparison of happier conditions prevailing in Russia after their new political conditions were brought into being. But it never meant the insinuation of the pursuit of Russian methods and principles. I only meant that a similar awakening for the achievement of similar results might be brought about in this country by our own peculiar methods of non-violence." Another statement in this speech, P. 1685, was the following: "The Russians could not get freedom constitutionally and similarly they also could not get it constitutionally." About this he said in his statement: "What I suggested or said was that the Russians could not get freedom constitutionally as required by political conditions prevailing in their country, but I never suggested that similar measures could be pursued here, but that all constitutional measures should be exhausted and if we could not get freedom, then it was regrettable." If that was what he meant, it can only be said that he put it in a very extraordinary way.

Jhabwala's name does not appear in the list in P. 1878 (1) C. of those who attended the informal meeting of the T. U. C. Left at Gowaltoli, Cawnpore, on the 29th November 1927, nor does he appear in the photograph, P. 1383, taken at the Pratap office at the time of the Congress. He was however present at the Congress, vide the statements of P. W. 111, Sub-Inspector J. N. Sen Gupta and P. W. 119, Inspector Jagannath Sarin. The latter gives an account of a decidedly Communistic speech made by him in moving a resolution regarding the refusal of Government to grant a passport to Saklatwala. It is further worth noting that only about a month earlier on the 17th October Dange accused was writing to Muzaffar Ahmad in P. 2141 C. (I. C. 72) saying: "I wish to put in Jhabwala for next year's Presidentship of the All-India Trade Union, with myself as Secretary, jointly to N. M. Joshi." This suggestion does not seem to have come to anything, but Dange's T. U. C. Left report, P. 1878 (1) C, shows that the office of the Organising Secretary of the Council of Action was got for Jhabwala, and that he was included both in the Council of Action and the Committee to draft a constitution.

Early in 1928 we find Jhabwala, who had been a member of the Spratt Defence Committee, (see Ghate's letter to Muzaffar Ahmad, P. 2137 P, I. C. 65), inviting Spratt in P. 548 (3) (I. C. 84) to a mass meeting of the Municipal workers to be held on the 10th January, and he again invites him to a similar meeting in P. 548 (4) (I. C. 94) to be held on the 30th January. The evidence also shows that Jhabwala took part in the meeting of the Enlarged Executive Committee, vide Mirajkar's letter to Thengdi, P. 835 (I. C. 94), which mentions that the resolution on the Trade Union movement was moved by Jhabwala. Jhabwala's explanation is as follows: "I do not deny the responsibility in that matter. Though in particular items stated in the resolution I differed slightly, yet I thought it harmless to undertake the moving of this resolution, for the whole phraseology and the idea underlying did not go much against the ordinary Trade Unionist sense of a Trade Union worker like me."

On the 3rd February 1928 Jhabwala took part in the Anti-Simon Hartal. We have already come across evidence showing that he was one of its leading organisers (P. 544 (1) and P. 548 (5)). The witness who deposed to the events of the 3rd February was Inspector R. S. Patwardhan, P. W. 244, who stated that he saw Jhabwala in the procession and heard him addressing the meeting at Foras Road. On this occasion Jhabwala said that "the Government was of the capitalists, and they wanted to break it."

In March 1928 Jhabwala took part in the general meeting of the Party, at which he was elected to the Executive Committee (P. 1344). P. 1344 also shows that Jhabwala attended meetings of the Executive Committee of the Party on

the 30th April 1927, possibly the 8th April 1928, 22nd May 1928, 1st July 1928, 15th July 1928, 2nd August 1928 and perhaps the 19th August 1928. His letter of resignation was considered at the E. C. meeting on the 15th November. Some
 O. P. 1029. time in the same month, March 1928, P. 1462, a leaflet over the signature of Alve accused was published which mentions that "Messrs. Joglekar and Jhabwala are trying to awaken the people by telling facts to people, but we have fallen victims to the false promises of Mr. Mayekar owing to the ignorance and lack of culture of the working classes." Further on the leaflet mentions that "Messrs. Joglekar and Jhabwala exhorted the people to declare a strike in all the mills and to carry on the struggle with unity and issued handbills for creating awakening among the people." This is apparently a reference to the strikes at the beginning of 1928. The handbill at any rate makes it clear that at this period Jhabwala accused was working in alliance with Joglekar against the reformist influence of Mayekar in the Girni Kamgar Mahamandal. Towards the end of April Jhabwala with Joglekar went out on the G. I. P. Later he was appointed along with Dange and Nimbkar as one of the advisers of the G. K. M., see the Minute Book of the G. K. M. (D. 420), which also shows that Jhabwala was one of the eight members of the Party appointed to the Board of Advisers on the 15th May. On the 22nd May the Girni Kamgar Union was founded and Jhabwala became a member of the Managing Committee as Vice President.

In the month of June, we find Jhabwala mentioned in the report of the Propaganda Group sent in by Mirajkar as Group leader to the Secretary of the Party, P. 1348 (2). In this it is stated that "Comrades Jhabwala and Joglekar successfully organised the Railwaymen's Conference at Bhusaval recently. Our influence is slowly and steadily increasing amongst the G. I. P. Railwaymen."

In July 1928 Jhabwala accused seems to have lost his job as a teacher. His photograph appears in the "Kranti" of the 29th July (P. 930) with a
 O. P. 1030. note to the effect that he lost his job because he was found in the company of the radical party of the workers' movement, and this loss of his employment is also mentioned in P. 1701 (1), a speech made by Jhabwala himself on the 21st July at the Marwari Vidyalaya Hall, see page 26 of the new volume of speeches. In this he says: "It is our duty to do some service for poor people like them. If we set out to discharge this duty people dismiss us from service. I have been dismissed. I was dismissed the other day." It is rather surprising in these circumstances to find that at page 774 of the statements Jhabwala after talking of the amount of time he had to give to the labour work says: "The inner voice then at last asserted that it was unfair to the school that during the time I was expected to teach I should be busying myself in any way or for any amount of time with any other work than tutorial. So, much to their unhappiness and my displeasure, I asked them to relieve me which they did with a small bonus for what service I had rendered them." It would appear therefore that at the time Jhabwala preferred for political purposes to suggest that he had been dismissed and concealed the fact that he had really resigned his appointment voluntarily.

In August 1928, as appears from the minutes of the E. C., P. 1344, and also from Ghate's letter to Dange, P. 1602 C (I. C. 217), the Party adopted Jhabwala's name as a candidate for F Ward in the Municipal elections.

In September Jhabwala made speeches at Nagpur and Jubbulpore, of which there are accounts, P. 1445 (2) & (3) in a file, P. 1445, recovered in the search of the G. I. P. Railwaymen's Union, Poibaodi, Parel Office. Each of these bears a proved signature of Jhabwala accused, but that on P. 1445 (3) has been made with a rubber stamp. In his speech at Nagpur, P. 1445 (2), Jhabwala is reported to have said that "if all the workers combined together the 28 crores (workers) would easily oust the few Imperialists that were at present holding sway over the unfortunate masses. . . . He pressed therefore that the workers themselves must adopt the reins of Government in their own hands. . . . The speaker was out to prepare a lakh of men as organised workers before the year was out and then all the demands of the workers would be immediately conceded." At Jubbulpore we find him saying that "Government was a lifeless institution and the owners used a heartless hand of blood suckers. The only remedy that lay in the hands of the men was unity, irrespective of caste, creeds and communities. If the grievances of the men would not be redressed constitutionally he would be prepared to be unconstitutional. Strike was the last idea he would press for, but he would not allow his control over the final

measure as a matter of sheer necessity. He failed to believe in committees or commission, but he believed in direct action after all constitutional measures were exhausted. This term "direct action" he now explained at page 792 to mean "passive resistance equivalent to peaceful strike," and not anything like "armed revolution." There is another document in this file also bearing Jhabwala's signature headed "Organised violence" P. 1445 (5). This is an article in reference to the organised violence of Government. In the course of this article he says: "The organisation of the masses is the only programme before the country today. All our slavery originates from legislatures, and legislation is nothing but a legalised effort at organised violence. All Government is organised violence." Then he speaks of the capitalists, Imperialists, employers and so forth as modern robbers and says: "Therefore, just as in ancient times robbers were caught and hanged by the crowd, so in modern times the masses require to be organised who will be able to hang the ruling communities on the gallows of truth and justice." Then he goes on: "Our direction needs to be changed towards a well-organised scheme of revolution. By revolution is meant a speedy change in the existing order of economic and political conditions. As long as Imperialism lives secure on this soil capitalism will flourish. . . . The revolution can be very peaceful if the workers are all organised on economic basis." Then he goes on to suggest that the Russian Revolution of 1917 was almost bloodless. This same file also contains an account, P. 1445 (6), of a speech delivered by Jhabwala accused at Manmad, in the course of which he says: "Therefore do not put faith in the Government, nor in the legislatures but depend upon yourselves. Organise yourselves and if all seven lakhs of Railwaymen united together the Government would be yours. Your effort should be to capture the means of production yourselves. You must govern the land. Unite to change the law of the land."

In the Bombay discussions at the Council of War we find Jhabwala's name mentioned in Spratt's notes, P. 526 (39). At one place there is a note regarding Trade Union work: 'Generally failure of Party members to stick at work—letting Jhabwala let us down'. Further on we get notes about individual unions in which the Party has influence, and there is a note: 'Small unions, number Jhabwala's, but useless.' Neither of these matters are mentioned in Bradley's notes made on the same occasion. Jhabwala did not I imagine take part in the Council of War, but at the end of September we find him doing exactly what the Party wanted in regard to the Resolutions drafted for the A. I. T. U. C., vide P. 1348 (30) (L. C. 237) in which he writes from the G. I. P. Railwaymen's Union, signing himself T. U. C. Group Leader, to the Secretary, W. P. P. as follows: "Comrade Secretary, the A. I. T. U. C. Session is drawing nearer and I have to make arrangements to get party resolutions framed and forwarded on behalf of several unions. May I therefore request you to send me a full copy of the same at an early date."

There are only a few speeches of Jhabwala made during the Mill strike on the record, and it will be convenient to deal with them here. I find also that I have omitted one or two speeches made by him at an earlier date and his explanation of them. The first of these is the very first speech of his on the record, made on Lenin Day in 1927 and reported in P. 1942, to which I referred earlier in connection with the League against Imperialism. In this speech Jhabwala accused spoke of Lenin as "a great prophet of the modern world who had revolutionised the masses and had evolved a state of society and Government for the salvation of humanity. He was like Gandhi of India. Whereas the latter remained an idealist, as most of his followers could not abide by his programme and policy, Lenin was able to put into practice the ideals for which he stood for the salvation of humanity."

Further on he said that "a gradual revolution was needed to oust the present form of the Government in the scientific sense. . . . He suggested the adoption of Leninism against tyranny and oppression whether capitalistic or imperialistic." It certainly would not occur to anyone to regard this as a speech full of anything else but admiration for Lenin. Yet on pages 770 and 771 of the statements of the accused Jhabwala accused begins with an expression of his hero-worship towards Lenin, but ultimately he comes to the following passage: "But the one great virtue which I have emphasised in my Lenin Day speech is that he was able to translate his thought into action. I do not agree with his thought. I do not agree with his action either, and I do not think that there is any hint even in these few rambling sentences to the effect that I did, but I would not be true to my spirit of hero-worship if I did not assiduously

pay my humble homage to this great man for what moral virtues went to build up the bundle of the character he possessed." Then he proceeds to suggest that in his Lenin Day speech he hinted at Lenin's infamous denunciation of God, which unfortunately is not a fact. He then goes on : " I do not subscribe to his dictatorship. I looked down upon his talent for spreading all sorts of propaganda right or wrong to serve the ends of Communism. I also would not uphold his politics when he differs from Tolstoy in the matter of non-resistance to evil." Finally he says : " What I was emulating was not the ideals he cherished nor was I upholding them with plaudity, but I was merely praising him for his ability to put his thoughts into practice, which is a rare virtue among humanity." It seems to me to be a pity that he did not express this view or these ideas in his speech. Another speech made by Jhabwala accused with which I have not yet dealt is the speech made by him on May Day of 1928, of which there is a short account in the evidence of P. W. 245, Inspector Hasan Ali, in answer to questions put on behalf of Joshi and others in cross-examination. In this he said : " In spite of hard work the labourers were starving and the capitalists continued to oppress them in various ways. They would suffer so long as they had no Labour Government. They could not be free simply by going on strike, and some more sacrifices were needed on their behalf to destroy capitalism." About this he says at page 728 that there was no Communistic significance. " By Labour Raj that I may have said, not only here but elsewhere, I mean the Government of those persons that work and among these workers I also include the intellectuals and men of other superior professions. I did not mean that kind of Communistic achievement of Dictatorship of the Proletariat which is reported to have well succeeded in that country where it is only the manual working classes that dominate ruthlessly." Further on he says : " Therefore when I suggested the Raj of the labourers I meant not, as our esteemed friends suggest, the Dictatorship of the working class, but I only meant a constitutional Parliamentary struggle by which in the existing machinery of the state an ever-increasing number of the working classes can rightfully share their duties and responsibilities in the management of the state." On the 3rd June Jhabwala made the speech which is in evidence as P. 2243 (C) (P. W. 273, Mr. Jacob Mackwan). In this speech he said : " Indian leaders want to destroy the British Empire and want rule in their hands. We do not want Swaraj of this kind. We want Satya Raj of the workers..... We want Soviet Government like Russia. If we have Labour Government, the hours of work will be less and each and every man will get sufficient food to eat." About this he says in his statement at page 796 : " My references made to Russia should be guided by the whole explanation offered by me with regard to the same already in the above part of the statement ", whatever that really means, and he suggests that his idea of Labour Raj was an Indian Government under an Indian Labour Cabinet. On the 5th July he made another strike speech which is reported in P. 1698 at page 14 of the new volume. This is the speech in which he says : " You have not understood the principle that the mills belong to the workers, that the mills in which you have worked very hard do not belong to the mill-owners, to the fathers of the owners, to capitalism, to the shareholders. Understand that they belong to the workers, to the persons (actually) working." At the end he says : " We must begin to wage a war in a new way. We can do nothing by carrying on negotiations with the owners peacefully in this manner. (If) The Government is left aside, the owners are left aside XX war in a new way is to be waged and once you begin to wage such a war, the strike will be won in fifteen days, and you will get the rates as required by you." About this speech he says at page 793 : " When I have stated that the mills belonged to the workers I have meant that they had put in their share of work, and for that reason metaphorically speaking they too had a consideration in the general conduct of their own mills." I am afraid that is not the sense which the words convey.

His last strike speech is P. 1730 (1) dated the 18th September, which is printed at page 182 of the new volume. In this speech he mentions the presence of Joshi, Asawale and one or two moderates on the Strike Committee. Then he goes on to mention the help that has come from outside to the extent of Rs. 14,100, of which Rs. 10,000 have been spent up to date. Then we find a curious passage at page 184, in which talking of Bradley he says : " We occasionally talk too much. We speak something of knocking down the Police, of bringing about a revolution in the Raj. But Bradley Sahib has never up till today uttered with his mouth (the words) revolution, Kranti." Towards the

end of this he says : " We shall hold out the question of the poor (even if Bradley is deported). You may call it Communism, Bolshevism, Kranti, give any names, but it is true that so long as the woes of the poor are not redressed, we shall fight. It is unquestionable that in that (fight) we shall knock down the owners, we shall fight with the Government. We are sure that on (his) going to England, success will be got after such a war, everyone will get full wages etc."

I hardly think it is necessary to explain again in detail the sequence of events in connection with the money mentioned by Jhabwala in this speech. It will be sufficient to say that a sum amounting to Rs. 20,900 was sent by one Voronoff addressed to Jhabwala, Vice President of the Bombay Textile Labour Union. On receipt of the instructions in this connection the Bombay Bank finding that Jhabwala was no longer Vice President of the Union referred to the despatching Bank for instructions, and instructions were finally received to the following effect " Instead of Jhabwala pay to Joshi, President Textile Labour Union " (P. 1544, F. C. 413). The money was actually paid to N. M. Joshi, and I have already mentioned the numerous references to this ' unfortunate ' occurrence, which are found in speeches and letters which are in evidence in this case. The result of the confusion on this occasion was that the despatchers were more careful next time, when the money was addressed to Jhabwala as President of the Mill Workers Union. The only possible explanation, so far as one can see, why money from Russia should not have been sent to the Girmi Kamgar Union, was the fact that that Union was staffed largely by known Communists, and it was preferable therefore to send the money through a union which was not tarred with the Communist brush. There are a series of documents in evidence in connection with these remittances. In connection with the first (the cotton shipments) the most important are P. 1542 (F. C. 405), P. 1543 (F. C. 410), P. 1544 (F. C. 413), P. 1545 to P. 1548 (F. C. 414 to F. C. 416), Dange's speech, P. 2242, Nimbkar's speech P. 2243 (B) and the Sandwell letter, P. 674 (F. C. 425). In regard to the second the documents are P. 1549 (F. C. 518), Jhabwala's speech, D. 630, dated the 11th September, P. 1550 (F. C. 569), P. 1551, (F. C. 570), and his speech P. 1730 to which I have just referred, and his acknowledgments, P. 1939 (F. C. 579) and P. 2410 (F. C. 586). I mentioned in dealing with this before that a copy was sent to Potter Wilson, Secretary of the W. W. L. I., in England. It is an odd fact that when dealing with P. 1549 to P. 1551, P. 1939 and P. 2410 at pages 733 to 735 of his statement, Jhabwala offered no explanation of P. 2410.

It is from about this time on that relations between Jhabwala and the members of the W. P. P. became strained, with the ultimate result that he resigned his Vice Presidentship of the Girmi Kamgar Union on the 22nd October (P. 958) and his membership of the W. P. P. on the 15th November. The entry in P. 1344 in the minutes of the meeting of the 15th November in this connection deserves consideration. It runs as follows : " The resignation letter from Jhabwala was taken up. Before coming to a decision on his resignation it was decided to demand from Jhabwala an explanation re the allegations against the party that he had made in his letter of resignation. The following points amongst others were to be mentioned : His curious position of Vice President of two unions and President of a third Union all amongst mill-workers, his intrigues against Party members, his conduct in connection with the Russian money, his refusal to pay Rs. 1,500 from G. I. P. Union in spite of its having been passed for payment, sabotaging workers' interests by trying to control more unions than he could attend to, putting down the able men, and being the editor of all papers, general apathy against the party and anti-party propaganda since the settlement of the strike." It is worth noting I think that these points of difference do not really relate to the fundamental points of Party principle, as indeed we might well infer from P. 1900C, a copy of an article headed " Mass Organisation, the only programme before the country " sent by Jhabwala to the Editor " Kirti " on the 3rd November 1928, which concludes as follows : " The Congress must accept the Workers' and Peasants' Party programme, which is perhaps the only revolutionary programme that any party in India can claim to have. The programme attempts at complete overthrow of Imperialism, which is the prime force that ruins our unhappy country." The genuineness of this document can be inferred from the appearance of Jhabwala's name in the Kirti registers, P. 1408 & P. 1409 and from his letter, P. 1449.

The last speech we have on the record of Jhabwala is the one which he made very shortly before this at the Bundelkhand Peasants' and Workers' Conference

at Jhansi on the 28th October, and which I mentioned in connection with the League against Imperialism on page 1020 above. Of this speech we have a number of versions. P. 292 is Jhabwala's own English draft recovered in the search of Kadam accused's house at Jhansi by Inspector Jagdish Shankar, P. W. 128. A translation of this into Hindi was recovered in the search of P. C. Joshi's room, and is in evidence as P. 329 and also in Jhabwala's search (P. 878). It is obviously unnecessary to worry with this, as we have the original English draft. What is more valuable is P. 1093, which is the report of the speech as actually delivered by Jhabwala on the 28th October taken down by P. S. I. Mangal Singh, P. W. 126. This was originally taken down in shorthand and P. 1093 is a transcription. As might be expected from our knowledge of Jhabwala's command of vernacular, the translation begins with a note that "the language of the speech is very faulty." I have already quoted one passage at the end of P. 292, but there are others in the speech which deserve consideration. For instance in a section headed "How to combat the evil" he says: "If India desires to be a heaven of peace and prosperity, the old shackles must be broken and the millennium must be ushered, (in) by following what Russia in the course of the last few years has marvellously achieved, dethroning the Czarism which was a collective fountain from which all the springs of Imperialism flowed over the world." Then he speaks about the qualities of Indian workers and the resistance offered by them in the Bombay strike "with only a crumb of Russian help to back them up." Then he goes on: "But if these very workers were helped by a little food in their belly they would form an excellent revolutionary basis for the establishment of an early independence in our country." A little further on he says: "I give warning to Indian lords and masters and middle classes that revolutionary feelings are throbbing in the hearts of the workers. . . ." Then again he says: "If a party of well organised individuals inspired with the ideas of self-sacrifice in the service of the workers and peasants were to organise themselves into a powerful central All-India Organisation, we can in a short time organise the 29 crores of workers into 21 different organisations of industrial classes like what Russia did 12 years ago." A little later on he says: "First of all there must be a central All-India Party of Peasants and Workers." All this seems to me to suggest very clearly that Jhabwala accused fully understood the organisational plans of the Workers' and Peasants' Parties. Still again a little further on he says: "Our policy must be unequivocally militant for that will expunge false and selfish leaders from our ranks." Then there comes a section headed: "Final word", which closes with the passage which I quoted at page 1020. It also begins with an interesting passage which is as follows: "We are maligned as Communists, extremists, revolutionaries, etc. I do not hesitate to cheerfully subscribe to all these attributes rolled into one."

Coming to the speech as reported in P. 1093 he begins by dilating on the miseries of India. Then he comes to Russia and says: "I would tell you about Russia which you have already heard before from my predecessors. 10 or 12 years before, the condition obtaining in Russia was similar to that in India. What took place in Russia? There was the rule of the Czar. . . . Men began to die of starvation. Brave men like us came out and said that in order to set the administration to right, take to arms, unite yourselves and give up enmity." Then he describes how everybody joined unions, and 21 unions or big organisations were formed in Russia. "After this", he says, "they began to revolt." He describes this revolt as being carried out by non-violence. Going on further he emphasises again and again the lessons of organisation and unity on the Russian model. For example he says: "Brethren, the means of your liberation consists in the example set by Russia. Do the same today. Make your own organisations." Then a little further on he says: "I am a Congressman but I am compelled to say this that I am busy with mass organisation and with starting unions." Then he criticises the Congress and says: "Let them become unconstitutional but let them organise the masses." He keeps on driving in this point of the necessity of organising the masses. Then he comes to the Mill strike and talks of the receipt of help from Russia about which he says: "It is only from Russia alone that the peasants and workers get some help under the international. There is a great city of the name of Moscow in Russia. From that place the Russian workers sent us a sum of 50 thousand rupees which was spent in continuing the work of the strike for a period of 6 months." Then he comes back again to mass organisation and says: "Start Peasants' unions, Workers' unions, and Labourers' unions. . . . There should be a Workers' and Peasants' Party in our country. There is a

party in India having its branches at Bombay and Calcutta. This party has been working. But this party belongs mostly to the outsiders today! There should be an All-India Workers' and Peasants' Party." Jhabwala accused has dealt with these two accounts of his speech at pages 778 to 781. As to the speech as actually delivered he says: "I beg to summarily dismiss it from your Honour's notice on the ground that I delivered it in a kind of Hindi, which I ought to doubt myself even now." A little later he emphasises the fact that "there has been no suggestion even in this broken fragment of either violence or bloodshed." In regard to P. 292 which he dealt with under P. 878 (the Hindi translation found in his own possession) he says that "the Magistrate in the Committal Order roughly stumbled upon some inconvenient passages which he thought could very well handcuff me for a Sessions Trial." For the rest he lays stress on the argument that he has throughout preached the cause of non-violence, and he has attempted a defence of the phrase "Soviet Raj in the world" suggesting that what he was really thinking of was something like the Panchayat system. This is more or less the same defence which he put forward in the Lower Court at page 45 of the volume of statements of the accused made in that Court.

o. P. 1042.

In Jhabwala's search only a few items of interest were recovered, see the search list, P. 876. P. 877 consists of three issues of the "Masses of India" for the months of July, August and September-October 1927. In regard to these Jhabwala accused offered no explanation to this Court, and the one given in the Lower Court is obviously absurd. He had said there at page 42: "Once in 1925 or 1926 I received a bundle of T. P.'s Weekly, in which a copy of these "Masses" were put. I now recall it. I was regardless which of the two were sent, and so both the things remained in a dust-eaten corner of my library till the day of my search. The gentleman who searched my house unearthed both of them, but left T. P. there and brought the "Masses" here. Up till now I do not know what is the date of the paper, what the first article even is, and I knew that it was prohibited only when I was sitting in a sequestered corner of the dock in Meerut." The statement does not inspire confidence particularly when it is remembered that these copies of the "Masses" are dated 1927. In any case no question was put to the searching officer in support of the suggestion that these copies of the "Masses" were lying in a "dust-eaten corner" of Jhabwala's room. He also had in his possession a visiting card of Hutchinson accused, P. 879. This, he says, he got from Hutchinson on some occasion when he met him in the train. His search list, item 4, further shows that he had a copy of Spratt's booklet "India and China". Another mention of Jhabwala, of which he is unable to suggest any explanation, is the mention of his name in Joshi's diary, P. 311, on the page headed "January 15". And still another is the group photograph P. 611 which shows him in company with Spratt, Bradley and others and was recovered in the search of the office of the Young Comrades League and the Bengal Transport Workers Union at No. 89/8 Lower Chitpur Road, Calcutta. This he says at page 801 relates to a function in honour of a President of the B. B. & C. I. Railway Union but there is no explanation as to how it found its way to this office in Calcutta.

o. P. 1043.

The last evidence in connection with Jhabwala's case, which has been referred to in this Court, is to be found in the issues of "Kranti" published early in 1929. From "Kranti" of the 13th January 1929, a passage translated at this accused's own request, we find that on the 19th January there was a meeting of the Tramway workers at which Bradley, Jhabwala and Dange accused were all present. In this meeting Jhabwala is reported to have said: "I cannot agree with Dange and Bradley, and I am accused of going astray." A little further on it is stated that Dange replied to Jhabwala's speech in a short speech in which he attacked Jhabwala with some severity. The upshot was that Jhabwala dissolved the meeting. Then in "Kranti" of the 20th January (also translated at Jhabwala's request) we find an article headed "Mr. Alve's reply to Jhabwala" with an Editorial note at the head, which runs as follows: "Nowadays since Comrade Jhabwala has left the W. P. P. he has begun to write letters abusing Alve, Dange, Nimkar, Joglekar, Bradley and others in every newspaper. While writing them Jhabwala boasts that he conducted all those movements that took place up till now. Jhabwala says that he conducted the strikes of 1923 and 1925 and he has told a good many lies about them. This article contains quite a different information." This is an article by Alve on the early history of the Girmi Kamgar Mahamandal, which deals to some extent with the 1923 and 1925 strikes, the foundation of Jhabwala's

o. P. 1044.

Mill Workers' Union and the strikes of 1927 and 1928. The article closes with a passage attacking, almost abusing, Jhabwala, which is of more interest as an admission of Alve's position than anything else. In the course of it he asks Jhabwala why he is beseechingly publishing in newspapers, "I am not an extremist, I am not a Communist", and comments that a man who makes entreaties in this manner has no right to make himself a leader among the worker and peasant class.

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Coming to the issue of the 23rd February 1929 (another translation made at Jhabwala's request) we get in this issue a good deal about Jhabwala. In the Editorial note it is stated that "the cause of writing today about the confusion in the Railway Workers' Union and about Mr. Jhabwala is that Mr. Jhabwala has fallen foul of the W. P. P., the Lal Bauta Bombay Girni Kamgar Union and its leaders, and has begun to rave wildly against them. Mr. Jhabwala has begun to create confusions in the movement through pride of false personal greatness." Then in the article which follows we get a suggested explanation of why Jhabwala joined the Workers' and Peasants' Party. It is certainly, as will be noted, not entirely correct, as it suggests that Jhabwala joined the W. P. P. after its foundation. The passage runs as follows: "When the time came for selecting persons as Labour representatives for the Legislative Council of 1926, opposition arose between Jhabwala and Joshi, because Joshi and others did not recommend Jhabwala. And Jhabwala Sahib blamed the Council and called Joshi as moderate. In the meanwhile being neglected and knocked about under the leadership of persons of humanitarian doctrine the workers also had become wise and had been making efforts to stand on their own legs. New men who had received experience in strikes of 1922, 1923, 1925, etc., became ready, and the movement was started for the rights of the workers. This assumed a substantial form by 1926-27 and the Workers' and Peasants' Party was inaugurated to carry on the movement according to this new method. . . . Since the spirit of the men of this Party became manifest in 1927 during the strikes of the Mill workers etc. Jhabwala Sahib wishing to separate from Joshi began to incline towards these. His object was that he should prepare under his leadership a powerful section of the workers' movement opposed to Joshi. This alliance became firm since the Cawnpore Trade Union Congress of 1927 and Jhabwala became a member of the Workers' and Peasants' Party." So at quite an early stage of the history as related in it, this article distorts the facts, but it may be that there is still some truth in the interpretation of Jhabwala's actions and motives contained in it. It goes on to say that "Jhabwala did not strictly observe the principles and discipline of the Party and was warned from time to time, and that gradually he became disappointed and began to oppose the Party." In the course of this section it is stated that "Jhabwala joined the Party with the intention of becoming a big leader by forming a clique opposed to Joshi. But instead of that he too bent his head before the discipline of the Party." Then the article goes on to suggest that when Government's intention to repress the movement became obvious, "Jhabwala Sahib, who had been tired of the discipline of the Party, being bewildered, began to think of withdrawing himself from the Party." The article goes on to speak of his terror in very sarcastic terms. There is much more in the way of attack on Jhabwala in the course of this issue of the "Kranti." For instance we get a passage under the heading "Mismanagement in the Railwaymen's Union—Jhabwala's confusion." "Jhabwala is known to all as a great Labour leader having started 15 to 17 Unions according to the tradition of the humanitarian Labour Movement and talking in a sweet manner he parades himself as a great benefactor of the men. . . . But now that the men have awakened and discontent is growing, this guise of leadership is about to be exposed. The Sahib (Jhabwala) boasts that he is a manager of 15 to 17 Unions, but the management of even one Union is not being properly carried on." A little further on we get an incomplete list of Unions with which Jhabwala is said to be connected. They are: the B.B.C.I Railway Union, Port Trust Union, Municipal Workers' Union, Motor-Drivers' Union, Tramwaymen's Union, G.I.P. Railwaymen's Union, Telegraph Peons' Union, Skilled Artisans' Union, Postmen's Union, Dock Workers' Union, Press Workers' Union, Mill Workers' Union etc. The article alleges that disputes and discontent over Jhabwala's management are to be found in almost every Union with which he is connected.

O. P. 1045.

O. P. 1046.

The general suggestion to be found in all these articles and Editorial comments is that Jhabwala's association with the Workers' and Peasants' Party and its activities was due to the fact that he had fallen out with Mr. N. M. Joshi

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(as indeed is suggested by the amendment moved by him at the A.I.T.U.O. Conference at Delhi in March 1927), and hoped through the W. P. P. to get a strong independent position, the underlying motive in all that he did, apart from a general kind of humanitarianism, being really a desire for self-aggrandisement.

O. P. 1047.

When we come to consider the essential question, namely whether Jhabwala accused did or did not take part in a conspiracy, it may be doubted whether all this really helps him very much. It may give a motive, but it is not really a defence, nor indeed does the fact that from November 1928 onwards he broke with the Party and was fighting hotly with its members in all the leading unions, with which he was connected, greatly help him either. We have to consider first the fact that he is proved to have been in touch with Spratt accused throughout 1927, secondly that even before Spratt's arrival and from then right up to the time when he fell out with the members of the W.P.P., he was in touch with an admittedly revolutionary organisation, the League against Imperialism, and thirdly that from January 1927 till November 1928, a period of some 22 months, he was closely associated with the Workers' and Peasants' Party of Bombay and working along with its members, and on his own admission in his speeches was contemplating the formation of an All-India Party on the same lines and obviously with the same aims and objects. Along with these facts we have to put his proved utterances in his speeches and articles, in which he preaches destruction of the system of Government, revolution, Labour or Soviet Raj, and imitation of the example of Russia, eulogises Lenin, and welcomes the name of Communist and revolutionary. In my opinion the only conclusion possible is that throughout the period from January 1927 to November 1928, he was knowingly participating in a conspiracy to deprive the King of his sovereignty, by taking part in a conspiracy whose object, as he very well knew, was to bring about a revolution by violent methods.

Agreeing with one and disagreeing with four assessors, I hold that Jhabwala accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India, and I convict him accordingly of an offence under Section 121-A. I.P.C.

PART XXIV.

- G. P. 1048. I come now to the case of A. A. Alve accused. This case is not quite on the same lines as those with which I have dealt so far, mainly for the reason that Alve accused does not belong to the bourgeois or petty bourgeois classes to which the six Indian accused from Bombay, with whose cases I have dealt previously, belong. He is definitely a member of the working classes having been actually a factory worker himself. The suggestion put forward on his behalf has of course naturally been that he was not capable of understanding Communism and could not therefore have been a knowing participant in this conspiracy. It is however to be remembered that, as Crown Counsel pointed out, Communists quite naturally do not expect ordinary factory workers of the class of Alve and Kasle accused to be able to understand the whole of Communist theory. All that they need to understand is a few main points, and similarly when we consider the nature of the present case it is not necessary that an accused in order to understand and participate in this conspiracy should understand the whole of Communist theory. All that is necessary for him to understand is the class struggle, and that only superficially, and that the only solution of the economic difficulties of the workers is a political solution by means of a revolution which will result in the substitution of Workers' Government for the present form of Government, that substitution to be brought about by mass organisation culminating in a violent insurrection and seizure of power. In this connection Crown Counsel in his arguments referred to a passage in Read's "Ten days that shook the world", P. 89, at page 153 which brings out how comparatively little it is necessary to drive into the thick heads of people like factory workers. The same point is brought out in the joint statement at page 2918 where Nimbkar accused says: "It is quite true that it is usually useless to put our programme in its full form before an inexperienced worker. It is a somewhat complicated and abstract programme the whole meaning of which he cannot understand at once, though we can assure the prosecution that workers in general come to understand it much more easily than do members of the bourgeoisie. We follow the very sound principle of letting the workers learn by experience. A worker who has been through strikes and victimisation and has come in contact with the police and the law courts, usually needs very little teaching to convince him of the reality of the class struggle and the soundness of the Marxian conception of the State." So we have it from the people who know best that people like Alve and Kasle accused do not find it difficult to grasp the essential points in the programme. This is perhaps not exactly evidence but I think it will be found that this suggestion is well borne out in the speeches made by Alve accused. Moreover it is to be noted that Alve accused is not an entirely illiterate man nor is it to be inferred from his career that he is merely an average member of his class. He is a man who came to the front as long ago as 1923 when the Union known as the Girmi Kamgar Mahamandal was founded and he became its first President. And this Union was apparently at that time the only Union worth the name in the mill area, since according to Alve's statement at page 954 the Bombay Textile Labour Union was not founded until January 1926.
- O. P. 1049. The first time we come across Alve's name in the documents in evidence in this case in Roy's letter to the Patna friend, P. 2320P. (F.C. 111) dated the 23rd January 1926, in which he says: "The Union formed in Bombay under the leadership of Atmaram will serve as the basis of our Trade Union work in Bombay." Alve's name is Arjun Atmaram Alve and bearing in mind that this was, at the time when the letter was written, almost certainly the only Textile Labour Union in Bombay, it cannot be doubted that the reference is to this Union.
- O. P. 1050. Alve is not mentioned in the various letters to which I have referred from time to time in connection with the Girmi Kamgar Mahamandal in the strikes in 1927 but we get one or two references showing that Joglekar was acting on the advice given in Roy's letter and working in the Girmi Kamgar Mahamandal at that time. For instance in P. 1348 (12) Joglekar himself says: "Mr. Joglekar and Mr. Mayekar are in the Textile Union (G.K.M. is written in Marathi after the word Union) and the Union activity is satisfactorily going on. This Union sent its delegates to the last A.I.T.U.C. and contributed to the success of the Party in the T.U.C. floor. Messrs. Ghate, Mirajkar and Joglekar were the important party men put forth by this Union on the A.I.T.U.C. floor. This Union is also conducting the vernacular paper Kamkari for which two of our party men Mr. Joglekar and Mr. Mayekar are working." This was on the 21st April 1927. But an even clearer piece of evidence is Mirajkar's letter P. 1010 (I.C. 60) in

which he says, talking about the strike in the Apollo and Manchester Mills :
 " This was the proper time to amalgamate the two Unions viz. Girmi K. Maha-
 mandal and B.T. Labour Union. Mr. Bakhale was willing as also Messrs.
 Munawar and Zab, but Mayekar is very obstinate and I think Jog is encouraging
 him indirectly." From these documents it is clear that by August 1927 Mirajkar,
 Ghate, Joglekar and Mayekar, all members of the W.P.P., were in more or less
 close association with the G.K.M. and therefore with its President, Alve accused.

Early in January 1928 strikes began in some of the Bombay mills in con-
 nection with the introduction of the new system. In this connection there is in
 evidence a letter written by Spratt accused, P. 526 (29), in which Alve accused
 is mentioned. In the penultimate paragraph of this letter, talking about this
 strike, Spratt deals with the position taken up by N. M. Joshi. Then in the last
 paragraph he says : " The Girmi Kamgar Mahamandal is almost equally com-
 promising, and is moreover divided internally. D. R. Mayekar, the Secretary,
 shares Joshi's views almost, and he is supported by most of the Committee. A.A.
 Alve, the President, is in favour of explaining to the men the actual state of
 affairs, but stops short of calling for a general strike. He will instantly plump
 for it if there is any further provocation, such as another mill attempting the new
 system."

It is at about this time that we get the first evidence of Alve's being
 associated with the Workers' and Peasants' Party itself. P. 1348 (50) contains
 two lists of comrades invited to attend the Enlarged Executive of the W.P.P.
 and the Sunday meeting, both held on the 29th January 1928. P. 1348 (41) is a
 kind of agenda for this meeting and also contains a collection of signatures of
 comrades and sympathisers who attended this Enlarged E.C. meeting. Among
 them we find the signature of A. A. Alve. Alve contents himself with a denial
 of his presence at this meeting.

O. P. 1052. The next event of importance in which Alve participated was the demonstra-
 tion on the occasion of the landing of the Simon Commission. P. W. 244,
 Inspector R. S. Patwardhan has deposed to seeing a procession of workers with
 black flags and placards bearing inscriptions such as " Workers of the World
 Unite ", " Down with Capitalism and Imperialism " and so on, which started
 opposite the B. B. C. I. Railway Workshop and was later joined at Poibaodi,
 Parel, by some 3000 workmen of the G. I. P. Workshop and then went in pro-
 cession to Foras Road. In this procession were Jhabwala, Mirajkar, Dange,
 Ghate, Spratt, Nimbkar, Joglekar and Alve accused. This witness was cross-
 examined by Alve accused himself but not in regard to the events of the 3rd
 February. A question was however put, evidently on his behalf, by counsel
 for Joshi and others to which the witness replied : " I do not remember whether
 I made any enquiries as to the presence of Alve accused in Bombay on 3-2-28."
 In re-examination the witness cleared up the ambiguity which the question had
 been designed to introduce by saying : " I am sure that Alve was present in the
 Simon Commission procession. I had no occasion therefore to make any inquiry
 as to his presence in Bombay ". So apparently Alve was at that time thinking
 of denying his presence and participation in the demonstration, as indeed might
 have been expected from his statement in the Lower Court where, when asked
 about this occasion, he said, " There was once hartal and as all the mills were
 closed I stayed away from my place. I do not remember the exact date." In
 this Court however Alve apparently decided on a different line of defence. At
 page 980 of the statements of the accused he says about this demonstration :
 " P. W. 104 of the Lower Court (P. W. 244 of this Court) has said that along
 with the W. P. P. Alve had joined the movement for the boycott of the Simon
 Commission. But this is not true. Because as I was a member of the Bombay
 Provincial Congress Committee, I had participated in the Congress programme
 of the hartal declared by the Congress against the Simon Commission. This
 will be seen from these handbills (D. 719, 720)."

The way in which Alve's association with the Workers' and Peasants'
 Party developed can be seen in the history of the relations between the Workers'
 and Peasants' Party or members of that Party and the Girmi Kamgar Maha-
 mandal of which he was President. As I mentioned above in the year 1927
 Joglekar accused and Mayekar of the Girmi Kamgar Mahamandal had been
 working together in the strikes in the Apollo and Manchester Mills. Mayekar
 was even as late as January 1928 one of those who were invited to attend the
 meeting of the Enlarged E. C. of the W. P. P. But by this time considerable
 suspicion must have rested on his reformist and self-seeking tendencies. By
 the middle of February 1928 it seems that Joglekar, had consolidated his

position in the G. K. M. As he himself says at page 1990 : "The influence of the W. P. P. grew among the Textile workers, and I do not deny that I was systematically working towards this end. To put in the technical term I was doing consistently "the boring work" on behalf of the Party." A little higher up he had said that by this date, that is 25th of February when the workers of the Sassoon Group who had gone on strike in January returned to work, "there was complete rift in the Girni Kamgar Mahamandal." He added : "Mr. Mayekar having adopted obstructive tactics I now attended to the day-to-day work of the Union and I pushed on the organisation of the workers with the help of Mr. Alve." I have I think mentioned at an earlier stage the resolutions passed by the Mahamandal on the 28th February which appear in D. 420, in one of which the Kamkari was condemned for making charges against Alve while in another it was decided that the General Secretary Mayekar should bring in and hand over the whole of the records of the Mahamandal. In March we have the handbills D. 439(31) and D. 439(29) both issued over the signature of Alve accused. Both these recommend a general strike. The remark in P. 826, the Secretary's report presented to the General Meeting of the W. P. P., which states that at present Party members are more or less connected with the Textile Workers' Union (Girni Kamgar Mahamandal) relates to very much the same date, as that meeting took place on the 18th of March. Next on the 20th March there was issued the long handbill P. 1462 headed "A Warning to Mill workers. Mr. Mayekar has betrayed the confidence of the people. Dark plots in the G. K. M. Mess in the accounts of the public funds and mismanagement of affairs," in which Alve as President of the G. K. M. and the Managing Committee which includes Kasle accused attack Mayekar with great severity and thank Joglekar accused for the trouble he has taken in clearing up the state of affairs. P. 1464 is another handbill issued by Alve calling on all workers to join the Mahamandal. Then on the 30th March there was issued a notice P. 1463 in which Alve as President of the Mahamandal notified that Mayekar had been removed from the post of Secretary. D. 420 shows that on the 30th April a resolution was passed in the G. K. M. that a general strike should be called. The minutes purport to be signed by Alve accused and this may be taken as genuine in view of the fact that it was Alve who put in this exhibit and at whose request the passages from it were translated. D. 439 (28) is a leaflet dated 17th April 1928 saying that the mill workers have been obliged to declare the strike as a last resort and calling on all mill workers to join the strike peacefully. From this day forward the general strike was established, the remaining mills soon coming in. Meetings were held in the mill area daily. We find from the evidence of Inspector Hasan Ali, P. W. 245, that Alve, Joglekar, Mirajkar, Nimbkar, Jhabwala, Bradley and Dange were the prominent leaders in the early days and advocated general strike. The meetings, he says, were attended by Alve, Joglekar, Mirajkar and Nimbkar, Alve always and the others sometimes. So it is clear that by the end of April not only Alve but a number of members of the Workers' and Peasants' Party were taking a prominent part in the strike.

They had also become closely associated by this time with the Mahamandal. As I have mentioned before Joglekar was the first member of the Party to be an adviser of the Mahamandal. On the 30th April owing to his having been out of Bombay he was removed from the Advisory Committee and Dange was elected along with Jhabwala and Nimbkar (D. 420 Minutes of the G. K. M. dated 30th April). On the 2nd May we get another resolution resolving that "the persons of the W. P. P. who are at present working in the strike on behalf of the G. K. M. are not the officials of the Mahamandal but had been invited by the Mahamandal as advisers. But since the general strike they are working on behalf of the workers and the misconception that prevails among the people at present that by bringing persons of the W. P. P. into the Mahamandal advice regarding wrong things is being given, that mis-conception is not correct. These men are at present working on behalf of the strikers. The Mahamandal is not responsible for any strong speeches delivered by them." I suggested before that this resolution probably arose out of the speeches delivered on May Day. One of the speakers on that occasion according to the summary or table put in by P. W. 245 was Alve accused but there is nothing in evidence about what he said. At page 981 of his statement he himself says : "The President of the meeting made a speech about May Day and others also attending the May Day meeting made speeches. At that time the President of the meeting mentioned my name and asked me to make a speech. What I told the workers at that time was that if anyone wanted the full history of the May Day the educated people

and the people having information about foreign countries could tell them that, but that the only thing that I had to tell was that our strike should be continued peacefully till our demands were secured." Next on the 15th May we come to the resolution of the G. K. M. ordering the preparation of the signboard for the Advisory Body consisting of Messrs. Jhabwala, Nimbkar, Dange, Mirajkar, Joglekar, Ghate, Bradley and Thengdi. The resolution states that "these have been elected as advisers of the G. K. M." Finally on the 21st May there is in D. 420 a resolution which runs as follows: "After discussion regarding consideration of the present situation regarding the strike that is going on and having come to know that Mr. Mayekar had registered the Union as Girmi Kamgar Mahamandal it was decided that a legal notice should be served and a case launched through Court and that the Girmi Kamgar Union should be established and registered."

- O. P. 1057. Turning now to P. 958, the Minutes of the Girmi Kamgar Union we find that this Union was established in a public meeting on the 22nd May and the following Managing Committee was elected: President, Alve; General Secretary, Dange; Secretaries, Joglekar and 2 others; Vice Presidents, Jhabwala, Bradley, Nimbkar and one other; Treasurers, Ghate and one other; Members of the Committee, Mirajkar, Pendse, Kasle and 13 others. This Committee met the same day and it was decided to send an application for registration signed by Alve, Dange, Kasle and 3 others. Alve accused's statement about all this is of a very rambling nature and I do not think he gives any clear explanation of how the Girmi Kamgar Union came to have such a board of management. As far as I can see he puts it down to the fact that the workers elected these people. Thus it would seem that the account given by Ghate in writing to Dutt on the 20th July 1928 (P. 2408P., F. C. 496) is fairly correct. In this he says that "the G. K. M. was responsible for giving a fighting policy and was able to bring about the general strike in spite of Joshi's strike-breaking tactics". Then he goes on to explain about the villainy of Mayekar in mismanaging the Mahamandal and also getting it registered and he concludes as follows: "The only course left open to us, the real G. K. M. whose name was stolen by Mayekar, was to take a different name, and the real G. K. M. got (itself) renamed the Girmi Kamgar Union and got (itself) registered with Alve President and myself and a worker as treasurers. The Managing Committee is composed of the workers and some of our members." It is clear therefore that in July Ghate accused was identifying the G. K. M. (in its later days) and the G. K. U. very closely indeed with the Workers' and Peasants' Party, and bearing in mind the position of Alve both in the old G. K. M. and the new Union this means identifying Alve very closely with the Party. Moreover although P. 1353 shows that Alve actually applied for membership of the W. P. P. on the 21st March he was evidently a de facto member considerably earlier, for the leaflet P. 1016 which P. W. 244, Inspector R. S. Patwardhan saw being distributed in Bombay in January 1928 by Joglekar and Spratt accused mentions that "the President of the Mahamandal is also our member". The minutes of the E. C. of the Party for the meeting held on the 25th March 1928 show that Alve's application was accepted. There followed a discussion on the question of putting up candidates for the ensuing Municipal Elections and this resulted in the appointment of a Sub-Committee and on the report of that Sub-Committee favouring participation in the elections, the E. C. decided on the 8th April that Joglekar, Nimbkar, Jhabwala and Alve only should stand for election. Alve accused dealt with this matter from page 972 onwards. He suggested that the members of the W. P. P. began by using his name and then stood for election themselves as workers' leaders in every ward, the result being that "Alve was elected as Municipal Councillor only within the Minute Book of the W. P. P." Later on however he expresses surprise at finding his name entered in the Minute Book as a candidate for election. In this connection he says: "Then I was much surprised. I am not against standing for Municipal election and if I had got the desire to stand for Municipal election, I did not require the certificate of this wretched Party". Actually it appears that Alve's name was dropped because he was not eligible to be a candidate. Alve's name does not appear in the minutes of the E. C. of the W. P. P. again until the 23rd September when there is an entry that "the complaint of Alve against Nimbkar was taken up and after the explanations from both the parties concerned the question was dropped," which indicates that Alve himself was present at the meeting. This entry is not disputed by Alve accused, see page 976 of his statement. The next mention of him is in the minutes of the meeting of the 14th October, or rather in the rough notes of those minutes in a list of persons possibly to be suggested for the E. C. of the B. P. C. C. Lastly the minutes of the

E. C. meeting of the 13th of January 1929 show clearly that Alve was present at that meeting. These entries do not square very well with Alve's explanation in which he suggested that as he did not understand English he did not understand what was going on at the few meetings which he attended. Certainly on the 13th January and the 23rd September he must have understood what was going on quite well and in view of his close association with the members of the Party throughout the summer I greatly doubt the truth of his contention that he did not understand the proceedings. 5

o. P. 1060. But the most damaging evidence in Alve's case is the evidence of his speeches. It appears that in the early period of strike he took part in and spoke at 71 meetings and there can be little doubt that he took an equally active part in meetings throughout July, August and September. None of his early speeches is in evidence. The first two in point of date are two which have been put in by the defence as D. 640 and D. 650 (dated 5th July), in the latter of which he says : "It is not a seditious movement. It is only a strike between mill-owners and workers." Alve accused also put in in defence a number of other speeches, which are on the record as D. 651 & D. 652, both of the 21st July, D. 654 of the 9th August and D. 631 of the 14th September. These are all of them innocuous speeches advising the workers to remain peaceful and to persevere with the strike. They prove nothing except that Alve did not use every possible opportunity to preach the doctrines which we find him preaching in the speeches relied upon by the prosecution. 10 15 20

The prosecution have put in evidence the reports of 6 strike speeches of this accused, P. 1699 of the 19th July, P. 1706 (1) of the 31st July, P. 1707 of the 3rd August, P. 1717 (2) of the 18th August, P. 1726 (3) of the 11th September, and P. 1729 (3) of the 16th September. I will take these in order. In P. 1699 at page 17 of the new volume of speeches he strikes a dangerous note at the start, where he says : "It is not necessary for us now to keep the fight peaceful." Then he goes on to classify Government and the mill-owners and capitalists together. He says : "This Government is so shameless that (it) must keep safe the mill machinery where three or four lakhs of people are starving." He goes on to emphasise the fact that while the workmen are starving the Government is keeping guard over the machines in order that the machines of capitalism may remain clean. He dilates on the wickedness of such a Government and says : "It is the duty of every workman to drive away such men in authority and to take their reins in our hands." A little further on he says : "The Governor and the Commissioner are the underlings of Capitalism." He keeps on hammering in the identification of Government with Capitalism. Then he tells the Government to recall the policemen kept for the protection of the mills and says : "We shall make such arrangement that not even one policeman will remain there. The people who are making this *bandobast* are ours, if these persons get enraged bludgeon-rule will disappear. And the Raj of the workmen themselves will be established in the city of Bombay." A little further on he says : "I definitely tell (these) our Government reporters the workmen should now throw over the ruling power. Every workman should resolve to throw over such power. Others who are carrying on trade and business are also workmen. They also should render help." And again later on addressing Government he says : "If (you) do not take care of the sufferings of the workmen within four or eight days from now we will begin to spread a rebellion against these demons." Then he says : "The Government is anxious that their (owners') machines should remain safe. The mills belong to us. We have earned this money of the mills. These mills are ours." So it seems that Alve accused has a good many of the right ideas (that is ideas, which are right from the point of view of the conspiracy) well established in his mind, the public ownership of the means of production, the wickedness of the Government and its identification with capitalism and the necessity of destroying the Government. 25 30 35 40 45 50 55

o. P. 1062. His next speech, P. 1706 (1), begins at page 58 of the new volume. In this he says, talking of the way the strike is holding out : "But the eyes of all have begun to dazzle on seeing your condition. And the advocates of Swaraj have begun to say that we will get Swaraj if help is given to such people. If tomorrow a time for giving a fight to the Government arises the workmen will really fight. Everyone has begun to think that if the foreign Government and the foreign Capitalism are to be driven from India, it is these workmen (that will do so), and it is natural to think so." The same theme of destroying the present form of Government is reiterated on the second page, where he says : "Keep this resolution firm if the foreign Government is to be driven away today. The foreign 60 65

- Government by ruling over us up to now has made our life dirt cheap. We must become independent. It (independence) will not be got so long as the workmen will not stand on their own legs. If you want the amenities (of life) you must stand on your own legs. The strike that has taken place is not (meant) for earning four pice. This strike is in order that four pice more may be got, that amenities (of life) may be provided, (and) that some other rights may be secured. Today we are being crushed under the foreign power, which is ruling over us." He goes on to say that it was due to timidity that foreign Capitalism and the foreign Government began to rule over Indians. At the end he says : "All people have begun to understand that our strike is just. Now our strike will be successful. If (you) become victorious, keep this movement going so long as our power does not come to our hands, so long as Swaraj is not established. Take care of yourselves. Consider in your mind that we should not remain quiet till the Raj of the labourers is established." 5
- O. P. 1063. We come next to P. 1707 at page 65 of the new volume. Early on in this he says : "This foreign Government is not ours. XX These owners are foreign and the Government that helps (them) is foreign. Who will help us now ? I therefore tell you that the foreign Government wants to help the foreign Capitalism, so we workmen are all one." On the next page he says : "Call the workmen in the whole city of Bombay to your help. If the Government helps Capitalism, we must take the help of the workmen. Since it helps them we want help, These people must be included in the strike. If we all unite let us see what Capitalism and the ruling power can do ? A day will come, where will this Capitalism remain, and where will the Government go ?" In fact he has suggested that the general mill strike should become a general strike of workers, A little further on he says : "This strike has been declared. This strike is in truth of the belly. Tomorrow it will be of the nation." Then on page 67 he comes to the point of the necessity of getting leaders from among the workmen and says : "I am a leader from among you. I am a human being like you. I have not got more money." Then he comes to the position presumably of the members of the W. P. P. He says : "You people are ignorant. They are trying to impart the knowledge to you because Capitalism deceives you." Then he proceeds to identify himself with these same people and says : "You will have to suffer hardships. You must think over it. Every endeavour will be done on our part, on the part of leaders." 10 15 20 25 30 35
- O. P. 1064. The next of these speeches is P. 1717 (2) at page 124 of the new volume. On the first page we get him congratulating the workers on the fact that "if there is meeting at any place workmen amongst us are able to carry it through without having to wait for any leader." On the next page we get the same old theme of the Workers' Raj. He says : "All the mills in India, the power of the whole of Capitalism, this whole (power) of the bureaucracy must come into the hands of the workers. This strike of the workers is meant to bring that (power) into (their) hands, to capture power. The (strike) is going on for these five months. This strike is not with the desire to get an increase of two rupees in the wages. The workers must become the owners of the factories. . . . (The strike is) for abolishing poverty in India. The whole working class that had slept had awakened in this strike. This strike has been declared to capture that power. . . . The strikes that took place in 1925 & 1923 were different. . . . In this movement it is being taught night and day how we all must behave at this time. This movement is for removing the misfortune of India." Towards the bottom of the page he says : "My only request is that by establishing the workers' Raj in India make all workers happy through joy", and again : "Give up your life by making a revolution. But do not break your strike.", Then he says that Government is not a "Ma Bap" Government, and "it is for this that their power must be expelled from India. It cannot be said what the desperate workers will do in a fit of anger. See what is the result of peacefulness." He closes with these final remarks : "Nothing can be done so long as we have not shown (our) strength. But if the strike is not settled in this fifth month, we will expel the power of the English from India and will establish the workers' own Raj, and I tell you this much that you workmen will do it." 40 45 50 55 60
- O. P. 1065. In P. 1726 (3) at page 163 of the new volume Alve declares that Bradley is a Communist, therefore Government has enacted a Bill to arrest him, but "the workers ought to give him a reward for doing their work." Alve at any rate did not find anything objectionable in the fact that Bradley was a Communist. 65
- Next in P. 1729 (3) at page 179 of the new volume he says : "The strike will be settled now. Bradley Sahib has said that you should organise your

Union, should organise a Union of mill-workers after the strike is settled." The speech closes as follows: "Therefore this strike, this unity has dealt a blow to all, the owners, capitalism (and) the Government. I hope that keeping up this success to the end, removing capitalism and bureaucracy and establishing within a few days, within four to ten years, in Bombay, in the nation, in India the Raj of labour, of the workers, you will be rulers." 5

Throughout these speeches it is clear that Alve was preaching some of the main points in the W. P. P. creed and programme. Time and again we have Government identified with Capitalism and the necessity for the overthrow and destruction of the Government and the establishment of the workers' Raj emphasised. But it was not only through his speeches that he was spreading these ideas, for he also wrote, or someone wrote for him and he signed, a number of articles in the "Kranti". 10

At the time of his search he was in possession of 12 copies of the "Kranti" relating to eleven dates from November 1927 to September 1928. Alve gives a long explanation at pages 982 to 983 of his being in possession of these copies of the "Kranti". He attributes it partly to free distribution of the paper among the workers. He also explains that he had to study all sorts of Labour organs, but that this was only with a view to looking after the interests of the workers. O. P. 1068. P. 930, the "Kranti" of the 12th July 1928, contains an article which purports to be by Alve himself, and he by implication accepts its authenticity. In his explanation at page 932 of his statement he simply says that "in my article the only advice I have given to the workers is that they should increase their strength, that is, they should organise big Unions and should then face the situation on the strength of those Unions.", but there is a good deal more in it than that. In this article he says: "Two parties are facing us as enemies and are attacking the workers. One is the Capitalists and the other is the interfering Police. Our weapon for fighting against the Capitalists at present is strike. Our present weapon consists in prolonging the strike for three to four months." Further on he complains that the workers are unarmed, but "our enemy possesses rifles, guns and money." And he goes on: "We shall secure victory only when we become fighters. We want the fight of brave men. 20

If the enemy possess great strength, we should not face him like fools in his own stronghold. First we should try to possess as much strength as he has got and then begin the warfare. The warfare of the workers is of a very terrible nature. It does not last for a day but continues for several years." A photograph of Alve appeared in the "Kranti" of the 29th July 1928 with a note that Government's attention had not been drawn towards him, but that it was likely to be so, if he went on being bold. On the 9th August 1928 we find in the Kranti, P. 986, an open letter from Alve to mill-owners and Government. In this he says to the mill-owners: "But bear in mind that every worker in India will sacrifice his life but will not tolerate the foreign or Indian capitalism." This letter asks the Governor and the Commissioner of Police to "withdraw the help given by the Police to the haughty capitalists and attend to the demands of the poor workers." At page 982 of his statement Alve describes this as an appeal to the mill-owners. It appears at any rate to be rather a threatening appeal. 25

I mentioned in Jhabwala's case the article in "Kranti" dated 20th January 1929 headed "Alve's reply to Jhabwala". This ends with a section headed "Special suggestions to Comrade Jhabwala". In it he says: "You call yourself the leader of the Workers' and Peasants' Party, while you give such vacillating reports in newspapers. *When a worker like me has become a Communist* on account of the oppression of capitalism, what does it mean that you, a leader of workers, who has inaugurated 200 Unions, should through weakness publish in newspapers "I am not a Bolshevik" ? A leader of workers must be of the blow for blow type. He alone can become the leader of the workers. What is the use of feeble leaders like you in the Raj of oppressive capitalism ?" 30

In the face of all these speeches and articles it is rather remarkable that in his statement to the Magistrate Alve said about Communism: "I never used that word. I do not know what it means." He has repeated that contention in this Court saying at page 950 of his statement: "I do not know what is Communism and what is called by that name. Similarly I have no information what this Communist International is, similarly I have no idea who Lenin was. Similarly till this case was started I had no idea of what is meant by saying that a revolution took place in Russia, and I do not know yet." It is unfortunately very difficult to believe in the truth of a statement like this, when it comes from an intelligent man like Alve. 35

Another class of evidence in Alve's case consists of numerous leaflets issued by the Girni Kamgar Union over his signature after the conclusion of the General Strike. An example of this kind of evidence is P. 966, a leaflet issued over the signatures of Dange, Nimbkar, Mirajkar, Kasle and Alve accused, which is undated, but came out towards the end of 1928 or the beginning of 1929 with the heading: "Is the struggle to break down the 3 looms and 2 sides to be continued? If so, come along. Make preparations for boycott. Let us organise two red troops consisting of 500 Satyagrahi volunteers and 100 lecturers. And let us start an agitation for collecting Rs. 25,000 for grain." This leaflet speaks of the General Strike as a compromise which was effected for taking rest, and calls on the mill-workers to organise a Red Army of 500 volunteers and corps of 100 lecturers. A somewhat similar leaflet to which Alve is also a signatory is P. 967, which calls for 5,000 men of the Red Army and 100 lecturers. P. 951 contains a whole series of leaflets issued between the 17th of January and the 8th February by the G. K. U. Most of these are signed by Dange, but there is nothing very much of importance in them except occasional emphasis on the maintenance of a volunteer force and the work which that force is doing.

O. P. 106a. It remains only to consider Alve's statement to this Court. He begins by emphasising the fact that he is himself a mill worker and a peasant, and suggests that the fomenting of a strike was all to his disadvantage, because thereby he lost his wages. In this connection, however, it is to be remembered that as President of the Union he was getting an allowance of Rs. 60 per month so that he was not apparently himself a direct loser. He gives a certain amount of his early history, for which there is no support in the evidence. Then he comes to the history of the G. K. Mahamandal, to which I have alluded already. It is in the course of this portion of his statement that he denies knowing what Communism is and having any information as to what the Communist International is or who Lenin was. How he could possibly have associated with Joglekar accused from the middle of 1927 until the middle of 1931, as he had at the time of his statement, without having acquired a very good working knowledge of these subjects passes my comprehension, and indeed for a man who has quoted the example of Russia and made speeches with allusions to Communism and Communists to deny all knowledge of Communism and Communists carries its own condemnation. He deals at length with the internal history of the Mahamandal and the events which resulted in the foundation of the G. K. U., though it seems to me that he avoids all the dangerous points. At page 965 of his statement he gives an account of how and when he got into touch with the various Bombay accused. He was, he says, acquainted with Jhabwala accused from 1920-21, and with Joglekar accused from 1926. Nimbkar accused, he says, he met in 1927 as Secretary of the Bombay Provincial Congress Committee, while with Mirajkar he claims to have become acquainted in April 1928. Unfortunately it is impossible to believe that statement, particularly in the light of the account given in the "Krantī" of the 20th August 1927, part of P. 1375, of the grand procession of the strikers of the Apollo and Manchester Mills, which took place on the 14th August 1927, an account which shows Mirajkar, Mayekar, Alve and Joglekar closely associated together and delivering speeches when the procession halted at the corners of roads. It was in April 1928 also, he says, that he became acquainted with Bradley accused. Some time in this month he also became acquainted with Dange accused, who was Secretary of the Tramwaymen's Union, and with Ghate accused as Vice-President of the Municipal Workers' Union. Then at page 969 he feels it necessary to explain the Red Flag of the Bombay Girni Kamgar Union, which was one cause of the Union being said to be a Union of Communists and to be based on the principles of Moscow. Alve says that the flag was not adopted until May 1928, and then it was selected in order to distinguish the offices of the Union from those of other unions. The particular colour was chosen on the ground, he says, that it is a colour which does not fade. I confess I feel considerable doubt as to the truth even of the suggestion that the colour does not fade, and I doubt if that could have been the reason for its selection. He then goes on to deal with the Municipal elections, which I have discussed already, and with the money voted by the G. K. U. for the Bauria strikers, a matter which has no importance in Alve's individual case. The only point about this latter is that the account given by Alve is obviously incorrect, where he says that it was decided that the money should be sent by the Secretary of the G. K. U. to the Secretary of the Bauria Union. If such a decision had been reached, it should have appeared in the resolutions passed by the Managing Committee of the G. K. U. but we have on record in

- O. P. 1071. P. 953 the minutes of the meeting of the Managing Committee held on the 16th January 1929, and all that appears from these minutes is that it was resolved that Rs. 1,000 be given as help in the matter of the strike of the Bauria Mill, and that the first instalment of Rs. 500 should now be sent and the remaining Rs. 500 be sent after if needed. This resolution was proposed by Bradley, but afterwards it was moved by the President on his own behalf and passed unanimously. At page 978 he comes to the subject of workers and peasants and the Indian Congress, about which he says in the middle of page 979 : "From this it came to our notice that the National Congress was not for our welfare", on the contrary it merely made promises from time to time when it wanted help. Then he goes on to May Day and workers' Raj, and on page 981 gives his own idea of the workers' Raj which is to be established. His main point is national ownership of the means of livelihood of the workers and peasants. At page 982 he lays stress on the necessity of organisation, quite in the right vein. In this connection he says : "This I have realised from my experience so far. If the workers and peasants want to secure a Raj or to secure some political rights, they will be able to secure them on the strength of organisation by independently organising themselves. It is not at all possible for the workers and peasants to secure their rights by passing into the net of other parties." The whole underlying idea is that of an independent political party of the workers and peasants, which will aim at the securing of political power for those classes. At page 984 he leaves the other educated people who are taking advantage of the ignorance of the workers, and attacks the Communists. He says : "Similarly these Communists who had newly come into the workers' movement were also taking advantage of our ignorance. If that their goal is considered now, it was not their only object merely to benefit us by removing the difficulties of us labourers. These people were opposed to compromise. It seemed to be their only desire that we workers should always go on strike. They wanted revolution, and it seemed to be their only desire to bring it about as early as possible in some way or the other." That is what Alve accused says about the Communist accused now, but it purports to be a statement of how he saw them in 1928, and if it is a true statement of how he saw them, it calls for a further explanation as to why he continued to work in alliance with them, not only right through the strike but even afterwards, and there is no such explanation forthcoming. On the next page (985) there is another passage which is equally damaging to Alve himself. He says : "Now in the meetings on behalf of the Strike Committee that used to be held during the strike of 1928, empty talk was indulged in, to the effect that the workers' Raj must be established. At that time it had become a common subject of talk that the workers' Raj must be established. At that time words fell out of my mouth also that the workers' Raj must come. But it was not because of political objects that our strike had taken place. Therefore the speeches that were being made to the effect that the workers' Raj must be established were regarded by me only as empty talk." He goes on to explain that his attacks on Government officers were due to the fact that the Government did not intervene and bring about a settlement. He also explains that Labour Raj is really at present a meaningless term, and he says on page 986 : "So long as they are not organised, have received no education, have no knowledge as to what is their interest and what is the interest of another, till then "Workers' Raj" amounts to empty talk." But unfortunately Alve himself in this very statement shows that he fully understood what was intended by the conspirators. At page 989 he sets out to explain some of the leaflets, to which I have referred a little way back. He says that the Volunteer Corps of 5,000 persons was to be got ready in order to collect subscriptions for the "Two sides three looms fund". He goes on to water down the meaning of the word 'battle'. In this connection he says that because the language of some of these leaflets was objectionable, it was necessary to bring before the Managing Committee a resolution to the effect that before issuing any handbill the sanction of the Managing Committee should be granted, but there is no evidence that any such resolution was ever passed, and the term "Red Army" had been used in the "Kranti" at a much earlier date. Alve concludes by saying : "Now as regards the charge under Section 121-A applied to me and as regards the conspiracy in which the prosecution has got me involved, I say with conviction that I am innocent. I have never taken part in any conspiracy. I am not a Communist and was never one. I am a worker and a peasant, and it is my profession to work for my livelihood and in order to remove those difficulties which I felt while following the profession for my livelihood, I have so far been working only by legal methods on behalf of the legal Trade Unions of the workers, and I consider it my duty to do this work.

O. P. 1074. The charge made against me of having conspired to subvert the Raj of the Emperor is entirely meaningless and ridiculous." And he finishes by saying that what he had done was nothing more than the work of a Trade Unionist.

In my opinion Alve's explanations only land him deeper in the mire. Though a factory hand himself he is an intelligent and practical man, who has been in a leading position in Trade Union work in the Cotton Mills since as far back as 1923. He came into close association with members of the W. P. P. as early as the summer of 1927, and his own statement shows that he did so in spite of the general suspicion with which outsiders not of the workers' class were regarded. He allowed this association to grow, joined the W. P. P. and allowed or helped its members to acquire a controlling position first in the G. K. M. and then in the G. K. U. By the middle of 1928 he had adopted the Party ideas and was using the strike meetings to preach the chief items in the Party programme, mass organisation with a view to a general uprising, which would drive out the existing Government by force. There is no sign that he ever ceased to be in close alliance with the members of the Party until he found himself having to give an explanation of his actions and speeches in Court. The mere fact of his introducing a political element into his speeches would be significant, but when that political element is the same which the members of the W. P. P. wanted and the accused himself remains a member of the Party throughout and has in an article published in the Party newspaper admitted that he has become a Communist, it becomes impossible to doubt that he was participating in the conspiracy and working to further its ends.

O. P. 1075. Agreeing with one assessor and disagreeing with the other four, I hold that Alve accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India, and I convict him accordingly of an offence under Section 121-A. I. P. C.

PART XXV.

Q. P. 2075. The case against Kasle accused is somewhat similar to that against Alve
 G. R. KASLE except that there is decidedly less evidence available in regard to the part which
 10. he has taken. Still there is a good deal of evidence pointing in certain directions.

I will first consider Kasle accused's connection with the Workers' and
 Peasants' Party. It appears from Kasle's application which is on record in 5
 P. 1353 that he applied to become a member of the W. P. P. on the 8th August
 1928 and the minutes of the E. C. show that he was actually accepted on the
 12th. Apart from this his name is first mentioned in the minutes of the E. C.
 meeting held on the 13th January 1929 in the course of the discussion on com-
 munal differences. He is again mentioned in the minutes of the meeting of 10
 the 30th January where Dange stated that he was creating a bloc against
 Kasle's intrigues. Lastly we find him mentioned along with Joglekar in con-
 nection with the De Lisle Road centre in the minutes of the E. C. meeting of
 the 17th February. Whether he was present at this last meeting is not clear. 15
 It seems also decidedly doubtful whether he went to Calcutta for the All India
 Workers' and Peasants' Conference. P. W. 254, Rai Bahadur N. V. Trivedi,
 Superintendent of Police claimed to have seen him at this Conference, but the
 name which this witness had in his list was B. G. Kasle, and the report P. 669
 rather suggests that the person indicated was Kasle accused's son and not the
 accused himself. He was however in possession of a number of papers relating 20
 to that Conference as for example P. 942, P. 943 and P. 945 which are copies
 of Sohan Singh Josh's Presidential speech, the W. P. P. Principles and Policy
 Resolution and the Political Resolution.

Q. P. 1076.

Kasle was also closely connected with the Girni Kamgar Mahamandal and
 the Girni Kamgar Union. As a member of the Mahamandal his name appears 25
 as a signatory to P. 1462, the lengthy handbill headed "A Warning to Mill-
 workers" in which the President and the Managing Committee of the Maha-
 mandal attacked Mayekar for his mismanagement, a document presumably
 published some time in February 1928, since it was on the 28th of February 30
 that Mayekar was called upon to hand over all the papers of the Union. He
 does not seem to have taken a particularly active part in the meetings of the
 E. C. of the Mahamandal, the only mentions of him in D. 420 being as follows :
 On the 15th May he moved a resolution that the Union should pay off whatever
 it owes at present to anybody, and another that if the Joint Strike Committee
 makes no arrangements regarding the prosecutions at present being launched 35
 against the volunteers the E. C. of the G. K. M. will make arrangements. Again
 on the 21st May he moved a resolution to grant Rs. 20 to a Cricket Club used
 by the children of the labourers, and again on the 24th he seconded a resolution
 that some sum should be distributed as help on behalf of the G. K. U. for persons
 who had suffered as a result of the present strike. P. 958 shows that at the 40
 meeting held on the 22nd May he was elected a member of the Managing Com-
 mittee of the G. K. U. and he was one of those in whose name it was decided
 that an application for registration should be made. His name does not appear
 again in the minutes until the 25th of October on which date he was appointed
 a Vice President in place of Jhabwala who had resigned by a letter dated 22nd 45
 October. A meeting of the Managing Committee seems also to have been held
 partly on the 5th and partly on the 8th December at which Kasle (1) was
 appointed with Nimbkar and another to audit the accounts of the Sewri centre
 (2) seconded a resolution that a telephone should be installed in the Head Office,
 (3) seconded a resolution for purchasing a car, (4) moved a resolution that a 50
 bicycle should be purchased for the office boy of the Union and (5) was appointed
 to the Committee of auditors who were to examine the accounts of the Union.
 He was also, at the meeting held on the 30th December, appointed to the deputa-
 tion which was to wait on the Governor, and we also find his name mentioned
 in the minutes of the meeting held on the 16th January. 55

Q. P. 1077.

P. 949 and P. 959 are two account books of the Union which show sums
 amounting roughly to Rs. 100 and Rs. 140 respectively paid to Kasle and debited
 to Suspense account. After the conclusion of the strike his name appears as a
 signatory to the two Red Army handbills P. 966 and P. 967, and he is also
 frequently mentioned in P. 954 which purports to be a register of work done 60
 by the office-bearers and the orders issued by them. Most of the entries in this
 book are signed by Dange accused but there are also a few purporting to be
 signed by Mirajkar and one by Ghate and one by Kasle himself.

O. P. 1078. As in the case of Alve so also in the case of Kasle the most important part of the evidence against him consists of the reports of the speeches made by him in the course of the General Strike. In the early part of the mill strike, that is to say up to the 30th of June, we have the evidence of P. W. 245, Inspector Hasan Ali, who deposed that from April the 16th he saw Kasle at meetings. But it would appear that Kasle at that stage was not a speaker. He is shown in the statement prepared by this witness as having spoken only once. It is not till the 12th of August, the same date on which it will be remembered that he was admitted a member of the Workers' and Peasants' Party, that he made the first speech which has been reported and has been put in in evidence by the prosecution. This is P. 1712 at page 88 of the new volume of speeches. He must have been very well coached or have been a very apt listener to the earlier speeches to enable him to make such a speech at all. In the course of it he begins by drawing attention to the fact that workers can and should carry on their own meetings without assistance. He goes on to say : " So long as you are not ready we cannot trample down the rich persons who have become insolent. This capitalism cannot be eradicated from the world so long as we are not determined to be united." Somewhat further on he says : " So long as you have not become ready our police, our capitalism will keep on harassing us. There is no reason to be afraid of our cursed capitalism. Every worker must be equipped to frustrate their tactics. So long as you are not equipped, this arrogant mean capitalism will keep on doing just like this." Then at the end he says : " We are no longer afraid of rifles, guns, prisons, jails, gallows. When every workman is prepared, their guns and rifles will remain aside. I tell you for certain that all workmen whether they be policemen or railwaymen will not fail to join our movement. These persons will remain aside so long as our movement is not successful." Then he talks about the coming of unity in the people of India and about the high salaries which Europeans enjoy and says about these : " They will enjoy so long as the people of India are not united. A day will come when we shall kick them and drive them away." It is remarkable to find this supposedly ignorant and unintelligent factory worker bringing in political questions in this way in a speech of this kind.

O. P. 1079. The next speech of his which is on record is P. 1726 (4) dated the 11th September at page 166 of the new volume. Here again we get the emphasis on the necessity for leaders to come forward from among the workers. He says : " Leaders have spoken. When will the leaders of the workers come forward ? When will men from among the workers, labourers learn to speak here." A little further on he comes to the workers' raj and says : " Oh men, remember that the workers' Raj must be established, power must belong to the workers, the Government must be of the workers, the police must be of the workers, why then do you remain effeminate like this ? Be men. While it is the duty of every labourer to secure their (the labourers') Raj, to establish their power, why do you remain behind like effeminate persons ? How then will it be possible for you to secure such a Raj ? Remember that power will come into your hands only when every worker will begin to speak, when he will get strength, when he will get virility." Later on he says : " You should go to your villages from tomorrow and should not fall a prey to the rascally conduct of these police, the wicked acts of this capitalism."

O. P. 1080. Kasle spoke again on the 13th September in P. 1727 at page 167. He begins with the same theme of speakers coming forward from among the workers and says : " Brothers, the uplift of the country will be achieved very early if some worker brethren from among us workers learn to speak." Then he comes to the class struggle and says : " Capitalism belongs to one caste ", and a little further on : " Just as the caste of capitalism is one, similarly the caste of the workers is one." Then he goes on : " The God of the workers is one. Let him be Allah, let him be Rama, let him be the God of the Christians, let him be the God of the Parsis, let that God be of anyone. That God, the God of the workers is Union. I do not say that God should be thrown over. The God of the worker is the power of Union. As your power is extraordinary, capitalism, bureaucracy, howsoever many may come, they cannot do anything." Further on we get a little exposure of the Congress. He says : " People like the Congress have not yet given a pice as help. The Congress has not helped. Our Nimbkar is a leader from that very Congress. In the end five thousand rupees have been offered because money must be given with the object of lowering

others in estimation." Next he comes to Moscow money and says : "Another thing is that the money that has come from Moscow, has come because of our leaders. These men had written to Moscow. Bradley Sahib wrote to them that people were suffering, therefore the money has come." Then he comes to an interesting passage about the expected deportation of Bradley. He says : "Within two or four days this merciful Government, this "mabap" Government is going to deport Bradley Sahib and Spratt Sahib to England. They teach us, impart knowledge, therefore Government is feeling greater pain in the stomach and therefore it has got a Bill passed." Then again he comes back to the necessity of workers learning, organising and establishing their Raj and says : "But where you have got yourselves trained ? You do not speak, do not act, do not make speeches in the meetings. I tell plainly to the Government, nay to the father of Government that even if your father gets down, even if we are hanged, even if we are transported for life, still the strike of the workers will never end till the workers' Raj is established." Again it can only be said that all this is very remarkable speech-making from an ignorant factory worker trying to persuade his fellow workers to persevere and not let the strike collapse.

His next speech P. 1731 made on the 21st September 1928 is at page 188 of the new volume. It opens with an explanation of the sources of his new understanding of the class struggle. He says : "My worker brothers, it is my duty to congratulate my respected guru Nimbkar Sahib. If anyone has today imparted as much wisdom to our worker brothers as was necessary, it has been imparted by my respected guru Nimbkar Sahib and others. How to conduct the workers' movement, what are the ideals of the workers, what is the strength of the workers, all this has been told by Nimbkar Sahib." A little further on we begin to get a little of the wisdom which he has acquired from Nimbkar Sahib. He says : "Worker brothers, every one of us must therefore think that this agitation is not merely for wages but this agitation of us workers must go on without break. The reason of this is that, this capitalism, this Imperial Government—Imperial Government means that which crushes the people, gives them trouble and knows how to fill its own stomach, how to oppress others, how to destroy others in its own interests—the power of such an Imperial Government must come into our hands." He goes on talking about Imperial Government and its servants and the high salaries which they swallow up and says : "They ought not to be allowed to swallow it. They must be driven out of India, and our Government must be established. So long as the workers' Raj has not been established, till then this capitalism and this Imperial Government will put us into extreme difficulty just like this. Therefore we workers and peasants must make the movement vigorous like this. There is no alternative except driving out this Government from India.....There is no alternative except the destruction of this capitalism. All factories must come under our control, Government must come under our control, Government must become of the workers, capitalism must become of the workers, such a movement we must carry on every time. It will not do merely to carry on only this movement." Then we get the same old theme. He says : "Every worker must learn to speak." Then he comes to the subject of the police force and says : "They draw out their weapon against Indians only, against the people of India alone. Therefore I say to the police brothers, instead of drawing out weapons against our people, please draw them out against your people, against capitalism, drive them out and establish the Raj of us workers." From this he goes on to talk of one Dongar Singh whom he threatens with a violent death, and the theme of violence keeps on recurring up to the end of the speech where he says : "So long as blow is not returned for blow this capitalism, this bureaucracy, this shameless Government will not be destroyed. Remember that this will stop when you return blow for blow. All of you should unitedly make the strike successful and should especially drive out with kicks those who might enter the mills."

Kasle spoke again on the 24th September in P. 1733 at page 193 of the new volume. In this speech we get the idea of creating hostility to the British Government. He says : "Similarly just as the British Government has come here and is exercising authority over us like Kansa and is seeking to keep us in slavery in this manner like Kansa.....". And again a little further on he talks about "these same Europeans, the British Government, these white-skinned thieves etc." Then he goes on to talk about certain Indian heroes whom he calls thieves and says : "Now the second thing is who are thieves

from among the workers ? Nimbkar, Dange, Alve, all these are thieves among the workers. These are endeavouring to give education to you." He goes on to explain that the real thieves are "this badmash Government, badmash capitalism" which "calls them thieves who liberate the workers from slavery, who make the country of the workers independent." Further on he says : 5
 "In truth we must get our independence, the Government must be of us workers, the workers must get sufficient food to eat." Again : "Our children must come forward, they must be educated and this our movement will not be kept completely quiet until these Europeans, this capitalism, the Governors, the Commissioners, Superintendent Long are first driven away from India by giving 10
 kicks on their buttocks." And again he reverts to the thief-hero metaphor and says : "There have been three thieves in India. Unless such thieves arise, our Raj will not be established. Therefore we cannot but give them kicks after kicks, blows after blows,.....Every one must try to take part in this and it is not possible to establish our Raj unless they are driven away from 15
 India."

The last of Kasle's speeches which is in evidence is P. 1734 dated 25th September which appears at page 197 of the new volume. As usual we get the old theme of workers' participation in meetings and debates. He says : "This work" (the future work) "must be done by the workers. The workers must participate in it every time. So long as you do not take part, you simply hear speeches and go home, it is not of any use.....Every one of us must participate in this, must learn to speak, must ourselves get through, whatever our grievances may be." That is to say the mass organisation must be a real mass organisation in which the masses themselves take a genuine active part. 20
 Then we come to the position of Government and the attitude of the workers towards Government as at present established and he says : "What is Government before the tremendous strength of the workers, before lakhs and crores of workers. Government is in your hands, capitalism is in your hands. So long as the workers are not one, so long as Railway workers, Municipal workers, workers in offices, workers among the police, these our mill-workers have not become one, so long as there is not one Union, till then this capitalism, this bureaucracy will exercise authority in this way. What is the Government ? The Government is merely the head. We are the feet of the Government, we 25
 are the hands of the Government, we are everything of the Government..... This is not a fight of the leaders, it is ours. This is not a fight of the Government, not of capitalists. Our fight, our fight is that capitalism and Government are to be brought under our control." Then he expresses disregard for rifles, swords and bullets and says : "We do not care for that. If we care for anything it is the power of organisation based on the strength of our unity. You all know that. You say that we have no swords. In the German war when there was a hand to hand fight guns and swords remained aside." Further on addressing the Government he says : "But remember a time will come when we are sure to hang you and this capitalism, exactly in the forenoon in this 30
 maiden of the Cement Chawl. Even if we die, even if we are hanged, even if we are sentenced to transportation for life, still our movement, our workers' movement can never possibly stop so long as the Raj of the workers has not been established." On the following page he sets out to excite race hatred and to draw attention to what he suggests is the different position of Europeans and Indians before the law. About this he says : "We do not want these laws, these laws of the British Government, these fraudulent laws, these laws of "badmashgiri." This our effort is going on in order to trample these laws under foot." After this he reverts once more to the story of the three thieves and it is interesting to find that in the course of this allegory he talks a good deal about Miss Mayo. But the whole idea is to excite hatred against the Government as 35
 at present established. Then at the end he comes to the important point of the maintenance of the struggle even if the strike becomes successful, and says at page 203 : "Therefore I have to request every worker brother that he should be good enough to maintain this struggle. Do not forget that it is our duty, even if the strike becomes successful, to hold meetings in future, every Sunday, every Saturday, to place in the meetings whatever our grievances are and to make various efforts for their redress..... I say clearly that if we continue this for a few days, this nation surely cannot but come into our hands. Another thing. So long as the Government has not become ours till then this will remain hanging." He goes on to suggest that the Bombay capitalists are 40
 doomed and says : "The time has come near. Rifles are not required, guns are not required, swords are not required. Our power of organisation, our 45
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wisdom, our intellect, these are our swords. If this takes place through unity, the nation will come into our hands, the workers' and peasants' movement will come into our hands. Never mind, if in order to do that lakhs of persons are killed, lakhs get hanged. But I clearly say that we shall not sit in our place till we extirpate this bureaucracy from India."

Kasle's reply to the charge is at page 997 of the statements of the accused. He says there: "The prosecution has charged me with a terrible conspiracy. I do not accept the charge made against me under section 121-A, of having conspired to overthrow the Raj of the Government. I have not tried to subvert the Raj of Government nor did I entertain that desire. Nor did I maintain connection with or participate in any secret conspiracy or join it as member. I have participated only in the strike. The reason for participating in the strike was that I was a member of the G. K. Mahamandal and a mill worker and as a general strike took place, it was necessary for me to participate in the strike just like other men. I am not a Communist nor do I understand Communism. Before the strike I did not participate in any political movement, nor did I incite others to go on strike. I have not corresponded with any conspirator, nor was I connected in any way with any conspiracy. Being a worker I was working in the Trade Union Movement so I do not accept the charge of conspiracy against me." He goes on to give an account of the history of the Girni Kamgar Mahamandal and the strikes of 1923 and 1925. Then he comes on to grievances mainly subsequent to 1925 and from that to the causes that led to the strike of 1928. Then he comes to the "reasons for the establishment of the Girni Kamgar Union though the Girni Kamgar Mahamandal existed." In the passage on this subject at page 1007 he explains that the outsiders were taken into the Mahamandal in spite of the rule prohibiting it because "Mr. Alve had said that these men were such as would do the workers' work only according to Trade Union method and that they would do well the work of the workers, that the workers had to go elsewhere if correspondence had to be carried on in English but that these would write it. We had confidence in Mr. Alve. As we were on work, the Executive Committee had given him all authority. Therefore trusting in what he said, we did not make further inquiries about the outsiders as to who they were and what they did." Then after the establishment of the Girni Kamgar Union he says: "These outsiders also stood for election" and then he attributes their election to Alve and says: "But as Mr. Alve sang their praises that they were Trade Unionists working in the interests of the workers, similarly that they were selfless persons, Congressites, servants of the country etc. that election was not opposed," although even in that election some objections were raised on the score that outsiders were not required in the Union. Kasle suggests that it was from this time only, that is from the 22nd May 1928, that he became acquainted with these outsiders. Then coming to the strike itself he says: "The point I want to make clear is that this strike which we workers made and the part we took, was because the strike was not of a political nature." This seems to me a quite remarkable conclusion in the light of the passages which I have just quoted from his own speeches. On the following page (1009) he attempts a feeble explanation of his own speeches and their contents and says that "seeing all this" (that is to say the ill treatment of the strikers by the police and so on) "and being harassed through lack of food and water, and seeing the sufferings of the children at home I might have on some occasion used bad language in a fit of anger or through vehemence, but the object of my speech, however, was not that of spreading or creating hatred about Government in the minds of the people or of preaching sedition. All this—getting tired of the circumstances of the time or getting helpless, some bad things might have come out of my mouth. Some things in those speeches might have been true, some might have been interpolated by the reporters. I do not say that I did not make speeches. . . . All my speeches are only confined to the strike. Our bad condition had its result on me, so bad words might have on some occasion come out of the mouth but the object was not to subvert the Raj or to give incitement in any other way. The only object was in what way the strike would be maintained." It will be noted that this last statement is in flat contradiction with things said by him in the speech from which I have just quoted. He adds, as he had done before: "I did not attend any political meeting either before or after the strike. My work was confined only to Trade Unions." Then he goes on to talk about the Jharia Congress and the A. I. W. P. P. Conference and suggests that the documents relating to that Conference found in his possession had been brought back from Calcutta by his son B. G. Kasle and he says: "After I came here and the case proceeded, I have heard the mention of

'Communist', 'Leninism', 'Germanism'. I am hearing all this after coming here. We had never heard this before." I can only say that I find it difficult to believe him although it is true that the terms were not used in his speeches.

O. P. 1090. On page 1011 he comes to the Workers' and Peasants' Party of Bombay. Here again his explanation is in the last degree unsatisfactory. He says : "I have already said about that in the Lower Court that many persons come to us and ask us to sign some paper, some written form or petition. As we cannot read or write and do not know laws and regulations, advantage is taken of our ignorance and signatures are taken from us by telling us such things as "we do good things for you", etc." He goes on to deny that he attended any E. C. meeting and gives an unsatisfactory explanation of the meeting of the 13th January at which the wording of the minutes in P. 1344 shows conclusively that he was present. On page 1013 he attempts to throw the blame for everything on the outsiders. He says : "There were many such men on all the mill committees. It was through the workers that the whole work of the Union was being carried on. All explanation about this has been given by Mr. Alve. Therefore I too do not like to say more in this matter. But I, however, have to say something about these four or five outsiders. If these have made some secret plot behind the backs of us workers and of the Managing Committee or have tampered behind our backs with the work of the Union, taking advantage of our ignorance, or have made some secret plot, only God knows it. We are not responsible for it, they themselves are responsible." A little further on he comes to the handbills in regard to the Red Army P. 966 and P. 967. He says : "These words refer to the Volunteer Corps of the Union. We called it 'Volunteer Corps' but only God knows what was the object of the Secretary in using the words 'Red Army'. We used to call it Volunteer Corps alone. Volunteers were required to offer peaceful satyagraha and volunteers were required to collect Union subscription in the mills. Besides this volunteers were necessary to maintain order in the meetings. Such a Volunteer Corps had not been only at that time, but was in existence since the foundation of the G. K. Mahamandal. The Managing Committee of the G. K. Union had reprimanded the Secretary for using words like "Red Army". Mr. Alve has given a detailed explanation as regards this handbill." Unfortunately there is no evidence whatever that the Secretary was ever reprimanded. In fact the absence of any reprimand in the minutes suggests that it existed only in the belated imaginations of Alve and Kasle accused. Then he puts forward an absurd reason for supposing it impossible that he would have called Nimbkar accused his 'guru' in P. 1727. It must surely be evident that the fact that 6 months later there was a dispute between Nimbkar and Kasle can have no effect in the way of throwing doubt on the words said to have been used by Kasle in P. 1727. Then at page 1015 he realises the necessity of explaining the terms used by him in his speeches particularly "workers' Raj", and he expects us to believe that by "workers' Raj" he means something different from what other people mean, he means education for workers' children, good rooms for workers to live in and sufficient clothing, right of citizenship for the workers, places for workers in the Councils and in the Assembly.

O. P. 1092. It seems to me that all these explanations are very feeble indeed. It is impossible to read the speeches made by Kasle accused and suppose them to be ordinary speeches such as might be made by a strike leader from the ranks whose only object was to keep the strike from breaking down and thereby secure the immediate objects of the strike. They are on the contrary the speeches of a man who has learnt very thoroughly the lesson of the class struggle and the idea that the only possible cure for all the ills of the workers (not the mere particular grievances which brought about this particular strike) is the establishment of a workers' Raj. He has further learnt the lesson that this workers' Raj is to be brought about by mass organisation which will ultimately result in a mass uprising in such circumstances that guns, rifles etc. will be of no avail to stop it. Even if there had been no association whatsoever proved between Kasle accused and any of the members of the Workers' and Peasants' Party it would have been difficult to suppose that he was not speaking lessons learnt from the members of the Bombay Party. But on the contrary it is proved that first in the Girni Kamgar Mahamandal, then in the Girni Kamgar Union, and finally in the Workers' and Peasants' Party itself he was closely associated with accused like Joglekar, Mirajkar, Nimbkar, Bradley, Dange and Ghate accused. It seems to me that this association and the speeches to which he must have listened from those skilful advocates of Communism and workers

for the conspiracy quite clearly explain the lines which he followed in his speeches. I have no doubt that Kasle was telling the entire truth when he described Nimbkar accused as his 'guru.' The whole of the facts taken together seems to me to indicate clearly that Kasle accused, probably under the guidance of his 'guru' Nimbkar, entered into a conspiracy the object of which was to deprive the King Emperor of his sovereignty of British India and that all his acts and speeches throughout the course of the mill strike were made with that object. No doubt he is not an educated man with a full understanding of all the theory of Communism but he had got into his head quite clearly the most important items and those which have the clearest bearing on the charge of conspiracy and was working well to further those doctrines and the aims and objects of the conspiracy.

Agreeing with one assessor and disagreeing with the other four I hold that Kasle has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and I convict him accordingly of an offence under section 121-A. I. P. C.

PART XXVI.

- O. P. 1093. Shaukat Usmani accused's first appearance in the history of this case was on his release from Jail, where he had been serving the sentence inflicted in the Cawnpore Communist Conspiracy case of 1924, in September 1927. As to his early history he has himself furnished some information in a letter, P. 995, (I. C. 150), which he wrote to Dange accused, and we have also his own book, P. 2518, "Peshawar to Moscow". Referring to this book Crown Counsel has drawn attention to the great importance attached to speech-making or lecturing in the places visited by Usmani in the course of this journey of his to Moscow. The book shows that Usmani reached Moscow in March 1921, stayed there some three months, and then returned to Tashkent, whence he again went to Moscow at the time of the Third Congress of the Communist International in July 1921. In the course of his original journey to Moscow he appears to have met M. N. Roy and some other persons of interest. At Moscow he mentions the Hotel de Luxe, which figures in the slip of paper found in Joglekar's possession, P. 1106, as the Lux Hotel. Among prominent persons from India whom he met there he mentions one Lohani, who is mentioned in Desai's article in the "Bombay Chronicle", P. 2583C., and B. Chattopadhyaya, brother of Mrs. Sarojini Naidu, who is no doubt the same as V. Chattopadhyaya of the League against Imperialism, the names Birendranath and Virendranath being interchangeable and in fact the same thing. During this period in Russia Usmani claims to have become a Communist, as he tells us at the very beginning of his statement, on page 840 of the statements of the accused, where he says: "I am a Communist, a Communist in no other than the Marxist-Leninist sense. I joined the Communist ranks as early as March 1921. It was in Soviet Russia." Usmani's name is mentioned in the report (P. 1287 (11)) of the proceedings of the First Indian Communist Conference held at Cawnpore on the 26th December 1925 in the list of those "undergoing sacrifices" in the cause of Communism, and again in P. 1207 (1), the report of the Annual Session of the C. P. I. held at Bombay on the 31st May 1927, where a resolution was passed sympathising with Comrade Usmani and Akbar Khan in their sufferings in jail. Then on the 14th September a public meeting was held at the Marwari Vidyalaya Hall Bombay under the auspices of the Communist Party of India to welcome Usmani on his release. Deputy Inspector Chaudhri's report, P. 1684, gives us first of all speeches by Joglekar, Dange, Nimbkar and Mirajkar accused. Dange's speech contains that interesting passage, in which he said that "he was questioned by people as to what was a Bolshevik or a Moscow trained Communist, and he would explain by referring to Shaukat Usmani and Ferozuddin, who had gone to Russia to take training in spreading revolutionary propaganda in India. They had seen with their own eyes how Russian Revolution was successfully carried out by the proletariat, and how problems of poverty and maintenance of the poor were solved". Usmani, who spoke after the first four, does not seem to have made any comment on Dange's remarks, from which we may take it that he tacitly accepted them as true. The account of his speech is short. It says: "Shaukat Usmani thanked the Communist Party and the people of India for welcoming him and narrated incoherently his adventures in Turkestan and Russia. He promised to write articles in detail on his adventures, if B. G. Horniman agreed to publish them in his paper. He asserted that he is still a Communist as he was before and would give his life for the cause of Communism."
- O. P. 1094. The next we hear of Shaukat Usmani is some ten days later, when we find him writing the letter P. 2138 P. (I. C. 66) from Gowaltoli, Cawnpore, on the 25th September, to Muzaffar Ahmad, enclosing a note for Halim. In this letter he presses Muzaffar Ahmad to attend the Trade Union Congress and says that he is trying hard for Chaman Lal and Dange. Then he says: "Will you please for my sake go to Mr. Bakshi of the "Forward" and ask him if he would accept my Hijrat story in his paper? Reply soon. I shall try to make the story as palatable as possible." Usmani's name does not appear in Dange's account of the work of the T. U. C. (Left at the Cawnpore Session of the A. I. T. U. C., but he was none the less making himself useful, as P. W. 111, Sub Inspector J. N. Sen Gupta, deposes that he was taking part in the Conference (see also the statement of P. W. 119 Inspector Jagannath Sarin) and that Spratt accused was staying at his place in Cawnpore and continued to do so for some time after the Congress was over. Usmani also appears in the Group photograph taken at the late Mr. G. S. Vidyarthi's tea party, a number of copies of which are on the record as P. 10, P. 1383, etc. After Cawnpore Usmani, like a
- O. P. 1095.

number of other accused, went to Madras to take part in the meetings of the Indian National Congress. P. 1373 (2), the notes in Spratt's handwriting of the meeting held at Madras on the 28th December 1927, at which the members of the various Workers' and Peasants' Parties decided to form an All-India Party in the near future, shows that Comrades Usmani and Joglekar were commissioned to prepare plans for (3), and under (3) we find "To formulate resolutions on organisation of A. I. Party and Provincial Parties, methods of work, publications, finance etc." The wording of this document quite clearly indicates that Usmani was present at the meeting. Usmani for some not very obvious reason has at page 852 of his statement in referring to P. 1344, P. 1373 (2) and P. 1373 (14) denied any knowledge of these meetings. He says: "I neither joined the W. P. P. nor had any intention of doing so. I could not be expected to attend the private meetings of a body of which I was not a member. The same applies to P. 1170". (Adhikari's notes evidently relating to the last meeting of the W. P. P. on the 17th February 1929). It would seem that Usmani had some particular reason for not desiring to admit his presence in Madras at this date, because he also denied all knowledge of P. 1287 (2) and P. 1287 (5). P. 1287 (5) is a document proved to be in Usmani's handwriting dated the 29th December 1927, in which after stating certain reasons why he had not joined the Communist Party of India before, namely the presence on it of arch-Communalists like Hasrat Mohani, he asks the Party to consider his objections and enrol him as a member henceforth. There is a note on this document, the handwriting of which has not been proved: "Enrolled as member & elected to the Presidium". P. 1287 (2) is the note mainly in Dange's handwriting of the proceedings of the meeting of the E. C. of the C. P. I. held at Madras on the 29th December 1927. The last item in this is "S. Usmani on the Presidium".

From Madras Usmani no doubt went to Bombay, as we find him mentioned in P. 2055 C. (I. C. 117) on the 27th February 1928, in which Ghate writes to Muzaffar Ahmad: "Did you hear from Habib? He and Shafiq wanted to hold a C. P. I. Conference at Delhi and I wired to him saying that it was not possible to hold it now, and we sent Usmani with detailed instructions. Dange must have explained to them by now. Spratt also is at Delhi at present." It would seem that Usmani then settled down at Delhi, as we get a series of letters written by him from Delhi in April and May. The first of these is P. 1624 (I. C. 136) (a copy only but the letter is admitted to be genuine by Usmani in his statement), in which on the 2nd April he asks Dange to send him the copy of Page Arnot's "Russian Revolution", which is in the Party office. He also asks Dange to supply him with the information asked for in Ghate's letter, (that is the letter presumably written by Usmani to Ghate at about this time). It seems that Usmani wanted Page Arnot's book with a view to the writing of his book "A page from the Russian Revolution", P. 1574. Just about this time Usmani's book "Peshawar to Moscow", which had been published at the end of 1927 with an introduction by Spratt, was being reviewed in England in the "Sunday Worker", if we may believe the statement of C. P. Dutt writing to Dange in P. 1607 (F. C. 381). It will be remembered that some time later on considerable interest was being shown in this book by the people of "the place it describes", obviously meaning Moscow. Usmani was also writing for the "Kirti" at about this time, and the cash-book of that paper, P. 749, shows an entry on the 3rd April of Rs. 7/2/- paid to him for an article headed "The Canton Massacre" which appeared in the Gurmukhi Kirti for April 1928, part of P. 746, and the Urdu Kirti for May 1928, part of P. 747. Towards the end of the month he wrote the letter to Dange about his previous career, which I mentioned earlier, namely P. 995 (I. C. 150). On the 29th April Usmani wrote two letters, one P. 1625 C. (I. C. 155) to Dange accused at Bombay, and the other P. 2041 C. (I. C. 156) to Muzaffar Ahmad at Calcutta. In both these letters we get a rather peculiarly worded request for certain information. In his letter to Dange Usmani says that he has made up his mind to take up organising Madras labour with Comrade Singaravelu and will also assist him in his Labour Union Gazette. He also says that while going to Madras he intends to go via Calcutta, so that he may see Muzaffar. Then we get a P. S. in very urgent terms, which runs as follows:—"Most urgent. I require and require very badly facts and figures of strikes in Bombay Presidency and nearabouts in this year. Do please mention the causes of their occurrence. Dange! I need them as badly as a man needs food. Do please send them within a week. The delay will do me unimaginable harm. And moreover all this will do you immense good if your report reaches me in due time. These are historical requests, Dange!" Writing to Muzaffar Ahmad Usmani mentions the same subjects as in the letter to Dange and

concludes with the following P. S. : " Most urgent. I require and require very badly facts and figures of strikes in Bengal and nearabouts in this year. Do please mention the causes of their occurrence. If you do not send them within a week you will be doing me an unimaginable harm. Be generous, Muzaffar." Both these letters are admitted by Usmani in his statement, but his explanation is that he wanted them for a book on " The Growth of the Trade Union Movement in India ", which he intended to bring out simultaneously with P. 1574, " A Page from the Russian Revolution ". He says at page 922 : " To a considerable extent I succeeded in getting the figures from 1898 to 1927 from various books on labour movement and the Labour Gazette. The book would have been incomplete without up-to-date figures. Therefore I wrote to Muzaffar and Dange, the only two persons whom I knew were taking some active part in the Trade Union Movement at that time. I wrote them because I knew them. I knew also that they were taking part in the strikes at Calcutta and Bombay respectively." On page 923 he says further : " I required these figures at Delhi within a week, because I wanted to bring out my books before leaving Delhi for Calcutta, Madras etc. As Muzaffar and Dange never sent these figures I could not complete my book " The Growth of the Trade Union Movement in India " and consequently had to delay the publication of the other book, " A Page from the Russian Revolution ", P. 1574. The police on my arrest were able to get this particular type-script, P. 1574, but I fail to understand why the other type-script was left out or perhaps taken and not produced as an exhibit. I do not find it in the un-exhibits either. That type-script is either in police possession or thanks to them is lost." The first thing I notice about this statement of Usmani is that although he got a question put by Nimbkar accused to Deputy Inspector Chaudhri, P. W. 262, on the subject of this search, no question was put suggesting that any documents were left behind in Usmani's rooms, or that any such document, as is suggested here, has ever been seized but omitted from the search list, P. 1558. Secondly Usmani accused has never made the smallest attempt to explain in what way it could possibly be important to publish this supposed book on " The Growth of the Trade Union Movement in India " simultaneously with P. 1574, nor has he explained why the publication of the book on " The growth of the Trade Union Movement in India " was at all an urgent matter, nor has he again explained why the publication of this book would do immense good to Dange, if Dange's report reached him in due time, or again why any delay on the part of Dange or Muzaffar in sending the required information should do him unimaginable harm. If on the other hand, as the prosecution suggests, this information was required urgently before a certain date, because Usmani was intending to leave India in order to attend the 6th Congress of the Communist International, the urgency of these requests is understandable. However, there is other evidence on the point in comparison with which these two letters are of comparatively small importance, except as a piece of corroboration. On the 28th May Usmani wrote again to Muzaffar Ahmad in P. 415 (5) (I. C. 175), in which he says : " My book about the Russian Revolution is ready ; let me have your suggestion about its publication. My idea is that it should first appear in some newspapers. Better if some paper can pay me on it, otherwise its publication is my first concern." This letter is admitted, and it is curious to note that there is no mention in it of the anxiety for simultaneous publication of the Trade Union Movement book along with the book on " The Russian Revolution ". It is also surprising that there should be no remark about the alleged failure of Muzaffar Ahmad to comply with the request for the facts and figures contained in P. 2041 C. P. 996 at I. C. 152, a typed note from Usmani found in Dange's possession, appears also to refer to the publication of this book on The Russian Revolution. It contains a suggestion to print on some spare pages of the book advertisements of " The Labour Monthly ", Shah's " Hundred per cent Indian ", and Dange's " Hell Found ", about which he asks whether it is out. There is no date to this document, but " Hell Found " was probably published in March or April 1928. The last letter in evidence written by Usmani at this period is P. 2043 C (I. C. 184), dated the 7th June 1928, addressed to Muzaffar Ahmad. In this letter, which Usmani admits, we find him saying : " I am leaving Delhi today for the long contemplated tour. After staying at Cawnpore for two days, Allahabad another two days and Benares 3 days I hope to reach Calcutta. As I am not sure of the date of my reaching Calcutta, it would be just needless for you to take the trouble of coming to the station. I intend to stay in Calcutta for a week and then proceed to Madras "; and that is the last we hear of Usmani in India for the next 6 months. The next reference to him is in Dutt's letter, P. 1348 (34) (F. C. 467) dated the 28th June, the letter which deals with Nimbkar's speech on the Bardoli movement. In the

last paragraph but one of this letter Dutt says : " We shall be glad if you will try and arrange to send to me at the League address several copies of all printed pamphlets and documents relating to the labour movement as they come out. For one thing I received urgent requests for Usmani's book from the place described, because until I sent a copy recently they had never seen it. They had not even got a copy of the A. I. T. U. C. report." This elicited a reply from Ghate in P. 2408P (F. C. 496) dated the 20th July in which he says towards the end : " I had already sent to you some of the printed leaflets, etc., which I hope you have received. Do you want Usmani's book to be sent to you ? Please let me know."

- O. P. 1102. There is another piece of evidence which makes it quite certain that Usmani had left Delhi by the 11th July, though a feeble attempt was made to use it as a proof that he was still in India. P. 750 is a cash-book of the " Kirti " and contains at page 33 an entry of Rs. 8|2|- sent to Shaukat Usmani, Delhi, as payment for a contribution. There is an entry on the credit side on page 34 of this book relating to the period from the 15th to the 28th July : " Moneyorder received back—Rs. 8|". This cash-book was put to Balwant Singh, P. W. 195, Manager of the " Kirti " in cross-examination, when in answer to questions he said : " Payments to people away from Amritsar were made by Money order. A case of the kind is on page 33 of P. 750, where money was sent to Shaukat Usmani at Delhi. The 2 annas is for Money order Commission. It was despatched on the 11th July 1928. I remember that on one occasion a money order was returned and sent again when its acknowledgement was received. It was sent again within a few days of its return. That money order was returned after a few days. It was sent to Shaukat Usmani at Delhi. I well remember receiving the acknowledgement the second time. I filed the acknowledgement." Now it must be quite obvious that the incident referred to in the witness' statement has no connection with this sum of money sent to Shaukat Usmani on the 11th July, because if it had had any connection, he would have been able to point to a fresh entry on the debit side, showing that this sum of Rs. 8|2|- was again remitted a few days after it had come back. He did not, however, point to any such entry, nor does an inspection of the account book, P. 750, show any other entry of a payment to Usmani in any of the next few months, if at all.
- O. P. 1103. I have mentioned more than once before the telegram, P. 2189 (F. C. 514) sent on the 5th August 1928 by John in London to Spratt c/o Ghosh, 1 Kantapukur Lane, Calcutta, in which John asks Spratt to " Send Urgently Preferably Wire Information Confidence Placed Orm Massel two others in Manchester ". The prosecution suggestion is that Orm applying the transposition code represents Usm, an abbreviation for Usmani, and that this telegram was sent by Glyn Evans in London at the request of C. P. Dutt, whose address at this particular juncture was c/o Badhuri in Berlin, in order to elicit information as to the reputation among Communists in India of Usmani accused, who was at this time present in Moscow as a delegate to the 6th World Congress. In this connection the prosecution point to the speech made by Comrade Sikandar Sur (India) in the discussion on the report of Comrade Bukharin at the Sixth Session of the 6th World Congress of the Communist International held on the 23rd July 1928 and reported in Inprecorr, Vol. 8, No. 44, dated the 3rd August 1928, part of P. 1204. This speech appears at page 1775, and it is interesting to find that the speaker in the course of his speech expressing appreciation of Comrade Bukharin's draft thesis referred to the attempt being made at the moment by British Imperialism to break up the Indian industries and to disorganise all the important ones in order to facilitate the import of the commodities of Lancashire. He declared in this speech that Railway repair shops had been closed down throwing 150,000 workers out of work, and that up to the first week in June the following numbers of workers were on strike : 21,000 Railway workers, 10,000 Metal workers, 8,000 Jute workers (of whom 600 were women), 3,500 Textile workers in Cawnpore and other Textile areas other than (i.e. besides) 150,000 Textile workers in Bombay. He asserted that throughout this long period of strike British Imperialism had been advising the Indian bourgeoisie to assume an uncompromising attitude towards the workers. Now it is a curious coincidence, if it is only a coincidence, that the figures given by Sikandar Sur should be up to the first week in June, which is precisely the date of Usmani's last letter, P. 2043C (I. C. 184). It is of course reasonable to suppose, as the prosecution has suggested, that anybody who went from India to the Congress of the C. I. as a delegate, would be unlikely to use his own name in view of the fact that he would be a marked man on his return, if not worse ; but it is also reasonable to ask why, if Shaukat Usmani went to Moscow as a delegate, he should have selected
- O. P. 1104.

this particular name of Sikandar. The prosecution have put forward a suggestion, which may or may not be the actual reason. Their suggestion is that the word 'Shaukat' is so closely associated with the name Sikaandar, that is the name of Alexander the Great, that if a man speaks or thinks of Sikandar, he will naturally think of Shaukat or vice versa. The phrase is commonly used in the form "Sikandar-i-Shaukat". In support of this suggestion the prosecution have tendered in evidence an extract from "Farang-i-Asfya" by the late Syed Ahmad of Delhi, 1918, Vol. I, page 6 of the 1918 Edition. This consists of an eulogy composed in praise of "His Exalted Highness, Muzaffar-ul-Mumalik, Fatehjang, Nizam-ul-Mulk, Asaf Jah, VII, Nawab Mir Usman Ali Khan Bahadur, (May his reign be perpetual), the ruler of Hyderabad, Deccan. Exalted person, Controller of destinies, magnificent as Alexander (Sikandar-i-Shaukat), the Rustom of the time, the Aristotle of his days, Commander." This is really a dedication of the book to the Nizam of Hyderabad, and it merely illustrates the use of the words Sikandar and Shaukat together as an honorific title, a form in which it might well be familiar to any educated Mohammedan. There is of course no evidence whatsoever to prove that this was the reason why the name was selected, but it is a possible one.

There is another small point I may mention here in support of the prosecution theory, namely the fact that throughout the period from June to December Usmani is not mentioned in any of the numerous letters passing between conspirators in India. That is no doubt why at pages 925 and 926 of his statement he claims that during this period he had gone to a remote village in Kashmir. Early in October, as appears from his statement on page 926, when it grew cold in Kashmir, he came down to the plains and spending some time in Amritsar and Lahore came to Calcutta in November, where, he says, he underwent further treatment till he became quite fit to rejoin political activities. In December, he says, he was all right, and left for the Punjab again to work in the Labour Movement there. Now I cannot help commenting in regard to this that in the middle of October there was a good deal of activity among the members of the Punjab Party, three of whom, Sohan Singh Josh, Majid, and Sahgal came to Meerut for the Workers' and Peasants' Conference. It is possible of course that Usmani's alleged descent from Kashmir is to be supposed to have taken place after that Conference, but if he was in Calcutta in November, it is very surprising that he should have left in December just as the A. I. T. U. C. and the First Conference of the A. I. W. P. P. were coming on. In this connection it may be noted that Usmani was not apparently present at the A. I. W. P. P. Conference. He is not mentioned by P. W. 36, Sub Inspector G. B. Roy, who gave a list of those accused whom he saw taking part in it, nor does he figure in the list given by P. W. 254, Bai Bahadur N. V. Trivedi. I may add that when the documents in his possession relating to the A. I. W. P. P. Conference were put to him he omitted to deal with them. It seems, however, likely that Usmani was present at the meetings of the Communist Party of India held just after the A. I. W. P. P. Conference. In P. 1295 there is a note in the minutes of the meeting of the 29th December "Usmani to go to the Punjab for organising N. W. R." Another piece of evidence showing that Usmani was in India at about this time is P. 1305, on one sheet of which we find a line running from the item "Muzaffar's failure to go" to the word "Usmani" written at the top of the paper, while elsewhere we get "Usmani to be despatched, in case Muzaffar is unable to go". (This matter has of course been discussed before in connection with the meetings of the C. P. I. in December 1928 and March 1929). The reference would appear to be to item 5 in the minutes of the meeting of the 29th December in P. 1295, where we find that "Mirajkar, Muzaffar, Joglekar were suggested as delegates to the E. C. C. It was finally decided to select one from the first 2. M. A. selected later." The rough notes for these minutes are to be found in P. 1303, where we get the following: "Mirajkar was suggested..... as a delegate to the E. C. C. (that is E. C. C. L.). Muzaffar Ahmad suggested—Joglekar suggested—because he is elected to L. A. I." It looks very much as if it was realised after a very short time that it was not really possible for any of the three original selections to leave India and go to Moscow to attend the E. C. C. L. and that accordingly it was decided to use Usmani, who knew the ropes in connection with the journey to Moscow across the North-West Frontier. Another document written very shortly after the end of 1928 and proving that at this date Usmani was certainly back in India is P. 957 (I. C. 343), a post card recovered in Dange's search, in which Usmani himself wrote to Dange from Amritsar on the 8th January 1929, sympathising with him on his having been assaulted by some hired hooligans. The second paragraph runs as follows:

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"I hope you are uninjured. Coming back from Kashmir I had been to Calcutta but found nothing interesting there", a statement which would rather suggest that Usmani missed the A. I. W. P. P. Conference and possibly also the C. P. I. meeting etc.

The next letter we come across from Usmani is P. 1895 (I. C. 347) written by him from Bombay on the 17th January 1929 to Sohan Singh Josh accused, an original letter which was intercepted and withheld by P. W. 179, Sub Inspector Arjun Singh. This letter merely explains why Usmani had left the Punjab and come to Bombay. He says : "My negotiation with Khan having collapsed I had to leave Punjab. Sorry could not see you before leaving. The Kirti should be sent in many copies here as Com. Ghate wants a copy in every branch of their Girmi Kamgar Union." A few days later on the 21st January Usmani took part in and in fact presided at the meeting held under the auspices of the Bombay W. P. P. to celebrate the 5th Anniversary of the death of Lenin. The report prepared by P. W. 180, Mr. B. R. Mankar, contains an account of Usmani's speech on this occasion. At page 855 of his statement Usmani criticises this report somewhat severely, but at the same time he says : "However, I do not run away from the facts of this speech. Whatever ideologically correct can be sifted from this report, I take full responsibility ; whatever ideological mis-statements and bad formulations are there, they be credited to the competence of the Bombay Intelligence Branch, which has sent this report as an exhibit against me." The general theme of the speech is that though Lenin is dead, Leninism has survived. The report is unquestionably a very bad one, but this may partly be accounted for by the fact that Usmani is obviously not a very good speaker. On the 31st January 1929 Usmani wrote a letter, P. 337, to Joshi accused at Allahabad, which was recovered in Joshi's search. In this he asks Joshi to get back for him from a member of the A. I. C. C. the manuscript of a novel, so that he may be able to finish it. He also asks Joshi to find out if any Allahabad press would be ready to buy the copyright of "Peshawar to Moscow", which Usmani would be ready to correct and revise, and for which he could also supply some photographs of the Soviet Union. The first sentence of this letter also indicates that Joshi and Usmani had been in correspondence, as he says : "Excuse me, could not write earlier." It may also be noted that the remark that he can supply some photographs of the Soviet Union is another corroboration of the prosecution theory that he had been to Moscow in 1928.

On the 3rd February Usmani presided over a meeting at the People's Jinnah Hall, at which Hutchinson accused spoke. Mr. Mankar's report of this meeting is on the record as P. 1694, which shows that at the end of Hutchinson's speech Usmani made a few remarks. He concluded these remarks by saying : "Some of the methods of the Imperialists are to crush the Soviet Union in order to provoke war. The revolutionary forces are preparing for war." I feel considerable doubt whether even this little passage has been correctly reported.

Just after this we come across some letters in connection with Usmani's speech on Lenin Day. In P. 1335 (I. C. 368) Muzaffar Ahmad writes to Ghate quoting from the "Spark" which had recorded that Usmani gave a graphic description of the scenes of frenzied grief of the Russian people at the news of Lenin's death, to which he was an eye-witness, whereas it was impossible for Usmani to have been an eye-witness as on the 21st January 1924 he was a prisoner in the Peshawar District Jail. Muzaffar Ahmad writes about this : "I do not know through whose mistake such a report has appeared in the "Spark". In any case Usmani must clear his position." To this letter Ghate replied in P. 480 (D. Spratt) on the 14th February, enclosing a letter from Usmani to Muzaffar Ahmad in which Usmani says : "I have already told the editor of the "Spark" that it could only be my ghost to witness the death frenzy of Lenin in Moscow. I was in prison and that he also knows now. The mistake was due to the graphically dealing with the frenzy of the people in Moscow when Lenin died." In the course of his statement to this Court Usmani mentions this matter at page 928 where referring to P. 1335 and P. 1261 he says : "Muzaffar wrote this letter to Ghate which is now in the exhibits. I wrote a letter to Mr. Desai asking him to contradict the wrong impression created by the publication of that particular portion. But before Desai could do it we all were arrested." There is another mention of Usmani in P. 1336 (I. C. 376), a letter from Muzaffar Ahmad to Ghate, dated the 16th February, in which he says : "How Usmani is doing ? I believe he has served a useful purpose in Bombay. Is it not ?"

On the 17th February we come across another piece of evidence, which linked with the draft letter P. 1174 found in Adhikari's possession, seems to me to clinch

the matter of Usmani's visit to Russia in 1928. This is the minutes of the E. C. meeting held on the 17th February (P. 1344) under the chairmanship of Dange accused. In this we find under item 2, sub-item 2, the following entry : " Usmani thought that the G. K. U. looked as if it was a Hindu body—Muslims should have been taken on the Executive. Many things done by individuals like feudal chieftains. Any sort of instructions given—No definite control of the Volunteers." 5
 It is quite evident that the notes, P. 1170, which are in Adhikari's handwriting and were recovered from his possession headed " Technical mistakes made by the Party " relate to the same meeting. Items 1 & 2 in these are : " Individualism in leadership—(Party did not function as such). On the Executive no Muslim 10
 members—Union appears a Hindu body." Further on we get another reference apparently to the same matters which runs as follows : " Individualism in leadership (Party did not function as such). Usmani. Regarding Monday, Volunteers' attack." This document also clearly indicates that Usmani was present at the meeting as at one place we find that in answer to a question Dange said 15
 ' Yes ' and Usmani ' No '. It will be remembered of course that Usmani denies having anything to do with the W. P. P., and I suspect that the explanation of that denial is that an admission of connection with the W. P. P. would have involved him in the necessity of giving an explanation of the references in P. 1344 and P. 1170, which coupled with Adhikari's draft letter, P. 1174, make it so very 20
 clear that Usmani had recently been to Russia. I think it will be best to deal with this letter, P. 1174 (F. C. 855) now. It is a letter, with which I have dealt already, which is quite evidently a draft reply to a letter from M. N. Roy. The relevant passages are the following : " Your warning is unfounded. He and another man from over there alone understand the necessity of having a disciplined and strong party.....Yes, the objective situation is rapidly developing. But 25
 the vanguard is a rearguard. Party-discipline !—? But where is the party ? " Individuals like feudal chieftains form the basis of leadership here ", says my friend against whom you warn. He asked me to tell you that " your men " attacked him over there without reason. But the C. I. has cut his feet as well as yours. He has nothing against you. Nobody is here making any propaganda 30
 against you. In fact the question never arises.....Urdu paper is being edited by my friend." It is quite evident that this means that Roy has warned Adhikari against Usmani (the friend), because Usmani as Sikandar had supported strongly Bukharin's proposed thesis, with the result that Roy's feet had been cut. 35

From about this time onwards Usmani appears to have been occupied with the Urdu newspaper " Payam-i-Mazdur ". P. 1987 is the declaration made by him under the Press Act on the 27th February 1929, and P. 1085 (I. C. 389) is a letter of the 7th March from Sohan Singh Josh saying that he is arranging to send Usmani the back issues of the Urdu Kirti. There is another reference to this paper and Usmani in P. 1302 (I. C. 393), a letter from Muzaffar Ahmad to Ghate dated the 8th March, in which he says : " I have received the first number of the " Payam-i-Mazdur ". This is a right move. In fact we should have begun with it long before. I am glad to see that Comrade Usmani has begun work in right earnest." Ghate replied to this letter on the 14th March in P. 474 (I. C. 400), at the end of which he remarks : " Usmani has been doing excellent work here since his arrival." It seems to me not unlikely that there is some underlying feeling in these remarks of Muzaffar Ahmad. Usmani really did very little of importance between the time of his release from jail and the time when he vanished in order to take part in the 6th Congress of the C. I. at Moscow, and that is probably why Spratt in reply to the enquiry about confidence in Orm Massel replied, " No confidence." That would also explain the curious enquiry in P. 1336, to which I have referred above, in which Muzaffar Ahmad asks : " How Usmani is doing ? " The tone throughout is rather as if Muzaffar Ahmad had been inclined to doubt whether Usmani would do anything useful, and that is supported by the letter, which Muzaffar Ahmad had written to Tagore on the 8th September 1928, P. 1865 (I) (F. C. 562), in which he said : " I hear that 4 or 5 men from India have gone to Europe. If they seek to join any labour movement there on our behalf, enter a strong protest in our names. We did not at all want them to go to Europe. There is plenty of work to be done in India..... they have gone abroad to do mischief. They did not work at all in this country. I am speaking of work for the labour movement only. Of the 4 men, one is a man of very suspicious character. That is not unknown in labour circles in Europe." These remarks make it quite clear why it was that such an unsatisfactory reply was given to the Orm-Massel enquiry. This letter is of course also corroborated by the fact that we know that enquiries were also being made about 40
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O. P. 1112.

O. P. 1113.

two others, Rhuden and Uke-Rhug, i.e. Shafiq and Ali Shah, which gives us a total of four out of the four or five referred to in this letter,

Coming to the last few days prior to Usmani's arrest, we have in evidence two documents, P. 1296 and P. 1297, about neither of which does Usmani accused make any remark. P. 1296 is a document in Ghate's handwriting relating to a meeting of the C. P. I. held on the 17th March 1929. Early on in this we have two remarks with reference to Usmani : (1) "Mirajkar stated that dissolution of the W. & P. would be wrong—also Usmani—stated that this was to be a mass party" (2) "Usm—Communist movement being international." The use of the abbreviation "Usm" for Usmani in this reference is a very strong piece of corroboration of the prosecution theory that "Orm" in P. 2189 stands for Usmani. Then in the list of names at the end we get No. 2 Usmani (Note : This has been incorrectly printed as K. V. Swamy). P. 1297 is another set of notes relating to the meeting of 19th March, and in the list of those present we find "S. Usmani—Chairman." At the end we find Usmani's name as a member of the sub-committee to be appointed to draft out a detailed plan of work, along with Adhikari, Khan and Ghate. In this connection reference may also be made to P. 1171 recovered from the possession of Adhikari accused.

O. P. 1114.

A number of interesting documents were found in the search of Usmani's room. P. 1566 is a copy of the "Manifesto of the Communist Party" by Marx and Engels, P. 1567 is a booklet entitled "What is this Communist Party" published by the C. P. G. B., P. 1569 is a copy of the Workers' and Peasants' Party Bengal Constitution 1928, P. 1570 is a booklet entitled "The Bengal Peasants' and Workers' Party Constitution", P. 1572 is a booklet entitled "What is the Pan-Pacific Trade Union Secretariat?" issued by the Labour Research and Information Bureau, Sydney, 1928, P. 1573 consists of 6 issues of the "Pan Pacific Worker", P. 1575 contains copies of Sohan Singh Josh's Presidential Address, The W. P. P. Principles and Policy Resolution, The Trade Union Movement Resolution, the Political Resolution, the E. C. Report of the Bengal P. W. P. 1927-28 and the report of the First All-India W. P. P. Conference (equals P. 669). It also includes an appeal to Bombay clerks to form a union. P. 1576 contains a number of issues of Inprecorr ranging from the 6th June 1928 up to the 12th December 1928 which contain the report of the proceedings of the 6th World Congress of the C. I., P. 1577 contains copies of 4 issues of "Spark", P. 1578 contains 2 issues of the "Sunday Worker", P. 1579 is R. Palme Dutt's "Communism", and P. 1580 consists of a large number of copies of the "Payam-i-Mazdoor" namely 35 copies of the issue of 3rd March, 370 copies of the issue of 10th March and 47 copies of the issue of the 17th March 1929. The search list P. 1558 also shows that Usmani was in possession of Dange's "Gandhi vs. Lenin" and Roy's "Aftermath of Non-co-operation". P. 1574 is a typescript headed "A page from the Russian Revolution" to which I have referred not infrequently already. P. 1561 is perhaps more interesting than any of these. It contains an address "Julius Trosin, Hamburg No. 8, St. Pauli, Heine Strasse 10, Flat one", and written below this the words Julius and Khar written in Marathi, and Walter.

O. P. 1115.

It will be remembered that I have dealt with the address of Julius Trosin already. Kar would appear to be meant for Karl. P. 1563 is another slip of paper containing the words "Potassium Iodide (15 grs.) plus water (120 grs.) apply with Hydrogen Perchlor." This paper also I have discussed already and it is sufficient to say here that it is clear that it has some connection with invisible writing. About this Usmani makes a number of remarks and further says : "The allegation of its having been recovered from my possession is simply astounding." But the fact remains that the evidence shows that it was recovered from his possession and the burden therefore lay upon him to give either an explanation showing the document to be innocuous or an explanation of his possession of it. And he has done neither. The evidence as to the possession of these documents appears to be conclusive. Both of them were found on Usmani's person, see the searchlist P. 1557 and the evidence of the searching officer P. W. 262, Deputy Inspector Chaudhri which has been in no way weakened by cross-examination. He says : "In both searches the witnesses and I myself both signed the documents seized. Usmani accused was present throughout the search." Later on in cross-examination he says : "When I went to Usmani accused's room I asked him to search me and the search witnesses. He did not do so nor were the search witnesses searched." But when the prosecution offered to put up the search witnesses of Usmani and Hutchinson accused's searches the defence replied that they did not wish to

cross-examine them. All that Usmani has to say about the search is:
 " P. W. 262 who carried out my search and arrest had admitted that I did not
 search him or the search witnesses. Not only I did not search them but I did
 not pay any attention to the search list under preparation. I remained in-
 different and occupied with putting my other things in order." This seems a
 very feeble explanation to give in respect of a document which according to the
 evidence was found on the accused's own person. No one however indifferent
 could fail to make a protest if by a conjuring trick a document were produced
 from his pocket which he had never seen in his life before. The few issues of
 the " Payam-i-Mazdoor " which were published and are in evidence do not
 contain much of interest. The first number dated 3rd March gives the objects
 of the paper in the following terms : " The object of the Payam-i-Mazdoor is
 to propagate fully the Labour Movement. The progress and success of every
 movement depends on its propagation." Then he goes on to point out that the
 Indian Labour Movement suffers terribly from the absence of newspaper propa-
 ganda. The editorial concludes with the remark that " in addition to the
 service of Indian labourers the Payam-i-Mazdoor will acquaint its readers with
 the Labour Movement in other countries." In the second number we get an
 article by S. A. Dange entitled " The Labour Party " and in the third a repro-
 duction from the Kirti of several items, one of which is the item headed " War
 and Public Safety Bill and Young Men ". It also contains an address to the
 workers by one J. Bukhari which ends with the following passage : " Make
 all arrangements for thy protection, form thy own societies and then make a
 central soviet. of labourers which should solve all thy important pro-
 blems, save thee from the humiliation resulting from unemployment, arrange
 for thy education and safeguard thy rights and establish a Mazdoor Raj." There
 are three other pieces of evidence in Usmani's case worth noting, namely
 (1) the entries in P. 949 the G. K. U. account book showing sums amounting to
 Rs. 35 paid to Usmani ; (2) an entry of his name in P. C. Joshi's diary P. 311
 on the 18th January in the following terms : " International contribution,
 Agnes Smedley, Palme Dutt, Sak Shaukat " ; and (3) the entry of his address
 in Thengdi accused's notebook P. 886.

It remains only to consider Usmani's own statement from which I have
 already quoted at some length. At page 840 he makes the statement about
 joining the ranks of the Communists which I have already quoted and on page
 841 we find the following remark : " After a study of full six months I joined
 the Communist Movement. It was at this time that I came in touch with the
 Communist International." Then at page 845 he comes to the Cawnpore trial
 in which he says he was badly advised. He remarks : " My political stand in
 that case was deplorable. Through the bad advice of our defence counsels and
 because of the puzzling way the Judge put the questions I had to deny that I
 was a Communist. Our political statement which would have formed a historic
 demarcation in the Indian political struggle, was ruled out of order by our
 novice lawyers in that case. But for the stupidity of these wise counsels the
 Cawnpore case would have been a historic case in the Communist annals of
 India." I suppose that Usmani's complaint really is that whereas there were
 only three or four accused to make epoch-making statements in the Cawnpore
 case if they had been allowed to do so, there are about 20 to do it here so that
 the importance of any individual statement has been proportionately reduced.
 He concludes this passage by saying : " Since then I have always stood by my
 convictions. I have declared from within prison four walls. that I am a
 Communist standing full-fledged (*sic*) by the Communist programme. A Com-
 munist cannot conceal his views and aims. My aims and views are the aims
 and views of the Communist International. The aim of the Communist Inter-
 national is the establishment of a Communist order of society throughout the
 world." He denies having anything to do with the W. P. P. but goes on to
 mention the Cawnpore Session of the A. I. T. U. C. about which he says : " I
 was elected one of the numerous Vice-Chairmen of the Reception Committee.
 In this capacity I helped in the preparations for the Congress. I took part in
 the strenuous efforts of the brave workers in hoisting up the red flag with
 hammer and sickle in spite of the opposition of the reactionary elements. The
 credit of this victory does not belong to me. It belongs to the class-conscious
 workers of Cawnpore themselves." It may be that he is right, but the passage
 well illustrates his own political attitude. Later on after a long and worthless
 digression on the subject of " war danger," which purports to be a defence of
 the resolutions in regard to war danger based on the contention that that danger
 was a real one, a point not necessary for decision in this case, he comes to the

evidence in regard to his visit to Russia in 1928. I have already dealt to some extent with what he has to say on this point. But there is a point which I have omitted. He says that he fell ill at Madras and was ordered to go to some hill resort in northern India and went back to Delhi about the second week of July. He goes on : " In Delhi I was informed by a friend of mine about a certain money order for me from Amritsar. Presuming that a money order for me could not be from any other source than the Kirti office I informed the Kirti people about my presence in Delhi and within a few days I received a money order of Rs. 8 (P. W. 195 and P. 750). This was for contribution of an article through the bureau. It was published in the July number of Kirti (P. 911) Vol. I, No. 4, page 3." This is based on the very feeble evidence of Balwant Singh to which I referred earlier and it is sufficient to say that it is obviously a lie. For if it had been true there must have been entries in P. 750 to support it. And the accused follows this up with another lie on page 927 where he says : " But my presence (in India) in the second week of July is proved by the prosecution witness Balwant Singh, P. W. 195." This accused has concluded his statement to the Court in the following terms which seem to me sufficiently significant : " We might be sentenced, we might be transported, but it will not stop the tide, new stratum will rise over the dead and the struggle will continue unabated and with greater ferocity until it has succeeded in establishing a Communist order of things." And over and above all this Usmani is a signatory to the Joint Statement made by Nimbkar accused on behalf of all the Communist accused.

To sum up the case against Usmani accused, he joined the Communist ranks as long ago as 1921. On his release from jail in 1927 he after some short delay joined the Communist Party of India. Although he was not specifically a member of either the Bengal or the Bombay W. P. P. he was in close touch with the members of those parties and was working with them at Cawnpore in November 1927 and at Madras at Christmas 1927. During the early part of 1928 he does not seem to have done anything of much importance but he was sent on behalf of the Communist Party to Delhi in connection with the Conference proposed by Shafiq and others and not long afterwards began to make preparations to go to Europe for the Sixth Congress of the Communist International. I feel no doubt that he attended that Conference as a delegate of the Communist Party of India. On his return, somewhere about December, he resumed his relations with the Party and was actively interested in its reorganisation. Had the opportunity come he would doubtless have gone out of India again to attend the meetings of the E. C. C. I. He was also during these last few months in close touch with the Bombay W. P. P., (vide the entries in P. 1344 with reference to the E. C. meeting of the 17th February) and in furtherance of the aims and objects of the Party he made himself responsible for starting the newspaper " Payam-i-Mazdoor." There can be no possible room for doubt that a man who has been a member of the Communist Party throughout and has during the period of the conspiracy visited Russia to take part in the deliberations of the prime mover of the conspiracy namely the Communist International, has been a party to this conspiracy.

Agreeing with four and disagreeing with one assessor I hold that Usmani accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and I convict him accordingly of an offence under section 121-A. I. P. C.

PART XXVII.

O. P. 1121. Adhikari accused arrived in India as a passenger by the Lloyd Triestino
S. M. S.S. Pilsna on the 10th December 1928. Previous to this he had been living for
ADHIKARI several years in Germany. At the time of his arrival he presented to the
12. Customs Department a baggage declaration form P. 1477 in which he described
himself as Physical Chemist, and residing at 16|17 Simplex Buildings, Girgaon, 5
Bombay. His baggage was examined by P. W. 221, Mr. M. P. Damri, a Pre-
ventive Officer of the Bombay Customs Department and P. W. 262, Deputy
Inspector Chaudhri. The evidence of these witnesses shows that certain letters, 10
Exhibits P. 1479 to P. 1485, and other items, P. 1486 to P. 1490, were taken from
Adhikari accused's possession on this occasion. We have it from P. W. 262 that
he got the Marathi letters P. 1480 to P. 1485 translated by Sub-Inspector
Kothare whose typed translation is annexed to each of them. With a few amend-
ments this translation was accepted by the Marathi translator who was called
as a witness in this Court. A good deal of time was wasted in discussing
whether the letters P. 1479 to P. 1485 were properly proved. It is not of course
contended by the prosecution that the handwriting of these letters is proved,
though it is reasonable to infer from their nature and from the fact that they
are signed Jagoo, coupled with the fact that Adhikari accused has a brother
Jagannath Adhikari who lives at the same address 16|17 Simplex Buildings,
Girgaon, Bombay, (vide Roy's letter P. 1825, F. C. 752), that they have emanated
from the said Jagannath, but that of course is not the point. The important
point is that these are letters, some of them received by Adhikari accused quite
a long time ago of which he was found in possession on his arrival in Bombay.
O. P. 1122. He had kept them and was carrying them with him. We can infer that he had
read them and it would not be an unfair inference to say that on the whole he
accepted their contents in so far as their contents amount to an admission by
himself, that is to say in cases where his correspondent indicates that Adhikari
has written certain things to him and made certain statements. As Crown
Counsel has put it we are also entitled to infer from these letters what Adhikari
accused knew about Bombay conditions and the political situation in India
generally, what his views and intentions were and under what circumstances
he was coming to India. It will of course be clear that it was impossible or at
least highly unlikely that Jagoo would be able to say "I am glad that you are
going to do so and so" unless he had received information to that effect from
Adhikari himself. 35

The first of these letters is P. 1480 a letter from Jagoo to Dada (brother)
dated the 3rd December 1927. In this letter Jagoo says in the last paragraph :
"I am really glad that you are going to chalk out your future programme after
coming here and studying the (present) situation in India. We have not much
respect and faith for those like Palme Dutt, who are trying to foist ready-made
solutions on the present day India. I intend to write much on Palme Dutt's
criticism of the Indian Nationalists. . . ." But he says he has not time. In a P. S.
he adds : "I shall arrange to send you cuttings from the Herald and the Times
from next week." It seems quite clear from this letter that Adhikari accused
must have written to his brother to say that he intended to come to India and
study the situation before he decided on his future programme. 40

O. P. 1123. The next of these letters in point of time is P. 1483 dated the 9th December
1927 another letter from Jagoo to Dada. In this he begins by saying : "By
this mail I am sending you some cuttings from this week's Times of India and
the Indian National Herald," a passage which shows that he was carrying out
the promise made in the previous week. Then he goes on to ask for the "Masses
of India" and to discuss its line of criticism and its attitude to Nationalist
leaders like Gandhi. Right at the end he says : "Respects to Vera Bai." And
in this connection it is to be remembered that in Adhikari's search on the 20th
March 1929 there was recovered a draft letter P. 1196 which begins "Dear
Vera", to which I shall come in due course. 50

Next on the 24th December 1927 we have another letter from Jagoo to Dada,
P. 1482, which begins with the statement : "I have not received any letter from
you this week," clearly suggesting that the writer expected to receive a letter
from Adhikari every week. Then he goes on to give Adhikari an account of the
political position of the different parties on the subject of the boycott of the
Simon Commission and their different ideas of how to make the boycott effective
and successful. Then he suggests that the coming of the Commission is a valu-
able opportunity for all parties to unite and he expresses his own view that there
60

is good in all the programmes but "no one can deny that the work of the Peasants' and Workers' Party regarding mass organisation is the most important one." That is of course only an expression of Jagoo's opinion but it is an opinion which reached Adhikari and must have been considered by him. At the end in a postscript he says : "In this week's 'Times' there is an advertisement for a lecturer on Physical Chemistry at the Indian Institute of Science at Bangalore. Applications have been invited before the 2nd January. I think you had once in the past tried for the very post. Or can even semi-Government institutions not tolerate the smell of Communist ideas?" This is one of the many little hints contained in these letters which show quite clearly that they were letters written to Adhikari and no one else.

O. P. 1124.

Next on the 29th December Jagoo writes again, this time without waiting for the mail to come in. In this letter (P. 1481) he says : "By this mail I am sending you this week's issues of 'Indian National Herald' i.e. up to Thursday's. From these issues you will be able to read the full report of the 42nd Session of the Indian National Congress." So it appears that Jagoo was trying to keep his brother well up-to-date in Indian politics.

On the 13th January we get another letter P. 1484 which begins with an acknowledgment of "Yours of the 27th December with the 'Masses of India'." This letter shows that not only was there regular correspondence passing between Jagoo and Adhikari but that Adhikari complied with the requests made to him by Jagoo. He had received this request for the 'Masses', which was made in P. 1483 on the 9th December, somewhere about the 24th December so that he would have had no difficulty in despatching the Masses along with his letter of the 27th.

O. P. 1125.

The last of this series is P. 1485, a letter with no date but containing the remark : "Last week the annual general meeting of the Workers' and Peasants' Party was held". As that meeting was held on the 18th March 1928 it is not difficult to infer that this letter is to be dated somewhere about the 25th March. In this letter Jagoo acknowledges Dada's letter of the 11th March. The letter continues : "We get to hear from our Communist friends the same sort of criticism as you write and we never say that there is no sense in it", which gives a clear indication of the nature of the contents of Adhikari's letter of the 11th March. The writer then goes on to talk about the matters of the organisation of the workers and peasants and the immediate necessity of cooperating with the present National leaders. A little further on he says : "To my mind the spread of theoretical knowledge is of the utmost importance for the future organisation and unity of the workers and peasants. You express the same opinion in your letter." And then : "The object of the small circle, which meets every Wednesday and Saturday, is to educate the youths on their duty in the time to come. As you say the signs of this all-round agitation (activity), in the matter of literature etc, are apparent at least among 10 or 12 people." After this he proceeds to speak about the work of the Workers' and Peasants' Party in a tone of considerable admiration, which is not very surprising if we suppose the writer to be Adhikari's brother and to be the same Jagannath Adhikari whose name appears among the signatures of persons who attended the general meeting of the W. P. P. of Bombay on the 18th March 1928 which are on record in P. 1348 (18).

O. P. 1126.

In addition to these letters in Marathi one letter in English also from Jagoo to Dada was found in Adhikari's possession, P. 1479 (I. C. 180). This is an interesting letter. It opens with a reference to the previous correspondence in which the writer says : "I could not reply last week." Next it refers to a letter from Adhikari to "Kaka" (obviously some other relation) in which Adhikari had lectured that gentleman on "the international outlook". In the second paragraph Jagoo tells Adhikari that the people in India are now more and more entering into an international outlook as is shown by the Russian help to the mill-hands of Bombay. Then he says : "What is most significant in this strike is that the workers are completely controlled by the extremist leaders—Messrs. Nimbkar, Dange, Zabwalla—all members of the Peasants' and Workers' Party. I attended some of the daily meetings at the now famous Nagu Sayaji's Wadi, and was amazed at their solidarity—no communal poison working here—and also the audacity of the leaders preaching in the words of "Times" Bank Communism". I must say that the work that the Peasants' and Workers' Party of Bombay has done during the last year, particularly during this strike, is simply prodigious. And all are with the exception of the well-fed Bradley

thin young boys. One good result—howsoever the workers may fail in obtaining all their demands—is sure to come i.e. the new Unions that are now formed will be far more of militant character than the older ones. Dange the brain and the statistician of the Party is writing in Marathi articles on the Trade Union.” At the end he says : “ Will you let me know what exactly are your plans in all their details. I again warn you, you will have to be very careful and cool if you wish to do any real work here. You can be as plain and outspoken as you please in Europe but here you will have to tread most warily—as the extremists (P. W. Party leaders) are doing here.” This letter gives us the information and the advice which Adhikari had received before he landed in India. It does not matter whether the information was correct or not (though from the earlier part of this judgment I think it is quite clear that most of it was fairly correct) or whether the advice was good or not. As a matter of fact Adhikari seems to have regarded it as good because we do not find that he did very much speech-making after he arrived but perhaps that is due to the fact that he does not shine as an orator.

O. P. 1127.

These letters from Jagoo were not the only things recovered from Adhikari at the time of the search of his property by P. W's 221 & 262. Besides these he was also in possession of 27 issues of Inprecorr in German of a number of dates between the 4th November 1927 and the 10th November 1928 (P. 1486), a copy of the Communist Manifesto in German (P. 1487), a copy of the “ Thesis on the revolutionary movement in the colonies and semi-colonies ” (P. 1488), a copy of a German book “ Lenin on Religion ” (P. 1489) and a copy of Stalin's “ Leninism ” (P. 1490).

Before discussing these documents it will be as well to deal with the evidence of their recovery and Adhikari's explanation in connection with their recovery. The evidence in regard to the recoveries consists of the statements of P. W's 221 and 262 already mentioned with the addition of the statement of P. W. 253, Sub-Inspector Kothare. Adhikari's contention is (at page 1192 of the statements of the accused) that the whole search was a daylight robbery. He makes the absurd allegation that he was assured that the whole affair was a formality and that the articles seized would be returned to him the next day. The suggestion that anything of the kind was said was not however put to the witnesses. He admitted the presence of Deputy Inspector Chaudhri. He goes on to say that the only things mentioned in the list, P. 1477, which it was legitimate to seize under the Sea Customs Act, were the copies of “ Inprecorr ” and the “ Anti-Imperialist Review ”. Instead, he says, he was deprived of a dozen classical works of Marxism, a Russian Grammar and so on. Then coming to the papers and letters found with him he says : “ As for papers and manuscripts nothing of an incriminating nature was found with me. Two things are put as exhibits, namely some letters P. 1479 to P. 1484, and secondly a type-script, P. 1488, which according to the prosecution purports to be an extract from the Colonial Thesis of the Communist International. About the latter I have this to say. I cannot say whether I possessed such an extract. I do not recognise P. 1488 as my own. But I do wish to add that there is nothing wrong, nor is it incriminating to possess an extract about the views of the Communist International on India..... Regarding the letters P. 1479 to 1484 P. W. 221 says, “ These letters contain no mark showing that they passed through my hands.” When the Court attempted to elicit further information from him the witness said that he identified the letters ‘ because he took down the list with the Police Inspector.’ Now it is very significant that there was no mention of the Police Inspector being present at the search in the Lower Court. Besides the letters do not bear any signature or mark of A. K. Chaudhri either. In fact these letters were not in my possession at the time of search. I do not recognise them as my own. I do not know anything about them.” Now all this criticism and denial looks rather impressive at first sight, but when we come to examine the evidence the bottom drops out of it entirely. Adhikari has himself admitted the presence of Deputy Inspector Chaudhri at the time of the search. It is no doubt a fact that Mr. Damri, P. W. 221, does not read Marathi, and therefore is in a way unable to identify the Marathi letters, P. 1480 to P. 1485. He said : “ The reason I identify them is that I took down the list with the Police Inspector ”, which is perhaps not a very good ground for identification. He also admitted that he had not mentioned the presence of Chaudhri at the search in the Lower Court, but the explanation of that is no doubt simply that the point was not raised. When we come to the evidence of Deputy Inspector Chaudhri, his statement in examination-in-chief is as follows “ Exhibits P. 1480 to P. 1485

O. P. 1129.

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were found in the possession of Adhikari accused and detained at the Customs along with certain other things at my instance. I can read Marathi imperfectly. I got them translated by Mr. Kothare and his typed translation is attached to each." Here I may quote S. I. Kothare's statement. It is as follows: "I have seen Exhs. P. 1480 to P. 1485 Marathi letters before in our office. They were given to me there by Mr. Chaudhri to translate. Mr. Chaudhri told me he had got them from the Customs from the search of Dr. Adhikari. I translated them and my translation is attached". This witness was not cross-examined on this point at all. Turning back to Deputy Inspector Chaudhri he was cross-examined in regard to the whole of this matter only to the following extent: "As regards the letters found with Adhikari accused I got them translated by Mr. Kothare, because I did not feel myself qualified to produce a literal and idiomatic translation." In fact the evidence of P. W.'s 221 & 262 to the effect that these letters and P. 1488 were recovered from the possession of Adhikari accused stands entirely unweakened.

Apart from the letters P. 1479 to P. 1485 which I have dealt with already the only other item recovered in Adhikari's search which calls for individual notice is P. 1488. The importance of this document is that it is the first copy or extract from the Colonial Thesis which is known to have arrived in India. It is not a complete copy, as appears on a comparison of it with P. 90, which reached India a couple of months later, but either from it or from its parent there appear to be derived a series of similar extracts from the Colonial Thesis. Examples of these are P. 1115 recovered from Joglekar accused, P. 1033 found with Hutchinson accused and P. 334 found with Joshi accused.

O. P. 1130. We come now to a series of letters signed Nam, a conclusion as to whose origin and authenticity can be drawn with fair certainty by putting them together and considering their contents. P. 1811C. is a copy of a letter dated 14th November 1928 which was intercepted and reposted by P. W. 271, Sub-Inspector Ketkar on the 30th November 1928, shortly after Adhikari accused must have sailed for India. This is a letter signed Nam addressed to Suhadini c/o Mrinalini Chattopadhyaya, New High School for girls, 5 Napier Road, Fort, Bombay, India. The letter opens with the words "My dear Babe" clearly indicating a close relationship between the writer and the addressee. It deals with a number of matters of no particular importance but in the middle we come to the following: "Adhikari will be leaving soon. I think that the engagement has been broken. Frl Bhate wrote and imposed 14 conditions and Adhikari wrote in true Marxian style and said marriage "ist kern kuh handel". A is a nice fellow. I have received a number of books for reviewing. Ask Gunnu to write for review copies of Dreissers' "American Tragedy" and "Genius." Constables are the publishers. Lester will be interested to review them for the people." Before I leave this letter I may refer to the evidence of P. W. 193 Leaqat Hussain who mentions that in September 1928 he went to the Ballard Pier with Miss Chattopadhyaya to meet her sister Mrs. Nambiar on the boat. This Miss Chattopadhyaya, he says elsewhere, lives at 5 Napier Road, Bombay. Later on in his statement he said: "I know the name Gunnu. It is not the name of Mrs. Nambiar. It is the name of Miss Chattopadhyaya." So that this is clearly a letter from Nam to Suhadini Nambiar c/o her sister Mrinalini Chattopadhyaya who lived at Napier Road, Fort, Bombay. The evidence of P. W. 193 also shows a close association between Hutchinson whose name is Lester and Mrs. Nambiar from which it is easy to infer that Lester mentioned in this letter to Suhadini must be Hutchinson accused.

O. P. 1131. On the 14th December 1928 another letter signed Nam addressed to Suhadini c/o Mrinalini Chattopadhyaya 5 Napier Road Bombay and beginning with the words "My dear Babe" was intercepted by P. W. 262, Deputy Inspector Chaudhri. It is dated 20th November. In this letter Nam says to Mrs. Suhadini Nambiar: "Adhikari is leaving tomorrow and there were several parties in his honour. He is travelling by the Pilsna and is expected to arrive in Bombay about the 10th of December. I should feel happy if you could meet him on arrival and help him in regard to rooms and such matters for the first few days. I have come to know him well and consider him to be quite sincere. He is at present a bit over-enthusiastic but once he gets to India he will knock against hard facts. Do meet him often." It is clear first of all that this letter is from the same person who wrote P. 1811, and secondly there is this support for its genuineness that the facts contained in it as regards Adhikari's voyage to India are correct. In order to embark on the Pilsna at Trieste or Venice, Adhikari would certainly have had to leave Berlin somewhere about the

22nd November. Another point worth noting is that this letter was intercepted on the 14th December, that is to say several days after Adhikari's arrival so that it was impossible for Mrs. Nambiar to meet him on arrival.

Another letter from Nam on the record, an original letter written in pencil, is P. 870 (F. C. 667) found at the house of Miss Mrinalini Chattopadhyaya by P. W. 266, Sergeant Hampton, on the 20th March 1928, along with an envelope P. 870 (E) addressed to Miss Mrinalini Chattopadhyaya, Principal, New High School for girls, 5 Napier Road, Fort, Bombay. The contents are as follows :

O. P. 1132.

BERLIN

22nd November. 10

My dear Gunnu,

Just a line to introduce my very dear friend Adhikari. I should feel greatly obliged if you would befriend him and help him in all ways you can. He is a valuable worker.

Yours, Nam. 15

Crown Counsel asks that the Court should draw two inferences from this letter. The first of these is that the man who signs himself Nam and writes to Miss Chattopadhyaya as Gunnu is the same person, who has been writing to Suhasini c/o Miss Chattopadhyaya addressing her as Babe and signing himself Nam. Secondly that a man who signs himself Nam and writing to Mrs. Suhasini Nambiar calls her Babe, and writing to and of Miss Chattopadhyaya, Mrs. Suhasini Nambiar's sister, calls her Gunnu must certainly be Nambiar, the husband of Mrs. Suhasini Nambiar. The use of these pet names is such a very clear evidence of close association. This letter P. 870 would appear to have been delivered by Adhikari himself, as the envelope bears no sign of having been through the post, and in fact does not look as if it had ever been stuck down.

P. 1683 is a copy made in interception by P. W. 262, Deputy Inspector Chaudhri, of a letter dated the 13th December written by G. Adhikari and addressed to Miss Chattopadhyaya with a note on the envelope, "for S. N." Inside the envelope there were two letters. In the first Adhikari writes : "Dear Mrs. Nambiar—I tried to find your house at Bandra day before yesterday" (that is on the 11th the day after his arrival at Bombay). "Was not successful. I shall come to 5 Napier Road on Monday at 4-30 afternoon. Perhaps I shall be able to meet you there. I shall anyway leave the books there and take the correct Bandra address. I must meet you before I leave for Calcutta.

O. P. 1133.

Yours,

G. ADHIKARI."

Enclosed was a letter from Nam to 'My dear Baby' in the following terms : "Kindly help Adhikari to find any convenient and cheap room and till you find one I suppose it will be possible for you to put him up with you. I don't write more because I know you will do all that you can." This letter like P. 870 is dated the 22nd November. Of course these are both copies, but in order to come to a conclusion that they are not copies of letters actually written by Adhikari accused and the same Nambiar who wrote P. 870, we have either to assume forgery, of which there is not a shadow of evidence, or else we have to assume the existence of some other Adhikari surrounded by exactly the same circumstances as Adhikari accused. The effect of it all is that Adhikari's approaching departure from Berlin for Bombay was intimated by Nambiar, the husband of Suhasini Nambiar, to his wife, before Adhikari ever started, and that Adhikari on arrival therefore knew to whom to go for assistance.

We next hear of Adhikari in various notes in Ghate's handwriting relating to the C. P. I. meetings held at Calcutta on the 27th, 28th and 29th December. To take the rough notes first, P. 1300 relates to the proceedings of the 27th December. Item 1 is as follows : "Credentials of Adhikari—decide to admit him." Then later on we get, in connection with the E. C., "(2) : Full E. C. should meet every quarterly—(Adhikari, to be coopted)". Then in the rough

O. P. 1134. notes for the 29th, in P. 1303, we get "Adhikari's suggestion". In P. 1295, the fair report, item 1 is: "Adhikari admitted to the party." His name does not appear again in this exhibit. The minutes of the 28th December mention that the thesis of the Comintern was gone into, and it was decided to accept it as a basis for work. There can be little doubt that this means that the Party considered the Colonial Thesis, which was probably before them in the shape of a duplicate copy of P. 1488. 5

O. P. 1135. Towards the end of January 1929 we come to a letter, P. 1825, (F. C. 752) which was intercepted and withheld by P. W. 269, Deputy Inspector Chawan. This is a letter, which is proved to have been typed on M. N. Roy's typewriter and is signed Raymond. It was addressed to Mr. Jagannath Adhikari, D|16-17 Simplex Buildings, Paowalla St. Girgaon, Bombay, India. In it Roy says to Adhikari's brother: "Dear Friend—By this Mail I am sending instructions to the big medical man as agreed with Gangadhar, who should see that the doctor takes care of the patient", apparently a circuitous method of saying that he is sending instructions to Gangadhar and that they should be carried out. This letter is dated the 14th January and bears a postal seal of Berlin, N. W. of the same date. It was not the only letter written by Roy that day as there are on record two other letters written by him or rather posted by him on the same date. These are P. 1897 P, a letter addressed to Darbar & Co., P. O. Box-14, Amritsar, Punjab, and evidently intended for the editor of the "Kirti", for which it encloses an article, P. 1897 (1), headed "The Lessons of the Fortythird Congress", which is identical with P. 1255 recovered in the search of Desai accused. In this letter, which was intercepted and photographed by P. W. 179, Sub-Inspector Arjun Singh, M. N. Roy writes to the "Kirti" that he has been requested to contribute regularly and will of course do so with great pleasure. He adds: "As it may not be advisable for the Kirti to publish too many articles signed by me, I shall write them with a pseudonym "M. Rahman." I shall be very much obliged if you will kindly send me the paper (in both languages) to the following address:—Herrn Bhaduri c/o Arnheim, 44 Jagow St. Berlin." It is important to note that this same address is given in a note-book, P. 1194, found in the possession of Adhikari in March 1929. The other letter written by Roy on the 14th January is P. 1512 (F. C. 754). This is a letter, which was intercepted by P. W. 238, Mr. N. K. Purandare, when he was Inspector of Foreign Mails in Bombay in February 1929, and was withheld. It is a letter from M. N. Roy to Messrs. Chakravarty, Chattarji & Co. Publishers, Calcutta, forwarding a synopsis of the contents of a book on China (P. 1512 A), and asking if the firm would be willing to undertake the publication of the book. This is the same letter in which Roy says: "In case you wish to enquire about my competence to write such a book, it may be pointed out that I was present in China taking a leading part in the movement during the fateful period of 1926-27." The letter closes with an important P. S. which is as follows:—"Please address all communications to Mr. A. C. N. Nambiar, c/o Rhode, Berliner St. 66, Berlin, Charlottenburg, Germany." This address also finds a place in Adhikari's note-book, P. 1194, a fact which is in itself a strong corroboration for the conclusions drawn as to the identity of Nam in the letters to which I have referred already. It may also be noted that it is the address to which Hutchinson accused addressed on the 15th March 1929 the letter, P. 1810 P, in which he speaks of S. (obviously Suhasini) and Gunnn. Adhikari of course denies acquaintance with Nambiar and says on page 1195 of his statement that he has heard of Mr. Nambiar as a journalist, who wrote for various papers in India, and that he has no further knowledge of him. 10 15 20 25 30 35 40 45 50

O. P. 1136. After his return to Bombay in January Adhikari applied on the 13th January to be admitted a member of the Workers' and Peasants' Party. P. 1344 states: "Nextly applications for membership from Adhikari, Sumant and Randive, were put before the meeting, and they were admitted to the membership of the Party." At the next meeting, on the 15th, we find Adhikari was asked to assist Dange in connection with the Kranti. Then on the 30th at the end of a discussion on Party policy in the Girmi Kamgar Union we find it stated: "It was decided to draft the most class-conscious workers into the Party. Adhikari was asked to up the members of the Committee into our ideology." Adhikari's name does not appear in the minutes of the meeting on the 23rd February, but he was present on the 17th, about which the last note is: "Kranti Question. Committee suggested of Adhikari, Deshpande and Dange arranging sales, advt, etc." It will also be remembered that Adhikari himself kept some notes of this meeting of the Party, which are on the record as P. 1170. There are one or two other pieces of evidence about his connection with W. P. P. For instance on the back of P. 1345 there 55 60 65

are some entries of subscriptions paid by members on certain dates, and these include an entry of a payment of one rupee on the 4th February by Adhikari. Another document is P. 1373 (1), which relates to the first meeting at which Adhikari was present, namely that on the 13th January. Item 5 is as follows :
 " The question of as to who should look after the union, if any, was discussed— Adhikari's name was suggested and adopted." This appears to have reference to the question as to who was to look after the G. K. U. if Dange were arrested, see the entry at the foot of page 107 of the printed exhibit, P. 1344.

Q. P. 1137. On the 21st January Adhikari spoke at the Lenin Day meeting, but the reporter failed to follow what he said, and disposed of the whole thing in five lines without giving any clue to what the speech was all about.

On the 25th January Adhikari apparently wrote the letter, of which P. 1196, recovered from his possession, is the draft. This letter is addressed to " Dear Vera ". In this he complains that he has not heard from Vera for two weeks and suggests that it is possibly due to the efficiency of the Po. Po. which perhaps stands for Political Police. Then he goes on : " I am not earning anything; nor do I see any possible prospect of earning anything. I shall now give up the search and devote my whole time to my task ", from which it is quite evident therefore that his " task " has nothing to do with earning a living, and that indeed follows from a good deal of what he says afterwards. Then he comes to the subject of " addresses " which we have met with so frequently before, and says : " If you get the letter that I have sent you by a different channel, you will get a couple of new addresses. There you will also find a letter, which please forward. The letter is to a comrade whom you know. This comrade will be able to give you a new address, which you should please use. Please use all other ways of reaching me. B. T. IPK " († Inprecorr) " has not arrived either. It is so very important—one is, as it were, cut off here." He goes on to ask Vera to send him the " History of the Civil War in Russia " and " Under the banner of Marxism " and says : " How the books should be sent I will let you know later. Please never try to send me money. It will never arrive." Then he says : " I am sending you a photograph from the newspaper. The group shows the Bombay delegates to a women's Congress for educational reform. A bourgeois affair. You will recognise Mrs. Hirlekar." It looks rather as if this might have been a photograph of the Conference of teachers of the Bombay Presidency, which is referred to in the letter, P. 1040 (F. C. 589) written on League against Imperialism note-paper by Binnie to Gunnu on the 10th October 1928 on behalf of the Educational Workers' International. This letter was found in Hutchinson's possession, possibly because there was a suggestion in it that Suhasini and Gunnu might be able to make themselves useful in connection with it.

Q. P. 1138. Next on the 3rd February 1929 we find one S. V. Sovani writing a letter, P. 1674 P, to Adhikari from Munchen (Germany). In this he says : " I had a comfortable journey and I will soon be going to Leipzig, Berlin etc. and thank you for your letter. I have posted the letter." This post card was intercepted and photographed by P. W. 262, Deputy Inspector Chaudhri, on the 22nd February 1929. The prosecution rely on it purely for the remark " I have posted the letter " as proof that Adhikari had used this gentleman as a means of getting a letter out of India by a channel other than the ordinary post. Adhikari in his statement at page 1196 makes a great to-do about this piece of evidence, and gives a long explanation intended to prove that this letter could not have been a secret communication. According to him it was only given to Sovani by accident. He found that Sovani was just starting for Europe and he had in his possession a letter which had just missed the last mail. The explanation does not really take the matter any further. The evidence merely proves that Adhikari did send a letter by Sovani, which may have been unimportant or may have been important and conspiratorial, but at any rate the evidence does illustrate one of the methods of getting letters to Europe free from the risk of interception in the Post office. On the 18th February a letter was written by Adhikari evidently to Comrades in Europe, of which the unfinished draft P. 1169 was found in Adhikari's possession in March 1929. I do not think the letter adds very much to our knowledge of Adhikari. I will quote only a few lines in the middle where he says : " The increasing rate of exploitation etc. deepens the class opposition, which the driving force of revolution fosters. This opposition between the proletariat and the ruling classes is now making itself felt with us. On the one hand the class-consciousness and war-preparedness of the Indian workers is growing. A number of important concerns is no longer under " reforms " († reformist) leadership. The stalemate within the All-Indian industrial Congress († A. I. T. U. C.) is already

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breaking away in the direction of a revolutionary class-politic." Adhikari is apparently attempting to give his correspondent an analysis of the stage which has been reached in the revolutionary movement.

O. P. 1140. On the 16th March 1929 P. W. 262, Deputy Inspector Chaudhri intercepted the letter, P. 1676, (F. C. 825) dated the 25th February from M. N. Roy. I have dealt with this letter at considerable length on pages 611 following above, and I need not go into such complete detail again. This letter was addressed on the outer envelope to Miss Mrinalini Chattopadhyaya, Principal, New High School for girls, 5 Napier Road, Fort, Bombay, India, but inside this cover there was another envelope with the superscription "For Suhasini". Inside this envelope there were a number of documents, which are proved to have been typed on Roy's machine. The first of these is a letter dated the 27th February, in which Roy asks Suhasini to pass the enclosed on to "our friend Adhikari". In this he says: "I suppose you know how to reach him. If not you can find him through his people who live at D/16-17 Simplex Buildings, Paowalla St. Girgaon." The second enclosure is a letter dated the 25th February from Roy to Adhikari beginning "Dear Friend" and signed R. Along with this there is a credential which I have quoted already at page 614 above, and also an article entitled "The role of the Proletariat in the National Revolution". It will be noted that this letter indicates a connection between Adhikari and Mrs. Nambiar, which was known to the writer. It also contains the same address, which we found used by Roy in writing to Jagannath Adhikari in P. 1825, and further it will be noted that the contents clearly indicate that Roy and Adhikari were maintaining continuous correspondence. This letter refers to the great events which took place in Bombay in February, evidently meaning the Bombay Riots, in connection with which he says: "We are very hopeful about the situation, but at the same time very anxious about you all. Eagerly waiting for news", and indeed that is what we should expect. Communist conspirators outside India, who had been watching the progress of Communist work in Bombay from April 1928 onwards, the daily meetings and speeches and the foundation and the growth of the G. K. U. and had heard of the continued progress of the G. K. U. subsequent to the conclusion of the strike, would naturally have hoped that the riots would lead to the existence of an objectively revolutionary situation, of which advantage might be taken by the Communist workers in Bombay. They must have been sadly disappointed in the result. But we are concerned here rather with the bearing of this letter on Adhikari's case, and its bearing clearly is to show a very close association between Adhikari and one of the leading conspirators in Europe. There is another small point of interest in the note accompanying the article on "The Role of the Proletariat". In this Roy says: "As I wrote in my last letter, all the addresses I gave you except the one in London are good. Please do not use the last one any more." This again supports the same point which I have just made and also the general prosecution case in regard to the use of cover addresses.

O. P. 1141. The last letter in evidence in Adhikari's case is P. 1174 (F. C. 855), a draft letter found in Adhikari's possession dated the 15th March 1929 and addressed to "Dear Friend". As I pointed out in the former discussion, it is quite clear that this letter is an answer to a letter from Roy written one week before P. 1676. With this letter I have dealt at considerable length on pages 615 and following above, and I have also discussed it to some extent in dealing with the case of Usmani accused. It is, therefore, unnecessary now to go into this letter and its connections in full detail. In the course of this letter Adhikari gives the Bombay Group credit for the formation of the G. K. U. and for their enthusiasm, but criticises the existence of feudal reaction, lack of discipline and so on. Then he says: "Yes, the objective situation is rapidly developing." In this connection it may be well to remember that the Bombay Riots were not long over, and that since the conclusion of the General Strike, the Workers' and Peasants' Party had been working on the slogan that the settlement was only a truce, and that preparations were to be made for next May, presumably meaning the declaration of a general strike in May 1929, in which the Textile workers would be backed up by the Railway workers also, *vide* Bradley's letter of the 26th October 1928 to Potter Wilson, P. 2412P, (F. C. 616) at page 618, paragraphs 2 and 5.

O. P. 1142. The last important activity, in which Adhikari took part prior to his arrest, was the meeting of the Communist Party of India held at Bombay on the 19th March. Another meeting was held on the 17th, of which there is on record a note in Ghate's handwriting, P. 1296, but Adhikari's name does not appear in it. He is, however, shown as present in the note, also in Ghate's handwriting, of the

meeting held on the 19th, P. 1297, in which he was elected a member of the sub-committee appointed to draft out a detailed plan of work. In connection with these meetings three documents were also found in his possession on the 20th March, namely P. 1171, which corresponds very closely indeed with P. 1297, P. 1172, which has some very clear points of coincidence with P. 1296, and P. 1173. All three are in Adhikari's own handwriting. 5

Coming now to the searches, which took place on the 20th March 1929, the room occupied by Adhikari and his brother and father at Bhimrao Atmaram's Wadi was searched by P. W. 217, Inspector A. A. Shirazi, who prepared a search list, P. 1162. At this search there was recovered only P. 1163, which consists of issues of the "Spark" dated the 10th and 17th March. Adhikari was not present there, when the Searching Officer went there, and he was told that he would find him at the office of the "Kranti". The offices of the "Kranti" and the "Payam-i-Mazdur" were both situated in the Aspar Building, Poibaodi, Farel, and in fact in the same room (P. W. 218, Sub-Inspector Tawade). According to P. W. 203, Sub-Inspector Deshpande, the door of the office of the "Payam-i-Mazdur" was opened by Adhikari. Inspector Shirazi deposes that when he arrived at the "Kranti" office, he found Adhikari there and also some suitcases bearing his name. These he searched and prepared a search list, P. 1161. In this searchlist a number of items of interest were recovered. P. 1164 is a file with cuttings of an article entitled "A. B. C. of Communism" apparently taken from the "Kranti" and P. 1165 is an article in English entitled "The Problems of the British Empire" which is apparently the one referred to by Roy in P. 1676, where he says: "The one on the British Empire will help the discussion of the question of decolonisation." P. 1166 is "The Principles of Communism" by Engels in German, and P. 1168 is a correspondence pad bearing Adhikari's name on it and having 7 sub-divisions which are as follows: (1) Spark. (2) External correspondence. (3) Party Organ. (4) Translation and Propaganda tracts. (5) The agrarian question. (6) Agit-Prop. (7) The Trade Union Movement." With the exception of Spark and Agit-Prop the other headings are all written in German. P. 1169 to P. 1174 have already been dealt with. P. 1175 is Stalin's "Leninism", P. 1178 is another book by Engels in German, P. 1180 is Kautsky's "Social Revolution", P. 1181 is Karl Marx's "Wage, Price and Profit" in German, P. 1182 is "The Communist Manifesto" in German, P. 1183 is another book by Engels in German, P. 1184 and P. 1185 are two volumes, 20 & 13, of Lenin's Collected works in German, P. 1187 is Roy's "Political Letters", P. 1188 is Marx's book "The Class Battles in France," 1848-1850, in German, P. 1190 is a booklet "Communism" by Palme Dutt, P. 1193 is Marx's "18th Brumaire of Louis Bonaparte" in German, P. 1194 is a note-book with Adhikari's name on it, P. 1195 is a Communist calendar in German and P. 1196 is the draft letter in German to Vera which is proved to have been typed on Adhikari's machine. It may further be noted in this connection that about a dozen German books were recovered in the search of the "Kranti" office itself, and it is reasonable to suppose that these have been brought there by Adhikari accused. The note-book P. 1194 is the one which contains the addresses of Bhaduri and Nambiar. It also contains an address of one Vere which may be the same as Vera. 10
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Now the articles recovered from Adhikari's possession evidently speak for themselves, and that is no doubt why an attack of sorts was made on this search in cross-examination. Questions were put to P. W. 217, A. A. Shirazi, in cross-examination. The first of these related to the addition of the words "with the name Adhikari on the outer case" in item 2 of the search list, P. 1161. This was written with a different pen and ink from the other entries. There had been a typewriter among the articles seized in this search, which was returned to Adhikari himself, so that it does not appear that there could be any particular reason to add this entry, unless it tallied with the facts, and indeed Adhikari himself has not, so far as I am able to find, questioned the fact that a typewriter was recovered from his possession. He admitted the bulk of the items contained in his search list, though he said that he knew nothing about P. 1170, P. 1171, P. 1172, P. 1173 and P. 1178. But that is I suppose explained by the fact that any admission in regard to these would be an admission coming within the condemnation of the famous Maslow Case. He has also of course said that he knows nothing about P. 1174 and P. 1196 as also P. 1194; but that again is very natural, as these are items which it is very difficult to explain. He deals with this search in his statement at pages 1279 and 1280, but makes no reference whatsoever to the typewriter there. Cross-examination was then devoted to the 50
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suitcases, because the witness said he searched the suitcases as they bore Adhikari's name. The suitcases are not available having been returned, to Adhikari himself long ago, so it was not possible at the time when the matter came up in the Court to test the matter by inspection. In the absence of any serious questions being raised, particularly in the case of the suitcase, which the witness marked F, and which contained a whole series of books which Adhikari claims as his own, it seems to me that the whole of this cross-examination drops to the ground. 5

O. P. 1146. In addition to the documents above referred to there are a few miscellaneous items of evidence to which I must also refer. P. 1357 is a sheet of notepaper recovered in the search of the office of the Workers' and Peasants' Party of Bombay with the following address thereon: "Gangadhar Adhikari, Droyesen Str. 18 III bei. Warkos, Charlottenburg, Berlin, Germany". This address could have been of no interest to members of the Party after Adhikari came out to India. It follows that if it indicates anything at all it indicates that the W. P. P. was in communication with Adhikari prior to his coming out to India. His name also appears in P. C. Joshi's diary, P. 311. Then again in the search of the Kranti office, in the file, P. 1207, there were found two articles P. 1207 (4) and P. 1207 (5) both of which are in Adhikari's handwriting. The first is an article on Lenin Day and the second is headed "Lessons of the Boycott Campaign" by G. A. and A. B. This would appear to be a draft of Adhikari's speech on Lenin Day, the speech with which the reporter unfortunately failed to deal. It is hardly worth while to quote from these articles or from the three articles by Adhikari which appear in the "Spark" namely, (1) "What Germany thinks of India", (2) "The Trade Disputes Bill and (3) "Open Letter to Comrade Mehrally", as they are of the usual type. 10
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There remains only Adhikari's own statement to the Court. This is no better and no worse than most of the statements made by those of the accused who profess to be Communists. According to his own statement the case against him rests on five "overt acts" namely, (1) that he arrived in India with Marxist and Leninist books in his possession; (2) that he joined the W. P. P. in Bombay; (3) that he became a member of the C. P. I.; (4) that he was present and spoke at the Lenin Day meeting in 1929; and (5) that he wrote three articles, which are not at all seditious even in the eyes of the Indian Penal Code, which appeared under his name in a weekly called the "Spark". He went on to contend that the overt acts committed by him amount to nothing more than holding political opinions and expressing them on one occasion and finally being a member of a political party which stands committed to a programme for the overthrow of Imperialism and capitalism in India. The chief weak point in this statement of his case is that he omits to mention that the political party or parties of which he is a member stand committed to a programme not merely for the overthrow of Imperialism and capitalism in India but for the overthrow of the existing form of Government in India by means of mass organisation culminating in a violent revolution. It is not suggested that either of these parties stands committed to a programme which is to be attained by constitutional means. In consequence all that he says in the arguments which he puts forward later on page 1189, where he says that "the right to organise a political party, whatever its aims and methods may be, is inherent under bourgeois democracy", entirely misses the point. There can be no right to organise a party which aims at the destruction of the existing system of Government. At page 1194 he comes to what he calls "connection with conspirators in Germany" and makes some remarks about the Berlin group and the Continental group. It is certainly a fact that there is not a great deal known about the Berlin group and the Continental group. But it is also a fact that through Berlin Adhikari accused has been in touch with M. N. Roy, and it would seem obvious that there were other persons belonging to the group. Berlin is the headquarters of the League Against Imperialism so we have no difficulty in adding Chattopadhyaya and Munzenberg to the group. Bhaduri may of course only be a cover address though the chances are somewhat against it, and there is also Nambiar. No doubt Adhikari says (page 1196) that he has no personal knowledge of M. N. Roy whatsoever and has never carried on any correspondence with him, never received any letter from him, neither had any occasion to write to him. But Adhikari is a Communist, and it is only necessary to remember the Communist attitude as regards expediency to recognise that there is no need to and in fact no justification for putting the smallest faith in anything Adhikari says. If it suits him to tell a lie he will tell a lie without any hesitation, and we have evidence in the shape of Roy's own letter that he is acquainted with Adhikari. At page 1198 30
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he comes to a section headed "Membership of the C. P. I." in which he says that he joined the C. P. I. only a month or so before his arrest. He goes on: "I have already stated that our Party was not affiliated to the Comintern. This fact will not prevent us from defending the cause of the Communist International before this Court. In fact you cannot be a Communist by merely accepting Communist theories and principles in the abstract. It is the duty of a Communist to attempt to put these principles into practice and to actively support Communist organisations. The Communist International is the premier Communist organisation of the world—it is the world Communist Party, the centralised leadership of the entire Communist Movement of the world..... It is our duty therefore as Communists to proclaim our adherence to the principles and the programme of this supreme revolutionary organisation, to repulse the attacks and allegations that have been levelled against it in this Court, and finally to assert the right of the Indian working class and the right of the Communists in India to associate with this body." At page 1248 he brings out what the programme of this supreme organisation is to which it is the duty of those accused who are Communists to proclaim their adherents, saying: "The Communist International considers the national revolutionary struggle in the colonies and semi-colonies as an integral part of the struggle for the world revolution, for the establishment of a world union of Socialist and Soviet Republics. This is the basic thought in the policy of the C. I. towards the colonial question." Towards the bottom of the same page we get the following passage: "The Communist International on the other hand enjoins its parties that they must recognise "the right of the colonial countries of armed defence against Imperialism" (i.e. the right of rebellion and revolutionary war) and advocate and give active support to this defence by all means in their power." If they did not put that principle into practice they were no Communists and they do not for a moment suggest that such an unkind charge could justifiably be made against them.

Q. P. 1149.

Next on page 1277 Adhikari brings out the fact that in this case the individual means nothing. He is what he is as a member of an organisation, that is to say, remembering the nature and the aims of the organisation, as a member of the conspiracy. He says: "I have come to the conclusion of the explanation or justification or whatever you may like to call it of my being a member of the Communist Party of India. The charge of conspiracy is raised against me not for any acts overt or otherwise, which I have committed as a member of the C. P. I. There are no acts at all. I am merely charged because I was a member of the Party. The nature of the present case is such that the question of defending the individual does not arise. The question is to defend the Party, its ideology, its right to exist, its right to affiliate to and be assisted by the Communist International." It seems to me he puts the point very well though I do not agree that there are no acts at all. There are plenty of acts. Every single act of any kind which operates towards the better organisation of the Party is an act in furtherance of the conspiracy. But mere membership of the Party by itself, if it means anything at all, clearly means participation in the aims and objects and methods of work of the Party. He is almost equally frank in regard to the Workers' and Peasants' Party of Bombay about which he says at page 1279: "I joined the Party because it aimed at the complete independence of India from Imperialism through revolution. During the hundred days of freedom I had in India I did not have much opportunity of doing any work for the Party." He goes on to deal with the Communist literature found in his possession and from it to a discussion of Marxist philosophy in the course of which he examines the question whether revolution is possible without violence. About this he concludes on page 1295: "I am here merely concerned with the conclusion that the acceptance of the philosophical, economic and political principles of Marx necessarily includes the acceptance of a violent revolution and of the establishment of the dictatorship of the toiling masses as a lever for future social progress." At the end of a long discussion of Lenin's life work he sums up on page 1302 the important problems of struggle which Lenin formulated and helped to solve. On the following page he says: "The problems here enumerated had already been formulated more or less clearly by Marx and Engels. Lenin during the 30 years of his revolutionary career solved them in the light of the class struggle which he lived through and in which he actively participated. Lenin's legacy to the toiling millions of the world is the sum total of this revolutionary experience, which we call Leninism. It is not left to us merely in the form of the 30 volumes of his collected works. The living embodiment of Leninism is the general staff of the world revolution, the Communist

Q. P. 1150.

Q. P. 1151.

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International, which, as has been said here, is the greatest monument to the memory of Lenin." So we have it from this accused, who rather prides himself on being the leading theoretician among the accused, that the Communist International to which he swears allegiance is a body which can properly be called the "general staff of the world revolution." It must also not be forgotten that in addition to this statement of his own which is sufficiently self-revealing Adhikari is also a signatory to the joint statement of the Communist accused with which I dealt in Part XV above at page 779 following. 5

To sum up the case against Adhikari accused it is quite clear that prior to coming out to India he was associated with Communists abroad, and that he came out to India with the intention of doing work as a Communist, that is to further the aims and objects of the Communist International. It is clear that with that object he brought out with him the earliest copy or copies of the Colonial Thesis or extracts therefrom. On arrival in India he joined the C. P. I. and the W. P. P. of Bombay. He took a keen interest in the reorganisation of the Communist Party and an active interest in the working of the W. P. P. including the publication of the Party organ, the Kranti. He continued to maintain communications with conspirators abroad which it is obvious he could only have done with one object in view. He is naturally more of a theoretician than a practical worker but in my opinion it is possible for such a worker to participate in the conspiracy just as much as it is for a man who is interested in the Trade Union side of the work, fraction work, lecturing, making speeches and the like. There is in my view a very clear case against him which is finally clinched by his own statement to this Court and his association with the joint statement of the Communist accused. I am quite satisfied that he came out to India in order to do work in furtherance of the aims of this conspiracy, and that having reached India he used every opportunity that came his way to work to that end. 10
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O. P. 1152.

Agreeing with four assessors and disagreeing with one, I hold that Adhikari accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under Section 121-A I. P. C., and I convict him accordingly. 30

PART XXVIII

O. P. 1153. Hutchinson accused's case is on somewhat different lines from those with which I was dealing so far. He did not arrive in India until September 1928 and even after his arrival he had no "public" association with the Workers' and Peasants' Party or the Communist Party of India. None the less there is evidence in his case which requires very full consideration. We have to consider first of all what little there is that is known about him before he came to India and then in the light of that the evidence as to what he did after he arrived here. 5

The first information in connection with his previous history which we have comes from his own statement in which he says that he comes of a family of revolutionary socialists. He gives some account of his life as a boarder in a large private school which (so he says) catered for the sons of gentlemen. Then he went to a Quaker Public School and in 1923 to Switzerland where he studied at the Universities of Neuchatel and Geneva. About this time, he says, he became a convinced Communist although the nomadic life he was then leading in connection with his studies prevented him from joining the Communist Party of Great Britain. Next he says he played a small part on behalf of the strikers in the General Strike of 1926 and had "active experience of the potential mighty revolutionary force of the millions of Britain's exploited workers." On this occasion he avers that the workers would under the right kind of revolutionary leadership have won a great proletarian victory in the very stronghold of capitalism and Imperialism (page 1309 of the statements of the accused). This was during a period spent in England and Scotland after his return from Switzerland. Subsequently, as he says, he adopted journalism as a profession and went to Germany. On page 1310 he says: "While I was in Berlin, I came into contact with the head office of the League Against Imperialism. I did not, as the prosecution allege, do any work for the League, nor was I a member of it. I was merely there as a sympathetic observer, because I realised that the League against Imperialism—which, by the way, is not a Communist body—was doing splendid work on behalf of the oppressed millions in the colonial and semi-colonial countries." This brings me to the first document on the record in evidence against Hutchinson accused. This is P. 1041 (F. C. 309) a letter dated 15th October 1927 which was found in Hutchinson's possession on the 20th March 1929. It is written on "Sunday Worker" notepaper and bears a rubber stamped signature of William Paul, editor of that newspaper. This signature tallies exactly with signatures of William Paul which are proved to be genuine and in any case I think that it would be reasonable to suppose the signature to be a genuine one in the light of the fact that this letter had been retained by Hutchinson in his possession for nearly 18 months at the time of its recovery. But in a way it does not really matter very much whether it is the genuine signature of William Paul or not. It may be taken to be a letter of some one else, not necessarily some one known. It is a letter which Hutchinson had retained in his possession, and with the contents of which he must be well acquainted, and if those contents indicate that Hutchinson himself was in correspondence with the writer and had said something to the writer which induced this reply and which we can infer from this letter, we are entitled to treat the fact so inferred as proved. This letter begins as follows: "Dear Lester, I am very much surprised to hear that you are in Berlin, as no one had mentioned it to me in Manchester." This opening clearly indicates that the writer knows Hutchinson fairly well (as he calls him by his Christian name) and has also received a letter from him. The latter inference is also clearly to be drawn from the second paragraph in which the writer says: "I am afraid it will not be possible to send you photographs.....but if anything special comes along I will pass them on to you." Then again a fairly close acquaintance is indicated by the third paragraph in which the writer says: "If you could send us news items from Berlin, it would be very helpful to us." And from the last paragraph we get another obvious inference. The writer says: "If you are doing work for the League against Imperialism, there must be good stories that you could send us, and also photographs, and we would give them full publicity." I think it has rightly been argued that when the writer here says "if you are doing work" he means that Hutchinson had told him that he was working for the League against Imperialism and this phrase really stands for "as you are doing work". In the light of this consideration of P. 1041 we have to consider accused's statement on page 1310 that he did not do any work for the League 10 15 20 25 30 35 40 45 50 55 60

O. P. 1154. 25

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and his statement at page 1324 where he says : " I cannot admit this letter as I do not remember having received it. The letter is typed and the signature " William Paul " is not written but stamped. It is open to any person to misuse a stamped signature of somebody else. A stamped signature is no signature at all." This seems to me a most feeble explanation of a letter which accused still had in his possession nearly a year and a half after he must have first received it. I note one more point in this so-called explanation on page 1324, namely, that Hutchinson says that this letter is addressed to him care of the League against Imperialism. I have no doubt that he knows what he is talking about, though the address which appears at the head of the letter is not the one commonly used by the League. Another 'valuable' contribution by Hutchinson accused in this explanation of P. 1041 is that the " Sunday Worker " was not an organ of the Communist Party of Great Britain. I have dealt with the " Sunday Worker " at an earlier stage and it is sufficient to say that in my opinion it is proved to the hilt that the Communist Party of Great Britain is directly responsible for the " Sunday Worker ".

Hutchinson accused who had travelled out from Trieste in the same ship with Mrs. Nambiar, with whom he had evidently been acquainted in Berlin (as he is mentioned in Nambiar's letter P. 1811, F. C. 655) landed at Bombay on the 17th September 1928. Liaqat Husain, P. W. 193, has deposed that that day he went with Miss Chattopadhyaya to meet her sister Mrs. Nambiar at Ballard Pier and that on this occasion he met Hutchinson accused. Afterwards he says he met Hutchinson and Mrs. Nambiar frequently and took part in the acting of Tagore's play " The Red Oleanders " and subsequently was a member of a society called " The Circle of Progressive Youth " of which the other members were Hutchinson accused, Mrs. Nambiar, Mr. Razvi, Mr. Chari and Mr. Srivastava. The meetings of this circle were held sometimes at Khar, a suburb of Bombay in which Hutchinson and Mrs. Nambiar lived and sometimes at Napier Road where Miss Chattopadhyaya lived. The evidence of P. W. 197, Sub-Inspector Aranje, shows that Hutchinson lived at Khar with Mrs. Nambiar from the 15th October 1928 up to the 8th May 1929. It is during this period that we get the letter P. 1811C. to which I referred in dealing with the case of Adhikari accused at page 1130 above: in which Mrs. Nambiar's husband A. C. Nambiar suggests that " Lester " will be interested to review a couple of books. Indirectly this letter also serves to associate Hutchinson with Adhikari accused.

O. P. 1157. One of the most important sections of the evidence in the case of Hutchinson accused is the evidence in regard to the Circle of Progressive Youth. In connection with it we have the evidence of P. W. 193, Liaqat Husain, and two notebooks P. 1029 and P. 1030, of which P. 1029 contains the minutes of the meetings of the Executive Committee of the circle and P. 1030 contains the minutes of the circle itself. I will take the evidence of Liaqat Husain first. He says that " P. 1029 and P. 1030 are minute books of a society called the " Circle of Progressive Youth ". It was a circle meant for some of us to come together and study social, economic and political conditions. It was suggested by Hutchinson accused. I joined this circle. We called each our own names and also had pseudonyms. I remember them. Mine was Fraternity, Hutchinson's was Tenacity, Mrs. Nambiar's was Solidarity, Mr. Razvi's was Equality, Mr. Chari's Liberty and Mr. Srivastava's Sagacity." The witness then proceeded to identify some of Hutchinson's handwriting in these two notebooks and to explain that the circle read first some parts of " Stentor " or " The Press of today and tomorrow " and after that Stalin's " Leninism." This witness resigned his membership in March 1929 and identified P. 2219 as the letter in which he resigned, and said that the letter which appears at the end of P. 1030 seemed to be the draft of the letter which he received in reply. He says in explanation of his resignation that he did not entirely agree with what they were doing, that is with the later developments of the course and also " they wanted us to meet the Labour leaders ". He went on : " In this connection I think comrade B on page 15 of Exh. P. 1029 refers to Bradley accused as he and others had been talked about. That mention is in the last clause of the minutes of the meeting of January 27, 1929 at which, however, I was not present. Bradley had been mentioned at previous and other meetings. I never actually met Bradley accused. I was present at the meeting on 3-2-29 the minutes of which are on the same page 15. The comrade K mentioned in those minutes was introduced to me as Mr. Khan and I knew him as such. The man depicted in Exh. P. 1067 shown to me is the same person." The witness was cross-examined at considerable length first by Hutchinson accused and then by counsel for Joshi and others, whose cross-examination was also

O. P. 1158.

clearly directed to assisting Hutchinson accused and not with the idea of its being of any use to counsel's own clients. Some of this cross-examination was devoted to his knowledge of Hutchinson's handwriting but I see no reason to doubt his evidence on that point. He certainly did have a certain amount of experience of Hutchinson's handwriting and it is not a handwriting which he would be particularly likely to forget if he ever became familiar with it. Then for some unknown reason Hutchinson put to him a question which elicited the answer: "My resignation was not due to the attempt to impose discipline on me in the circle." Then some questions were put in regard to Leninism to which the witness replied: "I got some knowledge of Leninism in the circle from Stalin's book. I understand by the dictatorship of the proletariat that the proletariat have got to get power. It is not an organisation to obtain power but means that the workers will have power. Communism means the changing of society by revolution, violent revolution." I do not quite know why these questions were put. But the question in regard to discipline has such an obvious relation with Communist ideas in regard to rigid self-imposed discipline, that it cannot but be a support for the prosecution case that Hutchinson should have put such questions. Hutchinson himself at page 1312 adopted Liaquat Husain's statement of the objects of the Study Circle, namely, to study social, economic and political questions. He said that "opinions—not of an extraordinary nature—expressed by me in casual conversation with students and other youths, aroused their interest and because they expressed a wish to know more of political and economic developments outside India, and because they wished to understand the theory of Marx, Leninism and Communism in general, I suggested that we should meet regularly and discuss and study these questions. And this led to the formation of the Study Circle." Hutchinson admitted (he could not do well otherwise) that, as Liaquat Husain says, "The book which the Study Circle had the audacity to study was "Leninism" by Stalin." Hutchinson accused went on to say a good deal about Stalin's "Leninism" and then he criticised the witness Liaquat Husain. He concluded this criticism by saying: "It is obvious from this that because he did not get his own way in the Circle, because he was bound to attend the meeting of the Circle at a definite time which did not suit his convenience, in pique he resigned." Hutchinson's idea in putting this forward is to suggest that Liaquat Husain is not telling the truth and should not be relied upon. He then goes on as follows: "To prove the activities of the Study Circle there are two exhibits P. 1029 & P. 1030. I do not admit that these two exhibits are correct or genuine minutes of the meetings of the Study Circle. Nevertheless, since the prosecution rely on them, I am entitled, while questioning their accuracy, to refer to them." This is quite amazing. The two notebooks P. 1029 and P. 1030 were recovered in the search of Hutchinson accused's own room at Bandra where the searching officer Inspector Scott, P. W. 187, found Hutchinson along with Mrs. Nambiar. He says: "Hutchinson accused was there himself at the time of his search." I fail to understand how Hutchinson accused thinks he can treat these two documents as deriving their value only from the fact that the prosecution rely on them.

Coming now to the documents themselves, P. 1029 contains the minutes of the Executive Committee. It is first to be borne in mind that this circle purports to be a Study Circle to study social economic and political questions. It is not to be regarded as a secret society bound by strict rules and regulations, yet in the minutes of the Second Executive Committee held on the 25th November we find that one member, who was absent having left a note for the Secretary giving his reasons for not attending, was considered not to have given sufficient and valid reasons for his absence, and the Secretary was to ask him to submit the cause of his absence at the next meeting of the E. C. . Then in the meeting of the E. C. held on the 16th January 1929 we find it decided that each member of the circle should be fully authorised to form new circles directly affiliated to and guided by the E. C. of the Central circle. This does not suggest an organisation that looks like a Study Circle at all, according to the ordinary idea of a study circle. Then in the minutes of the E. C. held on the 23rd January we find resolutions calling on Fraternity and Sagacity to send their reasons in writing for absence from the circle meeting, and we also find it decided that Tenacity should speak to the members of the circle on "Comradeship and Discipline" at the next meeting of the circle. Then on the 27th a resolution is passed that "this meeting of the E. C. considers Fraternity's (Liaquat Husain's) inability to attend these last two meetings, and thinks that his indifferent attitude and wrong mentality towards the circle as well as his negligence in not notifying in writing the Secretary of his absence, as required to do so by the constitution,

calls for severe condemnation. The circle considers it to be in the interest of Fraternity to issue to him such a warning as might check his wavering mentality", all of which seems to suggest that the circle is not a Study Circle at all, but some sort of an organisation with a programme or ideas of such a kind that a wavering mentality is not permissible towards it. At this meeting a resolution was also passed that the members of the circle should now directly get in touch with Comrade B.—and others. I shall come back to this later. Next at the E. C. meeting held on the 3rd February we find that the business was postponed to the next meeting due to the presence of Comrade K., who did not belong to the circle. Then on the 6th February Fraternity (Liaquat Husain) proposed that on Sundays the meetings of the circle should be held from 3 to 5 to enable members to attend any other social meetings that may be useful. It is not very surprising to find that this was thrown out, no doubt on the view that compared with the meetings of a Communist society no other social engagement could be considered to be of any importance. Then on the 10th February we find Tenacity giving a talk on "Comradely behaviour" and Comrade K. speaking on the same subject. On 3rd March Fraternity's attitude was the subject of discussion. It was resolved that Tenacity should be deputed to elicit from Fraternity his real attitude towards the circle. Next at the E. C. meeting on the 6th March Fraternity's resignation was accepted unanimously, and a reply written on behalf of the circle. This was followed on the 10th by Fraternity's resolution being discussed and passed. On the 13th Tenacity gave an explanatory talk on the resolution of the last meeting, and on the 17th the E. C. discussed certain aspects of discipline. In connection with the above minutes it is necessary to read the draft letter to Comrade Liaquat, which is found at the end of P. 1030. It runs as follows: "On behalf of the circle I beg to acknowledge receipt of your letter of the 5th inst. announcing your resignation from the circle, and I have to inform you that the circle is agreed to accept the same. While the circle deplures the fact that Comrade Liaquat, who began this work so enthusiastically should find it impossible to devote a little time to it now, it however feels a certain amount of satisfaction in the fact that Liaquat has at last made up his mind. The circle does not want half-hearted sympathy or luke-warm cooperation." All the entries in these minutes coupled with this draft letter seem to me clearly to indicate that this circle was not a study circle in the sense in which that is ordinarily understood. Quite apart from the question of calling on members to explain their absence and give adequate reasons, which might perhaps be done in any sort of study circle, the authorisation to form new circles, Tenacity's (Hutchinson's) discourses on Comradeship and Discipline and Comradely Behaviour, and this discussion of wrong mentality and wavering mentality and so on suggest something much more like a political party than a study circle.

Turning now to P. 1030 we find this circle listening to the summary of the portion of the chapter on "The International Situation" from Stalin's "Leninism" being read by Equality, after which the rest of the chapter was gone through and discussed. At subsequent meetings the circle went on to read and discuss the "Foundations of Leninism" which lasted them for a number of meetings. Then on the 30th January the circle did an extraordinary thing. Its members attended a meeting of the students of Bombay held at the Jinnah Hall to protest against the autocratic attitude of the Principal of the Gujerat College. This looks as if the circle had entirely forgotten what it had been formed to do. Next on the 3rd February we get another peculiar mis-direction of energy, when the meeting of this circle was used for Comrade K. to give his interpretation of the kidnapping scare in Bombay, and it was decided to write a letter to the Editor, Indian National Herald, pointing out the misleading nature of the headlines used in his paper. After this, and up to the last meeting, of which the minutes are available, that is up to the 6th March, the circle resumed its more normal course and read the chapter on "Strategy and Tactics" and the like, except on the 17th February, when Tenacity delivered a lecture on the world situation. We may therefore say that the actual circle meetings also indicate that the circle was something more than a study circle. Hutchinson accused has contended that Stalin's "Leninism" is a book which one can buy in the open market, and there is nothing wrong in studying it. This is another of those assertions which looks so plausible superficially. It may be that there is no harm in a sense in reading Stalin's "Leninism", but the question is why in this circle, which Hutchinson accused started, was Stalin's "Leninism" selected as a book for study. The only answer possible is that Hutchinson accused, himself a Communist by conviction, thought it the best book available for enlightening his young friends on the subject of Communism. No doubt any study circle

might study Communism, but the significance of the study in this case also arises from the other peculiarities about this circle, which appear from the minutes. These entries show clearly that this circle was meant to be governed by a rigid discipline, which is entirely in keeping for study circles run for Communist purposes and quite the reverse for a study circle of any other kind. A reference to P. 2366, "Communist Party Training", shows that the sort of discipline which Hutchinson accused was seeking to impose in this study circle is entirely in keeping with the Communist Party rules.

Then again we have to consider these references to Comrades K. & B. So far as Comrade K. is concerned, we have it from Liaquat Hussain that by Comrade K. was meant Amir Haidar Khan whom he knew as Khan only. As regards Comrade B. we find him mentioned in the E. C. minutes of the 27th January where it was decided that the members of the circle should now directly get into touch with Comrade B.—and others. Liaquat Hussain said about this: "Also they wanted us to meet the Labour Leaders. In this connection I think Comrade B. on page 15 of Exh. P. 1029 refers to Bradley accused, as he and others had been talked about. That mention is in the last clause of the minutes of the 27th January, at which, however, I was not present." In this connection Liaquat Hussain is corroborated by P. 1030. This remark about Comrade B. being Bradley is of course only an inference drawn by Liaquat Hussain, but there is a certain amount of support in the fact that there is a fairly close association between Hutchinson and Bradley accused proved by the documents on record. For example there is the letter, P. 1669P (F. C. 379) written by Hutchinson to Bradley on Wednesday the 16th January and intercepted on the 18th. Again P. 1587 (1) is a photograph of Bradley with his signature on the back which was recovered in the search of the premises occupied by Hutchinson in connection with the "New Spark" at the time of his arrest in June 1929. Another evidence of this association consists of several visiting cards of Hutchinson accused, which were found in Bradley's search. There is also Bradley's own diary, P. 638, which shows that Bradley visited Khar on the 27th January. Hutchinson accused half admitted that this must have been one of the two occasions, on which Bradley visited him in the evening for the purpose of having dinner with him. We may safely take it that this was one of those occasions, but Hutchinson proceeds to argue as follows:—"Now at this time Liaquat Hussain was still a member, according to his own deposition, of the Study Circle, and yet he says in his evidence that he never actually met Bradley accused", but I do not know why Hutchinson disregards Liaquat Hussain's own statement and the minutes, P. 1029 and P. 1030, the former of which shows fairly clearly that Fraternity was not present. Hutchinson has gone on to talk about Liaquat Hussain's mannerism, which leads him to say 'I think' about all sorts of things, about which he could not really be and is not really in doubt. But the prosecution never asked Liaquat Hussain what he meant by using this phrase 'I think' with reference to the identification of Comrade B. with Bradley, because about that Liaquat Hussain certainly could not have intended anything by "I think" other than the ordinary meaning. In that case he did not know but was drawing an inference. The question was asked in reference to some of his statements in the Lower Court where he said: "Mr. Hutchinson suggested the formation of the circle I think," and "I think that P. 1067 is a photo of Mr. Khan," and it was defence counsel who in putting these phrases to Liaquat Hussain at page 11 of his statement (printed version) put to him also the statement 'I think this is Mr. Bradley', which evidently stands on a different footing, because the witness had not been present at the meeting of the 27th January and his statement in this Court gives the same expression of opinion followed by the reason for it. What it comes to is that this witness has a trick of saying "I think" even when he is not expressing an opinion at all, as for example, when he said in the cross-examination in the Lower Court "I do not think there was any policeman present at the meeting of the circle." He has in fact a slight aversion to making positive or categorical statements, but I do not think that the whole of the criticism based on this small fact is worth the paper it is written on. It is a very reasonable inference that if Bradley visited Khar to dine with Hutchinson on the evening of the 27th January, he might at the time of his arrival have met one or two members of the circle. There is no evidence whether he did or whether he did not, but it is very likely, for Hutchinson was in touch with Bradley, as is shown by his own letter, to which I have referred above, by this entry in Bradley's diary, by the fact that two of his visiting cards were found in Bradley's possession, and that he had in his possession a photograph of Bradley and two articles P. 1035 and P. 1039 relating to the Mill strike written

O. P. 1167. by Bradley. Moreover there were found in Hutchinson's possession certain A. I. W. P. P. documents which conclusively prove that he was in touch with Bradley. These are : P. 1022, a copy of Sohan Singh's Presidential address, P. 1026, a copy of the Trade Union Movement resolution, P. 1027, a copy of the Political Resolution and P. 1028, a copy of the W. P. P. Principles and Policy. The last three of these have all of them one or more pieces of writing on them in Bradley's hand. And there is another point in this connection. Hutchinson accused must inevitably know who is meant by Comrade B. and though he presumably expects the Court to attach some value to his denial or suggested denial that the reference is to Bradley, he has not offered any suggestion as to who is meant. This is more significant when it is realised that according to Hutchinson this was a harmless study circle. 5 10

O. P. 1168. We have next to consider in a little more detail the question whether Comrade K. really represents Khan alias Amir Haidar Khan. Liaquat Hussain has asserted that K. was introduced to him as Khan and is the person depicted in P. 1067, that is the absconding accused Amir Haidar Khan. About this Hutchinson says : "Of course it is needless for me to say that here again Liaquat Hussain is lying with his usual fluency", and in this connection he laid stress mainly on the use of the mannerism 'I think', because in the Lower Court Liaquat Hussain said "I think that P. 1067 is a photo of Mr. Khan." Here again it seems to me that Hutchinson accused has damned himself utterly. He says : "I submit that on the strength of the above arguments the prosecution case on the Study Circle falls. There is no proof that Comrade B. is Comrade Bradley or Comrade K. is Comrade Amir Haidar Khan. Therefore there is no evidence to prove that either Comrade Bradley or Comrade Khan had any connection with the Study Circle." But who Comrade K. really was Hutchinson accused never offers to tell the Court, and just as we have found that Hutchinson accused is connected with Comrade Bradley so also we find reason to suppose a connection between him and Amir Haidar Khan. By an odd coincidence (if it is a coincidence at all) one of Hutchinson's visiting cards found with Bradley and forming part of P. 639, has on the reverse the address "Miss Peggie Welby, 99 Gloucester Place, London. W. 1.", which is clearly written in Hutchinson accused's handwriting. (There is no evidence on this point of handwriting, but these visiting cards have all been compared with proved handwriting of Hutchinson by the Court and the assessors, and I have no doubt on the point.) A similar visiting card of Hutchinson accused with the same address on it was found in the search of Amir Haidar Khan, and is in evidence as P. 1075. Hutchinson accused does not either admit or deny the handwriting and contents himself with denying it by implication by saying : "Someone has written the address on the back". Then again in the same Amir Haidar Khan's search was found a paper, P. 1078, which is a slip of paper containing the address of Miss Chattopadhyaya, which furnishes another point of connection between Amir Haidar Khan and Hutchinson accused, and in addition to these there is still one more paper recovered from the possession of Hutchinson, namely a Marine Engineers' Beneficial Association (Insurance) certificate P. 1588 in favour of Amir Haidar Mohammad, which must clearly relate to the same Amir Haidar Khan. In reference to this connection Hutchinson accused adopts the same extraordinary attitude of abstaining from explaining the document and merely says : "One observation however I would like to make is that this receipt is made out in the name of Amir Haidar Mohammad, which is quite a different name from Amir Haidar Khan". That would normally mean that there are two persons, Amir Haidar Mohammad and Amir Haidar Khan. If Hutchinson accused knows a person Amir Haidar Mohammad, who is not the same as the Amir Haidar Khan who is depicted in P. 1067, why does he refuse to give the Court the benefit of his knowledge, or failing that why has he not called the said Amir Haidar Mohammad as a witness ? In the circumstances I feel no doubt that Amir Haidar Mohammad and Amir Haidar Khan are one and the same person. This sort of variation of names is by no means uncommon. I suppose that Hutchinson thought that he was disposing of this by saying : "I know nothing about it, nor do I remember it being in my possession", but that is a very feeble reply. 15 20 25 30 35 40 45 50 55 60

O. P. 1169. We come next to the documents etc. recovered in the searches of Hutchinson's property at Bandra on the 20th March, and at Khatao Buildings, at the New Spark office at Krishna Buildings, and at 5 Napier Road all on the 15th June 1929. The first of these searches was conducted by P. W. 187, Inspector Scott, whose cross-examination does not seem to me to have the least 65

effect on his evidence, and the defence declined to cross-examine the search witness, who was accordingly discharged. In this search there were recovered the following : P. 1020 consisting of two copies of the "Labour Monthly" for October and December 1928, P. 1021 "Leninism", P. 1022 Sohan Singh's Presidential address, P. 1023 some issues of a magazine called "The Teachers' International", P. 1026 the Trade Union Movement resolution, P. 1027 the Political Resolution, P. 1028 the W. P. P. Principles and Policy resolution, P. 1029 the minute book of the E. C. of the circle of Progressive Youth, P. 1030 the minute book of the ordinary meetings of the same circle, P. 1031 a copy of Palgrave's "Golden Treasury", P. 1032 an article headed "British Foreign Policy since the War", a typed article with the name of Hutchinson also typed at the foot, P. 1033 a typewritten copy of "The Thesis on the revolutionary movement in the colonies and semi-colonies" which tallies almost exactly with P. 1488 recovered from Adhikari accused, P. 1034 an article headed "International Affiliation of the Indian Labour Movement", P. 1035 a typed article headed "Bombay Mill Strike" by B. F. Bradley, P. 1036 an article headed "On the Road to Insurrection" by H. Lester Hutchinson, P. 1037 some notes on the Russian Revolution, P. 1038 some notes headed "Youth and Politics" (these last three are all proved to be in Hutchinson's own handwriting), P. 1039 another copy of Bradley's article on the "Bombay Mill Strike", which is in Bradley's own handwriting, P. 1040 the letter from Binnie to Gunnu on League against Imperialism note-paper which I mentioned in the case of Adhikari, P. 1041 a letter from William Paul to Dear Lester, which I mentioned earlier, P. 1042 copies of six issues of the "Spark" and P. 1043 Hutchinson's own passport.

Now in regard to these items there are some points which call for consideration. For example in regard to P. 1020 there is evidence that these copies of the "Labour Monthly" have been very carefully studied by Hutchinson accused, because he has used the issue for October 1928 in P. 1586, to which we shall come later and has also borrowed from it in his speech, P. 1694. Coming to P. 1033 it is astonishing to find that Hutchinson accused has offered no explanation of it at all. Now the document P. 1488 consists of arbitrarily selected extracts which differ from P. 90, the printed pamphlet, which arrived in India later, in certain definite points. Any other copy therefore, which reproduces the same curious differences, must almost inevitably come from the same source. It must either be a copy of P. 1488 or derived from the same parent document. This document, P. 1033, exactly reproduces all those differences and only differs from P. 1488 in not reproducing the last two lines at the bottom of page 6 in P. 1488, which were the beginning of an unfinished sentence, and would therefore naturally be omitted by anyone, who was making a copy from P. 1488 and noticed that fact. It would thus seem to be fairly certain that P. 1033 is a copy which was actually made from P. 1488. It therefore constitutes another link between Hutchinson and Adhikari accused.

Then again P. 1034 is an article by M. N. Roy, which is proved to have been typed on Roy's own typewriter. All that Hutchinson can say about this will be found at page 1332, where he says : "P. 1034 is an unsigned article entitled "International affiliation of the Indian Labour Movement." I did not write this article nor do I know anything about it." Of course he did not write it, and that is exactly why something better in the way of explanation is called for than this. Still more is that the case, when it is remembered that in P. 1676 (F. C. 825) we find M. N. Roy in direct communication with Mrs. Suhasini Nambiar, who at this time was actually living with Hutchinson accused. For practical purposes therefore at this time Roy might be regarded as having been in direct communication with Hutchinson.

Coming next to the various articles and the like, P. 1036 entitled "On the Road to Insurrection" contains some valuable indications of Hutchinson's ideas and aims, which are fully supported by his statement to the Court. He says in this that "the hope of revolutionary India lies not with the prophets of peaceful evolution and non-violence, but with those who are willing and prepared to go to any length, including violence and bloodshed to achieve their end." He goes on, speaking of the Chauri Chaura incident, to introduce one of the lying descriptions of that occurrence, which have been put before me several times in the course of this case, accounts which throw a glaring light on the amount of credence to be given to Communist accounts of any events, to which it suits them to give a particular colour. He says that "Mr. Gandhi called off

a huge National movement because a few constables were injured and a police station burnt down." The "few constables injured" were 16 constables and chaukidars and one Sub-Inspector murdered, I will not say in cold blood, because, so far as the actual murderers were concerned, probably they had been excited by agitators, so that the description would not be a fair one, but certainly in cold blood, so far as relates to the instigators of this foul crime. Later on in this article he defines revolution, and we get one or two other ideas, with which we shall become familiar in Hutchinson's speeches. In the last paragraph of this article he says: "Revolution, that is to say the complete destruction of the present system of society and the substitution of another, has its birth in the working class only, and is international in character. It is neither an intellectual nor a bourgeois movement. It is not even a peasant movement although in Russia, China and India the peasantry is 75 per cent. of the total population. It is a movement which springs up in modern industrial centres, where the masses come into contact with progress and industrial contradictions." Then he quotes the example of Russia and referring to the Indian peasantry says that "any attempt at the present stage to educate the peasantry is reformism and not revolution," and he closes by saying: "The Indian proletariat must follow the lead of the Russian in first taking political power before attempting to educate and convince the ignorant majority. One day the Indian proletariat will do this." P. 1037 consists of notes on the Russian Revolution perhaps intended for an article or a speech. What they indicate with certainty is that Hutchinson has taken a very keen interest in the Russian Revolution. P. 1038 consists of notes headed "Youth and Politics", which can best be considered along with the speech based on them, P. 1693. I have already discussed P. 1040 with its reference to an Educational Workers' International. It is rather difficult to understand why Hutchinson accused, who says, "I am afraid I know nothing about this letter", should have tendered in evidence as a defence exhibit a document P. 1024, which was rejected by the prosecution, but is a booklet in English entitled "Appeal and Rules of the Teachers' International", and is evidently the document referred to in P. 1040 as the Appeal, 50 copies of which were being sent to the address of Miss Chattopadhyaya.

O. P. 1173.

So much for the searches in March. In the June searches a copy of Palme Dutt's "Communism" was found at Khatao Buildings. There were also a number of copies of the "New Spark" (P. 1585), some sheets of paper containing manuscript notes headed "India and the General Elections" (P. 1586), several Group photographs which are included in P. 1587, the Insurance certificate of Amir Haidar Mohammad which I mentioned earlier (P. 1588) and some notes for an article on Russia, P. 1589. Of these, P. 1586 and P. 1589 are in Hutchinson accused's own handwriting. Nothing of importance was recovered in the search at Krishna Building, while at Miss Chattopadhyaya's house there were found numerous copies of the "New Spark" which have not been put in evidence and a copy of one issue of "Inprecorr" (P. 1594).

O. P. 1174.

Of much greater importance than these is the letter, P. 1810, which was intercepted on the 16th March 1929 by P. W. 271, Sub-Inspector Ketkar, and reposted after being photographed. This is a letter which is proved to be in Hutchinson accused's handwriting. It is addressed to Narayanan Nambiar, Berlin, Charlottenburg, Berliner St. 66 Germany and runs as follows:—

Khar

My Dear Nambiar:—

Very glad to hear that you are getting along all right. I broke the news to S. as well as I could and I think that now she is taking it reasonably. Don't mention Gunnu's letter in yours. I quite understand your position and wish you the best of luck, but I foresee complications in the event of my removal which may take place any day now. Still we hope for the best. The powers that be may overlook me and I may be able to continue my work etc.

Yours,

L."

Now it will be noted first that this is the same address of Nambiar, which is given in Roy's letter to Chakravarty Chattarjee & Co. in P. 1512 (F. C. 754), and

is also identical with the address given in Adhikari's note-book, P. 1194. Secondly the contents of the letter lead to certain obvious and, as it appears to me, highly important inferences. They link Hutchinson with Nambiar, his wife S. (Mrs. Subhasini Nambiar) and her sister, Gunnu. Moreover the last clauses seem to me quite clearly to imply that Hutchinson accused is working with certain people at a task, which involves a danger of his removal by the powers that be. On the other hand, he feels that he is sufficiently disconnected from his fellow workers, for there to be a hope that the powers that he may overlook him, and he may be able to continue his work. The obvious question is what work Hutchinson accused was doing. It would have seemed to be obvious that the natural way for Hutchinson accused to treat this letter was to explain what was meant by his work. On the contrary he says that "the letter P. 1810 is not properly proved to have been written by me and therefore I have no need to explain it." So far as evidence is available that Hutchinson accused was doing any work in Bombay at all, it is only to the effect that he was running a Study Circle and, as I would infer from his own statement, taking any opportunities that came his way to get into conversation with students and youths. As to the object, with which he was doing all this, it is I think only necessary to refer to his articles, speeches and his own statement to this Court and also his possession of documents like P. 1033 etc.

We have a number of speeches of Hutchinson accused on record covering the period from the 3rd February 1929 up to the 1st May. The first of these is the speech made by him on the 3rd February 1929 at a meeting held at the Jinnah Hall under the auspices of the Bombay Youth League, at which Usmani accused presided and Mirajkar and Ghate accused were also present, (see the evidence of P. W. 180, B. R. Mankar, who deposes only to the report of Hutchinson's speech P. 1694, and P. W. 269, Deputy Inspector Chawan, who was also present at the meeting). This is a speech in which Hutchinson has said a good deal about the international aspect of the revolutionary movement. He proposes at the beginning to deal with the international situation of the world from the British standpoint and secondly with the position of India internationally. In the course of the first part he discusses the effect internationally of the establishment of the Workers' State in Soviet Russia. He concludes this part by saying that in spite of all the efforts made by such means as the Kellogg Pact war is bound to come "because capitalism is by itself the greatest war, and it is only the overthrow of capitalism and Imperialism in the countries that can put an end to this periodical warfare." Then he comes to the second half of his subject and says that "if Britain loses India, she loses her Empire. The Irish State said before their Revolution that "England's difficulty was Ireland's advantage", it can now be said that England's difficulty is India's advantage." And he goes on to explain that England has her hands so full that India ought to take advantage of the fact. Then he quotes the example of the Russian Revolution at considerable length, and from that he comes to the Revolution in China. Then he comes back to his favourite theme that "India cannot remain isolated", because that is exactly what Government wants in order to maintain its control. He concludes by saying: "So our only hope of freedom is in the unity of the Indian Revolutionary movement with the working-classes in the world and I will tell you why", and the reason he gives is that unless India is supported by the working-classes in Great Britain a revolutionary movement or revolt can be crushed by the sheer weight of arms in a very short time. He asserts that the success of Ireland's rebellion was due to the refusal of the working-classes of Britain to cooperate with the Government in crushing the Irish revolutionaries and he adds: "This will happen in India's case, and therefore I advise you to form your contact with the working-classes of the world, so that the working-classes may refuse to transport munitions." In dealing with India it seems to me that he rather left on one side one half of his main thesis, which he stated in the case of Russia in the form that the Russian revolutionary party took advantage of the favourable internal situation and also the favourable international situation, but I suppose the reason of that is that he is only looking to the future. The favourable internal situation will no doubt in his view arise more or less automatically in due course, but for the favourable international situation connection has to be established with organisations outside India, one of the chief objects which the people behind the conspiracy had in sending agents to this country.

On the 2nd March Hutchinson accused made a speech at Matunga, of which a report is on the record, P. 1693 (P. W. 180, B. R. Mankar). This speech, in connection with which we have also Hutchinson's own notes, P. 1038, is evidently

addressed to young men and students and it opens with the suggestive remark that it gives the speaker great pleasure to be 'here' this evening to address so many of the potential revolutionaries of India. Then he goes on to the objection by Government and other people to allowing any contact with Communism. This speech follows the notes in P. 1038 fairly closely, and we find him discussing present society, British justice and education, the press and so on, and coming in due course to religion and particularly Christianity. Then he comes to the struggle for liberty in a number of countries and the way in which it is repressed, and he concludes with the following remarks to the youth assembled at this meeting: "What is sedition? What is disaffection? A Bombay official defines disaffection as "lack of affection to Government". We cannot have this sort of thing. Youth all over the world, revolutionary youth, must unite and hand together to get rid of these swine—these people who exploit other people by torture, these people who live on the blood of the millions of the land."

O. P. 1178.

Hutchinson's next reported speech is the speech (P. 1692) made by him at the Jinnah Hall at another meeting held under the auspices of the Bombay Youth League on the 26th March "to protest against the Government policy of repression." This meeting was a protest meeting held in connection with the arrest of the other accused in this case. It contains a few of Hutchinson accused's usual picturesque inaccuracies, as for instance where he describes Dharamvir (Singh) as a man of 70. In the course of this he has a little to say about Spratt and Bradley accused who, he says, "came out to India to join with the Indian people and fight with them against the exploiters." A little further on he says: "Now, after the arrests of these men, after they are taken away from us, we must be prepared to step in their place, and stepping in their place is not enough, we must tread in their place." The whole speech may be described as an attempt to use the arrests of the accused in this case as a bugle-call to summon others to take their places and carry on the work. He says towards the end: "Now, Friends, when you have to prepare yourselves, you have got to study the policy which has sent the Comrades away. If you study that policy, you will see it is right. You must be prepared to carry out your work, and if you are, you must understand it." Then he calls for protest meetings all over the country and demonstrations of protest against the arrests, and concludes as follows: "Form Study Circles, read, prepare yourselves for India's freedom. Government is prepared to crush the working-classes by arresting the leaders. Will the youths of India remain helpless, unmoved and indifferent?"

O. P. 1179.

On the 21st April Hutchinson accused made another speech to the Youth League at Dadar, of which we have a report, P. 1507. In this speech he begins by describing the five shades of political opinion in India. The only one in which he is really interested is no. 5, which he describes thus: "(5) There are those people who are actuated by the misery and starvation of the working classes in the big cities and are out to achieve the full emancipation of the working classes of India. The last is the only revolutionary party in India." Then he goes back and discusses each of the groups in turn, and dealing with the last group he comes to his favourite theme of thinking internationally. He says: "You must learn to think internationally. We must not think in terms only of India. We must think in terms of the world if we are going to do anything to improve society in this world. Now to begin with, India can only attain freedom with the cooperation of the working classes of the world," and he explains why that is, in similar terms to those which I quoted a few pages back. Then we get a discussion of the Great War and of the way in which Russia went out of the war, and tells how the workers of Russia "got hold of their rotten old Emperor, shot him, drove the ruling class (out) and set up their own state which is a state for the workers in which every worker works for the benefit of all other workers and the man who does not work does not get food." Then he talks about Afghanistan, and then again returns to the international aspect about which he says: "Now all this International position vitally affects the masses of India. Unless you take into account the international position you can achieve no successful freedom movement. You must rely upon the working classes of the world. If they support you then the Government can do nothing." Next he comes to the necessity for an active political programme which, he says, must be based on the working class of Bombay. Then he makes an attack on the Public Safety Bill which "stands for the complete smashing of the western contact, for crushing international working-class movement in India", and he says that if this is passed Government must be put in the position of having to go on

O. P. 1180.

arresting and arresting leader after leader, and having Meerut after Meerut, that is Meerut Case after Meerut Case, and finally he calls on his audience, which was evidently made up of clerks and petty bourgeoisie rather than factory workers, to declass themselves and join with the workers.

- O. P. 1181. Hutchinson's last speech is the one made by him at a meeting held under the auspices of the Worli Youth League on May Day 1929 and reported in P. 1695. It is a speech a great deal of which was evidently meant to be facetious. It opens with the usual sort of attacks on present day society, religion and so on. Then he comes to the General Strike of 1926 in England, when "the workers of Great Britain were betrayed by the same people who betrayed the Indian people when they passed the Bengal Ordinance etc." He goes on: "But so far from the workers of Great Britain being defeated, they are organising themselves today all over Great Britain, they are organising monster protest meetings and monster demonstrations against the arrest of 31 Indian Labour leaders." It seems to me that these references by Hutchinson in the speeches made by him after the 20th of March very definitely suggest in their tone a connection of some sort between him and those leaders. I do not attach a great deal of importance to it but the references induce a suspicion of that kind. Then he talks about the history of the last 12 months in Bombay. After speaking of the Red Flag Union he says that "the workers of Bombay have shown by their strike how to strike successfully..... the workers in India as well as the workers of the world will go forward to victory. It must be a victory from the international standpoint, it must not be for the people of Bombay, but for people all over India, all over England, all over France, all over Germany and all over America." He lays a great deal of stress on the international standpoint and concludes by saying that "there is no difference between the British capitalists and the Indian capitalists. They are both exploiters. And consequently, as soon as the workers of the world come together and are united, then the ruling classes all over the world will be swept off away absolutely in the sea. The working classes will then have achieved a victory of the Red Flag over the products (?) of the world."

Hutchinson accused raised an objection to the admissibility of the speeches delivered by him after the 20th of March on the ground that they were not made during the period of the conspiracy and were therefore not relevant. I dealt with this in a separate order and I need only say here that it appears to me that it is perfectly reasonable to infer from the speeches made after the 20th of March what his point of view was and how he stood in regard to the conspiracy in the period which was ended by the arrests of the other accused. But if there could be any doubt on this point of the importance to be attached to and the admissibility of speeches made by Hutchinson after the 20th of March I think the question would be settled by his own statement at page 1327 when he says: "On March the 20th, 1929, my residence was visited by the police and searched. I realised that it was useless to have opinions unless I was prepared to put them into practice. The Committing Magistrate writes: "Then came the arrests and Hutchinson stepped out into the open. The Bombay Youth League organised a meeting to protest against the arrests and Hutchinson spoke." My only comment on this is that I had always been "in the open." I have never attempted at any time to conceal any one of my activities. The only difference was that after the arrests March 20th I became much more active." That is to say Hutchinson himself takes up the stand that his speeches after the 20th of March were part of the same activities which he was carrying on before that date. As such it appears to me that they are definitely admissible in evidence.

- O. P. 1183. Hutchinson accused has also written two articles in Desai accused's paper, the "Spark". The first is on the significance of the Anglo-French alliance and appears in no. 5 of the "Spark". The only real point of interest in it is that it contains a clear case of borrowing from one of the numbers of the "Labour Monthly" which were found in Hutchinson's possession. The second is a review of Jawahar Lal Nehru's book on Soviet Russia which appears in no. 7 of the "Spark".

Some time after the arrests of the other accused, on the 5th May, Hutchinson started a paper called the "New Spark" which he says "was an independent and anti-Imperialist paper and not an organ of any party organisation." However, he continues, "As I was its editor, it is only natural that it should have a distinct Communist tendency, but it was open to contributions by non-Communists of Left views." Hutchinson accused in his statement at page 1328

has contended that "the New Spark cannot be evidence of conspiracy unless it proves association with the other accused in the present case. I contend that it does not." I certainly do not accept this contention and consider that Hutchinson's writings in the New Spark are just as admissible in proof of the case against him as speeches made by him after the 20th March. As it appears to me he definitely set out to "carry on the good work" and the inference is obvious. A very cursory perusal of the 6 issues of the New Spark will show that, as was said in the Editorial in the first issue, the paper was intended to carry on the good work started by Desai accused in the "Spark" and to "stimulate political thought in the right direction" in the minds of its readers. What that right direction was Hutchinson accused's statement indicates very clearly. 5

Coming now to the accused's statement to this Court I have already mentioned the early part of it covering the period prior to his coming out to India. He says at page 1311 that from Berlin he began to contribute articles to the Indian Nationalist Press such as the "People" of Lahore, the "Hindu" of Madras and the "Forward" of Calcutta. Finally he says that "on September 1st, 1928 I left Europe for India to see for myself how Imperialism feeds on its prey. I was not sent out by any organisation either Communist or otherwise." Then he goes on to explain how he first met Bradley accused and admits in this connection most of the facts which are in evidence. But, he says, "to establish connection between two individuals does not constitute a conspiracy between them for any illegal purpose. There is nothing in evidence to show that either I knew Bradley or that Bradley knew me for any illegal purpose. That we have the same political opinions is no proof of conspiracy to do any illegal act." From this he goes on to deal with the Study Circle and in this connection he says: "It has not been proved that Comrade B is Comrade Bradley, and I here state that the suggestion that it is so is false;" and a little further on (page 1319): "There is no proof that Comrade B is Comrade Bradley or that Comrade K is Comrade Amir Haidar Khan. Therefore there is no evidence to prove that either Comrade Bradley or Comrade Khan had any connection with the Study Circle". In my opinion it is quite clear that though neither Bradley nor Amir Haidar Khan had any direct connection with the Study Circle an attempt was made by Hutchinson to bring the members of the Study Circle into contact with them. That fact coupled with the evidence proving association between Hutchinson and Bradley and Hutchinson and Amir Haidar Khan is a strong piece of evidence that Hutchinson was a party to the same conspiracy in which Bradley accused is proved to have taken part. 10 15 20 25 30 35

O. P. 1184.

Hutchinson proceeds next at page 1320 to attack the evidence of Liaquat Husain, Colonel Rahman and Babu Joti Swarup in regard to his handwriting. I do not consider it necessary to go into that evidence. It is sufficient to say that all the documents have been examined by the Court and assessors and I can see no reason to doubt the evidence given by any of the witnesses. After that he deals with his letters and from them he comes to the speeches which he says the reporter Mankar has not reported but murdered. I have no doubt that Hutchinson is right in saying that there is a good deal of distortion but it is only necessary to compare the speech P. 1693 with Hutchinson's own notes P. 1038 to see that the report even if it contains mistakes gives a fairly good idea of the speech as actually made. Where there are mistakes they are usually quite obvious and easy to detect and correct. Hutchinson accused dealt actually with only P. 1694, P. 1693 and P. 1692. He promised to deal with the other two speeches later but he never did so. He also dealt at page 1323 with the "New Spark" and came finally to his trade union activities in a passage which shows that once he emerged from the shadows in which he had been working before he, like other accused, began to interest himself in trade union work. He was actually elected Vice-President of the G. I. P. Railwaymen's Union and Vice-President of the Girni Kamgar Union. 40 45 50 55

O. P. 1185.

At page 1333 he comes to what he calls a "short general statement" and says: "I now propose to make a short general statement in which I shall explain the views I have expressed in my speeches and other exhibits, and which will also serve as a political justification." This portion of his statement begins with a discussion of "violence" about which he says: "The subject of violence is one of the most vital legal issues of the present case. Such phrases as "armed revolution", "forcible capture of the State apparatus" and "forcible destruction of the bourgeois State machine" have been made much of by the prosecution and the Magistrate, who, however, have failed to understand the Communist 60 65

theory of violence." Lest there be any doubt on the point of what he means I will quote Hutchinson's own words at page 1336 where he says : " Hence when we use the expression " forcible seizure of power " we mean capturing the bourgeois State machine as a preliminary to smashing it and establishing the workers' State apparatus—that is the dictatorship of the proletariat. Our object therefore being to seize the State power, the question naturally arises as to how we intend to do so. Obviously it is logically impossible to capture the fulcrum of organised violence without the use of violence. Thus realising that a successful attempt to capture and destroy the bourgeois State is definitely impossible without the use of violence, we should place ourselves in the same hypocritical category as the Hendersons and MacDonalds if we tried to hide the fact that ultimate violence is an essential part of our theory. No revolutionary movement in history has been successful without the employ of violence and we are not blinded by any utopian hope or by any utopian optimism that our movement will be successful without a fight." A little further on, on page 1339, he says : " Nothing could be clearer than this," (a long quotation from Lenin which he had just given). If a " military plot " does not fulfil the essential conditions, it has nothing to do with Communism ; if it does fulfil these conditions then it cannot be called a " military plot " but a proletarian insurrection, a revolution by the majority against the oppressing minority..... Communists are prepared to wait for the success of the insurrection until historical development (unwelcome to the bourgeoisie but nevertheless inevitable) allows an insurrection to fulfil all the essential conditions defined as above by Lenin according to the Marxist theory of economic and social development ; and then this insurrection becomes a revolution of the masses led by the Communist Party for seizure and destruction of the bourgeois State power and its replacement by the dictatorship of the proletariat..... Once, however, the requisite national and international conditions, are fulfilled, the Communist Party will act swiftly and with the utmost determination. For then, it is for the insurgents, in the words of Georges Sand, " either a bloody fight or extinction " . He goes on later to point out that of course if the insurrection is thoroughly well organised " the seizure of the State apparatus need not necessarily be very bloody " . Why ? Because the present holders of the State power will not be able to put anything of a resistance. Then he comes to the question of how the party of revolution is to obtain arms, since even mass organisation obviously cannot do very much unless at the crucial moment arms are forthcoming. About this he says (page 1342) : " Sceptics are in the habit of reasoning thus : " You admit that the State is the monopoly of organised violence, and therefore how can the workers who are without arms and ammunition, seize the State by violence, smash it and set up their own State " ? " To this he replies : " How did the Russian workers get their arms with which they captured the State ?..... How did every revolutionary movement in history provide itself with arms in spite of the laws of their oppressors ?..... When historical development makes a revolution necessary arms have never been wanting. So it will be with the revolutionary proletariat." He makes various suggestions on this point and finally on page 1344 he says : " If the proletarian insurrection takes place in the midst of an Imperialist war—as in Russia—and which is likely, the task of arming the workers is greatly facilitated because the bourgeoisie will do so themselves. In time of war the bourgeoisie is compelled to place rifles, ammunition, guns and bombs in the hands of its class-enemy—the proletariat. It is a very simple matter for the workers, when the revolution breaks out, to refrain from using these arms against foreign workers, and to turn them against their class-enemy, the bourgeoisie..... When the time is ripe, the working-class will have arms enough, and at the same time a good part of the bourgeois State forces will join the workers." The whole of this argument brings out to a most marked degree the absurdity of the line of defence that persons planning a Communist conspiracy must be left alone until the stage at which their organisation is complete and they commit the first act of violence which is part of the scheme for the insurrection itself. Hutchinson accused as it seems to me shuts his eyes to the very obvious fact that all the work which is being done before-hand comes under the head of conspiracy to deprive etc. Conspiracy when all is said and done clearly includes the making of preparations however distant with a view to the ultimate carrying out of the intention to deprive the King Emperor of his sovereignty. The only defence which could legitimately be put forward based on this line of argument is that the acts done by the accused, their activities, their attempts at organisation are all so trivial that they give rise to no ground of complaint. It is easy to put forward a plea that looks something like that before a Court, but that is not the attitude we find expressed in the numerous

reports of one kind or another prepared by the accused in regard to their work. Nor would that defence be at all applicable to the case of Hutchinson accused himself. He may not have done anything that was really very particularly effective in furthering the objects of the conspiracy. But that is not the point at issue. The point at issue is whether such acts as he did do indicate that he was participating in the conspiracy which has been proved to have been in existence during the period under consideration.

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O. P. 1189.

Next he goes on to talk about the Red Terror and the White Terror. It is obvious that he has minimised the one as grossly as he has magnified the other. Then he deals with individual terrorism about which he says at page 1367 that "the Communist Movement is definitely and emphatically opposed to such acts of individual terrorism. In the first place they are useless, secondly they are wasteful, and thirdly, by giving the authorities a pretext for repression, they tend to destroy organisation." The Communist attitude to individual terrorism, as in fact it is to everything else, is governed by one consideration and one consideration only, "the test of expediency." At page 1370 he sums up his position. In this portion of his statement he attempts to prove that Communist accused are being prosecuted for their opinions. The least that can be said of his arguments on this point is that they are illogical in the extreme. I may perhaps quote a few little examples of the logic with which he concludes his statement, in the passage at the foot of page 1372 : "But to convict me of conspiracy is absurd. All my actions up to my arrest have been open and above-board ; in spite of this I was arrested and brought to a place I had never heard of, much less visited, to be tried with men the majority of whom I had never met or heard of. The sole charge of conspiracy consists of the admitted fact that many of us have the same political opinions. But besides having political opinions, we are charged with organising the workers. To make a charge like this a basis of conspiracy is taking us back to the ferocious Anti-Combination Laws of England at the beginning of the 19th century. The crimes alleged against us are perfectly legal in every bourgeois democracy of the world." All this is mere words. But there is some degree of skill visible in this statement as in the statements of all the Communist accused in the matter of saying only half the truth. It is quite clear that Hutchinson is not telling the truth when he says that all his actions were open and above-board. If so why was he expecting an arrest in the middle of March ? "The charge of conspiracy", he says, "consists of the admitted fact that many of us have the same political opinions." That is not so. It is no mere chance but the fact that a man cannot be a Communist in any real sense of the word without at the same time working to bring about a revolution and that this is in essence a case of a Communist conspiracy which has led to the position that the majority of the accused have the same political opinions. As to "organising the workers" the accused are not charged merely with organising the workers but with doing so with a particular object in view, a fact which is demonstrated not by the mere fact of organisation but by the nature and method of organisation, the nature of the speeches of the accused and their own expressed views of what they were doing as shown in their reports.

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O. P. 1190.

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There is one last point to which I must draw attention in Hutchinson's case. On the 1st July 1932 before the close of arguments Hutchinson accused put in the following application : "Before the Crown Counsel concludes his arguments and particularly before he deals with my individual case I feel it necessary to clear any misconception that may exist in view of the fact that I was not a signatory to the joint statement submitted by Mr. Nimbkar on behalf of himself and 17 other Communist accused. I should like the Court and the prosecution to be perfectly clear that although I am not a signatory I unreservedly agree with all the political and other views contained in that joint statement." So we may take it that Hutchinson accused must be treated as a signatory to the joint statement of the Communist accused.

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O. P. 1191.

It will be noted that the great distinction between the case of Hutchinson accused and the cases of all the other accused dealt with so far is that there is no evidence associating him with the Communist Party of India, with the Workers' and Peasants' Parties or (before the 20th March 1929) with trade union work. It is obvious however that the work is not necessarily limited to those fields. One very important branch of the Communist work in India does not necessarily fall within the scope either of those organisations or of trade union work. I refer of course to work among the students and young men whom the conspirators might hope to enlist in the ranks of the proletariat. We get a

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clue to this in one of Hutchinson's own speeches where he suggests the necessity for people of the bourgeois and petty bourgeois classes to declass themselves. For work in the parties or in the trade union field Hutchinson accused was not a suitable subject either by upbringing or training. The only work for which he was fitted at all was work among boys and students which might serve the purpose of bringing in some members of the bourgeois and petty bourgeois classes. The question is, was he doing such work and was he doing it as a member of the conspiracy? In support of his participation we have the fact that he came to India direct from association with the League against Imperialism and with Roy and Roy's friends in Berlin. We have it that after he came out to India he started Study Circle work, the interest of the Study Circle being directed almost entirely to Stalin's "Leninism." It is clear that he was to some extent associated in India with Adhikari, Bradley, Usmani, Mirajkar, Ghate, the absconding accused Amir Haidar Khan and Desai (as editor of the "Spark"). We find that the articles written by him and the speeches made by him (practically all of them, it may be noted, addressed to Youth League Meetings) are all such as are in keeping with his being a member of the conspiracy and working for the same aims. We find him in possession of a highly important document, and that too not a copy such as would be obtainable in India in February or March 1929 but a copy of one of the earliest versions, probably the first version to reach India at all. I refer of course to the Colonial Thesis. He was also in possession of a document typed on Roy's typewriter indicating that either directly or through Mrs. Nambiar he was in communication with M. N. Roy. Then a few days before the arrest of the other accused we have him writing to Nambiar in P. 1810 P in the terms to which I have referred above (page 1174), and after the other accused are arrested we have him definitely attempting to the best of his ability to carry on their work. There is no direct evidence that Hutchinson accused was sent out to India to work in this conspiracy, but the facts that he arrived here in company with Mrs. Nambiar with whom it is obvious that he was already acquainted, that the only work of any sort which he did in India was work done in furtherance of the aims of the conspiracy, and that not very long after his arrival the people in Berlin with whom he was connected were writing to Mrs. Nambiar to forewarn her of the arrival of another conspirator Adhikari accused strongly suggest that Hutchinson accused also was sent out to India from Berlin to further the aims of the conspiracy by doing the work for which he seemed best suited, namely propaganda work among students and the Youth generally. In my opinion it is quite certain that throughout the period of his residence in India prior to his arrest he was working to further the Communist aims with which we are acquainted and that in so doing he was associated with a number of other accused. I am quite satisfied that he has taken a part in this conspiracy.

O. P. 1182.

Disagreeing with all five assessors I hold that Hutchinson accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A. I. P. C. and I convict him accordingly.

PART XXIX.

O. P. 1193.
MUZAFFAR
AHMAD.
14.

Muzaffar Ahmad accused, who had been convicted in the Cawnpore Communist Conspiracy Case in 1924, was released on medical grounds some time in 1925. Bearing in mind the amazing dishonesty of his behaviour towards this Court during the period he was temporarily on bail on medical grounds during the hearing of this case, one is led to doubt whether there may not have been something wrong about the medical justification for his release in 1925. Be that as it may his release enabled him to recommence working to further the aims and objects of the Communist International in India some years before either of his fellow accused in that case, Dange and Usmani, was able to do so. He first comes into notice at the Communist Conference held at Cawnpore in December 1925, vide P. 1287 (11) which shows that he was present at the meeting of the Central Executive held on the 28th December in the camp of the President M. Singaravelu. He was elected to the Executive Committee and was one of those appointed secretaries for a circle, in his case the Calcutta circle. We next find him writing letters to Joglekar accused in regard to the recovery of the balance of the Cawnpore Conspiracy Case Defence Fund from V. H. Joshi, see P. 1140 (I. C. 1) P. 1836P (I. C. 2), P. 1837P (I. C. 2) (addressed to V. H. Joshi himself) and P. 1141 (I. C. 6). About this time Muzaffar Ahmad was also connected with the Labour Swaraj Party of the Indian National Congress which, as we learn from the report of the E. C. of the Peasants' and Workers' Party of Bengal printed at page 45 of "A Call to Action", came into existence on the 1st November 1925. I have quoted the evidence on this point before. In February 1926 at an All Bengal Tenants' Conference at Krishnagarh it was decided to form the Peasants' and Workers' Party of Bengal in which the Labour Swaraj Party was merged. P. 549 (8) is the constitution of this Party which includes the names of the members of the Executive Committee for 1926 and we find Muzaffar Ahmad (Noakhali) as a member of the E. C., the Asstt. Secretary being Soumyendra Nath Tagore. It will be useful to recall here that in the constitution of this Party the means for attaining the object and demands of the Party is described as follows:

"Non-violent mass action will be the principal means for the attainment and realisation of the above object and demands." In the course of the early summer of 1926 the headquarters of the C. P. I. was moved from Bombay to Delhi. It appears from P. 1207 (1) the report presented by the Executive Committee of the C. P. I. to the Annual Meeting held on the 31st May 1927 that this move was the result of a meeting called by Muzaffar Ahmad at Calcutta in which he made the proposal on the ground that it was difficult to go on with the headquarters at Bombay. There are references to this move in P. 2313P (F. C. 131) a letter of Ajudhia Prasad accused and P. 2322 (1) (F. C. 132) a letter from Iyengar to Begerhotta. Another reference is to be found in Iyengar's letter to Muzaffar Ahmad P. 2169P (F. C. 135) which bears the same date as Iyengar's letter to Begerhotta. Both of these suggest that Iyengar, though he mentions a visit to Calcutta, had not been present at the particular meeting in which the decision to move the headquarters was made. Along with this letter Iyengar forwarded to Muzaffar Ahmad a copy of a letter from Roy to Begerhotta P. 2169 (1)P an important letter with which I have dealt at some length in the early part of this judgment. It is in fact the letter from which the paragraph relating to the Foreign Bureau was extracted for inclusion in the constitution of the Communist Party of India. In August 1926 Muzaffar Ahmad started the "Ganavani" as a Party organ, vide "A Call to Action" at page 49. The two paragraphs relating to the history of "Langal" and "Ganavani" are of some interest, particularly the second one which runs as follows: "Both papers (Langal and Ganavani) which were intended primarily for the student class, intellectuals etc. were partly propagandist and partly agitational. At the beginning we had a circulation of about 5,000 but after the Hindu-Muslim riots of 1926 it decreased considerably. Nevertheless we were successful in creating an atmosphere in Bengal favourable to the ideas of the Party." It should be remembered that this is the report presented by the Executive Committee of the P. W. P. of Bengal to the Annual Meeting held at Bhatpara on the 31st March 1928.

O. P. 1194.

O. P. 1195.

Towards the end of the year we come to Sipassi's letter to Iyengar P. 2315P (F. C. 142) and the enclosures P. 2315P (1) which is equivalent to P. 2121P (F. C. 171) dated the 29th September 1926 in Urdu addressed by Sipassi to Muzaffar Ahmad but opening with the words "Dear Brethren Nasim, Majid and others." The translation of P. 2121P will be found at F. C. 171. This is the letter which was sent by Iyengar to Calcutta twice, as it was returned

- undelivered the first time. In consequence we have in evidence two forwarding letters from Iyengar to Muzaffar Ahmad P. 2121P (1) dated the 20th October 1926 and P. 2121P (2) dated the 2nd November 1926. (These were only printed at a subsequent date and are not found in either the foreign or inland correspondence.) In both these letters there is some discussion about a proposed (Communist) conference. The fact that Sipassi's letters are addressed to Muzaffar Ahmad is a point which deserves some consideration. The inference to be derived from it that Muzaffar Ahmad was in direct communication with the group of Indian Communists on the Continent is further corroborated by the letter P. 2324P (F. C. 163) dated the 1st December 1926 in which Sipassi mentions having sent money (£50) direct to Ganavani and asks to be told whether M. A. has received it.
- Another piece of evidence on the record which came into existence at about this date is P. 85, a Manifesto addressed to the All India National Congress, Gauhati, 1926 by the Communist Party of India. Muzaffar Ahmad claims that he got this document printed in London himself because the printers in Calcutta were shy of handling it. But there is no evidence in support of the reason given by him, the effect of which is merely to saddle him personally with responsibility for it.
- Very shortly after this Muzaffar Ahmad appears to have visited Lahore and stayed with Majid accused vide the two letters P. 2125C (I. C. 14) and P. 1844C (I. C. 17). Incidentally I may remark here that practically the whole of this evidence and I should say the whole of the evidence in Muzaffar Ahmad's case has been discussed before and the question of the authenticity of these letters considered. I do not propose therefore to do more than mention the evidence and the inferences to which it leads.
- In January 1927 Muzaffar Ahmad came to Bombay to meet Saklatvala. The result of this meeting was not satisfactory and Muzaffar Ahmad returned to Calcutta from where he wrote the letter P. 1129 (I. C. 20) to Joglekar accused on the 1st February 1927. This letter suggests a desire to meet Saklatvala on his arrival at Calcutta. That Saklatvala did visit Calcutta we learn from "A Call to Action", the same E. C. report at page 46, where it is stated that the second conference of the Party was held in Calcutta on 19 and 20 February 1927 under the presidency of comrade Atul Chandra Gupta, M.A., B.L. when an address of welcome was given to comrade S. Saklatvala, M.P. About 40 members were present and about 300 visitors. A new programme of demands and organisation was adopted." This programme of demands is given in the Appendix which appears at pages 56 to 58 of "A Call to Action", where however the date of the conference is incorrectly given as the 27th February. This was a highly important conference and I have mentioned already the fact that it was regarded as resulting really in the creation of an entirely new party, vide Muzaffar Ahmad's article in the "Ganavani" of the 14th April 1927, P. 576. After this Muzaffar Ahmad attended the A. I. T. U. C. Session at Delhi in the middle of March and along with it the meeting of the members of the C. P. I. which took place on the 15th in room no. 33 at the Royal Hotel, Delhi, vide P. 781 and P. 1494.
- The next reference to Muzaffar Ahmad which we come across is in P. 2312P (F. C. 194) a letter dated the 23rd March 1927 from Sharma at Pondicherry to Iyengar in which he forwards a letter in number cipher with the remark "I think it is for our newly returned comrade who has preferred my post box. M. A. must be knowing him and you can use his address with a small note." "His address" of course must mean Muzaffar Ahmad's address, the idea being that the letter should be sent to Muzaffar Ahmad who would forward it to the proper person.
- In the following month we find Muzaffar Ahmad in communication with Spratt accused. The relevant exhibits are P. 1963 (I. C. 42), P. 1964 (I. C. 44), both from Muzaffar Ahmad, and P. 2129P (I. C. 45) in which Spratt accused on the 18th May says that he fears he will not reach Calcutta for a week or two yet. This was a letter written from Bombay. A few days before this Muzaffar Ahmad had received the letter P. 2127P (I. C. 164) from Ghate accused. This is a letter which bears the date 10th May 1928 but the '8' was evidently a slip of the pen as it was intercepted at Calcutta by P. W. 54, Sub Inspector R. N. Gupta on the 12th May 1927. In this letter Ghate asks "What about our Party's working C. P. I.?" It will of course be remembered that the position of the C. P. I. throughout the period of this case has been a little uncertain in the sense that the leading members of the conspiracy did not really know themselves

what to do with the C. P. I. and how to adjust things as between the C. P. I. an unveiled Communist Party and the Workers' and Peasants' Party, a veiled Communist Party. The next important event to which we come is the C. P. I. meeting of the 31st May 1927, one of the most important of the meetings of the Party throughout the whole period. P. 1207 (1) the report of this meeting shows that Muzaffar Ahmad was elected to the Presidium. It also contains the resolution that a delegation consisting of Begerhotta, Muzaffar Ahmad and Nimbkar should travel in Great Britain and the Continent to study labour conditions in those countries. The list of office bearers at the end shows Muzaffar Ahmad, 37 Harrison Road, Calcutta, on the Presidium and in the list of organs (non-official) we find along with Mehnat-Kash and Kranti the name of Ganavani, 37 Harrison Road, Calcutta. It may be useful also to recall the reference to Bengal contained in the record of work done during the period. There it is stated that "the members of the Party (C. P. I.) have helped in the formation and growth of the workers' and peasants' parties that were started in various provinces. Special mention can be made of the work done by our comrades in Bengal in rebuilding the already existing Peasants' and Workers' Party in the province, and making it a strong organisation" (an obvious reference to the creation of a new party at the conference attended by Saklatvala in February). "The services done by Langan now Ganavani in spite of the poor finances and the wrecked health of comrade Muzaffar will go a long way in promoting the proletarian cause in that province."

O. P. 1190.

In June 1927 we come to a letter from Sipassi to Iyengar P. 2327P (F. C. 212) dated the 2nd June 1927 which ends with the cryptic remark: "Ask Edward to send you some copies." I see no reason to doubt that as indicated by the references in the Assembly Letter, P. 377 (1), Edward means Muzaffar Ahmad. In the same month we come to the first of the series of letters which passed between Muzaffar Ahmad accused and Soumyendra Nath Tagore. This is P. 2130 (F. C. 214) dated Berlin the 14th June 1927.

TAGORE.

I omitted to deal with this gentleman Soumyendra Nath Tagore in the general part of the case because I considered that on the whole it was more convenient to deal with him in connection with the case of Muzaffar Ahmad accused. He appears in the list of the Executive Committee of 1926 of the Peasants' and Workers' Party of Bengal as Assistant Secretary (Workers' Sub Committee). In the following year he was, it seems, appointed General Secretary. The list of the E. C. which appears at the end of the E. C. report in "A Call to Action" shows him as General Secretary (abroad) and in the body of this report there is a paragraph relating to the "Representative abroad" which runs as follows: "In April 1927 the General Secretary of the Party S. N. Tagore was sent to Europe to study the labour and political movements. He has studied particularly in Germany. In October 1927 an invitation was received from the Federation of Russian Rural Cooperatives to send a representative to take part in the celebrations on the 10th Anniversary of the Russian Revolution. As the time was short and passports are difficult to obtain comrade Tagore was asked by us to represent us. He was not however able to do so." We may infer what Tagore's position was from Ajudhia Prasad's letter P. 2313P (F. C. 131) dated the 31st May 1926, in which he says: "Here is address for Mr. T. Inside 'Tagore'; address—Manikdevi c/o R. M. Das Esq., Plot 72 B, Sahib Bagan, P. O. Kalighat, Calcutta." Another activity on the part of Tagore before he left India according to Ghosh accused was to stand surety for Donald Campbell, see Ghosh's statement at page 1027 of the statements of the accused. Then after he went to Europe there is nothing about him until the 2nd June 1927 when Sipassi mentions him in P. 2327P (F. C. 212). The remark is rather vague. All he says is: "The long-haired fellow is interesting." It seems that Tagore at certain times grew his hair very long as we find in one of the photographs of him in P. 2317 which was identified by P. W. 54, Sub Inspector R. N. Gupta. We also come across Tagore's name at this time in the report of the C. P. I. meeting held in Bombay on the 31st May 1927, P. 1207 (1), which shows that he was elected a member of the Executive of the Party. His address in the list of office bearers was given as, the Workers' and Peasants' Party 37, Harrison Road, Calcutta. The first of the series of letters written by Tagore to accused in India is this letter P. 2130P (F. C. 214) addressed to Muzaffar Ahmad. In it the first thing that Tagore does is to give an address, and the address which he gives, 44-1 Jagow Strasse B-Arnheim, Berlin N. W. 87, is the same address which M. N. Roy gave to the Kirti in his letter P. 1897P (F. C. 753) dated the 13th January 1929, to which I referred in dealing with the case of Adhikari accused. It is the address of the gentleman Badhuri and also is mentioned as such in Adhikari's notebook P. 1194.

O. P. 1200.

O. P. 1201.

This letter deals first with the translation of the Communist Manifesto which Tagore suggests should after publication in Ganavani be published in book form, for which purpose Tagore says he is arranging for money. Then he goes on : "I think it would be well if you can do one thing and that is to arrange immediately to organise a party of workers and peasants at Madras. I find in Ganavani that the Party of workers and peasants has been organised at Bombay. It is very necessary that a peasants' and workers' party should be started in Bombay and Madras. It is very necessary to have a Party at Lahore, i.e. for the Punjab. . . . It would be very well if you send me the programme of the Bombay party, their constitution and what they are doing." Then he talks about a mandate in his own favour and says : "If you can secure a mandate for me from these two parties, in the sense that Soumyendra Nath Tagore General Secretary of the Bengal Peasants and Workers Party who is now in Europe is authorised to establish relation between this party and labour organisations in England and in Europe, if you can send mandates like this from Bombay and from Madras I can act on their behalf. With an All-India status one can work with the Labour parties in Europe." He goes on to ask for the printed copies of the Party constitution and programme in English.

O P. 1202. The next letter from Tagore is P. 440 (F. C. 221) a letter dated the 13th July 1927 found in original at 21 European Asylum Lane, the office and residence of Muzaffar Ahmad to whom it was addressed. In this letter Tagore sends some articles for Ganavani, namely one on "Clara Zetkin" and another entitled "Red Front". This letter Muzaffar Ahmad admits receiving and he also acknowledged it in his own letter of the 8th December 1927, P. 2054P (F. C. 321), where he said : "The letter along with two articles of course reached me. One of the articles was published then and there." This is presumably a reference to the fact that the article "Red Front" was published in the "Ganavani" on the 25th August 1927. This same letter mentions that the Party received telegraphic invitation from the Federation of Russian Rural Cooperatives to send our delegate to attend the anniversary celebrations of the U. S. S. R. We sent to them telegram saying that we elected you our delegate. This is evidently the same conference which is mentioned in "A Call to Action."

O. P. 1203. Tagore's next letter to Muzaffar Ahmad is P. 2098P (F. C. 310) dated the 8th November 1927. In this letter Tagore raises the subject (which comes up again and again in subsequent letters) of subsidies for trade union papers in India which have been promised by trade union leaders in Germany. One of these papers should be published on behalf of the Workers and Peasants Party and the Bengal Jute Workers Association. Hence if there are any differences of opinion between Muzaffar Ahmad and Kalidas Babu (Kalidas Bhattacharya) these should be composed without delay. The other is to be a Bombay paper for textile workers for which he says : "Write to Joglekar and Mirajkar at Bombay and ascertain whether or not they are ready to take full charge of bringing out a paper for the textile workers." I think Tagore's selection of persons was rather a good one in view of the fact that Joglekar and Mirajkar had been the two persons who ran the "Kranti" when it first came out. Possibly that was the reason for it. Tagore promises to remit the money which he says he got from the trade union leaders in Germany on receipt of a wire from Muzaffar Ahmad. Then he goes on to suggest a pictorial weekly for workers for which a gentleman in Germany has agreed to give a subsidy of £30 or £35. Tagore asks Muzaffar to reply "agree two" or "agree three" and explains what interpretation he will give to such a reply. He followed up this letter by P. 416 (12) (F. C. 318) on the 29th November, P. 2143P (F. C. 332) on the 27th December (in which Muzaffar Ahmad's letter P. 2054 (F. C. 321) was acknowledged) and P. 2026C (F. C. 344) dated the 17th January 1928, in the last two of which he gave a new address c/o Agnes Smedley. In the last letter he also said : "I wrote to my Bombay friends to send a report on the condition of textile workers. . . . So far I have got nothing. I want this report before February. Be sure to write to our Bombay friends, asking them to send such report as early as possible." This letter, which is a copy, is corroborated by Muzaffar Ahmad's letter P. 1848C dated the 21st February 1928 to Ghate in which he passes on this request and gives Ghate Tagore's address c/o Agnes Smedley. That letter again is a copy but it is one of that series of letters, about the genuineness of which there can be no doubt, which relates to the sending to Calcutta by Ghate of the copies of the resolutions passed by the Enlarged E. C. of the Bombay Party on the 29th January 1928.

We come next to P. 2027C (F. C. 378) dated the 28th February 1928 a letter from Tagore to Muzaffar Ahmad. This letter is referred to in P. 2029C (F. C.

406) another letter from Tagore and that again is in due course referred to in P. 2032P (F. C. 427). P. 2029C is also referred to a second time in P. 2056P at F. C. 466. These cross references clearly indicate the genuineness of the letters of which P. 2027C and P. 2029C are copies made in the course of interception. To come to the letters themselves P. 2027C deals almost entirely with a remittance of £ 40 sent by Tagore to Muzaffar Ahmad or "Ganavani", addressed to 37 Harrison Road, of which he complains that he has received no acknowledgment. In this letter he promises that the money will be remitted regularly every two months but says that it will be no use doing that if the remittances are going to be confiscated. Then he mentions a report "in the papers here (Berlin) that 25,000 roubles have been remitted on behalf of the Trade Union of Soviet Russia to Giri in aid of the Kharagpur strikers. There is no news about it either. Enquire about it and print it in the papers. It is necessary that the fact of its having been sent should be made public." I have already mentioned this thirst for publicity in regard to all sums sent from Russia to help the workers of other countries.

In his next letter P. 2029C (F. C. 406) dated the 24th April 1928 Tagore begins by mentioning his letter of the 28th February and also mentions one dated the 12th March which apparently escaped interception. Then he mentions a letter from Kalidas and one from the B. J. W. A. appointing him as their delegate, but says both these were received too late to be of any use. He asks about the annual meeting of the Bengal Party and asks for papers and reports to be sent in the name of Agnes Smedley. He mentions again the sending of money and he is apparently working to establish a bureau in Europe to carry on propaganda regarding the condition of Indian workers. On the 12th of June we find Tagore writing to Kishorilal Ghosh in rather more formal style than he uses in writing to Muzaffar Ahmad. In the course of this letter also he mentions sending money for a paper for the Jute Workers' Association of Bhatpara and for the Bombay Textile workers in the names of Muzaffar Ahmad and Dange. This letter was recovered in Ghosh's search. His next letter to Muzaffar Ahmad is P. 2056P (F. C. 465). This letter indicates a certain amount of confusion as he now says that £60 which he sent in Ghate's (not Dange's) name may be returned because he has been arrested. Then on the 28th August we get the letter P. 2035P from Tagore to Muzaffar Ahmad in which he expresses surprise that Muzaffar Ahmad has not yet received the money which has been sent to him and says that he fails to understand it. He again asks for a mandate from the B. J. W. A. and the Textile Union of Bombay. The last letter from Tagore to Muzaffar Ahmad is P. 2038P. (F. C. 663) dated the 21st November 1928. This is mainly occupied with a defence of himself against the suspicion of members of the Party in India that he was misappropriating the money given to him by Trade Unions in Germany for the two papers in India. It may be noted here that Tagore's letters are all in Bengali and that his handwriting in that language is identified by P. W. 95 Sri Kumar Neogi.

This correspondence was not entirely one-sided. P. 2054P (F. C. 321) is a letter sent by Muzaffar Ahmad to Tagore's Berlin address but redirected from there to the Hotel Bristol at Moscow from whence it apparently came back to India through the Dead Letter Office. This letter is dated the 8th December 1927 and acknowledges Tagore's letter of the 8th November P. 2098P and mentions P. 440 to both of which I have referred above. In this letter Muzaffar Ahmad says: "As regards the offer of the German labour comrades, we are going to accept it quite gladly. I hope you have sufficiently convinced them that we belong to the radical school of thoughts. This I mention because the German Trade Union circles are perhaps a little yellow." Further on in this letter he mentions that "the Bengal Jute Workers' Association has now been affiliated with the Peasants' and Workers' Party of Bengal."

Another letter from Muzaffar Ahmad to Tagore is P. 2256 (F. C. 490) dated the 19th July 1928 addressed to Tagore c/o Miss Agnes Smedley at a Berlin address. In this letter he says: "On all sides in India labour unrest has set in. I believe a real labour movement in India has begun. We have started here a Textile Workers' Union. A Union of this class did not exist in Bengal before." Then he goes on to mention the scavengers' strike. This is one of those letters in which Muzaffar Ahmad casts doubt on the fact of the money from Germany ever having been despatched at all.

The last letter from Muzaffar Ahmad to Tagore which we come across is P. 1865 (1) a letter enclosed by Muzaffar Ahmad with P. 1865 (F. C. 561) addressed to Miss Agnes Smedley. This letter was intercepted and withheld. It

is the letter written from Bombay which mentions that Spratt and Muzaffar Ahmad had come to Bombay on Wednesday last September the 5th. He goes on: "We are discussing here the future programme of our Party. The discussions have not yet ended." (This was written on the 8th). He goes on to mention the publication of "A Call to Action" and further the failure of the money sent from Berlin to reach India. He also mentions the proposal to convene a conference at Calcutta in December to constitute an All-India Party and adds: "Under the auspices of the Party which has been organised in the Punjab, a conference will meet at Lyallpur this month. Dange has been elected president."

The nature of the contents of this correspondence will I think sufficiently clearly indicate the position of Tagore in relation to Muzaffar Ahmad and the Bengal Workers' and Peasants' Party. The main importance of the correspondence is in its bearing (1) on the case of Muzaffar Ahmad and (2) on the relations between the B. J. W. A. and the Workers' and Peasants' Party of Bengal, a subject with which I shall have to deal when I come to the case of Banerji accused.

Coming back to Muzaffar Ahmad's personal activities again, in June 1927 we find him writing to Page Arnot in answer to a letter from that gentleman and asking him to contribute articles to "Ganavani" (P. 448 (6). F. C. 219). Much about the same time we find him also writing P. 448 (4) to the Communist Bookshop 16 King St. Covent Garden, London, which was also the headquarters of the C. P. G. B. with the idea of getting "Ganavani" sold in London, P. 448 (5) to the General Secretary, National Minority Movement, and P. 448 (1) to various institutions in America ordering three copies of the "A B C of Communism" and asking for the name of the editor of the "Ganavani" to be enrolled as a subscriber to the "Marxist" and a subscriber to the "Communist". During this period he was in correspondence with Spratt accused on the subject of Spratt's failure to come to Calcutta. I have already mentioned P. 2129P (I. C. 45) dated the 18th May 1927. Another letter of this kind is P. 2133P (I. C. 57) in which Spratt apologises for the delay and still another is P. 2134P (I. C. 58) in which Spratt says: "I was very sorry that you should be put out by my non-appearance. I admit that I have given you great provocation." That letter is dated the 7th August 1927 and on the 15th Spratt wrote to C. P. Dutt in P. 2329P (1) (F. C. 235): "Lozzie, I fear is angry with me as I have not been to see him as yet." Spratt again mentions Lozzie in P. 1009 in the draft letter dated the 4th September 1927 in which he says: "Re. A. L. English journal we have had an informal general conference. Lozzie, Lujec & Co. at Bombay, and have agreed to start one as soon as arrangements can be made, chiefly in charge of Cunfe and Rhug." We may infer from this that some time in August Muzaffar Ahmad visited Bombay for a general Party conference. On the 17th October 1927 we find Dange writing to Muzaffar Ahmad about "Hell Found" and also about the Cawnpore Session of the A. I. T. U. C. There is a P. S. as follows: "Can any group of yours go to Cawnpore for the All-India Trade Union Congress? Try if you can to shift the secretaryship to me jointly with N. M. Joshi." Muzaffar Ahmad did attend the Congress (P. W.'s 111 S. I. J. N. Sen Gupta and 119 Inspector Jagannath Sarin) and after it was over received a copy of Dange's "T. U. C. Left" report in the letter P. 2097C (I. C. 72). That report shows that Muzaffar Ahmad was one of those who attended the informal gathering at Gowaltoli and the discussion to evolve a plan of systematic Trade Union work.

We come next to the Session of the Indian National Congress at Madras in December for which a manifesto was issued by the Workers' and Peasants' Party. There is a copy of this on record P. 704 recovered in the search of Majid accused with an endorsement at the end in Muzaffar Ahmad's handwriting: "Do you approve this publishing in the name of the Workers' and Peasants' Party of all India? Muzaffar 19/12/27." This is rather an interesting piece of evidence in the light of the decisions taken at the meeting held at Madras on the 28th December of which we have on record the note in Spratt accused's handwriting P. 1373 (2). In this note it is stated that "it was decided that a Congress should be held for the purpose (of formation of an A. I. W. P. P.) at Calcutta within the period February 10-March 10, 1928. Arrangements, invitations etc. to be left to Muzaffar Ahmad." Very shortly after this we come to Spratt's undated letter to Dutt P. 526 (29) in which Spratt mentions his visit to Madras and replying to a request made to him by Dutt says: "I have asked Muzaffar Ahmad of Calcutta whose knowledge of these things is encyclopaedic to write one (an article) about political persecution etc. He will do so with a little more persuasion from me I think", and in P. 2065C (I. C. 117) Spratt proceeds to

try his hand at persuasion. This letter mentions the receipt of a letter from Dutt which was probably the reply to P. 526 (29). Just before this Muzaffar Ahmad had written to Spratt in P. 526 (26) (I. C. 85) on the 9th January pressing Spratt to come to Calcutta. To this letter Spratt replied in P. 2096P (I. C. 87) on the 16th January explaining his inability to come to Calcutta, one reason being the making of arrangements for the Municipal workers' hartal when the Simon Commission lands, "a difficult work which it is whispered may land us in prison". To that letter Muzaffar Ahmad replied anxiously in D. 140 (1) on the 24th January pointing out that Spratt had come to India to study labour conditions and must on no account go to prison. This letter also contains a mention of the activities in which Muzaffar Ahmad was himself interested at the time, namely the Dockers' strike in Calcutta, the Glass Workers' Union and the Scavengers' Union.

At the end of this month Muzaffar Ahmad went to Bombay to take part in the meeting of the Enlarged Executive Committee of the Bombay Party, and it was no doubt at this time that the resolutions were drafted which were adopted by the annual meeting of the Bombay Party on the 18th of March and also after further modification by the annual meeting of the Bengal Party at Bhatpara at the end of the month. P. 1348 (41) includes the signature of Muzaffar Ahmad among the signatures of comrades and sympathisers who attended this Enlarged E. C. meeting. Subsequent to the meeting Muzaffar Ahmad returned to Calcutta and we get the correspondence in which he complains of the failure of Ghate accused to send him the copies of the resolutions. This however was not really Ghate's fault as they had been sent but had been intercepted en route and are on the record as P. 2050. They got through ultimately but after so much delay that the Bengal Party meeting was postponed up to the end of March. Muzaffar Ahmad evidently did not return to Calcutta until after the 31st January because on that date there is a letter P. 548 (8) (I. C. 95) from Goswami accused informing him about a very successful first general meeting of the Scavengers' Union. In this letter Goswami asks Muzaffar Ahmad to have a talk with Jhabwala and sends his love to Spratt, Ghate, Mirajkar, Dange and others. As this letter was recovered in the search at 21 European Asylum Lane it probably reached Bombay after Muzaffar Ahmad's departure and was forwarded back to him at Calcutta, or it may be that he received it at Bombay and brought it with him.

After his return to Calcutta Muzaffar Ahmad must have received the original of P. 2100C (I. C. 89) a letter from Mukerji accused suggesting that the Bengal W. P. P. should send an invitation to the Gorakhpur Divisional W. P. Sabha for the W. P. Conference to be held on the 3rd and 4th March 1928. To this he replied in P. 1414 (I. C. 98) dated the 9th February in which he informed Mukerji that the proposed A. I. W. P. P. Conference had been postponed till December next. Further on he mentioned that a Provisional Committee of the W. P. P. of India would be elected in the meanwhile. Finally towards the end he said: "I am sending herewith a copy of our present programme from which you will be able to understand our line of action. Please let me know by return of post if you are agreed to our programme." With this letter he enclosed copies of the W. P. P. Manifesto addressed to the Indian National Congress Madras and the programme of the Party.

There can be little doubt that at some time between February and April 1928 Muzaffar Ahmad received a copy of the famous Assembly Letter P. 377 (1) (F. C. 351). This letter which we have already found to have emanated from M. N. Roy is dated the 30th December 1927. C. P. Dutt's covering letter P. 377 is dated the 5th of February and the letter P. 378 (F. C. 366) from Upadhyaya introducing Abdul Hakim to Muzaffar Ahmad is dated the 8th. P. 377 (1) however went astray in transit and was ultimately intercepted and withheld. But from the contents of P. 2099C a letter from Muzaffar Ahmad to C. P. Dutt dated 10th May 1928 it is evident that a copy of it had reached Muzaffar Ahmad by that time. The letter P. 377 shows clearly that Muzaffar Ahmad was regularly in communication with C. P. Dutt, while P. 377 (1) contains numerous references to Edward which show that Edward or Muzaffar Ahmad had been in communication with comrades in Europe during the whole of the previous year (1927) during which Roy had been away in China. I have already dealt with the references which prove convincingly that Edward can be no other than Muzaffar Ahmad. For the rest this letter has been sufficiently discussed in the earlier portion of this judgment.

At the end of March we come to the Bhatpara meeting of the Bengal W. P. P. held on the 31st March 1928. On page 55 of "A Call to Action" we

find the names of the Executive Committee for 1928 which was elected at this meeting. This shows Muzaffar Ahmad as General Secretary, D. K. Goswami as Sectional Secretary Labour, Gopendra Chakravarty and 8 others as members of the Committee. "A Call to Action" contains a full account of this Conference including the resolutions and theses adopted at it and the report presented to it by the Secretary. 5

Soon after this Conference was over a letter P. 1348 (5) (I. C. 140) dated the 4th April was written by Muzaffar Ahmad as General Secretary of the Bengal W. P. P. to inform the Secretary of the W. P. P. of Bombay that a Sub-Committee consisting of himself and comrades Goswami, Roy and Abdul Halim had been appointed to represent the Party in making arrangements to form the Workers' and Peasants' Party of India and to hold an All India Conference in December next. I have already referred in dealing with the case of Ghate to the correspondence which passed between Muzaffar Ahmad and Ghate during the summer of 1928 in regard to the holding of a meeting of the Provisional Committee with the ultimate result that in September a Council of War was held at Bombay, the same "discussion" to which Muzaffar Ahmad referred in a passage in a letter to Tagore which I have quoted above at page 1206. 10 15

One of the resolutions passed at the Bhatpara Conference (see page 36 of "A Call to Action") welcomed the formation of the League against Imperialism and approved of its work for the alliance of the revolutionary working class of the Imperialist countries and the revolutionary nationalist movements in the subject countries. Muzaffar Ahmad had communicated this resolution to the League against Imperialism in a letter dated the 5th April and we find the League in P. 2030 (E. C. 408) thanking him for this letter and suggesting that he should ask his Executive Committee to decide to affiliate the W. P. P. with the League and send a formal letter to that effect. 20 25

A little later we come across Usmani's letter P. 2041C dated 29th April, to which I referred in dealing with Usmani's case and in which Usmani made that urgent demand for facts and figures of strikes in Bengal and near about this year. Muzaffar Ahmad's reply is not on record but it seems likely that he did reply because comrade Sikandar Sur speaking at Moscow seems to have been fairly well provided with information of the kind which Usmani had asked for. 30 35

On the 10th May Muzaffar Ahmad wrote the letter of which P. 2099C (F. C. 417) is a copy to C. L. Lease, Catherine Cottage, Bergheath, Tadworth, Surrey, England, which was intercepted and copied by P. W. 85, Inspector K. S. Mohammad Ismail at the Howrah Mail Service Office. I have already dealt with the circumstances of this interception. The letter was signed M. A. and is addressed to "My dear J". It refers to a letter of C. P. Dutt of the 26th January which he says "did not reach me in time" by which I take it he means that it had been considerably delayed in transit. This letter contains a whole series of references to the contents of the Assembly Letter. It begins with a discussion of the question of association with and holding office in the Indian National Congress, a subject which it will be remembered was dealt with in the report of the Communist International between the 5th and 6th World Congresses (P. 2365). What is perhaps almost more important here is that in this very connection Muzaffar Ahmad seems to have put forward the same contention at the Bombay Council of War in September as we find him suggesting here. He goes on to deal with the manifesto issued to the Madras Congress which he says "was drafted hastily". He goes on to talk about the differences between the Bengal and the Bombay Parties and to answer the criticisms contained in the Assembly Letter (at F. C. 357) of Naresh Sen Gupta and Atul Sen. A little further on he says: "I do not know the name of Sasmal was suggested to have him in the Party." This is apparently another reference to the Assembly Letter, as at F. C. 364 we find Roy speaking of people who might be sent to a conference abroad and saying: "together with a few comrades of ours several T. U. C. and Left nationalist leaders (Sasmal?) sympathetic towards us can be sent." After these replies he says: "We have formed a Provisional Committee of the Workers' and Peasants' Party of India. We propose to hold next national conference at Calcutta in December next." The letter closes with a reference to Ambrose about whom he says: "Ambrose is here and working hard. He has much been reduced in health." This is so far as I know the only reference to Ambrose outside the letters of Spratt accused and C. P. Dutt. 40 45 50 55 60 65

Towards the end of this month (May) Muzaffar Ahmad was in correspondence with Spratt who had gone out on the East Indian Railway with the object of extending the strike along the line. P. 501 (I. C. 171) is a letter from Spratt along with one from Goswami both addressed to Muzaffar Ahmad in regard to the work at Ondal. Goswami asks for copies of programme, this year's report and other important papers necessary for propaganda and says : " We are getting a nice response from young men here ; of course they are all factory workers." In answering this letter in P. 526 (12) (I. C. 173) dated the 26th May Muzaffar Ahmad asked Spratt for an article on the " Role of the Workers' and Peasants' Party " for the Ganavani which was about to come out again. He also sent some literature in a separate packet and informed Spratt that he had received a bill for Rs. 43[14]- for him from Thomas Cook's. This bill related to some property of Donald Campbell which had been stored at Thomas Cook's. Spratt replied to this in P. 2066P (I. C. 177). Spratt must evidently have been in funds just about this date because he told Muzaffar Ahmad to pay this bill and also to pay back a sum of Rs. 100 which he (Spratt) owed to Nirod. Spratt ultimately sent the article to Muzaffar Ahmad in P. 2077P (I. C. 183) on the 6th June.

On the 9th June Muzaffar Ahmad received the original letter of which P. 2043C is a copy from Shaukat Usmani announcing that he was just starting on the long contemplated tour. This letter has of course been discussed in connection with Usmani accused.

On about the 10th June Muzaffar Ahmad received a letter P. 2016P (I. C. 185) from Gopal Basak reporting that on the 8th June a branch of the Party had been formed at Dacca and enclosing a report of the meeting at which this was done. This report contains some items of interest. It shows that Gopal Basak was elected General Secretary of the Dacca Branch of the W. P. P. of Bengal with Dibendra Bijoy Guha (mentioned in the oral evidence) as treasurer. Then there is a paragraph which runs as follows : " 2. Objects as usual. 3. Means as usual. 4. Extent. The activities of the Party will extend to the entire district of Dacca. 5. Membership. Any person not below the age of 18 years who will subscribe to the object, constitution and programme of the Party and who has been elected by the Young Workers' League (to be formed within a week) in its annual conference (after one year's training in the study circle class attached with the League) may be taken as the individual member of the Party subject to the approval of the Executive."

A document which gives an indication of the importance in this conspiracy of accused Muzaffar Ahmad is P. 2051C (I. C. 197) a letter dated the 14th July 1928 from Sohan Singh Josh accused, admitted by him, in which Sohan Singh as General Secretary of the Workers' and Peasants' Party c/o " Kirti " Amritsar, informs Muzaffar Ahmad officially that the W. P. P. of the Punjab came into existence on the 12th April 1928 and that the constitution of the Party is also complete. In this letter Sohan Singh also intimates that the Punjab Party proposes to hold a conference of the Workers' and Peasants' of the Punjab at Lyallpur from the 28th to the 30th September along with the Provincial Political Conference and wish to invite Spratt, Bradley and Muzaffar Ahmad to the conference of which they intend to make Dange the President. About the middle of August as we learn from the evidence of P. W. 61, Sub Inspector Mafizuddin Ahmad, Muzaffar Ahmad, Goswami and Spratt accused went to Mymensingh where they attended meetings on the 16th and the 17th. On the 16th Spratt and Muzaffar Ahmad spoke and on the 17th Spratt accused spoke and Muzaffar Ahmad interpreted his speech. The intention to pay this visit was mentioned by Muzaffar Ahmad in his letter to Dange P. 1617C (I. C. 213) dated the 7th August 1928.

At the beginning of September Muzaffar Ahmad went to Bombay with Spratt to take part in the discussions or as I have called it before the Party " Council of War." There is a reference to this, as I have noted above in dealing with Tagore, in P. 1865 the letter to Tagore enclosed by Muzaffar Ahmad along with a letter to Miss Agnes Smedley. There is another point of interest in this letter, namely the reference to the " Lal Nishan ", the name of which, it will be remembered, appears in Spratt's notes of the Council of War in brackets in the same way as does the name of " Spark ". As I have pointed out once before the explanation of this no doubt is that both these papers were still only projected. About the " Lal Nishan " Muzaffar Ahmad says in this letter : " We are feeling the want of money. We have advertised that we are going to publish a weekly paper in Hindi entitled " Lal

Nishan " (Red Flag). We have also made necessary declaration about this paper. We are afraid this may have to be stopped for want of funds. If we would have not come to Bombay we would have started the paper this week. But we had to spend a lot of money to come here. We do not know if we shall be able to start it on our return," from which he goes on to complain of the difficulties in regard to the publication of the "Ganavani" which have resulted in a loss of confidence on the part of the public. There are on record one or two advertisements and other mentions of "Lal Nishan" but there is no evidence that it ever reached the stage of publication and so far as I am aware no copies of it were recovered in any of the searches. This is the same letter in which Muzaffar Ahmad protests against several Indian Communists having gone to Europe when there was work to do in India. He says: "I have heard that some 3 or 4 persons had gone to Europe from India. If they try to join any labour organisation on behalf of our Party you should protest strongly against it. We do not wish that this sort of men should go to Europe as our representatives. There is lot of work in India. There is no need to go abroad. They did not do any work here. I am always talking about these labour organisations. Out of the 4 persons one is a suspicious character but the labour organisations in Europe know him thoroughly well." It will be remembered that only about a month before this enquiries had been made from India as to whether Indian comrades placed confidence in the 4 persons Orm, Massel, Rhuden and Uke-Rhug, to which Spratt, no doubt in consultation with Muzaffar Ahmad replied in the negative. Later on in September the closeness of the relations between different members of the conspiracy is well brought out in Sohan Singh Josh's letter to Muzaffar Ahmad P. 2052P (I. C. 228) in which Sohan Singh presses Muzaffar Ahmad very urgently to attend the Lyallpur Conference in a tone which suggests that his presence was really important. Muzaffar Ahmad was however unable to go and wrote to Sohan Singh on the 26th September in P. 2093 (an original letter in Muzaffar Ahmad's handwriting obtained by P. W. 168, Sardar Sant Singh Superintendent of Police Punjab from a source). In this he mentions that he has wired to Aftab Ali at Almora to proceed to Lyallpur to attend the Conference. With this letter was enclosed a message of greetings to the Conference on behalf of the W. P. P. of Bengal. This message P. 2093 (1) is an interesting document at the end of which Muzaffar Ahmad seizes the opportunity to do some work on behalf of the Workers' and Peasants' Party of India and the A. I. W. P. P. Conference.

The way in which Muzaffar Ahmad accused like Spratt accused has a hand in almost everything to do with the working of all the Workers' and Peasants' Parties (even the Bombay Party, as we have seen in the matter of the drafting of the resolutions at the time of the Enlarged E. C. meeting) is well brought out by his association with the Workers' and Peasants' Conference at Meerut at which the U. P. Party was established. P. 2197 and P. 414 (I. C. 242/243) are the despatch and delivery copies of a telegram from Gauri Shankar accused to Muzaffar Ahmad which runs as follows: "Please come with Spratt 14th 15th October Meerut Mazdur Conference. Wire expenses." The fact that the money was actually wired is shown by P. 2089 and by the T.M.O. receipt P. 2088 which bears Muzaffar Ahmad's own signature. In this connection Muzaffar Ahmad wrote a letter on the 12th October to H. K. Sircar which was recovered in Sircar's search and is in evidence as P. 272 (I. C. 245) in which he said: "In order to attend a Workmen's Conference at Meerut Spratt and myself are going there today. There was nothing previously arranged about the visit. We are having to go because suddenly a telegram and fare had been despatched. We go only because thereby Party propaganda will be encouraged." Muzaffar Ahmad not only went but he sent a telegram to Sohan Singh Josh at Amritsar to come too (P. 2196 I. C. 245) and took an important part in the Conference, as it was he who moved the resolution P. 1091 that the Conference "directs the Subjects Committee to form a strong U. P. Mazdur Kisan Dal." He ended the speech reported in P. 1091 by saying: "A political party of workers and peasants should be formed which would be called the Workers' and Peasants' Party. You should establish this Party without fail, for a political party is highly essential for the people here." About this speech and his visit to Meerut Muzaffar Ahmad says at page 494 of the statements of the accused: "I came to Meerut on an invitation by wire from Mr. Gauri Shankar. A Workers' and Peasants' Conference was held here in which I spoke on the role of the Workers' and Peasants' Party and stated what work we were doing in Bengal. But my speech was mis-reported. The reporter who took down the speech knew everything but reporting." Quite a number of speeches were reported by this reporter P. W. 126, P. S. I. Mangal Singh Tewari and I am afraid that I cannot find it pos-

sible to accept Muzaffar Ahmad's contention that this witness misreported his speech. It will be remembered also that there is in P. 322 (recovered from P. C. Joshi accused) confirmation of the resolution moved by Muzaffar Ahmad and therefore indirectly of the speech as reported. There is of course also other corroboration in the shape of many letters written by Joshi and others after the Conference including a number of letters written by Muzaffar Ahmad himself, as for example P. 317 (I. C. 262), recovered in P. C. Joshi's search, in which there occurs the following paragraph: "I read the report which you gave to the press. You omitted the most important thing—that is the formation of the Workers' and Peasants' Party of U. P. and Delhi. I do not know why you did that!"

Immediately on his return from Meerut Muzaffar Ahmad must have received the letter P. 2073P (equals P. 289, the office copy recovered in Kadam accused's search) from L. N. Kadam accused inviting him to attend the Bundelkhand Peasants' and Workers' Conference to be held at Jhansi on the 28th and 29th of October 1928. Muzaffar Ahmad was not able to attend this Conference or at any rate did not do so. He was at this time getting more and more anxious about the Conference of the All India Party as we find from his letter to Ghatge, P. 1349P (I. C. 278) of the 4th November 1928, his letter written to Dange P. 1611P (I. C. 281) on the following day and his letter to P. C. Joshi P. 316 (I. C. 283) dated the 6th November. Ghatge's reply is P. 421 (I. C. 285) dated the 11th November which I note gives the date of Jhabwala's resignation from the Bombay Party as the 10th November so that he was still a member at the time of his Presidential speech at Jhansi. This letter also contains a promise to send the report of the Bombay Party's work for which Muzaffar Ahmad had asked by the end of November.

O. P. 1221.

As we might expect from his participation in the Council of War and the way in which he seems to have his finger in everything in which the W. P. Parties are interested, even with all his pre-occupation with the Calcutta Conference Muzaffar Ahmad could take an interest in the Jharia Session of the A. I. T. U. C. In P. 1348 (36) (I. C. 318) we find him writing to Ghatge and saying on this subject "who again are going to Jharia!" According to P. W. 254, Rai Bahadur N. V. Trivedi, Muzaffar Ahmad was among those who attended the meetings of the A. I. T. U. C. at Jharia from the 18th to 20th December. This witness was cross-examined on this point and gave the following replies: "The names of persons present there (at Jharia) were given from memory. I think Muzaffar Ahmad accused was present there. I am confident he was there. I do not remember any particular thing done by Muzaffar Ahmad. If I remember right he was there only for a very short time and on the first day. I cannot be sure now whether it was the first day or the second day." Muzaffar Ahmad says about this conference that the witness "gave false evidence saying that I attended the Jharia T. U. Congress. In that Session I was elected Vice President of the A. I. T. U. C. in my absence. But I accepted the office when I was informed about it." I think it probable that Muzaffar Ahmad's statement in this connection is correct, because it is quite likely that with the W. P. P. Conference coming only a few days later, he found himself unable to leave Calcutta. In the Calcutta Conference he was an important figure in more ways than one. The official report P. 669 shows that on the first day Muzaffar Ahmad was elected a member of the Drafts Committee. On the second day we find that he spoke against Joglekar's amendment to the Political Resolution on the subject of the entry of Party members into the Independence for India League. On the third day he moved and Ghatge seconded the resolution proposing the formation of the All India Workers' and Peasants' Party, a resolution which was very naturally carried unanimously. There can be no doubt that it was on his account that trouble occurred later on in this meeting when an amendment to the draft constitution was moved by Goswami to the effect that the General Secretary of the Party should be directly elected by the Annual Congress. The discussion was not concluded that day and was adjourned to the following day when the proceedings were held at 121 Lower Circular Road. On the fourth day the same underlying dispute in the Bengal Party reappeared over the nominations to the National Executive Committee. We find it stated that "conflict again occurred over the election of the Bengal members and some of the Bengal delegates walked out. Misunderstanding had been created by outside influences which were jealous of the growth of the Party and made an organised attempt to wreck it. The dispute was eventually settled and the National Executive Committee elected as follows". I may note here that P. 1764 shows that this paragraph was drafted by Spratt accused. The members actually elected to the

O. P. 1222.

National Executive Committee for Bengal were Muzaffar Ahmad, Goswami and Chakravarty accused and H. K. Sircar. Unfortunately for the Party the settlement of the dispute which was effected on this occasion was only temporary and matters came to a head later with disastrous results.

O. P. 1223. Immediately after the W. P. P. Conference Muzaffar Ahmad took part in the meetings of the C. P. I. held on the 27th, 28th and 29th December. Ghate's notes P. 1295 show that on the 27th Muzaffar Ahmad presided and was also elected a member of the Central Executive as representing Calcutta. On the 28th there is a mention of Shamsul Huda's complaint that he was neglected by Muzaffar Ahmad, and lastly on the 29th we find "(2). Central organ of the party—to be published from Calcutta. Muzaffar to look into Hindi and Bengali papers and criticise them.....(5). Mirajkar, Muzaffar, Joglekar were suggested as delegates to the E. C. C. It was finally decided to select one from the first two. M. A. selected later." I have dealt with this meeting several times before and it is not necessary here to do more than note the part taken in it by Muzaffar Ahmad. It was no doubt realised later that it would be impossible for Muzaffar Ahmad to leave India and hence the note P. 1305 in which there occur the remarks: "Muzaffar's not going..... Muzaffar's failure to go..... Usmani to be despatched in case Muzaffar is unable to go."

Whatever his faults Muzaffar Ahmad was certainly never a passive member of the conspiracy. On the 14th January we find him writing on behalf of the N. E. C. of the W. P. P. of India as member in charge of education and propaganda to Gauri Shankar and P. C. Joshi in P. 212 and P. 343 (a circular letter which was no doubt sent to others also) in regard to the celebration by the Party in conjunction with the Communist Party on the 21st January of the fifth Anniversary of Lenin's death. The points which he says in this letter should be stressed in the speeches are (1) Lenin's analysis of the nature of opportunism and reformism in the Labour Movement and its role as the last line of defence of capitalism; (2) his teaching on the colonial question, the tactics and ultimately the leading role of the working class in the colonial revolution; (3) the significance of the Russian Revolution as the first breach in the structure of Imperialism and the U. S. S. R. as the fatherland of the working class; hence the necessity of the defence of the U. S. S. R. against the war danger. He asks that as many meetings as possible should be held especially among industrial workers and that these meetings should be advertised by handbills giving the most important details of Lenin's teachings and life.

O. P. 1224. Somewhere about the 20th January Muzaffar Ahmad received a sum of Rs. 500 from Dange accused for the Bauria strikers, see the letters P. 395 (2) and 395 (1) (I. C. 348). There was a good deal of trouble between Muzaffar Ahmad and Ghosh accused in regard to this money but as it does not affect Muzaffar Ahmad's case I need not deal with it here. This matter is also mentioned in P. 1346 (I. C. 349) a letter from Muzaffar Ahmad to Ghate. But a matter of greater importance to the case mentioned by Muzaffar Ahmad in this letter is the demonstration on the occasion of the visit of the Simon Commission to Calcutta on the 19th Jan. About this he says: "On Saturday last a big demonstration passed through Calcutta streets to protest against the arrival of Simon Commission. Our party took a prominent part in it. We came out with red flags and party slogans in black and white." At the end of this letter he speaks of the Lenin Day meetings which he says were pretty successful. He adds: "I shall send a long report to our Boss, the General Secretary, who perhaps is not functioning as yet, at least there is no sign of it." We have reports of the speeches made on Lenin Day in evidence. One of these, P. 2471, is a report of the speech made by Muzaffar Ahmad himself in which he attempted to give the gist of the speech made by Spratt accused for the benefit of the Hindi-speaking members of the audience. I do not think that Muzaffar Ahmad was very successful in conveying the gist of Spratt's speech; but I imagine that what he did say was just as useful. He ended off with the remark: "He (Lenin) is treated as a great man because he understood that in the liberation of workers, workers only would stand in the front line and that the workers alone could bring about a real revolution. Only the workers brought about the revolution and established Labour Government in Russia."

O. P. 1226. Like Dange in Bombay Muzaffar Ahmad received from C. P. Dutt at the end of February a letter P. 2160 (Cf. P. 1665, F. C. 807), forwarding a letter in regard to the celebration of the 10th Anniversary of the foundation of the Communist International and suggesting that Muzaffar Ahmad might send material for the exhibition which was being organised on this occasion to the W. W. L. I.

Whether Muzaffar Ahmad ever sent any material there is no evidence to show. As both these letters were withheld, I presume he did not, but there is an obvious significance in the fact that such a request was made to him. During the month of February Muzaffar Ahmad continued to be in correspondence with other sections of the W. P. P. of India; for example we find him writing P. 1335 (I. C. 368), dated 11th Feb. to Ghate in which he speaks about the Girni Kamgar Union, Usmani's speech on Lenin Day, the money for the Bauria Workers and the aftermath of the Simon Commission boycott demonstration. He also refers to the difficult financial position and says: "There is no end of pecuniary difficulties. Comrade Spratt had wired for his allowances but nothing has reached him as yet." Next on the 16th Feb. in P. 1336 (I. C. 376) Muzaffar Ahmad again writes to Ghate. This is the letter in which he asks how Usmani is doing. He also refers again to the financial difficulties and says: "Comrade Spratt wired to London for his allowance but has not received any till now. He is very much in troubles so far as financial affairs are concerned." He also refers in this letter to the necessity of holding a meeting of the National Executive Committee.

Q. P. 1227.

Muzaffar Ahmad accused was also in correspondence at about this time with P. C. Joshi accused, see the letters P. 2155P (I. C. 371) (equals P. 416 (16)) and P. 2148 P (I. C. 379), which are two letters from P. C. Joshi and P. 1096 (I. C. 383) and P. 304 (I. C. 394) from Muzaffar Ahmad to Joshi. It was at this time also that the Split in the Bengal Party came to a head. The immediate cause of this was the expulsion of Chakravarty accused from the Bengal Party or as it now was the Bengal Branch of the All India Party, which was reported by Muzaffar Ahmad to Nimbkar accused as General Secretary of the All India Party in P. 1767 (I. C. 378). The sequel to this is the letter addressed to Muzaffar Ahmad by Goswami, Basak, Kali Sen and others on the 8th March resigning their membership of the party, P. 423 (I. C. 392).

Another subject mentioned in Muzaffar Ahmad's letter to Nimbkar P. 1767 is the matter of the affiliation of the All India Party to the League Against Imperialism. About this he says: "Did you apply to the League Against Imperialism and for national independence for the affiliation of the Party?" Nimbkar accused replied to this and other letters from Muzaffar Ahmad in P. 2163P (I. C. 404) on the 15th March in which he said: "An application has been sent to the League about affiliation." It does not really matter very much whether the application was or was not actually sent. Nimbkar accused now says that it was not actually sent, because he gave the letter to a friend to post and the friend not having done so by the time of Nimbkar's arrest never posted it at all. The last letter in evidence written by Muzaffar Ahmad is P. 1100 (I. C. 409) addressed to Joshi accused on the 17th March in which he asks him for a loan of Rs. 50 for Comrade Spratt and says: "He has not been getting his allowance for a few months. We are exhausted on account of the last conference. This is why I am asking for your assistance in this respect. The money would be repaid as soon as Comrade Spratt gets his allowance." From which it appears that there had been a serious breakdown in the financial arrangements made by the persons responsible for sending Spratt accused to India.

Q. P. 1228.

Muzaffar Ahmad's activities were by no means limited to party organisation only; he also took a considerable interest in Trade Union work, for example in the Scavengers' Union and its strikes. He also took a certain amount of interest in the E. I. Rly. strike. But far more important than this is his work in connection with the maintenance of communications with conspirators in Europe. We find for example that Ganavani was being sent to a large number of addresses, not all of course communist, mainly in Europe and the U. S. A., vide P. 394 and P. 410. Another list is the one made by P. W. 71 Sub-Inspector P. C. Mandal from a large number of copies of the Ganavani which he saw being posted by Abdul Halim at the Howrah Mail Office on the 23rd August, 1928. Another piece of evidence showing the way in which Muzaffar Ahmad carried out this work is P. 463 which consists of a number of registered postal receipts for letters addressed for example to Miss Agnes Smedley, the Secretary Labour Research Department, the Communist International, the League Against Imperialism and M. N. Roy. The last of these was addressed to M. N. Roy at 24, Friedrich Strasse, Berlin S. W. 48, Germany, that is at the address of the League Against Imperialism. Another small piece of evidence which I mentioned in connection with this matter of communications at an earlier stage is the entry in Muzaffar Ahmad's diary P. 397 of the registered number of an Indian seaman with the name of the ship from which he had just been discharged.

Still another piece of evidence in this connection is the map of Hamburg recovered in the search of the Bengal Party Office which has on it an arrow showing the way to the International Seamen's Club. In the same connection it is worth noting that there is evidence in Muzaffar Ahmad's case showing that he himself was in the habit of using cover addresses. I refer to the case of P. 2121P which was sent by Iyengar to Muzaffar Ahmad twice, being addressed the first time to one Abdur Rahim and the second time to N. C. Dey. 5

In connection with the whole of the above evidence I must note that of course this is only a brief summary of the case against Muzaffar Ahmad. There are in fact somewhat over 100 documents on the record which are either in Muzaffar Ahmad's handwriting or bear his signature as proved by the evidence of P. W. 54 S. I. R. N. Gupta, P. W. 121 Fazlulhaq Selbusi, P. W. 133 Colonel Rahman and others, and there are somewhat more than 400 documents which affect his case, quite apart from the oral evidence. Most of the oral evidence deals with meetings, speeches, demonstrations and the like and I have hardly thought it necessary to touch on this as there is so much other evidence which makes the case against him so conspicuously clear. In addition to this it is to be noted that Muzaffar Ahmad accused is one of the 18 signatories to the joint statement made on behalf of all the Communist accused by Nimbkar. That is a very useful document in itself but over and above that Muzaffar Ahmad has himself made a statement which well deserves consideration. 10 15 20

In his statement to this court which begins at page 460 of the statements of the accused he begins by discussing his position as a Communist. About this he says: "I am a revolutionary Communist. I had been a member of the Communist Party of India till the day of my arrest on 20th March, 1929, in connection with this case. The C. P. I. on the day of my arrest was not officially a section of the Communist International. We did not duly affiliate our party with the C. I. for the reason that we had been weak numerically. Otherwise our party fully believed in the policy and principles and programme of the C. I. and propagated them as best it could under the circumstances. The prosecution has alleged me to be one of those in India who are said to have entered into a conspiracy with the C. I. as early as 1921, to establish its branch organisations in India. It rests with the prosecution to prove the conspiracy, if there had been any. But I am proud to state that with all my drawbacks I am one of the early pioneers of the Communist Movement in this country." Then he goes on (at the top of page 461) to state as his own belief exactly one of the points which the prosecution has sought to establish by evidence. He says: "I cannot really conceive the existence of a Communist or Communist Party who or which does not act according to the principles and programme of the C. I. which is the real and the greatest revolutionary organisation in the world." Next he touches on the question of the W. P. P. being a veiled Communist Party and says: "I had been one of the active members of the W. P. P. which had never been a veiled Communist Party as has been suggested by the prosecution and accepted by the Enquiring Magistrate. In spite of the legal existence of the C. P. I. of India it is grotesque on the part of the prosecution to think that there was a necessity of having a veiled Communist Party under the caption of the W. P. P. I, a Communist, joined the W. P. P. and worked for it, because it adopted the National Revolutionary programme which was and is today a part of the programme of the C. I. for a colonial subject country like India." This statement is a delightful compound of truths and half truths and it will be apparent that Muzaffar Ahmad has completely ignored the fact that it was not the prosecution which originally suggested that the W. P. P. was a veiled C. P. Next he comes to the programme and the future developments as he sees them, and says at page 462: "The reading of history from the Materialist point of view has made the Communists understand that India will pass through a stage of National Revolution of the Bourgeois Democratic Type before she reaches the stage of Proletarian Revolution. It has been laid down by the C. I. in its Colonial Thesis adopted in its Second and 6th World Congresses (Exhs. P. 2395 and P. 1228) how to carry through this stage of revolution. So far as the programme of the W. P. P. and the propaganda of the National Democratic Revolution of the C. I. are concerned there is a great deal of agreement in them and this agreement is bound to be there." And indeed it is obvious that assuming the National Democratic Revolution to be the essential preliminary step to the Proletarian Revolution such agreement is bound to exist, as Muzaffar Ahmad says. From this he goes on to the history of the W. P. P. beginning with the Labour Swaraj Party of Bengal and his own connection with it. The point which he makes in regard to all his own work is 25 30 35 40 45 50 55 60 65

that he was working for militancy and for revolution. In this part of his statement he has a good deal to say about the Bourgeois Democratic Revolution. We begin to see the drift of his argument at the foot of page 468 where he says : " Only a successful National Revolution can drive away the British Imperialism from India. Revolutions must not be confused with revolts or rebellions. Revolutions are events which under the pressure of material conditions happen from time to time in the history of human society. When existing conditions and reigning institutions stand in the way of continued development of a given community a struggle ensues which eventually ends in a clash." 5

A little further on he says : " Now we shall see what section of population of India will take a lead and part in the coming revolution which of course will be one of the Bourgeois Democratic type." Discussing this problem he finds it obvious that it will not be the Bourgeoisie. He discusses the position of the Bourgeoisie at some length incidentally coming to the conclusion that Mr. Gandhi is " reaction incarnate." He goes on to consider the position of the Petty Bourgeoisie and the Peasantry. The Peasants' Revolution, he says, must be an essential part of any revolution in a country like India where the Peasantry forms an overwhelming majority of the population. In this connection he quotes at page 476 the example of the Russian Revolution. Then at last on page 478 he comes to the working class and the deduction, the obvious and long anticipated deduction, that " The working class is the only class which can take up the leadership of the Indian National Revolutionary struggle," (the struggle which it must be borne in mind still leads to a Bourgeois Democratic Revolution) " and carry it through to a victorious conclusion. Under the peculiar colonial conditions it will be the task of the workers' revolutionary party—the C. P. I.—to be the vanguard of the Indian National Revolution as well, because the other classes, as I have already stated, will fail to take up that position. The National Revolution of course will be the immediate objective of the C. P. I." A little further on he explains why the C. P. I. will be the vanguard of the revolution and says : " Formed with the most class-conscious section of the working class the Communist Party will give guidance and supply brain to the struggle. It being an International organisation, it has got the support of the whole world proletariat behind it and is therefore the strongest political Party in the world. The Communist Party is the master of the revolutionary tactics which we have seen in the Russian Revolution. It has studied revolution both as a science and as an art." At page 480 onward he explains why at one stage the W. P. P. put forward the slogan of a National Constituent Assembly and in the course of this he makes some remarks about " Ex-comrade M. N. Roy " who according to him is the author of the Supplementary Thesis on the National and Colonial question adopted at the Second Congress of the C. I. At page 482 he comes to the problem of the seizure of power, that is the actual carrying out of the revolution. About this he says : " The essential problem of any revolution is the seizure of power. At present the British Imperialism is in control of State power in India. This Imperialism therefore must be overthrown. As the workers and peasants will overthrow Imperialism they will naturally capture the State power. But they will not capture the power in order, to maintain the State form as it is now. They will smash the present State form into pieces and establish in its place the Workers' and Peasants' Republic based on the organs of the real mass power, the Soviets." At page 485 he comes to his relations with Kishori Lal Ghosh accused and says that the quarrel between him and Ghosh was certainly not a personal matter, as the Committing Magistrate appeared to have thought. I presume that what Muzaffar Ahmad has said here is said with the idea of assisting Ghosh accused in his defence. Unfortunately for Ghosh accused one has to remember the Communist moral principle of expediency. Bearing in mind therefore that supposing for the sake of argument Ghosh accused was a member of the conspiracy his acquittal would obviously be a circumstance which the members of the conspiracy would desire, it is impossible to attach any value to what Muzaffar Ahmad says on the point. The case is however different when we come to admissions made by him which are supported by evidence on the record, as for example when at page 486 he refers to George Allison alias Donald Campbell. I find it difficult however to believe that it was not until February, 1927, that Muzaffar Ahmad accused became acquainted with Ghosh. At page 488 he comes to a series of documents for the printing of which he was responsible. It will be remembered that whereas in the constitution of the Bengal W. P. P. prior to the Bhatpara Conference the " means " was stated as follows : " Non-violent mass action will be the principal means for the attainment and realisation of the above object (Complete National Independence) and demands," in the revised constitution adopted by 5

O. P. 1232.

O. P. 1233.

O. P. 1234.

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the W. P. P. at that conference the mention of non-violence was omitted and the "means" was stated as follows: "The rallying the people to mass action will be the principal means for the attainment and realisation of the above object (complete independence)." About this change Muzaffar Ahmad now says: "It was highly necessary to make this change. Nobody could foretell that the mass action would be nonviolent." One might add that it is perfectly obvious that it is anticipated that this mass action will be violent in the extreme.

After this he discusses terrorism and then at page 491 comes back to the C. P. I. in order to answer the question put to him by the court about the numerous exhibits connecting him with that party. In this connection he says, I suppose with some idea of benefiting his fellow Communists though I do not think it has that effect: "I am solely responsible for drafting the exhibit (P. 416 (7)), Communist Party of India, Constitution 1929. At the beginning of 1929 I was seriously thinking that some improvement should be made in the 1927 constitution of the C. P. I. (Ex. P. 1207 (1)) and this draft was prepared by me from that viewpoint. I was not directed by the Central Executive Committee of the C. P. I. nor by any other committee of it to prepare this draft. In fact no meeting of the Central Executive of the C. P. I. had been held for a considerable time." He further adds: "In my draft I added the words 'Section of the Communist International' (to the name of the party), because that was the official form of writing the names of all Communist parties. I knew it was the intention of the party to apply for affiliation as soon as it felt that its strength was sufficient." Here again as so often I find it difficult to believe Muzaffar Ahmad. It is not a fact that no meeting of the Central Executive of the C. P. I. had been held for a considerable time. On the contrary meetings were held at the end of December 1928 and again in March 1929 and these meetings, particularly the March ones were imbued with the idea of making more of the C. P. I. It was no doubt in connection with this move that the constitution was re-drafted. It may be noted that the general effect of the re-drafting was in the direction of tightening up the connection with the C. I. and improving discipline etc. But the re-draft involved no changes in principle as even under the 1927 Constitution, as found in P. 1207 (1), membership was limited to those persons who subscribed to the programme laid down by the Communist International. On the following page (493) we get a most illuminating passage in regard to the work done by the Communists in Trade Unions, where he says: "The first and the foremost duty of the C. P. I. was therefore to create militant Trade Unions inside which alone its revolutionary cadres could grow. This is why the members of the C. P. I. worked almost whole time in building Trade Unions and inside the W. P. P. which had been giving the Trade Union movement a militant shape." He goes on to give some idea of the success which had already been achieved by saying: "In the beginning of 1929 suitable recruits for the C. P. I. could be found in almost every Trade Union. There was an immense possibility before us to have a very powerful Communist Party in the near future. It was not for nothing therefore that the idea came into my mind to improve the constitution of the C. P. I. Though numerically weak the C. P. I. did exist and its existence was expressed through the Trade Union Movement, demonstrations and the National Revolutionary Movement."

On the following page (494) he comes, in answer to a question by the court, to the Young Comrades League of Bengal which he says was started under the auspices of the W. P. P., a conclusion which I have suggested at an earlier stage in this Judgment. Lower down on the same page he brings out another point to which I have drawn attention before where he says: "The W. P. P. of Bengal had direct connection with the W. P. P. of Bombay from the very beginning. I paid visits to Bombay in connection with the work of the W. P. P. The resolutions embodied in the book 'A Call to Action' were drafted by a Joint Committee consisting of the members of the W. P. P. of Bengal and W. P. P. of Bombay. But before final adoption of them by the W. P. P. of Bengal changes were made in the resolutions here and there." At page 495 dealing with the Assembly Letter P. 377 (1) he says: "I cannot see how I could in any way be made responsible for the Ex. P. 377, the famous Assembly Letter." But of course he does not in any way meet the proved facts in regard to that letter. In the following paragraph he attempts to support Usmani's story that he spent the latter part of the Summer of 1928 in the hills and denies that the remarks in his letter to Tagore could have any reference to Usmani. In answer to the next question he attempted some defence of his connection with Desai accused. But there again it is obvious that very little value can

be attached to what he says. Next on page 497 in answer to a question in regard to the exhibits relating to his connection with Trade Unions and strikes he makes a statement which makes his position in this connection even clearer than it was before. He says: "I participated in the Trade Union Movement and Workers' strikes *on behalf of* the C. P. I. and the W. P. P. I took part more or less in almost all strikes in and around Calcutta which took place in the last part of 1927, during the whole year of 1928 and in the beginning of 1929. I edited in conjunction with others Ganavani, the official organ of the W. P. P. of Bengal." He makes the object of the participation of the Communist Party in Trade Unions still plainer on page 499 where he says: "The role of the C. P. in the Trade Unions is to establish its leadership in them in order to widen the economic struggle into the political struggle. The political party shows workers that the class struggle through Trade Unions has got its limit. The Capitalists can accede to the demands of workers only to a certain stage. To accede to them farther than that means menacing the very existence of the Capitalists. This is why it is necessary to lead the economic struggle up to the political struggle for power."

O. P. 1238.

In the light of this statement it hardly seems necessary to sum up the case against this accused. From the time of his release from jail in 1925 to the time of his arrest on the 20th March 1929 he has taken a part and a very active part in almost every activity connected with the conspiracy. Document after document indicates that he was working day in and day out to further the aims of the conspiracy. He was a member of the C. P. I. and the W. P. P. of Bengal, he took a considerable part in the foundation of the All India Party, he worked to some extent both in the Trade Unions and in the Trade Union Movement, he edited the Bengal Party paper, he became member in-charge of education and propaganda in the All India Party, and with all this he was throughout continuously in communication with all the other workers for the conspiracy in India and with conspirators in Europe. There is no possible room for doubt about his participation in this conspiracy.

Agreeing with four and disagreeing with one assessor I hold that Muzaffar Ahmad accused has taken part in a conspiracy to deprive the King-Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A I. P. C. I convict him accordingly.

PART XXX.

O. P. 1239. Dharani Kanta Goswami accused first appears in the evidence in this case in
 D. K. "A Call to Action". Whether he was or was not a member of the Peasants'
 GOSWAMI and Workers' Party of Bengal when it was first established in 1926, there is no
 15. evidence to show. His name at any rate does not appear either among the office-
 bearers or the members of the Executive Committee. At the Second Conference 5
 of the Party however held on the 19th and 20th February 1927 he was elected to
 the Executive Committee as Sectional Secretary (Labour). It may be noted
 that at this meeting the chief change in the office-bearers consisted in the change
 of the members of the Committee (P. 549 (8)). There were originally 15 mem- 10
 bers, nearly all of them representing places outside Calcutta. In this 1927
 election all these persons disappeared except Muzaffar Ahmad, Qazi Nazrul
 Islam and Faizuddin Hasan. Of those who came in we know the names of
 Kalidas Bhattacharya who is closely associated with the B. J. W. A., Abdul
 Halim, Aftab Ali and Gopendra Krishna Chakravarty accused.

Goswami's name does not appear again in evidence until November 1927 15
 when he was present at the Cawnpore Session of the A. I. T. U. C. In the list
 of those who attended the informal gathering at Gowaltoli on the 29th November
 we find that the following attended from Bengal : Muzaffar Ahmad, Dharani
 Kanta Goswami, Bhoshak, Kedar Nath Roy and Aftab Ali. Goswami also
 appeared in the Group photograph P. 1383 taken at the tea party given by the 20
 late Mr. G. S. Vidyarthi. In January 1928 as appears from P. 283 the minute
 book of the Bengal Jute Workers' Association he was elected one of the Vice-
 Presidents of this association. This fact was alluded to a few months later in
 the report of the E. C. of the Party laid before the Bhatpara Conference, in
 which at page 47 we find under the head of work done in the labour field the 25
 following : "(a) The Party conducted propaganda among the jute workers in
 conjunction with the Bengal Jute Workers' Association. The President, Vice-
 President and General Secretary of the Association are Party members and it
 affiliated to the Party in October 1927. Reorganisation and extension of the
 work of the Association are now being carried on." The same minute book 30
 shows that throughout 1928 Goswami was one of those who took an active part
 in the work of the B. J. W. A. by attending the E. C. meetings.

Another activity on the part of Goswami accused in the early part of 1928
 is also mentioned in "A Call to Action". The reference is on the same page
 as that to the Bengal Jute Workers' Association and is as follows : "(d) In 35
 January 1928 under the auspices of the Party was formed the Scavengers' Union
 of Bengal, begun at Calcutta, with branches already formed at Howrah and
 Dacca and one in process of formation at Mymensingh. A successful strike was
 fought by the scavengers in March." In regard to Goswami's connection with
 the Scavengers' Union we have the evidence of P. W. 53, Inspector S. C. Ghosh, 40
 who attended meetings on the 29th January, 19th Feb., 8th, 9th and 18th March.
 He states that at the meeting on the 29th January Goswami accused was present
 and read a paper in Hindi depicting the benefit the men would get by joining the
 Union. The witness further deposes that he knew that Goswami was then Sec- 45
 retary of the Union. At the other four meetings Goswami was present but no
 speech of his is reported except one at the meeting on the 8th March where he
 said that "the Swaraj Party were committing great oppressions on the strikers
 in the name of the country." He accordingly moved a resolution against the
 Swaraj Corporation which was giving them great trouble. In regard to the
 meeting of the 29th January, that meeting took place at the time when Muzaffar 50
 Ahmad had gone to Bombay in connection with the Enlarged E. C. meeting of
 the Bombay Party. It is about this meeting that Goswami wrote to Muzaffar
 Ahmad in P. 548 (8) (I. C. 95) on the 31st January giving an account of what
 took place. This is the same letter in which we get a connection established
 between Goswami on the one hand and Jhabwala, Spratt, Ghate, Mirajkar and 55
 Dange accused on the other, as in a paragraph at the end he suggests that
 Muzaffar Ahmad should have a talk with Jhabwala and sends his love to the
 others. I would infer from P. 1614 (I. C. 101) a letter from Muzaffar Ahmad
 to Dange, dated the 11th February 1928 enclosing a copy of a letter from Goswami
 as Secretary of the Scavengers' Union of Bengal to the Secretary, Council of 60
 Action A. I. T. U. C. Bombay that the reason Goswami asked Muzaffar Ahmad
 in the letter last referred to to have a talk with Jhabwala was that it had been
 decided to ask the Council of Action of the A. I. T. U. C. of which Jhabwala was
 organising Secretary for assistance for the Scavengers' Union. In this letter

Muzaffar Ahmad writes to Dange : " Herewith I send the letter of the Secretary of the newly formed Scavengers' Union of Bengal addressed to the Secretary Council of Action A. I. T. U. C. Please request comrade Jhabwala to do his best for the grant of this money." The enclosure is the same letter which reached Ghosh accused, another member of the Council of Action, as P. 29 (I. C. 108). I take it that Goswami as Secretary of the Scavengers' Union sent copies of this letter to all the members of the Council of Action. The letter states : " We organised in January last the above named Union and are working for the present among the scavengers employed by the Calcutta Corporation, Calcutta Port Trust, Tollyganj Municipality and Howrah Municipality." Then the letter mentions the financial and housing conditions and other troubles of the scavengers and says : " To make such depressed over-exploited section of workers class-conscious a continued education and propaganda is necessary and this alone can organise them on a firm basis. Under the circumstances we badly require the financial aid from the Council of Action for organisation of scavengers and fervently hope that at least a sum of Rs. 300 will be granted to the Union for the purpose as early as possible." Muzaffar Ahmad referred again to this letter to the Council of Action in P. 1615 (I. C. 119) another letter to Dange in which he says : " We expected some help from the Council of Action. Please let me know what has become of it. Why Jhabwala is unable to do anything ? " The same letter contains another reference to the Scavengers' Union in the following terms : " We are faring pretty well with the organisation works. One more branch of the Scavengers' Union of Bengal has been formed in Daoca."

O. P. 1242.

On the 4th March a meeting in connection with the Scavengers' Union was held at Deshbandhu Park at which Goswami made a speech of which notes were taken by P. W. 84, Abdul Lais Mohammad, Urdu reporter to the Government of Bengal and a report P. 1925 prepared. The speech was delivered in broken Urdu with the result that the report of it is not very satisfactory. Still we get an idea of the method followed and it appears to be the same method which is suggested in Communist writings, the underlying idea being that the workers do not know what they want and have to be taught. In this connection we get the following remarks in the speech : " Some of the brethren told us the people of the Corporation want to know our demands. " Babu : what shall we do ? We are simple people and cannot speak ". We have written all our sayings (demands ?) on a paper. This paper is for each Basti : and whenever an officer puts a question, show one of the papers to him, but don't give it to him A written copy of these demands shall be given to each of you in tomorrow's meeting. You may tell the Corporation people : " These are our demands. You may address to our Anjuman. We know nothing ". On the 5th March (vide the evidence of P. W. 81, N. C. Dutt shorthand reporter) a meeting was held at the Ochterlony Monument at which Muzaffar Ahmad and Goswami appear to have been present and a series of resolutions P. 2263 were passed. The witness thought that it was Goswami accused who read out the resolutions because he had in the margin of his notes an outline which appeared to represent Goswami's name. One of these resolutions condemns the activities of the Swaraj Party and the Corporation. Another resolves that the Provincial Union of the Scavengers' Union of Bengal be requested to show their sympathy and help in all possible ways to the cause of the strikers of Calcutta Corporation. A copy of these resolutions was forwarded by Goswami to Ghosh accused in P. 28 (I. C. 122) on the 7th March. In the same connection on the 8th March Goswami sent a telegram P. 1348 (43) (I. C. 124) to Ghate accused in the following terms : " Municipal scavengers struck work 4th instant demanding higher wages and better conditions. Swarajist administration attempting sabotage." On the same day, as we learn from the evidence of P. W. 88, Abdul Wadud, Urdu shorthand reporter, a scavengers' meeting was held at the Ochterlony Monument at Calcutta where speeches were made by Mitra and Goswami accused. P. 2105 is the report of Goswami's speech. The main emphasis in this speech is on the importance of doing what the Anjuman advises. He says : " Just you have formed an Anjuman. You should remain firm until the Anjuman is of opinion that you should go to work. When your Mayor, when your Head Clerk J. M. Sen Gupta go to you, will you give your word to them without the Anjuman's order ? What will you say when they go to you ? Tell them that you have got a Union—the Anjuman—and that they should go to the Anjuman." On the 9th March Goswami accused attended another scavengers' meeting in company with Muzaffar Ahmad and again on the 18th he attended a meeting along with Spratt and Muzaffar Ahmad.

Goswami, accused, presumably, attended the Bhatpara Conference of the Bengal Party. At any rate he was again elected Sectional Secretary (Labour) while Muzaffar Ahmad became General Secretary. P. 1348 (5) (I. C. 140) Muzaffar Ahmad's letter to the Secretary W. P. P. of Bombay also shows that at this meeting Goswami was appointed along with Muzaffar Ahmad, Roy and Abdul Halim as a member of the Sub-Committee to represent the Bengal Party in making arrangements to form the W. P. P. of India and to hold an All-India Conference in December next. For the rest "A Call to Action" gives a full account of the work which was done at this Conference.

Immediately after the Bhatpara Conference Goswami accused took part in a meeting held at Mirzapur Park, Calcutta in connection with the East Indian Railway strike at Lillooah, vide the evidence of P. W. 53, Inspector S. C. Ghosh. He does not appear to have spoken on this occasion but was associated with Spratt, Muzaffar Ahmad and Banerji accused. Next on the 16th of May we find from the letter P. 446 (1) (I. C. 167) that Goswami and Chakravarty accused along with Aftab Ali, Pyare Mohan Das, and Kalidas Bhattacharji all members of the Executive Committee of the Party were informed by Abdul Halim acting for the General Secretary that they had been elected members of the Labour Group of the Executive Committee. On the 19th May the same witness Inspector Ghosh deposes that a meeting was held at Kashipur Narkuldanga at which Spratt, Muzaffar Ahmad and Goswami accused were all present and spoke. There is a report in evidence prepared by this witness P. 2173 which contains an account of Goswami's speech, which appears to have been made only with the object of encouraging the strikers to hold on for a few days more. Later in this report another short speech by Goswami is mentioned in which he said addressing the workers that "they were men and not cats and dogs. They should stand on their legs and never surrender before the question was honourably settled." On the following day another meeting of the Scavengers' Union was held near the Ochterlony Monument at which Muzaffar Ahmad and Goswami were present and Muzaffar Ahmad spoke. Goswami does not seem to have spoken on this occasion, vide the same witness's report P. 2174. A leaflet over Goswami's signature was however distributed at this meeting.

Shortly after these meetings Goswami went with Spratt and Mittra accused to Ondal with the object of extending the Lillooah strike along the East Indian Railway line. He was present at the meetings at Ondal on the 23rd and 25th. It does not appear that he spoke on the 23rd, but on the 25th it is said that he read out the resolution which appears at the beginning of P. 1932 (P. W. 84, Abdul Lais Mohammad). This visit to Ondal was the occasion for the letters from Spratt and Goswami to Muzaffar Ahmad which are found in P. 501 (I. C. 171) dated the 25th May. This letter of Goswami's is the one in which he asks Muzaffar Ahmad for propaganda material, writing as follows: "Send a few copies of our Party Programme, this year's report and other important papers necessary for propaganda. We are getting nice response from the young men here. Of course these young men are all factory workers." Closely connected with this letter is a document or rather some notes in the handwriting of Spratt accused found in the W. P. P. office at 21 European Asylum Lane. These notes are headed "Instructions for new members at Ondal, Raniganj and Asansol." I have referred to this document earlier on in the judgment. So far as Goswami is concerned it will be sufficient to quote the first sentence and refer generally to the contents. The first sentence is as follows: "The new members will meet to form themselves into one or more branches as will be decided in consultation between them and Dharani and Kali." For the rest the document suggests educational and fraction work and so on. Muzaffar Ahmad replied to Spratt's letter (P. 501) and also to Goswami's letter in P. 526 (12) (I. C. 173) on the very next day, the 26th May, and complied with Goswami's request. He says: "I am sending some literature in a separate packet. I am sending membership forms also. Please enlist members. Annual Subscription is Rs. 4 only for workers. If they are not in a position to pay subscription now it does not matter. Let them become members. We shall see about the subscription later on. I am sending an old set of "Ganavani". Please urge the workers to become members. Please ask Goswami to keep a diary about the whole thing." Muzaffar Ahmad also mentioned this mission of Spratt and Goswami to Ondal in his letter P. 1348 (22) (I. C. 174) to Ghate on the 28th May in which he said that "Spratt and Goswami had gone to Ondal (E. I. R.) to conduct a new railway strike there." Goswami appears to have stayed on at Ondal up to the end of May as he is mentioned by Sub-Inspector Chowdhri, P. W. 67 as being present at a meeting on the 30th at which the witness saw a

red flag with an inscription on it "Workers of the World Unite." Goswami continued to be interested in the E. I. Railway strike during the month of June also. P. W. 68, Sub-Inspector Mohammad Fazlul Haq, deposes that the strike broke out at Asansol on the 9th June 1928 and that Radha Raman Mitra and Dharani Goswami were responsible for this strike. He found Goswami present at a meeting along with Mitra and Spratt accused on the 18th. 5

Towards the end of July the Bengal Party began to take a very active interest in the establishment of the Young Comrades' League. I have dealt with the history of this organisation at page 692 above and it will be found that in the account given there there are frequent references to the part taken by Goswami accused. The first document is a paper which is a part of P. 565, and is a note in the handwriting of Spratt accused dated the 28th July. Among other things this mentions donations promised by Muzaffar Ahmad, Goswami, Mitra and Spratt accused. Next we get the papers printed at the end of P. 546 (4) which are also in Spratt accused's handwriting. In these we find Goswami referred to as in charge of fraction work in the All-Bengal Youth Association and the Young India Society. Next on the 5th August there is a note in regard to the first meeting of the Sub-Committee appointed to draft a constitution and statement of policy and programme (P. 565 and P. 558). Goswami accused was present at this meeting and was elected to the Sub-Committee. At this same meeting we find from P. 563 that after one and a half hours' discussion, at which Goswami was present, the draft constitution and rules and regulations were formulated, (vide P. 563 at the foot of page 16 of the printed exhibit). Next on the 11th August (P. 565) a meeting was held at which an Executive Committee was elected and Goswami elected a member thereof. It seems that the Sub-Committee of which Goswami was a member submitted to this meeting the constitution and statement of policy formulated by it. On the 25th August the first general meeting of the Y. C. L. was held (vide P. 564 at page 22 of the printed exhibit), and a paper on "Imperialism" was read by R. B. Hazra. On page 32 of the printed exhibit there is a copy of the agenda of this meeting and on page 32 a list of the members present, which includes the name of Goswami accused. Goswami's name occurs frequently in the notes in P. 563 which relate to the E. C. meeting held on the 1st September particularly in connection with fraction work. For example we find the following notes: "Arrangement for fraction works", "For fraction works in other youth associations Comrades Hazra and Goswami are selected. In the next E. C. meeting Com. Goswami will submit a list," and again "Comrade Goswami will do fraction works in the Young India Society," and still again we find that "Comrade Goswami is to write something about the League in the "Ganavani". P. 568 shows that comrade Goswami was to read a paper on "Present day India" at the meeting held on the 16th September. Coming to a later date we find Goswami operating in two capacities. As Secretary of the Reception Committee of the A. I. W. P. P. Conference he informs the Young Comrades' League on the 1st December that the League is entitled to send 50 delegates to the Conference (P. 564 at page 20 of the printed exhibit). Secondly Goswami's own name appears in the list of delegates sent to Goswami himself by the Secretary of the League in P. 468 (4). Goswami was also present at a general meeting of the Y. C. L. held on the 8th February 1929, vide P. 568 at pages 20 and 21 of the printed exhibit. He further took part in the special general meeting held on the 24th February. Finally on the 7th March we find in P. 563 at page 16 of the printed exhibit a note signed by Goswami beginning as follows: "Imp. :-Secretary is requested to do the following works at an early date." Among these works were the sending of copies of the statement of policy and programme (P. 9) to all the youth associations of India particularly of Bengal and sending copies of "constitution" (amended) to all the branches of the League. 10
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There are a few other documents which touch upon Goswami's connection with the Young Comrades' League. His name for instance appears in P. 560 the address book of the League which gives his address as 21 European Asylum Lane, that is the headquarters of the Bengal W. P. P. Another piece of evidence is P. 147 a document recovered in the search of the B. J. W. A. office at 97 Cornwallis Street, Calcutta. This has some reference to the All-India Youth League and has at the foot the signatures of Goswami, Basak and Chakravarty accused. Goswami accused has also dealt with his connection with the Young Comrades' League in the course of his statement to the Court, but I think that on the whole it will be more convenient to take the whole of his statement at one time. 60
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Goswami is not infrequently referred to in letters, mostly in Bengali, from Gopal Basak accused to Muzaffar Ahmad, as for example P. 2018C. (I. C. 199) dated the 24th July 1928. On the 31st July we get a Bengali letter from Basak to Goswami P. 2020C (I. C. 203) having a letter to Muzaffar Ahmad enclosed along with it. The most important point in this is the request that the proceedings of the Dacca branch should be published in "Ganavani". He says : "We generally expect that what goes from our Party or the Dacca branch connected therewith should be published in the "Ganavani". The Study Circle becomes effective if all our proceedings therein are published and commented on in the paper. Many peoples' eyes at Dacca are now on it. I have written in detail regarding it to Muzaffar Ahmad." The value of this letter in Goswami's case is that it indicates the importance of Goswami's position at the headquarters of the Party. The close association between Goswami, Muzaffar Ahmad and Spratt which is to be inferred from numerous letters and from the papers in connection with the Young Comrades' League is also to be seen in P. 1617C (I. C. 213) dated the 7th August 1928 from Muzaffar Ahmad to Dange in which Muzaffar Ahmad says : "We" (Spratt, Goswami, Roy and himself) "are going out to Dacca and Mymensingh on Saturday next." The evidence of P. W. 61, Sub-Inspector Mahzuddin Ahmad shows that this intended visit to Mymensingh actually came about on the 16th and 17th August, and that Goswami spoke at the meeting held on the 17th August and asked the coolies to form a union to better their interest and to have it registered under the Peasants' and Workers' Party of Bengal.

O. P. 1251.

Goswami accused received another letter from Gopal Basak about the 20th of August, P. 471, which with its envelope P. 471E, bearing a post mark of the 20th August 1928 was recovered in the search at 2/1 European Asylum Lane. In this letter Gopal Basak asks Goswami to come to Atia at once with Spratt and says : "I am waiting for your letter asking me to be present at Mymn (Mymensingh) for starting thither." A little further on he says : "Do instruct us as regards Comrades' League. We expect to send every now and then to Mym and Jamalpur our men for organising Study Circles." He also says at the beginning of the letter : "I forgot to take from you Hindi notices to the scavengers, one on behalf of the office and one from you—please write it and send at once for printing." Quite in keeping with the position occupied by Goswami as one of the live wires of the Bengal Party as suggested by these letters is the letter P. 2203C (I. C. 234) written by Goswami himself as Labour Secretary of the Bengal W. P. P. on the 18th September to Basak. In this letter he acknowledges a letter from Basak along with an application to the B. T. U. F. (Bengal Trade Union Federation) asking for affiliation and says : "As regards the affiliation of the Dakeswari Cotton Mill Workers' Union to B. T. U. F. and A. I. T. U. C. it has been decided in a meeting of the Labour group of the Party held on the 17th September that a central body of the Bengal Textile Workers' Union shall be organised forthwith with a nucleus at the Dakeswari Union and representation from Matiaburz Union which has been already recognised as its branch, and then the Central Executive body thus formed will apply for affiliation simultaneously both in Bengal Trade Union Federation and All India Trade Union Congress. The Union thus formed will then be able to send its representatives to the ensuing Congress, where we intend to concentrate our maximum strength this year." This last remark indicates that Goswami accused was well "in the know" as to the policy of the Party in regard to the A. I. T. U. C.

O. P. 1252.

The next we hear of Goswami is a mention in the evidence of P. W. 52, Sub-Inspector P. N. Banerji, that Goswami took part along with Muzaffar Ahmad and Shamsul Huda in a meeting at Matiaburz on the 7th October 1928. The witness took some notes of the speeches made and has lumped Goswami and Huda together in his report P. 2146 in the following passage : "Dharani Goswami and S. Huda in the course of their speeches referred to the revolution in Russia and pointed that what was possible among the workers in one country was also possible among the millions of workers in India." Goswami also took part in a meeting of dock workers on the 28th October at the Ochterlony Monument, at which P. W. 36, Sub-Inspector G. B. Roy saw him in the company of Muzaffar Ahmad and Shamsul Huda and at which he made a speech. The witness says about Goswami's speech : "Amongst other things Goswami said they wanted to rename the Dock Workers' Union as the Transport Workers' Union. If they could all at (one) time strike work then the capitalists would be convinced of their strength." It will be remembered of course that the Transport Workers' Union is the Union with which Shamsul Huda accused was identified.

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- At about this time Goswami became active as Secretary of the Reception Committee of the First All India Workers' and Peasants' Party Conference. P. 1627P (L. C. 258) dated 21st October 1923 is a letter from Goswami to the Secretary W. P. P. of Bombay forwarding for publication in English and vernacular newspapers at Bombay a notice of this Conference. P. 467 (7) (F. C. 632) and P. 467 (6) are letters of invitation for the First A. I. W. P. P. Conference to be held in Calcutta on December 21—23 issued, presumably by Goswami accused, on the 1st and 8th November 1928 to a whole series of organisations, the bulk of which are definitely Communist. Included in these are the E. C. C. I., the W. W. L. I., the C. P. G. B., the N. M. M., the Indian Seamen's Union, the L. R. D., the Profintern (Moscow), the Workers' Party of U. S. A., the Perhimpoean Indonesia (Batavia and Java), the Krestintern, the Communist Party of Germany, the League Against Imperialism and the Pan-Pacific Trade Union Secretariat. 5
- His office work however did not prevent Goswami from taking an active part in meetings at this time. On the 4th November he was present and spoke at a meeting of dock workers at which Spratt, Muzaffar Ahmad and Shamsul Huda were also present. Goswami's presence is not mentioned by P. W. 54, Sub-Inspector R. N. Gupta but there is also in evidence the report P. 1935 prepared from shorthand notes by P. W. 35, Raihan Ahmad Urdu Reporter. This is a report of the speech made by Shamsul Huda accused on this occasion and it ends with the statement: "Now Dharani Goswami, who was a member of the revolutionary party, will speak something." 10
- Next on the 7th November Goswami accompanied Spratt accused to Malda to take part in the Malda District Youth Convention where he made a speech between the first and the second speech made by Spratt at this meeting. In the course of this speech Goswami said that he and Spratt were both students of the same school. He went on to claim that they had been invited not as individuals but as representatives of the Workers' and Peasants' Party of Bengal. Next he said he would make some attempt to explain Spratt's speech. Then he went on to talk about the Swadeshi agitation and from that he came to the Non-Cooperation Movement which led him to criticise Mr. Gandhi about whom he said: "But he could not persist in his previous policy. He could not keep his promise. He was frightened at the sight of blood. But blood is bound to show itself in a national agitation. No one will be able to turn it away. No leader has probably yet been born who will be able to make a success of a national movement without a show of blood." Further on he criticised the existing National Movement and said that "a national movement must be a movement by which the entire population in the country, especially the class who keep this country alive, that class is benefitted and its progress secured." He pointed to the sufferings of the peasants and lower middle class and concluded, "let the youthful community reflect what should be the national movement arising exactly out of this condition. I believe that those youths who think of revolution, who think of a national movement, those who think of revolutionary movements, I think they will ponder carefully on these things and create in this country a real revolution and a real national movement with these exploited and persecuted classes. Their revolution cannot succeed leaving out these persecuted and exploited classes." This speech was followed by a second speech from Spratt accused in which speaking of the revolution he admitted the necessity for violence and said: "We need not be careful to disguise the brutal blood-thirsty side of our proposals. We say these things are inevitable. Modern society is based upon fierce brutality and if we want to get rid of it we have to use fierce brutality. We shall not also disguise the fact that in the course of attainment of our aim and the establishment of Communism we shall have to indulge in brutal dictatorial methods. We shall have to indulge in civil wars in most countries. We think it worth while, we think that is coming in any case, not only civil wars but war between nations, that is vastly more destructive. If we are to overthrow that system of society, we can perfectly afford to go through a period of cruelty, oppression and misery in order to attain it." 15
- In due course Goswami accused took part in the A. I. W. P. P. Conference at Calcutta. On the first day he was elected to the Drafts Committee. On the second day he moved the Trade Union Movement resolution. On the third day it was he who moved the amendment that the General Secretary of the Party should be directly elected by the Annual Congress. On the fourth day he seconded a resolution embodying the proposals of the Party for the organisation of the peasants. It was on this day that disputes arose over the 20
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election of the National Executive Committee. This dispute was ultimately settled with the result that the Bengal members of the N. E. C. were Muzaffar Ahmad, Goswami and Chakravarty accused and H. K. Sircar. Goswami also took part in the procession which marched to the Congress Nagar after the proceedings of the third day, and in the labour procession to the Congress Pandal on the 30th December. 5

O. P. 1256. Goswami accused does not seem to have been ever a member of the C. P. I. There are however a few documents which indicate clearly that he was considered a very likely candidate. P. 1310 is a set of notes in the handwriting of Ghate accused headed "C. P. I. fixing of Nos. of Central Executive." In this document under the head Bengal we find 3 names Muzaffar Ahmad, D. K. Goswami and Hemanta Kumar Sircar. Then further on we get General Secy. Muzaffar Ahmad, Treasurer D. K. Goswami. There is nothing to show on what date this document was written and very likely it only represents Ghate's ideas of a possible composition for the C. E. C. of the C. P. I. But that, when coupled with the other evidence would bear out the suggestion that prior to the friction in the A. I. W. P. P. meetings Goswami was expected to become a member of the C. P. I. Corroboration for this is to be found in Gopal Basak's letter P. 391 (I. C. 340) in which he says, talking about the attitude of Muzaffar Ahmad's group, "Why do not they mind for comrade Goswami whom sometime back they thought to be fit to become a full-pledged Communist member with C. P. I. comrades?" 10 15 20

The temporary settlement of the dispute in the Bengal Party or group which is mentioned in P. 669 was not actually effected at the time of the conference itself. There are two exhibits on the record which make this fairly clear. These are P. 1770 (I. C. 341) and P. 268 (I. C. 343) dated 2nd and 5th January 1929, neither of which however does more than indicate that a settlement was effected in the manner which appears from the composition of the Bengal members of the N. E. C. in P. 669. On the 3rd January the 4th Annual General meeting of the Bengal Jute Workers' Association was held and at this meeting Goswami who had taken an active interest in the association as Vice-President during 1928 (I may refer particularly to the meetings of the E. C. held on the 17th June and 9th September) was elected again as Vice-President of the association. In the same meeting Banerji accused was elected President, Radha Raman Mitra Secy. of the association, and Chakravarty accused Secretary of the Bhatpara branch. 25 30 35

O. P. 1257.

Goswami accused took part in the Anti-Simon Commission demonstrations on the 19th January 1929 in company with Muzaffar Ahmad and Spratt accused. I have already referred to the letters written by Muzaffar Ahmad with reference to this demonstration. He also took part in and in fact presided over the Lenin Day meeting at which Spratt, Muzaffar Ahmad and Mitra accused spoke. In March we come to the actual split in the party which was the final outcome of the friction which had been noticeable in December. The immediate cause or excuse for this was the expulsion of Chakravarty accused from the W. P. P. which the party opposed to Muzaffar Ahmad considered, perhaps correctly, to be the outcome of Muzaffar Ahmad's personal grudge against Chakravarty as otherwise Muzaffar Ahmad could have easily arranged for Chakravarty's exemption from payment of subscription under para. 6 of the Party Constitution (see "A Call to Action", page 42). The document in which the opposition resigned their membership of the party is P. 423 (I. C. 392) dated 8th March 1929, in which there resigned from the party. Kali Sen, N. N. Majumdar, P. Dinda, Ashutosh Roy, D. K. Goswami, N. K. Chakravarty, Pyare Mohan Das, Gopal Basak, (For these last three Goswami signed the letter), R. Hazra, Sudhir Raha, and Nalindra Sen Gupta. An examination of this letter shows that the resignation of these members was not due to any difference of opinion on matters of principle, and that is a fact which is well borne out by quite a number of letters. For instance in P. 2161 (1)P (I. C. 397) dated 11th March 1929, Gopal Basak writes to Spratt: "Both the groups are no doubt sincere to the cause of communism and proletarian revolution, with of course exceptions of very few who are really opportunists." The same sentiment is expressed by Gopal Basak in another letter P. 2161 (2)P (equals P. 475), (I. C. 398) in which he writes to Muzaffar Ahmad: "However I think that there is yet time that we do not split. No doubt there are opportunists and social democrat elements in our party. But they are not comrades Chakravarty, Goswami and neither Kali Das Bhatt. As regards me I can say I have come to know some of them and we will manage to clear them out when we have made the party stand on a strong footing." Lastly in this connection there is the letter 40 45 50 55 60 65

O. P. 1258.

P. 391 (I. C. 402) from Gopal Basak which was found at 2/1, European Asylum Lane, to which I referred in connection with the evidence that at one stage it was anticipated that Goswami accused would come into the ranks of the C. P. I.

In Goswami's search a number of items of interest were recovered. P. 7 is an extract headed "The Immediate Tasks of the Communists" which is a copy of a portion of the Colonial Thesis taken from the published edition of that document, P. 90. A careful comparison shows that it is the original of a carbon copy found in the possession of Joshi accused P. 336. P. 8 is a copy of Stalin's "Leninism". P. 9 is a copy of the Statement of Programme and Policy of the Young Comrades' League. P. 10 is a copy of the group photograph taken at the time of the Cawnpore Conference of the A. I. T. U. C., and P. 11 and P. 13 are notices of the A. I. W. P. P. conference. The document P. 9 to which I have just referred deserves somewhat closer consideration. In the early part we have several references to Russia. Then in the section headed "What is the remedy" we get a passage as follows:—"While pressing for redress of our immediate wants we shall never forget that greater than all these are our ultimate objects. We have to work for complete independence and for the emancipation of the masses from their position of economic and political subjection." Further on it is suggested that there are two alternatives for the youth, either (1) to join the capitalists or (2) to join the masses and fight with them for the independence of the country from Imperialistic and capitalistic exploitation. The authors go on to say that it is impossible for the young workers, peasants, and oppressed and poverty-stricken of all kinds to choose any but the path of independence and complete emancipation. Further on they suggest the ideas of "realistic revolutionism" and of "the class struggle as the main spring of historical development." Then under the head "What we should do" the authors state that the Y. C. L. has been established to carry on the propaganda of these ideas. A little further on they bring out the idea of the State as the organ of class domination and that old and familiar story of the new great war of conquest which is being planned and prepared against the Soviet Republics. Lastly they call for a fight against Imperialism and proceed to sketch a programme of practical work for the immediate future.

It remains only to consider Goswami's statement as accused in this court. He begins at page 63 of the statements of the accused by saying: "My profession is indivisibly connected with my political stand. Being a Marxist my principal profession is to study Marxism and to propagate it by means of editing a paper, contributing to it on Marxian ideology, issuing pamphlets, booklets etc. and also speaking from the platform." Then he goes on to talk about his connection with the C. P. I. and the document P. 1310, and also about Gopal Basak's letter P. 391. In this connection he attacks the findings of the committing Magistrate at some length, but concludes as follows: "I do not deny that being a communist naturally I should have full sympathy with the ideals of that party (C. P. I.), rather I should like to say that that remark of the Magistrate minimises my position as a Communist. To a Communist there cannot arise such an absurd question of sympathising with his own ideal as a Communist. My ideal is Communism and the establishment of Communist order of society through the intervening transitional period of the establishment of the dictatorship of Proletariat." On the following page (65) he discusses the transitional period and says: "But what takes place during that transitional period through which the society as a whole shall have to pass from capitalism to socialism or otherwise Communism? To explain it in the briefest form, it is this that during that period the Proletariat will seize the existing Capitalist State and forcibly overthrow Capitalism and establish its own State, that is, the Dictatorship of Proletariat, that is the proletariat organises itself as ruling class. Marx says: "Between capitalist and communist society there lies a period of revolutionary transformation from the former to the latter; a stage of political transition corresponds to this period, and the State during this period can be no other than the revolutionary dictatorship of the Proletariat," ("State and Revolution", page 190). As a Communist I aim at that because the communists have got separate ideal than that of the proletariat, and as such my immediate aims are the organisation of the proletariat on a class basis, destruction of Capitalism and Bourgeois supremacy, and conquest of political power, and as such I also support every revolutionary movement against the extant social and political conditions." On page 67 Goswami comes, in answer to a question put by the court, to his position in the W. P. P. About this he says: "I do not deny that I was a member of the W. P. P. of Bengal and A. I. W. P. P. and also I was elected Sectional Secretary for Labour of the W. P. P. of Bengal, but why I became a

member of that party requires an explanation. In order to explain that it is hardly necessary to say that the W. P. P. is the only part in India that stands for complete independence from British Imperialism and thorough democratisation of India based on economic and social emancipation and political freedom of men and women as it is mentioned in the constitution of the Bengal W. P. P. (P. 549 (9)) and also subsequently in the constitution of the A. I. W. P. P." He goes on to explain : " My views and aims being diametrically opposite to that of the Indian National Congress and other existing bodies of India I was naturally inclined to associate myself with that party which alone stands for the emancipation of the masses of India and professes class struggle and which alone has got correct militant and scientific programme for it. The Indian National Congress, which is an organisation of the Bourgeoisie and petty bourgeoisie, has been since its birth carrying on a non-revolutionary movement aiming always at a compromise of whatever nature it may be, whereas the W. P. P. being a party of revolutionaries (that is a party of workers and peasants who are by nature revolutionary) leads from the very beginning a systematic, well-planned, well-organised and uncompromising militant struggle against Capitalism and Imperialism." Then he discusses the Non-Cooperation movement and the Civil Disobedience movement and says that the analysis of the party was accurate. " Now there can be no doubt that this body (Congress) will henceforward play definitely the counter-revolutionary role." At the foot of the page he says in answer to the charge of being anti-national : " I here do not make it a secret that I am an internationalist but that does not prevent me from co-operating with the national movement of oppressed people against the oppressing Government, against Imperialism and for their liberation from it." But he says that " the present national movement cannot be a real national movement—a real national movement will be for a national democratic revolution led by the workers and peasants at its head against imperialist Government and definitely for the overthrow of it." On page 68 he accepts the responsibility for printing the theses or resolutions adopted by the First A. I. W. P. P. conference. On page 69 talking of the T. U. Movement thesis he says : " The W. P. P. as the chief organised radical party in the country had of course to pay special attention to the T. U. Movement. Its object was to organise a federation of T. Us. primarily for the purpose of a political struggle for the independence of the country and also for the general improvement of the condition of the masses. Further it had an idea that in the mass struggle for independence the organised workers should take a decisive leading part." On the same page he says in regard to strikes : " It is certainly an utterly defeatist view to think that the policy of strike is unwise, because strikes often meet with failure. Whether failure or success every strike leaves a lesson for the workers. Its lessons to those who take part and to the working class generally must be utilised to the advantage of the movement." At the foot of this page he takes upon himself the responsibility for the issue of the invitation letters to which I have alluded already. It is interesting to find him on page 70 refusing to say any thing about the documents relating to the split in the Bengal party. No doubt this was in obedience to the principles enunciated in the Maslow case. From this he goes on to deal with his position and work in the Scavengers' Union and from this to the Lillooah strike, about the last of which he says : " I have already said that I am a believer in the principle of the class struggle and as such I go to all places wherever workers are engaged in carrying on their struggle against their employers and against the capitalists." On page 76 we get his explanation of the evidence in regard to his connection with the Young Comrades' League. About this he says : " I do not deny that I was a member of the Young Comrades' League. Yes, I claim the responsibility of taking some part in guiding that body as I was one of the organisers of it. I joined this organisation and I did work for it consciously and deliberately. I joined it because I believe and still believe that there was and there is still the urgent necessity of such an organisation of the militant youths of the lower middle class, workers and poor peasants. The idea of the organisation was to give the exploited youths of this class a correct militant and scientific lead on the basis of Marxian ideology, to create a militant movement of these youths, to redress their immediate grievances, and to help the masses, that is the workers and the peasants, in their struggle against the existing capitalist system and thereby ultimately aiming at the establishment of the independent republic of India on the basis of social, economic emancipation of the masses." Lest this statement be misunderstood he says lower down the same page (77) : " Some people think that they may get some reform by the pressure of the organised masses, but by that there cannot be any ultimate solution of this under the present capitalist system so long as it exists and is not

removed. The remedy therefore lies in the overthrow of capitalism and achievement of complete independence."

Next on page 78 he comes to an explanation of the evidence in regard to the youth conference held at Malda and the speech which he made at that conference. About this he says : " I had spoken there about mass revolution and I do not refrain from saying openly and frankly as I was doing so all along that all-round freedom or otherwise complete independence is only impossible without going through a mass revolution, we had better term it as national democratic revolution, at the head of which will march the revolutionary workers and peasants." It is quite evident that he fully understood all the implications of Spratt's speech on that occasion for he says here : " I did declare that by revolution I understand what has been rightly and splendidly explained by Engels. Engels has defined that " a revolution is an act in which one part of the population imposes its will upon the other part by means of rifles, bayonets and artillery." I therefore say that the one part of the population which will impose its will upon the other will be none else than the toiling masses of workers and peasants." A little further on he says : " Further I shall say that for the success of this historical task the working classes as a whole shall have to capture the existing capitalist state and establish instead their own, that is the dictatorship of the proletariat. Revolution cannot be successful without destroying the present existing state through which the exploiting bourgeois class dominates over other classes of the society." He concludes his explanation of this evidence by saying : " Thus I come to the conclusion that I was perfectly justified in saying that those youths who think of revolution etc. etc., their revolution cannot succeed leaving out those persecuted and exploited classes. In India and other similar colonial and dependent countries revolution can succeed only under the leadership of the working class in alliance with the peasantry."

On page 81 he comes to the Lenin Day celebration about which he says : " I did participate in the Lenin Day celebration and presided over that Lenin Day meeting which was specially organised for the occasion. I considered it my duty to participate in the celebration of the anniversary day of Lenin, the greatest Revolutionary of the world. A revolutionary feels proud of participating in Lenin Day celebration. In my opinion and belief Lenin had not only made the proletarian revolution a success and established in Russia the Dictatorship of the Proletariat which was the long cherished idea of Marx, but has also left behind a great legacy of theoretical works for the teaching and guidance of the revolutionary working class of other countries dependent, independent, colonial or semi-colonial, oppressed and exploited by Capitalism and Imperialism, so that they can also march ahead with same energy and inspiration and fulfil their historical task." After this he comes to the Bengal Jute Workers' Association and justifies his connection with that body. Next he answers the court's question in regard to the workers' invasion or capture of the Congress on the 30th December 1928. In this connection he admits that there was some difficulty at first in securing the permission for the workers to enter the Congress pandal. Lastly on page 84 he justifies his possession of Stalin's " Leninism " on the ground that the book is not proscribed. In this connection however he adds : " This book deals with various subjects based on Leninism which are worthy of careful study for a revolutionary, especially for a Communist. Amongst other subjects it deals very accurately with the theory of proletarian revolution, the question of the movement of the oppressed people to secure liberation, and the relationship of that movement to the proletarian revolution and tactics as the science of the leadership of the proletarian class struggle etc. etc. which are the most important subjects for study. Above all this the book lays a special stress on the expounding of the theory of Leninism. " Leninism," as it states, " is the Marxism of the epoch of Imperialism and of the proletarian revolution." It further adds : " To be more precise Leninism is the theory of the proletarian revolution in general and the theory and the tactic of the dictatorship of proletariat in particular." As such I like this book very much, and who will not like to study the science of proletariat who believes in it and fights for the proletarian course ? " He concludes by denying that he has conspired against the King-Emperor on the very futile plea that a Communist does not conspire against an individual. And in addition to the above illuminating extracts from Goswami's own statement it should not be forgotten that he is one of the numerous signatories to the joint statement made on behalf of the Communist accused by Nimbkar accused.

The evidence against Goswami accused seems to me to be overwhelming. He has been a member of the W. P. P. of Bengal from an early stage and as a

O. P. 1267. member of that organisation has done active work in the T. Us. The objects of work done by members of the W. P. P. in the T. Us. are clearly established, so we may take it that the work done by Goswami in the Bengal Jute Workers' Association, Scavengers' union, Dock Workers' Union and the E. I. Rly. strike was all done in furtherance of Communist aims. He himself lays it down that he is a Communist and no one could possibly suppose him to have been a more or less arm-chair Communist. Then again we find him working among the Youth in true Communist fashion in the Young Comrades' League and on such occasions as the Malda conference. As in the case of his work in the E. I. Rly. strike so also in his connection with the Y. C. L. there is evidence of his being interested in and employed in fraction work. Furthermore we find him closely associated in all that he did with two of the leading spirits in this conspiracy namely Spratt and Muzaffar Ahmad accused, and looked up to by others like Basak as one of the persons to come to for guidance and help. Lastly there are good reasons for supposing that the leaders of the conspiracy relied on him so far that at one stage he was regarded as a natural candidate not merely for membership of the C. P. I. but also for membership of the central executive. In the light of these facts it seems to me that there is no room for doubt that Goswami accused took a part in this conspiracy.

Agreeing with four and disagreeing with one assessor I hold that Goswami accused has taken part in a conspiracy to deprive the King-Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A I. P. C. I convict him accordingly.

PART XXXI.

O. P. 1268. Gopendra Chakravarty accused, like Goswami accused, first appears in the G. CHAKRAVARTY evidence in this case in "A Call to Action" which shows that he was elected a member of the E. C. of the Peasants' and Workers' Party of Bengal in the general meeting held in February 1927. As this was the occasion on which the Bengal Party was really re-organised with the assistance of Saklatwala and a new programme of demands and organisation adopted, it was probably not for nothing that Chakravarty became a member of the E. C. at this time. Chakravarty was also elected General Secretary of the Bengal Jute Workers' Association at the beginning of 1928 and the allusion to the General Secretary being a member of the party on page 47 of "A Call To Action" is to him. According to Kali Das Bhattacharji D. W. 16, Chakravarty joined the B. J. W. A. about the middle of 1927 and during the rest of the year, though not given any office in the Union, he used practically to do the work of a Secretary at Bhatpara.

On the 31st March 1928 at the annual meeting of the Peasants' and Workers' Party of Bengal at which the name of the party was changed to the W. P. P. Chakravarty accused was once more elected a member of the Executive Committee, and immediately after this meeting we find him with Kali Das summoned to attend a meeting of the E. C. of Bengal W. P. P. to be held at Calcutta on the 5th April to transact very important business namely (1) election of the enlarged Executive Committee, (2) appointment of groups and sub-committees, (3) to devise ways and means of proceeding with the work of the party successfully (vide P. 279, (I. C. 138), a document signed by Muzaffar Ahmad recovered in the search of the B. J. W. A. office at Bhatpara).

O. P. 1269. We next hear of him as taking a part in the Lillooah strike on the E. I. Railway, when he was arrested along with Banerji accused for committing Satyagraha in front of the Howrah Police Court. This occurrence is mentioned in a letter from Spratt accused to Ghate, P. 1322 (I. C. 165), dated 12th May, 1928, and also in one or two other letters, for example in Basak's letter to Spratt P. 526 (19) (I. C. 166) dated 15th May 1928. A few days later Chakravarty accused along with Goswami, Aftab Ali, Pyare Mohan Das and Kali Das Bhattacharji was informed by Halim, another member of the E. C., in P. 446 (1) (I. C. 167), that he had been elected a member of the Labour group of the E. C. Chakravarty accused's activity in the Lillooah strike was by no means limited to the Satyagraha occurrence. We have it from P. W. 47 Sub-Inspector M. L. Bhattachariya that Chakravarty occasionally addressed meetings of strikers. He also took part in a workers' procession to Chinsurah and Serampur on April 14 and 15 and spoke at a meeting on the 17th. P. W. 83 Sub-Inspector K. B. Sen Gupta has deposed that he saw Chakravarty at meetings on June 9, 11, 14, 28, 29 and 30, and July 1, 2, 3, 4, 7, 8 and 9. Lastly P. W. 94 Inspector J. M. Chatterji deposes to his presence at meetings on May 8, 11, 16, 20, 22, 23 and 28, June 1, 7, 22, 23, 24, 26 and 27 and July 4 and adds that on May 16 Chakravarty accused translated Spratt's speech into Hindi and himself added that Satyagraha was not for men who had blood in their veins because if the strikers were assaulted they would not bear it without retaliating.

There is also evidence to show that during 1928 Chakravarty accused was Secretary of the Angus Engineering Workers' Union. His own statement on this subject at page 152 of the statements of the accused is as follows: "Besides it (The Bengal Jute Workers' Association) organised the workers of other industries in several unions, e.g. the Bengal Paper Mill Workers' Union, Angus Engineering Workers' Union, and Ishapur Ordnance Workers' Union. In 1927 I was Assistant Secretary and in 1928 I was elected General Secretary, and in 1929 I was Secretary of the Bhatpara branch of B. J. W. U. (i.e. B. J. W. A.) and was also the Secretary of Bengal Paper Mill Workers' Union and the Angus Engineering Workers' Union (see also in this connection the list of Trade Unions in Bengal found at 2/1 European Asylum Lane, P. 544 (3)). There are two defence documents illustrating Chakravarty's connection with this Angus Engineering Workers' Union namely D. 42 (5) a letter from Chakravarty as Secretary of the Union to the International Federation of Trade Unions, dated 5th June 1928 and D. 42 (6) a reply to this letter from the I. F. T. U. Two other documents show Chakravarty's connection with this Union, namely P. 614 and P. 615, both of which bear Chakravarty's signature (proved by the evidence of P. W. 133, Colonel Rahman).

The next document in evidence gives some indication of Chakravarty's position in the Bengal Party. This is a telegram P. 280 (I. C. 227) dated 13th September 1928 from Gopal Basak to G. Chakravarty, Bhatpara, Bengal which runs

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as follows : " 8th day Dakeswari strike start all with money immediately," a telegram which implies that Gopal Basak regarded Chakravarty as one of the people who could, like Spratt, Muzaffar Ahmad and Goswami, be appealed to to bring help from the Party to strikers at Dacca.

O.P. 1270-A. Later on in the year Chakravarty accused appears to have interested himself in the Bauria and Chengail strikes. In this connection there is in evidence a letter P. 526 (9) (I. C. 305) dated 29th November 1928, from Ghosh accused to Spratt in which Ghosh says that he was told by Chakravarty that he had been staying at Bauria for the last 40 or 45 days with an absence of about a week during the whole period. It was in this connection that Chakravarty accused attended a meeting at Bauria on the 11th November in company with Ghosh, Huda and Mitra accused (P. W. 98 Sub-Inspector H. V. Basu). He next attended a meeting at Chengail on the 28th November when he was again in the company of Ghosh and Huda accused (P. W. 37 Sub-Inspector Tincouri Sen). Another meeting at Bauria at which he was present took place on the 2nd December at the Karbala Maidan at Bauria when a report P. 2224 was prepared by P. W. 98, Sub-Inspector H. V. Basu. This report shows that Chakravarty accused addressed the workers but says nothing about what he said. I should note that Johnstone, the delegate of the League against Imperialism to the A. I. T. U. C., was present and spoke at the meeting at Chengail on the 28th November and at that at Bauria on the 2nd December. I may also mention here that Chakravarty took part in another meeting of Bauria strikers at the same place on the 6th January 1929, at which also he addressed the workers, see P. 2227 and the statement of the same witness.

O.P. 1271. Chakravarty accused took part in the A. I. W. P. P. conference at Calcutta, to which he was also nominated as a delegate by the Young Comrades League in P. 468 (4), dated 11th December 1928, a letter from the Secretary of the Y. C. L. to the Secretary of the A. I. W. P. P. conference to which I have referred already. P. 669 shows that on the 3rd day of the conference Chakravarty accused supported the amendment to the constitution of the All India Party moved by Goswami accused. He also on the 4th day supported the small amendment to the Peasants' resolution. In the settlement after the dispute he was one of those elected as a member for Bengal to the National Executive Committee.

Coming to 1929 on the 3rd January at the Annual General Meeting of the B. J. W. A. Chakravarty was elected secretary of the Bhatpara branch. Then on the 19th he took part in the anti-Simon demonstration and was seen by P. W. 36 Sub-Inspector G. B. Roy in the large procession which came to the Ochterlony Monument in Calcutta with red and black flags carried by members of the W. P. P. In this procession there were also carried placards or banners with slogans on them, such as " Down with Capitalism ", " Long Live Soviet Republic in India " etc. It will be remembered that this demonstration is mentioned in one or two letters from Muzaffar Ahmad. Reference may be made to P. 1346 (I. C. 349) dated 22nd January in which Muzaffar Ahmad writes to Ghate about this demonstration : " We came out with red flags and party slogans in black and white. Aftab Ali and another member were arrested on the spot for carrying a poster inscribed with " Long Live the Revolution ". " Another mention of this incident will be found in P. 1335 (I. C. 368) dated 11th February 1929 from Muzaffar Ahmad to Ghate in which he says : " You must have read in newspapers that on the 19th January last in the anti-Simon procession we had carried a large number of banners inscribed with all kinds of radical slogans. Two of them were " Long Live Revolution " and " Long Live the Revolution of India "."

We come next to the evidence in regard to the split in the Bengal Party. The first document in this connexion is D. 36 dated the 20th of February, 1929, a letter from Muzaffar Ahmad to Chakravarty accused, informing him that " copies of the resolutions passed at a meeting of the E. C. of the Bengal Branch of the W. P. P. of India have been sent to the General Secretary of the B. J. W. A. Since you have joined the Party in 1927 you have, in spite of repeated verbal and written requests, never paid any subscription to the Party. (The payment of subscription is a condition for the continued membership of the Party.) You have therefore ceased to be the member of the W. P. P. of India. (Vide Resolution 1 of the E. C. dated 17-2-1929)." Another letter in the same connection is Muzaffar Ahmad's letter to Nimbkar accused, P. 1767 dated the 18th of February, 1929, in which Muzaffar Ahmad sends to Nimbkar as General Secretary of the W. P. P. of India copies of the same resolutions, which he says were all passed unanimously. The letter continues : " Comrade Gopendra Krishna Chakravarty, who was elected a member of the N. E. C.

of the Party and who also had been a member of the E. C. of the Bengal Provincial Branch has now ceased to be a member of the Party. He joined the Party in 1927, but never cared to pay any subscription to the Party in spite of repeated request. We shall recommend the name of another comrade in his place to the membership of the N. E. C. during its next sitting." I have already, in dealing with the case of Goswami accused, explained the sequel to this expulsion of Chakravarty accused from the Party and made it clear that this split in the Party was not due to any real differences between the two groups in the Bengal Party on matters of principle. That point is, of course, also important in Chakravarty's case and I will therefore refer to the documents in that connexion again. P. 423, L. C. 392, dated the 8th March, is the letter of resignation sent by a number of members including Goswami and Basak accused. This letter mentions no difference on matters of principle. Then we get Gopal Basak's letters, P. 2161 (2)P. dated the 10th March and P. 2161 (1)P. of the 11th March (L. C. 398 and 397). In the first of these which is addressed to Muzaffar Ahmad, Basak Says : " However, I think that there is yet time that we do not split. No doubt there are opportunists and social democrat elements in our Party, but they are not comrades Chakravarty and Goswami." In the letter to Spratt he says : " Both the groups are no doubt sincere to the cause of communism and proletarian revolution with of course exceptions of a very few who are really opportunists. Difficulty is that at the stage you cannot get rid of these opportunists who are working this split, but in a few months the struggle that will concern the Party will clear them out. It may be ambition or something else that has blinded my comrades to know the real opportunists." Another letter in the same connexion is Basak's letter P. 391 which does not, however, add anything to the above. There is still another document in this connexion which I did not mention in Goswami's case, namely accused Spratt's analysis of the split, P. 527(8). In paragraph (3) of this document, Spratt says : " Such, in brief outline, were the events which led to the breach. Other events and circumstances are relevant and important and some will be referred to later. But enough has been said to show that to all appearance the breach was caused by differences of a personal or trivial character. It is indeed the fact that at no stage was here any difference or discussion on a question of political principle." A little further on, however, he says : " Nevertheless, it is the purpose of this essay to show that beneath the personalities at work, there is a divergence of a political character. It is not suggested that there is any sharp cleavage, or that the split has divided the persons concerned into two ideologically well-defined groups. In particular, it is not claimed that the Party as a whole is or has been free from all the political errors alleged against the dissidents." In paragraph (6) Spratt expresses his own conclusions as to what the divergence was. He says here : " The political tendency of the opposition group may thus fairly be characterised as at bottom petty-bourgeois, showing itself principally in very typical deviations both to the "left" (anarchism) and to the "right" (reformism and nationalism). This diagnosis is of interest and value as casting light upon the probable future of the "People's Party". But it is clear that the political difference which exists, important though it may be, is not by itself a sufficient explanation of the split. Especially is this so, since the existence of the political divergence is not clearly recognised on either side." This document contains two foot-notes which are connected with this particular paragraph. In one he says : " It is interesting to recall signs of a definite class-consciousness, such as the refusal to sell the Party organ in public. This is no doubt felt to be a menial occupation." In the other he says, presumably with reference to the "left" deviation : " There is some recognition of it, though it is possibly not clear, as is shown by a remark of a prominent member of the dissident group during the Conference. He referred to his followers as the "left wing" of the Party."

Like Goswami, Chakravarty also was connected with the Young Comrades' League and his name also appears in the League Address Book, P. 560. The papers contained in P. 568 are very confused indeed, but they show that Chakravarty accused was present at a meeting on the 8th of February, 1929, along with Spratt, Goswami and Mitra accused and one Ajudhia Prasad Varma, who may be Ajudhia Prasad accused. There is another paper sheet 55 of this exhibit which shows that Chakravarty accused paid, or promised, a subscription of Re. 1. This list of subscribers appears to have been prepared on the 20th of February. Chakravarty accused has further admitted his connection with the Young Comrades' League, about which he says at page 147 : " The Young Comrades' League was organised with a view to enlist the services of the radically minded petty-bourgeois youth in the cause of the working class and to win them over

consciously to the side of the mass revolutionary movement. In this connection I wish to say that I was a member of the Young Comrades' League." Chakravarty accused was also connected in some way with the All India Youth League, *vide* P. 147, a document recovered in the search of the B. J. W. A. Office at 97, Cornwallis Street, Calcutta. This is a document which bears Chakravarty's own signature. It also bears the signatures of Goswami, Basak, Kali Sen, Shah, and others.

Coming now to the accused's statement, it is first to be noted that Chakravarty is one of the many signatories to the joint statement made by Nimbkar accused. In his own statement, in answer to the Court's question in regard to his occupation, Chakravarty accused said his occupation was Trade Unionism. Next when questioned about the evidence connecting him with the Workers' and Peasants' Party of Bengal, the A. I. W. P. P., and the Y. C. L., he said: "I was a member of the E. C. of the W. P. P. of Bengal from 1927, i.e. from its beginning and I was also elected as a member of the E. C. of the A. I. W. P. P." It will be remembered in this connection that the W. P. P. of Bengal did not actually begin in 1927, but was only reorganised in that year. He goes on "I am a Communist by conviction. I fully subscribe to the system of thought and the scientific programme laid down for world revolution by that most powerful and revolutionary organisation of the world, the Communist International. My ultimate aim is the establishment of a classless society, that is a Communist Society, through the transitional stage of the Dictatorship of the Proletariat. But attainment of complete national independence from British imperialism through a mass revolution is my immediate objective. Then he goes on to discuss the stage which has been reached in the progress towards an objectively revolutionary situation and at page 145 says: "Revolution is therefore the prospect before India either soon or less soon, but inevitably at some time." Then after saying that the revolution will be of the nature of the Bourgeois Democratic Revolution modified by the conditions of a colonial country, he goes on to discuss the question as to what class will carry through or lead the revolution. He excludes one by one the bourgeoisie, the petty-bourgeoisie and the peasantry, and, as we should expect, falls back on the working class and proceeds to explain why it is that class which must lead the revolution. On this point he says at page 148: "Finally the working class is placed in such a position in control of strategic points, the big towns, the decisive parts of the productive system, the transport and lines of communication of society that the force of its attack is immensely greater than the relative weight of its members." A little further on he says: "The working class of India in the sense of an organisable active force apart from the agricultural proletariat numbers some 5 millions. It is a small class compared with the peasantry, but the working class in China which has played and is playing a definitely leading part in the revolution is relatively and absolutely smaller than the Indian working class. Even the number of the Russian Working class was at the time of the revolution only a relatively small fraction of that of the peasantry". Hence he sums up as follows (page 149):

"I conclude therefore that the working class can and will be the leading class in the Indian revolution. While the peasantry will establish for the revolution the indispensable base in the country by seizing the land and overthrowing the feudal capitalist system of exploitation in operation there, the working class assisted by auxiliaries from various sections of the town poor, artisans and proletariat will conduct the decisive attack upon the centres of the State power, and will be principally concerned in establishing the new State and the new order, that is the democratic Dictatorship of the proletariat and the peasantry in the form of a Soviet Republic. To establish and consolidate the alliance between the workers and the peasants and the democratic petty bourgeoisie the Workers and Peasants Party was organised. The views I (have) expressed above explain my connection with the W. P. P. and the Young Comrades' League."

O. P. 1276 Like Goswami accused, Chakravarty refused to make any statement in regard to the split in the Bengal Party.

Next in regard to his Trade Union activities he said at page 150: "My activities in the T. U. movement have been in accordance with these principles, that is my only defence of them." By these principles he appears to mean the principle of teaching the workers how to organise their economic struggle and impressing upon them that their economic struggle is closely bound up with the struggle for political emancipation, that is to say the principle of making the trade unions work for political rather than economic ends. He goes on to say: "I reacted to every manifestation of tyranny and oppression, of police violence

and of every petty event in order to teach them the methods they must adopt to end the evil effects of the capitalist system, the causes of strikes, &c. &c."

O. P. 1279.

At page 151 Chakravarty comes to the Bengal Jute Workers' Association (or Union) and his connection with it. About this he says: "It is the latest type of Union, an industrial union. It was organised definitely on a class basis. From the very beginning its object was and still is to fight the entire employing class in general and the jute employers in particular." Then on page 152 he says in somewhat the same vein: "That the B. J. W. A. was really a militant working class organisation is evident from its activities in connection with various strikes. The same report (Johnston and Sime's Report) says "during the past two years the B. J. W. A. has conducted nine strikes"" A little further on he says "Besides no appeal to the union for aid in jute strikes has gone in vain." In the next paragraph Chakravarty brings out the way in which the B. J. W. A. has operated not merely as a jute workers' union, but as a branch of the Workers' and Peasants' Party. He says: "But it did not confine its activities only to the field of jute labour. Accepting, as it did, class struggle as its guiding principle it generously responded to all appeals for help from whatever industry or union it came. In response to the appeal of Mr. K. C. Mitra, General Secretary, E. I. Ry. Union, it deputed me as its representative to assist the locked-out workers of Lillooah. It gradually extended the field of its operation within the jute industry and succeeded in establishing seven branches in different jute areas. Besides it organised the workers of other industries in several unions, e.g., the Bengal Paper Mill Workers' Union, Angus Engineering Workers' Union and Ishapur Ordnance Workers' Union." At the top of page 153 Chakravarty accused was asked to explain his association with other accused in the case, but he deliberately refused to furnish any explanation and replied: "I do not want to say anything about association. I want to say something about the case generally."

O. P. 1280.

Chakravarty accused argued his own case and I have looked carefully through the notes I took of his arguments to verify whether there is anything in those arguments which purports to be a reply to any of the above evidence. The only point worth discussing, so far as I can see, is his allegation that his connection with the Y. C. L. is of no value in support of the prosecution case because, as he says, "Many prominent communists like comrade Saklatvala and the C. I. itself did not approve of the Young Comrades' League." Unfortunately that statement is definitely incorrect. There is evidence to show that it was Saklatvala himself who suggested the name 'Young Comrades' League' as a name for a youth organisation of the kind which Spratt and Goswami organised in Calcutta, vide Spratt's syllabus P. 1013 and his letter to Mrs. Mellonie, P. 546 (10), F. C. 456. I have also dealt at an earlier stage with the suggestion that the C. I. was opposed to organisations of the type of the Young Comrades' League. It is quite true that that was the view ultimately held after a full consideration of the problem in August, 1928, but there is no evidence that that view was held or had reached India at the time that the Y. C. L. was in process of organisation. Chakravarty accused also discussed the W. P. P., his work in T. U's, the anti-Simon demonstration, and the connection between the W. P. P., the C. P. I., and the C. I., but all his arguments entirely missed the point as they were mainly directed to the legality of individual organisations or actions.

Taking the case against Chakravarty accused as a whole, we have to consider his membership of the W. P. P. of Bengal, and the W. P. P. of all India, and his position in the Trade Unions wherein he was definitely working in furtherance of the aims and objects of the Party. We have it further that he was taking a part in strikes with which he was in no way concerned in his capacity as General Secretary of the B. J. W. A. In addition he took some part in the organisation of the Young Comrades' League, and in all these activities we have him associated with Spratt, Muzaffar Ahmad and Goswami accused and to a less extent with other members of this conspiracy. We have further to take into consideration that he is a professed Communist and that his own statement and the joint statement to which he is a signatory conclusively demonstrate the objects with which he was taking part in all these activities. In my opinion all these things taken together leave no possible room for doubt that Chakravarty accused was a party to this conspiracy.

O. P. 1281.

Agreeing with four and disagreeing with one assessor, I hold that Chakravarty accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under Section 121-A, I. P. C. I convict him accordingly.

PART XXXII.

O. P. 1282.
SHAMSUL
HUDA.
17.

Shamsul Huda accused first appears in the evidence in this case on the occasion of a visit by him and Spratt accused to Jamshedpur in September, 1928. P. W. 101 S. P. Varma, stenographer to the Deputy Commissioner at Chaibasa in the Singhbhum District deposes that he was asked to report a speech made by Spratt accused on the 27th September at the G-town Maidan during the strike in the Tata Iron and Steel Company's works. P. 2206 is the transcription made by this witness from his notes of Spratt accused's speech. P. W. 102 Sub-Inspector M. M. Chakravarty was Sub-Inspector at Jamshedpur at that time and attended the meeting referred to by the last witness and heard speeches by Spratt and Shamsul Huda accused. He has deposed that he took notes in long-hand of important points in Shamsul Huda's speech. He stated that his original notes which were produced in court contained a correct record of the gist of what was said and that P. 2207 was a typed extract from this report which he had compared with the original. Another witness to this visit was P. W. 103 Sheikh Samir, khansama of the Jamshedpur Dak Bungalow who deposed to the stay of Spratt and Shamsul Huda at the bungalow and produced the visitors' register which contains entries in Spratt's handwriting. Spratt's speech does not contain very much of interest except his statement that he is a Communist. He says: "As you may have heard I am one of those people who are called Communist. I believe many of you have been abused by the Company during the strike as Communists. As I may as well say that I also come under that stigma. I do (not) consider it a stigma myself, but I consider it and regard it as a high ideal to which I conscientiously aim, but I do (not) want for the moment to talk about this." He goes on to suggest socialisation of the factories. Shamsul Huda, who was described as "the outside leader" said in his speech that "the big leaders do not care for the labourers. They want to serve their own purpose. Mr. Bose was a Congressman and he wanted to utilise labour for the good of Congress." Further on he said that "They (workers) should not depend upon any and should try to stand on their own legs. Be you educated and make leaders amongst you for the trade unions and so long (as) you do not come to such position you must depend on others who will fulfil your demands and not upon leaders like Joshi, Gandhi and Bose. They came to exploit and fill their own pockets etc." At the end he said: "To meet this (the Trade Disputes Bill) they must unite and help each other and then the freedom was in their hands. They should unite with the international associations as well." This visit to Jamshedpur is also mentioned in Spratt's letter to Page Arnot dated the 23rd October 1928, P. 2419 P, (F. C. 607).

O. P. 1283.

The next meeting in which Shamsul Huda took part was one at Matiaburz on the 7th October 1928 at which he was in the company of Muzaffar Ahmad and Dharani Goswami. (P. W. 52, Sub-Inspector P. N. Banerji). The report of this meeting P. 2146 further shows that Kali Kumar Sen of the Workers' and Peasants' Party, Manindra Singh, Secretary of the Matiaburz Branch of the Textile Workers' Union and Sachindra Singh, brother of the last-named, were also present in this meeting. According to this report Dharani Goswami and Shamsul Huda spoke in the same terms. They referred to the revolution in Russia and pointed out that what was possible among the workers of one country was also possible of the millions of workers in India. They informed the audience of the existence of a party called the Workers' and Peasants' Party whose aim is to awaken the consciousness not only of the labourers but also of the ryots to enable them to claim their just rights and safeguard their interests. The conference of the Party they stated will be held in Calcutta on the 21st, 22nd and the 23rd December when representatives of the labourers and peasants from all parts of India will attend and they invited the workers of Matiaburz to take part in the conference.

O. P. 1284.

Shamsul Huda's next reported speech is one made by him on the 28th October 1928 at a Dock Workers' meeting at the Ochterlony monument in Calcutta, which was reported partly by P. W. 84 Abdul Lais Muhammad, and partly by P. W. 86 Ghulam Hasnain, both of them Urdu Shortland Reporters to the Government of Bengal. The report of this meeting is P. 1929 (1) and (2). Shamsul Huda was not the only accused at this meeting, as we have it from P. W. 36 Sub-Inspector G. B. Roy that Muzaffar Ahmad, Dharani Goswami and Shamsul Huda were all present at this meeting and all three made speeches. In this speech Shamsul Huda preaches the usual doctrines. After talking a good deal about capitalists, he says: "The labourer class of people in the world has extensive powers. When a labourer comes to

- know his strength, it will be difficult for capitalists to govern. There are hundreds of labourers in Calcutta but there is no unity among them." He goes on to explain the reason for this, that people come and form unions and, I suppose, collect subscriptions and then disappear. In consequence when any one wants to start a union now, he is regarded with suspicion. Then he says : " You have come to know the rules of our Workers' and Peasants' Party ". Then he goes back again to the subject of the sort of people who have formed unions which were really formed in collusion with the capitalists. Then coming back to the W. P. P. he says : " Labour brethren, do not think that the W. P. P. also is one which will loot you. It is a party which will accomplish its business." Then he goes on to the problem of the improvement of the position of the labourers and we find him saying : " Labourers can never reach their goal unless they stand on their own legs and make themselves their own leaders." Then after explaining that Congressmen, Khilafatwalas and Swarajists, none of them really work for the interests of the workers, he says : " No one (ever) explained (this) to the labourers in India. We shall explain to the labourers of India. ' What rights have you in the world ? What can you do in the world ? Can you or can you not be the governing body in the world ? ' We shall explain all this to you. We shall give you what we are bound in duty to give you and we shall take from you what we are bound in duty to take from you. Our Workers' and Peasants' Party will explain (matters) to you. We have been trying for a number of days to hold a meeting of those who work in the docks. We have worked hard. We had wished to explain matters to you and form a Transport Workers' Union." Further on he says : " I would submit that you, the labourer brethren, should become united and form a union. The principle of our Party is to create unity among the labourers and lead them. Is there any country in the world where the labourers are the governing body ? In Russia the labourers govern the country. Much tyranny was done in the time of the Czar. But a leader appeared from amongst them and told them the (way) so nicely that they achieved liberty. They achieved liberty in 1917. A Soviet Government was formed. Soviet Government means Panchayat. At one time Russia too was in the same plight in which India is today, but they have crushed the tyrants and the Soviets are governing. They desire that the whole world may be governed by labourers." Then again lower down he says : " Labourer brethren, do not forget that you have strength in you. If you want to use your strength, come with us. We can show whether or not you can get your rights from the Government. Our country should be in our hands. The time of English Government in India has come to an end. It is necessary that students should come forward with labourers and make an agitation against the Government in a united front so that we may get the Government through which we can get our rights." Then again on the last page he says : " A capitalist said to a friend of India : ' These men are carrying on a propaganda against Indian Capitalists. We are ready to work. But unless English Government is thrown away, we are not prepared to act with you.' We, the Indians, whether Capitalists or labourers shall fight unitedly against the Englishmen until India is liberated, never mind if we lose our lives or our property." And further on he continues to harp on this necessity for abolishing the existing form of Government. He says : " The sons of India have for years suffered the tyrannies of Englishmen. They suffered much during the time of the Moghul kings and the English. We shall have to destroy it (tyranny). We can break it and crush it to pieces. We can crush the old systems. You should have consciousness. You should learn how to obtain liberty. If you desire to obtain liberty tomorrow, you can have it tomorrow."
- O. P. 1285. 5
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- Shamsul Huda accused took part in another Dock Workers' meeting at the Halliday Park on the 4th November, 1928, at which he made two speeches which are reported by P. W. 84, Abdul Lais Muhammad, and P. W. 35, Raihan Ahmad. The first of these speeches is P. 1927 in which he says : " Unless you, labourer brethren, exert yourselves, do not try to get up, and do not show your power to the Government of India, the English and the Indian Capitalists, you shall not get your rights (or dues)." Then, after talking about other people who form unions not really for the benefit of the workers, he says : " We shall try and form a union by which you may get your rights (dues), such a right as is enjoyed by everyone in India." The report of the second of these speeches is P. 1935 in which he preaches the lesson of unity and the rights of the labourers. Then he goes back to the old subject of the tricks which are played on the workers through other associations. Finally, he calls on Dharani Goswami to speak after him.
- O. P. 1287. 55
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Shamsul Huda accused also took a certain amount of interest in the Bauria strike and was present with Ghosh, Mitra and Chakravarty accused at a meeting held on the 11th November at the Karbala Maidan. Next on the 16th November, we find him writing a note P. 25 (I. C. 288) to Ghosh accused arranging a meeting between them at Bauria on the following Sunday. Another meeting in connexion with this strike which he attended was the one held on the 6th January 1929, at which he was in the company of Banerji and Chakravarty accused. The witness to both these meetings is P. W. 98 Sub-Inspector H. V. Basu who prepared a report P. 2227 of the meeting on the 6th January. The report mentions that Shamsul Huda spoke, but gives no account of what he said. Meanwhile in between these two meetings, Huda had certainly visited Bauria at least once as appears from the statement of P. W. 37 Sub-Inspector Tincouri Sen and the correspondence between Ghosh accused and Spratt. P. 526 (7), I. C. 303, is a letter from Ghosh to Spratt, dated the 28th November in which Ghosh tells Spratt that he is taking Johnstone (of the L. A. I.) to Bauria and adds : " If yourself and Muzaffar can go to the station in time, if possible with Huda, it would be very good." On the following day we find another letter from Ghosh to Spratt P. 526 (9) in which he mentions P. 526 (7) and says : " It seems none of you except Huda could do so." The contents of the letter however show that Ghosh did go to Bauria that day. The last paragraph of this letter also shows that Ghosh had sent a message to Spratt through Huda accused. He says : " Perhaps Mr. Huda informed you that Johnstone has made an appointment with you at 5 p.m. in his hotel. If you cannot meet, come here." And P. 27 (I. C. 304) Spratt's reply written the same day shows that Spratt had received this message and proposes to do as requested.

O. P. 1288.

Shamsul Huda's next activity was to participate in the Jharia Session of the A. I. T. U. C. on the 18th December. P. W. 254 Rai Bahadur N. V. Trivedi merely deposes that he saw Shamsul Huda at the Conference. P. W. 123 Sub-Inspector Wahid Jan Khan deposes that on the 19th a resolution, No. 9, was moved to protest against the use of police and military force against strikers. It suggested the organisation of general strikes in the event of such force being used against workers. The resolution was moved by Dewan Chaman Lal and seconded by Joglekar accused. Among those who spoke in support were Mitra and Huda accused.

Immediately after this conference Shamsul Huda took part in the first A. I. W. P. P. Conference at Calcutta on the 21st to the 23rd December. The report P. 669 shows that he supported the resolution protesting against the detention of three comrades under Regulation III of 1818. The evidence of P. W. 90, Assistant Sub-Inspector Abdul Rashid Khan further shows that Shamsul Huda took part in the procession organised by the W. P. P. which marched from Sradhanand Park to Park Circus where a meeting was held at which Sohan Singh Josh accused and others spoke. I noted that this witness identified Shamsul Huda with difficulty. On the other hand the probability of Shamsul Huda's having taken part in the procession of this kind is very considerable. As a matter of fact Shamsul Huda accused does not deny his participation in this demonstration and merely says that " it does not make a conspiracy to dethrone King George the Fifth."

O. P. 1289.

We come next to the meetings of the Communist Party of India held on the 27th, 28th and 29th December. As regards the meeting of the 27th, the rough notes P. 1300 and the fair report P. 1295 show that on that day Shamsul Huda was elected a member of the Central Executive of the Party as a representative of Bengal. On the 28th we find in the rough notes P. 1303 : " 2. Shamsul Huda wants to know why he is being charged by Muzaffar Ahmad of having made a mistake, Halim. 3. He is not given proper treatment. Bradley and Spratt to look into the case." In the fair report this matter is dealt with in the following terms : " Shamsul Huda's complaint that he was neglected by Muzaffar Ahmad. Spratt and Bradley were deputed to look into the complaint." There are two other interesting documents in Huda's case evidently resulting from the gathering of members of all the parties at Calcutta on this occasion. These are both documents which had been rejected by the prosecution, but were tendered in evidence by Spratt accused and marked P. 490 D. Spratt and P. 489 D. Spratt. P. 490 is a draft letter in the handwriting of Bradley accused dated the 4th of January 1928 (1928 is evidently a slip for 1929) intended to be issued by the General Secretary of the Transport Workers' Union of Bengal to the Managers of firms or organisations to be selected. It gives a list of demands which are said to have been agreed to by the members of the above unions at a mass meeting and concludes as follows : " I am instructed to forward the above demands for

- your early and favourable consideration. A further mass meeting of the members of the Union will be called at an early date to consider your reply." P. 489 dated the 5th January 1929, also, like P. 490, recovered at the search of the W. P. P. office at 2|1 European Asylum Lane, is an office copy of the letter based on this draft issued by Shamsul Huda as General Secretary of the Bengal Transport Workers' Union to the Manager of some firm or other. P. 489 actually contains two such drafts or office copies. These documents serve to associate Bradley as well as Huda accused with this particular Union and also show Huda consulting Bradley accused and taking his advice. I may also refer here to three other documents which associate Huda with the Transport Workers' Union of Bengal. These are (1) P. 544(3) the list of Trade Unions in Bengal, partly in Spratt accused's handwriting, found at 2|1 European Asylum Lane showing their affiliation, (2) P. 548 (10) which includes a notice issued by Huda accused on behalf of the W. P. P. of Bengal for a public meeting of workers on the 10th November, and (3) P. 491 also recovered at 2|1 European Asylum Lane, a document headed Transport Workers' Union of Bengal and dated January 1, 1928 (a mistake for 1929) giving an account of resolutions passed at a meeting of the T. W. U. of Bengal held at Halliday Park with S. M. Shamsul Huda in the chair. The resolutions adopted on this occasion are exactly those which we should expect, (1) Boycotting Simon Commission, (2) protesting against the policy of the National Congress and the A. P. C. in adopting the Nehru Report etc. and declaring the aim of the working class to be complete independence from Imperialist exploitation and rule, and the establishment of Workers' Socialist State, (3) Condemning the Trade Disputes Bill and declaring in favour of resistance to it by means of a General Strike and (4) protesting against the arrest of Comrade J. W. Johnstone, the fraternal delegate of the L. A. I. to the A. I. T. U. C. and the A. I. W. P. P. Conference.
- O. P. 1289(a) In addition to the above there are a few miscellaneous items of evidence in Shamsul Huda's case. For example in Ghosh's diary P. 41 there is an entry showing that Ghosh paid tram fare or something of the kind for Huda and Spratt to go to Bauria on the 18th November. It is fairly obvious that in addition to the other visits to Bauria which I have already mentioned, Shamsul Huda visited Bauria on the 18th November. Another piece of evidence on the point of association only is a group photograph P. 457 which shows Shamsul Huda in the company of Muzaffar Ahmad and Spratt accused.
- O. P. 1290. Lastly it is worth noting that at the time of his arrest he was found to be living with Muzaffar Ahmad, Spratt and Ajudhia Prasad accused at 2|1, European Asylum Lane.
- Shamsul Huda began his statement with the old cliché that " Communists scorn to hide their views and aims. They openly declare that their purposes can only be achieved by the forcible overthrow of the whole extant Social order." He then went on to say : " I am a Communist and I stand by the Communist Party of India. I do not agree with those who say that the working class should not enter politics, that it has no politics." On the same page (33) he says : " The immediate aim of the C. P. I., the attainment of independence from Imperialism, the destruction of feudalism, nationalisation of land and key industries and the establishment of the Dictatorship of the Proletariat and peasantry, the immediate aim is a national Democratic revolution. That is why Communists cooperate with and join genuine anti-imperialist organisations like the W. P. P. and the League against Imperialism." It appears to me that this last statement is not quite as frank as some of the rest of his statement. It suggests that the W. P. P. and the L. A. I. are organisations which have been brought into being quite independently of anything Communist and into which Communists come at a later stage in order to cooperate with them, which is certainly not a true account of the origin of the W. P. P. Then he goes on (page 34) : " Freedom from British Imperialism is not the ultimate aim of the Communist Party, but the immediate aim. The ultimate aim of the Communists all over the world is the aim of the Communist International. " The Communist International, the international workers association, is a Union of Communist Parties in various countries. It is a world Communist party. As the leader and the organiser of the world revolutionary movement of the Proletariat, the upholder of the principles and aim of Communism, the Communist International strives to win over the majority of the working class and the broad strata of the propertyless peasantry, fights for the establishment of the world union of Socialist Soviet Republics, for the complete abolition of classes and for the achievement of Socialism, the first stage of Communist society. (P. 2339, P. 12, P. 1208 (3)). In the attainment of this aim the independence of the colonial countries like India and China is a stage, because the international independence weakens imperialism and emancipates the
- O. P. 1291.

- peasantry from the feudal burdens, clarifies the class struggle and hastens the social revolution." On page 35 in connection with the fact of his being found residing at 2/1 European Asylum Lane, he says : " I was a member of the W. P. P. and as such I had a right to live there." He further explains that he had gone there to save his room rent. Next, dealing with T. U. activities, he says at page 36 : " The task of the revolution, the overthrow of Imperialism can be done only by a Political Party of the working class which contributes its best, most reliable, intelligent and fearless element to the class Party without distinctions of trade or craft : thus to charge the Communist with using Trade Unions as a cloak for revolution is illogical. The Communist works in Trade Unions to fight the economic battle of day to day demands for the partial improvement of workers' lives, for convincing them of the necessity of the working-class struggle on a bigger scale, of the revolutionary struggle against the bourgeoisie as a class. The T. Us. by themselves alone cannot emancipate the working class. It is the task of the revolutionary party of the Proletariat." Then he goes on to deal with his connection with the Bengal Transport Workers' Union and the Dock Workers and about this he says : " I worked in Bengal Transport Workers' Union of which I was the General Secretary and for the dock workers also." A little lower down he says : " Referring to my activities in connexion with their (dock workers') unions, the Magistrate in his committal order remarked that my object was not to organise them on the T. U. lines but to recruit them for the party. This betrays the ignorance of the aim of the Communist. I did want to organise them into a union, but as I have already said that merely trade unionism will not help, they must also organise politically. Only a strong organisation and ultimately revolutionary action can save the workers from degradation, poverty and exploitation." At page 37 in answer to the Court's question about his activities in the Bauria and Chengail strikes, he said that he went to Bauria and Chengail once or twice, and that he met Johnstone of the L. A. I. at Chengail. On the same page dealing with the Jamshedpur speech, he says : " It is necessary to expose the hypocritical game of the nationalist bourgeoisie as it is harmful to the working class ", and further, on page 38 : " The workers were betrayed and it was necessary to warn them against the treacherous bourgeoisie, so I went to Jamshedpur. I only advised the workers not to be guided by the hypocritical promises but to have their own organisation, their own leadership, to organise on class lines and to carry on a struggle for wages and better conditions and for national independence."
- O. P. 1292. Next speaking of his speech at Matiaburz P. 2146 he says : " I went to Matiaburz to invite the workers to attend the A. I. W. P. P. Conference, the conference which would give them proper lead towards their goal, that is independence. In reference to Russia, if I said at all about the Russian revolution, it is perfectly right to teach the workers experience of Russian revolution." A few lines further on, he explains why and says : " The Communist Party of Russia at that time gave them (the Russian workers) proper lead towards their goal by which they overthrew the barbarous Czarist Government and established their own Government. If India wants to be free from the British Imperialism like Czarism in Russia, the Indian worker has to be taught experience of Russian revolution in order to overthrow the barbarian Government in India, and therefore I said if I said at all." On page 40 in answer to a question in regard to the A. I. W. P. P. Conference, he says : " About my membership of the W. P. P. probably your honour has not got any documentary evidence before you, but I voluntarily admit that I was a member of the Bengal W. P. P. The W. P. P. was not a Communist Party. Its aim was to secure independence and democracy for India. Neither the bourgeoisie nor the petty bourgeoisie as a class can bring about this independence. It is the task only of the working class and the peasantry." He goes on to show that neither of these by itself could carry out the revolution single-handed and therefore, he says, " The W. P. P. was organised to establish this necessary alliance between the workers and peasants." Finally on page 42, he concludes his statement in the following terms : " The Communist International is the vanguard of the suffering millions of the world and will liberate them from the Imperialist domination. I therefore stand by the principles and programme of the Communist International ; though I hold the principles as I have stated now I say that I have not conspired between 1925 and 1929 against the King's sovereignty as the charge is. It is my belief that the independence of India, that is of the Proletariat and peasantry, cannot be brought about by the conspiracy of individuals but the revolutionary action of a whole class, the exploited toilers of India." He assumes apparently that the organisation of this revolutionary action of a whole class is not a matter which comes within the purview of the Indian Penal Code.
- O. P. 1294.

It is true that the case against Shamsul Huda accused is not, like some others, based on a very long period of work or a very large number of activities, but we have it that he was a member of the C. P. I., a member of the All India Workers' and Peasants' Party and on his own showing, as indeed we might infer from the place where he was living at the time of his arrest, a member of the W. P. P. of Bengal. We further have it that he was engaged in exactly those activities which characterised the work of the conspirators such as Trade Union work, and was utilising those activities in exactly the same manner. Lastly we have the fact that, in all that he did, he was associated with leading members of the conspiracy, as for example Spratt, Bradley, Muzaffar Ahmad, Goswami and Chakravarty accused. In the light of all these facts, to which must also be added his own statement and the fact that he is a signatory to the joint statement of the Communist accused, it seems to me to be impossible to doubt that he was taking part in this conspiracy.

Disagreeing with all five assessors I hold that Shamsul Huda accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under Section 121-A, I. P. C. I convict him accordingly.

PART XXXIII.

O. P. 1295. The first mention of Gopal Chandra Basak accused in the evidence in this case is in Dange's letter and report dealing with the working of the T. U. C. Left at the Cawnpore Session of the A. L. T. U. C. in November 1927 (P. 1878 C.) (I. C. 72). In that document his name is given as Bhoshak, but as he also figures in the group photograph (P. 1383 etc.) taken at the late Mr. Vidyarthi's tea party, there can be no doubt that the reference in P. 1878 C. is to him. It may be further noted that at page 60 of the statements of the accused Basak accused admits that he attended this Conference and the tea party which was the occasion of the photograph.

GOPAL
CHANDRA
BASAK
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We next hear of him on the 16th January 1928, when he is referred to in the letter P. 1613 C. (I. C. 86) from Muzaffar Ahmad to Dange accused, in which Muzaffar Ahmad says : " I have arranged with a friend Basak for the publication of your book " Hell Found ". He has just started a branch of his father's library in Calcutta. This library will entirely be managed by himself. So please send the manuscript of the book to me at once." This is the same letter in which Muzaffar Ahmad referred to the formation of a Scavengers' Union and a Glass Workers' Union. Another letter in the same connection is P. 482 (I. C. 124) dated the 10th March 1928, in which Ghate writes to Muzaffar Ahmad as follows :—" Dange has sent his manuscript on to you and the last section to Basak directly. I have received a letter from him." In corroboration of this statement we have the fact that in P. 997, a collection of postal receipts for registered packets, found in Dange's possession, there is one dated the 9th March 1928, registered No. 55, to G. C. Basak, copy of manuscript on " Prisons ". This exhibit also contained two receipts for Jail Mss. sent to Muzaffar Ahmad on the 17th February and 7th March, and three acknowledgment cards, one signed by Basak and two by Muzaffar Ahmad. In connection with this branch of his father's library (bookshop) which Basak accused set up in Calcutta, it will be convenient to mention here that this was the Vanguard Literature Co. about which Basak accused has a certain amount to say at pages 54 to 56 of the statements of the accused. He concludes this passage by saying : " I had to set up the company because big firms dare not bring these books for fear of loss of trade, police raids and official displeasure. The address of the company was that building where the W. P. P. office was, because the W. P. P. alone was an institution interested in the literary and other productions of the proletarian school." There is also in evidence a document, P. 12, recovered in Goswami's search, a leaflet of this Vanguard Literature Co., headed " Revolution & Independence " which advertises " A Call to Action ", " Two World Currents, Communism—Fascism ", Dange's book " Hell Found " and " Krishaker Katha ".

The section on " Organisation and work " in the report of the Executive Committee of the Peasants' and Workers' Party of Bengal, 1927-1928, which forms part of " A Call to Action " contains an item at page 47 : " (b) Party members are engaged in re-establishing the " Dakeswari Cotton Mill Workers' Union " at Dacca." I may also mention here item (d), which runs as follows : " In January 1928 under the auspices of the Party was formed the " Scavengers' Union of Bengal ", begun at Calcutta with branches already formed at Howrah and Dacca, and one in process of formation at Mymensingh." As regards this item (b) we have also in evidence a document tendered by the defence, D. 299, a letter dated the 30th November 1928 from the General Secretary of the Bengal Textile Workers' Union, Central Office, 2/1 European Asylum Lane, Calcutta, to the Secretary B. T. U. F. asking for the affiliation of the B. T. W. U. to the B. T. U. F. With this letter there was enclosed an account of the history of the Union, which begins with an account of the history of the Dakeswari Branch. From this we find that the Dakeswari Cotton Mill Workers' Union was actually started on the 1st October 1927, but did not make much progress until it was reorganised at a mass meeting on February 27, 1928, when a constitution was adopted and office-bearers elected including Mr. G. C. Basak as General Secretary. There was a further reorganisation, it seems, in August, but in this also Basak accused was appointed General Secretary. The report further states that the office of the Union was changed to 61 Nawabpur Road, Dacca. Then as regards the Scavengers' Union, with this also Basak accused was connected. We find him saying for example in P. 526 (14) (I. C. 149), a letter dated the 18th April 1928 to Spratt accused : " These days I was busy with Mill Workers and Scavengers." A little further on he says : " I am meeting the scavengers individually in different quarters. The Municipal authorities are trying their best to apply their tactics."

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Another letter about this time, which establishes Basak's connection with members of the Bengal W. P. P., is P. 449 (I. C. 142), a letter of the 5th April from Ghate to Muzaffar Ahmad, at the end of which there is a P. S. "Please tell Basak that the Publisher of "Modern India" refuses to give 50 copies at Re. 1/- . He will have to take all (1500) copies, then the price will be Re. 1/- .
 O. P. 1298. Let him write to me early." 5

The letter P. 526 (14), to which I have just referred, mentions a certain number of other matters of interest. He says for example: "These days I have eagerly gone through papers, but have not found anything particular about Lillooah and Howrah, only that the Magistrate is expected to take some steps against Sachinandra. I hope to be fully informed as regards our Howrah and Lillooah brethren—the workers here are also eager to be informed of the situation." He also refers in this letter to Dange's book and says: "Now as regards Dange's book, did you find any time to go through the proofs and give Nirod Chakravarty (instructions?) as regards printing and binding? What do you think of simultaneous foreign publication—if you think it is necessary you can send some. I think we should write to Labour Monthly and others for advertisement." On the 15th May we find Basak accused writing to Spratt in P. 526 (19) (I. C. 166) in the hope of getting Spratt and others to come down to Dacca in very much the same way as Gauri Shankar got them to come to Meerut a few months later. He writes: "Dacca Workshop workers and the jute growers and jute bailers are ready to be formed into respective Unions, I am waiting all these days for you all here, when I have decided to call those meetings." At the end he says: "You will please let us know what has become of the Lillooah strike and our comrades." This letter also mentions some conference in the Dakeswari Mill, about which he says: "Within two or three days, I am expecting that a conference with authorities of Dakeswari Mill will take place. I don't know what I have to do then, as I (am) not familiar with the tactics they will play." This is presumably a reference to the meeting of the Manager with the representatives of the Union on the 12th June, which is mentioned in D. 299, where it is stated that the Manager refused practically all demands and shortly after this meeting recognition of the Union was withdrawn by the Manager. On the 29th May Basak accused wrote another letter P. 415 (12) (I. C. 176) to his friends at 21 European Asylum in which he says: "These days I was busy with press affairs and Dakeswari Mill Workers' negotiation with the authority." Then he complains of the tricks of the mill-owners and suggests that the workers are not in a mood to be played upon. Then he refers to a letter written by himself to Spratt about the grievances of Railway workers and also asks what has been done about Dange's book. Then in the last paragraph he says: "I gave these days hope to Dakeswari Workers, Spratt and you all are coming, but as you are not coming, the workers becoming disheartened, and mill-owners who became somewhat afraid of your presence here, are becoming bold enough to say now that as they think that some foreign agents mean mischief to both workers and the mills through their influence on me, they are right in taking repressive measures that have taken." In this same letter he mentions that the Managing Directors while giving hopes of a conference have been privately threatening individual members with dismissal. About a week later on the 9th June Basak accused writes in P. 2016 P. (I. C. 185) to the General Secretary, Bengal W. P. P., to inform him that at a meeting held on the 8th June a branch of "our party" has been formed at Dacca. He encloses a report of the meeting, which shows that an advisory meeting was held on the 8th June at 61 Nawabpur Road Dacca, at which a resolution to form a branch at Dacca of the W. P. P. of Bengal was unanimously passed. This document further shows that Basak himself was elected on the Executive Committee as General Secretary, and one Dibendra Bipoy Guha, whose name appears in the oral evidence in regard to the Dacca searches, was elected treasurer. At the end of the report we get an abbreviated constitution based on the Constitution printed at page 41 of "A Call to Action." In this sections 2 & 3 relating to the Object and Means are retained without change. Para. 4 relating to 'Extent' is naturally modified, and states that the activities of the Party will extend to the entire district of Dacca. Para. 5 in regard to Membership is modified to read as follows: "Any person not below the age of 18 years who will subscribe to the object, constitution and programme of the Party and who has been elected by the Young Workers' League (to be formed within a week) in its Annual Conference (after one year's training in the study circle class attached with the League) may be taken in as an individual member of the Party subject to the approval of the Executive Committee." The sub-section in regard to the affiliation is retained
 O. P. 1299. 30
 O. P. 1300. 55
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as it stands in the constitution of the Bengal Party, and the remaining sections are retained, deleted or varied as necessary.

Basak accused's next letter is P. 2018 C. (I. C. 199) dated the 24th July 1928, a letter in Bengali addressed to Muzaffar Ahmad. In this letter Basak begins by complaining that although he has written Muzaffar Ahmad a few letters, he has not received any reply as yet. Then he mentions Chakravarty's case and inquires what is happening about it. He makes further enquiries about Spratt, Goswami and "you all". Then he refers to Ganavani and says: "All the 85 copies of the first issue of the paper I took for the Dakeswari Union have been sold. The 2nd and 3rd (issues) were sent and have been exhausted. But since that the sale has fallen off, because you do not pay any attention to the paper." Then he puts forward another complaint about the Ganavani and says: "Anyway, why did you not print the information sent about the Dacca Mehtars? I have sent you the article at the first day's meeting of the study circle class—shall I send the remaining 20 or 23 pages which I have with me?" Further on he says: "The work of the (illegible) Union is not much advancing. So we are laying stress on the study circle. If it goes on well, workers get a training, if the number of boys becomes larger, the work of the Union may be expected to be furthered." It will be noted that Basak accused had fully grasped the value and importance of study circles. There is also a reference in this letter to Majid's article and the letter closes with another enquiry about Goswami. Only a few days later on the 28th July Basak wrote another letter to Muzaffar Ahmad, P. 2019 C., (I. C. 202) dated the 28th July 1928. In this he mentions having sent to Muzaffar Ahmad some reports of Scavengers' organisations and some articles discussed in "our study circles". He further mentions that in a meeting of the Dakeswari Workers' Union a resolution has been adopted that this Union be henceforth declared as "Bengal Textile Workers' Union, Dakeswari Branch." This was followed almost immediately by a letter, P. 2020 C. (I. C. 203) addressed to Goswami but containing actually two letters, one to Goswami and the other to Muzaffar Ahmad. In the letter to Goswami Basak mentions receiving letters from Goswami and Chakravarty and says: "New problems are cropping up in our work. Anyhow I have received a letter from Chakravarty; it would be good if he can visit this place en route. Let us see what happens." Then he says: "We generally expect that what goes from our Party or the Dacca (branch) connected therewith should be published in the Ganavani. The study circle becomes effective if all our proceedings therein are published and commented on in the paper. Many people's eyes at Dacca are now on it." It is remarkable how often the importance of publicity is stressed in these letters. Writing to Muzaffar Ahmad Basak accused acknowledges receipt of a letter and says: "You have not written anything regarding my report concerning the Mehtars. Goswami has informed me that it will be sent to the paper later on." Then apparently by way of reproach he says that the Banglar Vani people have been taking a keen interest in all that Basak and his study circle were doing. He says: "They want all the proceedings of the study circle. But we decided to send all the proceedings to you and we hoped that you would print them after correcting the mistakes in language; and in the next issue you would print regular comment thereon, that would make the study circle attractive."

O. P. 1303. About a week later on the 5th August Basak again writes to Muzaffar Ahmad enclosing two notes. In the first of these notes he asks "what is the rate of commission allowed on your Ganavani? What is the basis on which you charge for unsold copies as well as for those which have been distributed at the Dakeswari Cotton Mills and other places free for propaganda on behalf of the Party? He (Kadir) has asked to be informed of this soon. On receipt of replies to these questions he will arrange to send the balance of the money." In the second note he says: "I send the report of a meeting of Dakeswari (Workers' Union). Please be sure to print in the present issue. There are many things to write in the next one. You will hear some things from Gopendra Babu's lips also" from which it would appear that Chakravarty did pay his promised visit to Dacca.

Another letter written by Basak about this time is the letter P. 471 (I. C. 208) bearing a postmark of the 20th August 1928 and addressed to Goswami accused which I mentioned in dealing with Goswami's case. In this letter he says: "I forgot to take from you notices for scavengers. We require another Hindi appeal to Jute workers also. Please do send it at once." Then he goes on to beg Goswami and Spratt to come to Atia. Then he asks for instructions in regard to Comrades' League and talks about organising Study

Circles at Mymensingh and Jamalpur. Then in a sort of P. S. he says : " I was invited in the E. B. Railway Employees' Conference and I joined it. There I pushed forward our circular for propaganda against Trade Disputes Bill." Finally he says : " Tomorrow we are going to hold a public meeting to denounce Trade Disputes Bill and suggest a general strike."

O. P. 1304. On the following day on the 21st August 1928 Basak wrote to Spratt in P. 526 (23) (F. C. 218) in which he again mentions the Railway Employees' Conference and the subject of Atia. It would seem from this letter that Basak had just met Spratt or missed meeting Spratt at Mymensingh. Then there is a reference presumably to the affiliation of the Dakeswari Mill Workers' Union to the B. T. U. F. and the A. I. T. U. C. About this he says : " Regarding Dakeswari Mill shall I write now to Kishori Babu or to Kishori Babu and Joshi both, what do you advise ? " We shall come later on to a reply to these inquiries given by Goswami in the middle of September. Basak accused must have spent a good deal of his time at this period in writing letters as we get another letter from him to Muzaffar Ahmad on the 23rd August, P. 2022 C. (I. C. 218). This letter states that " in pursuance of the Party circulation letter we held a condemnation meeting of the Trade Disputes Bill at the Coronation Park yesterday." The reference to a circulation letter or a circular would seem to be to P. 415 (9) dated the 11th August 1928 the copy of which was found at 2/1 European Asylum Lane. Another document in the same connection is P. 464 a draft handbill or leaflet in Spratt accused's handwriting. After some discussion of propoganda done against him and his friends by Congress people Basak says that " the meeting was successful ". He adds : " Hope that you will come to Dacca with Dange and others. At that time I shall be able to produce many working-class youths before you." This mention of Dange indicates that Basak was aware that the Bengal members were trying to get the meeting of the Provisional Committee of the A. I. W. P. P. held at Calcutta, as we know was indeed the fact. Then he goes on : " I have asked you to send written appeals addressing Mehtars and scavengers, Jute Press workers and Dakeswari Textile workers, the first two in Hindi and the last one in Bengali. I have not yet received them, please send them positively."

D. 299 shows that a spontaneous strike of the weavers of the Dakeswari Cotton Mill broke out on the 6th September. It is of course this which explains Basak's telegram to Chakravarty on the 13th September : " Eighth day Dakeswari strike start all with money immediately." It further appears from D. 299 that this strike lasted till the 19th when it was called off by the Union through the intervention of the Dacca District Congress Committee, from which it would appear that Basak's first attempt to run a strike was not very successful. In this connection we may refer to Basak's own account of the history of the strike in P. 422 (I. C. 232) dated the 19th September 1928 a letter addressed to Muzaffar Ahmad.

O. P. 1306. On the 18th September we come to Goswami's letter P. 2203 C. (I. C. 234) explaining to Basak in reply to his letter of the 12th September, which is not on record, what had been decided in regard to the affiliation of the Dakeswari Cotton Mill Workers' Union to the B. T. U. F. and A. I. T. U. C. I need not repeat in detail that letter here. It is however corroborated by D. 299 from which we find that on the 1st October 1928 representatives of the Dakeswari Cotton Mill Workers' Union and the Bengal Textile Workers' Union met at 2/1 European Asylum Lane, Calcutta and decided to unite the two as the Bengal Textile Workers' Union and to take steps to organise the workers in the other cotton mills in Bengal. In this new Union Muzaffar Ahmad became Vice President and Pyare Mohan Das General Secretary, the President being Dr. Miss Prohabati Das Gupta. In accordance with the procedure laid in P. 2203 C. an application was made to the B. T. U. F. which should have reached the Secretary by the 5th December, but apparently failed to do so. It was however considered on the 16th December and the Union was affiliated to the B. T. U. F. on Spratt accused's report (P. 26).

We next hear of Basak on the 22nd October, when he wrote a letter P. 2058C. (I. C. 260) (equals P. 470) to Goswami accused complaining of the non-arrival of some comrades who were expected to visit Dacca and sending a copy of a resolution of a general meeting of the Bengal Textile Workers' Union, Dhamgarh branch, electing Basak himself to represent that Union in the Enlarged E. C. of the W. P. P. of Bengal. A week later on the 1st November Basak wrote to Goswami as Labour Secretary of the W. P. P. pressing him to come with Spratt, the two Chakravarty's and Kali Babu (Kali Das Bhattacharya or perhaps Kali Sen referred to earlier in this letter) to Dacca, complaining that opportunities

were being lost by reason of their not coming to help him to meet the situation and make a reorganisation of everything. He also complains in this letter that he has written so many letters without getting any reply. He further mentions that Kali Sen has also apparently forgotten to write to him.

Just about this time Basak appears to have written a letter to the Labour Research Department, as there was found in his possession a letter dated the 26th November 1928, P. 252 (F. C. 675), in which Emile Burns, Secretary of the L. R. D., informed Basak that "as requested in your letter received today, we have forwarded your two letters on to the names stated on the letters." Then he gives Basak some information about certain publications and also the addresses of the "Far Eastern Monthly" and the "Communist International", that is the periodical of that name. About this time Basak accused must also have received the letter D. 159, which he put in himself, from Tom Shaw of the International Federation of Textile Workers' Association. This was in answer to a letter from Basak himself. In it Tom Shaw says: "If you will tell me specifically what you want, also whether you are a union prepared to work in a national organisation with the unions, the Presidents of which are Joshi at Bombay and Shiva Rao at Madras, I will try to help you." I suppose the object of putting in this letter was to show that Basak was also in touch with organisations connected with Amsterdam. I do not think that this document by itself really helps him at all, particularly in the light of the stand taken by him in his own statement and as a signatory to the joint statement.

Early in December Basak accused wrote two more letters. The first of these is P. 2059P (I. C. 316), a letter in Bengali dated the 3rd December 1928 to Muzaffar Ahmad. In this Basak reports the collection of some subscriptions for the Party and for the Calcutta Conference. I notice that Debendra Bijoy Guha and Gopal Basak subscribed to both. He also mentions an attempt, unsuccessful, to do some work among peasants at Narsingdi and promises to report further about that place in ten days' time. Towards the end he says: "Has Comrade Aftab come down from hills? Please let me know. He owes something to the Press, it would have been of use if it had been now received. I want to push "Hell Found" in the Congress Session for Vanguard Literature Co. after having printed proper handbills. I write to Comrade Dange also. If you can make time for drafting the advertisement, then please send it." The second letter is P. 2060P (I. C. 319) dated the 7th December 1928 addressed to Goswami as Secretary of the Reception Committee of the A. I. W. P. P. Conference. In this letter he promises to send the names of ten bona-fide peasant delegates. Then he sends a list of intelligentsia members adopted in an E. C. meeting on the 3rd December and asks if these persons can be taken as delegates from Dacca, apparently for the A. I. W. P. P. Conference. The letter is however rather confused. There is a Bengali note at the end in which he says: "Dear Comrade, you did nothing about what I wrote about Radha Raman there..... Let Radha Raman Babu write to me immediately." This document has not really much effect in Basak's case, but might have some little bearing in the case of Mitra accused. At the end of the month Basak accused took part in the A. I. W. P. P. Conference. The report, P. 669, shows that he moved a formal amendment to the Principles and Policy resolution (P. 161), which was accepted.

After the Conference there is not much evidence relating to Basak except in connection with (1) the "Spark" and (2) the split in the Bengal Party. As regards the "Spark", P. 1251 (equals P. 2006P) is a letter from Spratt accused to Desai accused dated the 4th February 1929, in which Spratt asks Desai to send copies of Nos. 1 and 2 and V. P. for a year to Godbole, Aftab Ali and G. C. Basak, 61 Navabpur Road, Dacca. The receipt of the "Spark" presumably in accordance with Spratt's directions is mentioned by Basak in a letter to Muzaffar Ahmad dated the 8th March 1928, P. 2150P (I. C. 390), in which he says: "I am in regular receipt of "Spark"—some dailies are enquiring of it whether they can get in exchange." This letter also contains the usual complaint that he has not received a reply to his last letter. There was also enclosed in this letter a note for Goswami, in the course of which he mentions that he was hoping for a letter and says that he has sent Deben Babu (presumably Debendra Bijoy Guha) to Goswami for some works and asks Goswami to help him. He also says: "I hope to see you soon and arrange some business in some important subjects."

This letter was written on the same day as P. 423, the letter of resignation sent to Muzaffar Ahmad by Kali Sen, Goswami, Basak (for whom Goswami signed as he had been authorised to do) and others, the reason given being the autocratic, expulsion from the Party of Chakravarty accused on the ground of non-payment

of subscription. It would seem that Muzaffar Ahmad wrote to Basak to enquire whether he had authorised Goswami to sign this letter of resignation, as there is in evidence a letter from Basak dated the 16th March, P. 404 P, in which Basak informs Muzaffar Ahmad : " Yes, I have authorised Comrade Goswami to take any steps as regards our Party work on my behalf—I did so before I started for Dacca, as I found the existence of two groups in the Party. So much of it. I am of course perplexed regarding the situation as you have defined. I am shortly coming to meet you all." Basak accused wrote several letters to members of the Party in connection with the split. The first of these is P. 2161 (2) P (equals P. 475, I. C. 398) dated the 10th March 1929, in which, writing to Muzaffar Ahmad, Basak says : " I am pained to learn about some disciplinary measures taken by you on Comrade Chakravarty. I cannot understand what is the matter with you all at Calcutta. Did we not call ourselves comrades ? Then why these uncomradely actions ?" A little further on he says : " I am at a loss where these will lead to. What are all these misunderstandings for social-democratic mania or personal ambition." The most important passage however is the last paragraph, in which he says : " However I think that there is yet time that we do not split. No doubt there are opportunists and social democratic elements in our Party, but they are not comrades. Chakravarty and Goswami, and neither Kali Das Bhatt." This letter was enclosed with another letter dated the 11th March 1929 addressed to Spratt accused, P. 2161 (1) P (equals P. 549 (14), I. C. 397). In this he says : " I think I can speak to you as a comrade who can understand the grave situation that will be created by a break-up in our party in Bengal. There is something wrong in understanding among our comrades of both the groups. Please don't make a fool of yourself by being led by a false idea and imagination of a grave danger of social democracy, as analysed in the 6th World Congress of the Comintern, to be present among us. Both the groups are no doubt sincere to the cause of Communism and proletarian revolution, with of course exceptions of a very few who are real opportunists ". And there is more in the same vein. Another letter of Basak in this connection is P. 391 (I. C. 402), which like the others makes it quite clear that Basak's resignation was not in any sense due to a disagreement with the ideals of the Party. The only other document in connection with this split in the Party is the letter written by Chakravarty accused from Bhatpara on the 15th March 1929, which was intercepted and copied at the Dacca Post Office on the 16th March, P. 2202C (I. C. 407). There is of course no evidence in regard to the handwriting of this letter, but it is written on note paper of the Angus Engineering Workers' Union, of which Chakravarty accused was admittedly Secretary, secondly the contents are such as we might expect from Chakravarty accused at this date, and thirdly though this document was put to Chakravarty accused he never denied having written it. In it he mentions some future movements of himself and Kali Das Babu, and concludes as follows :—" Most probably you are aware that all of us have come out of " the Workers' and Peasants' Party " which is an autocratic regime of Muzaffar Ahmad. More when we will meet."

The only other activity on the part of Basak accused at this time is the article P. 1257 headed " Beware of the Imperialist lie ", which he sent to the Editor of the " Spark " on the 13th March. In sending this letter Basak says : " I send herewith an article on ' Imperialist lie '. If you think that it can be helpful for propaganda purpose, which I mean here, then please give it publication, if not please return." This was an article dealing with and denouncing the decolonisation theory, and is clearly based on his study of the proceedings of the 6th World Congress of the Comintern and the Colonial Thesis.

This brings me to Basak accused's search, in which quite an amount of interesting literature was found, though perhaps hardly as much as one might have expected from the remark about Basak's stock in Joshi's letter to Muzaffar Ahmad P. 416 (16) (equals P. 2155P, I. C. 371). I think it would be fair to say that the most important material recovered in this search was 19 issues of Inprecorr beginning from the 30th July 1928 and extending up to the 21st November, precisely those numbers which contain a full account of the proceedings of the 6th World Congress of the Communist International. In connection with Basak's searches there was some attempt in cross-examination in regard to the search of the joint office of the Dacca Branch W. P. P., the Dakeswari Cotton Mill Workers' Union, the Bengal Textile Workers' Union, Dacca Branch, and the Bengal Scavengers' Union (of all four of which organisations Basak accused was Secretary, as appears from the evidence of P. W. 42 Sub-Inspector M. L. De), to push the responsibility for what was found on to the shoulders of Debendra Bijoy Guha, who was suggested to have had a

- pharmacy in the same place. Bearing in mind that Debendra Bijoy Guha was the treasurer of the Dacca Branch of the W. P. P., (vide Basak's own letter P. 2016 P, I. C. 185) it does not seem to me that it would really have helped Basak accused, even if it had been established that this gentleman was keeping a pharmacy in the same room. For the search at 61 Nawabpur Road the search-list is P. 226. In this search there was recovered P. 230, an appeal in aid of the Spratt Defence Fund of 1927 with some manuscript notes on the back, which are proved by the evidence of P. W. 133, Colonel Rahman, to be in the handwriting of Basak accused. These are headed "Lessons of the Revolution" (Lenin) and conclude with the following sentence: "In these great crises of universal history, the ordinary aspects of the class struggle assume a violent, catastrophic expression, developing into war, civil war and into the searing magnificent upheaval of the Revolution." P. 231 is a preliminary copy of "A Call to Action", P. 232 contains 249 copies of "Ganavani" of different dates, while P. 238 contains a few more. P. 234 is a copy of the Political Resolution, P. 235 is a copy of the T. U. Movement resolution, P. 237 is a copy of Sohan Singh Josh's Presidential address at Calcutta, P. 236 is a copy of "A Call to Action", P. 239 is a sign-board of Dakeswari Cotton Mill Workers' Union, P. 240 is a sign-board of the W. P. P. of Bengal, Dacca Branch, with the hammer and sickle token on it, and P. 241 contains 14 copies of a Bengali notice issued by Basak as Secretary of the W. P. P. of Bengal, Dacca Branch, announcing a meeting of Bengal peasants to be held at Coronation Park, Dacca, on the 22nd August 1928 to discuss the Trade Disputes Bill.
- Next we come to the search of his room at his father's library or book-shop, the Albert Library, of which the search list is P. 243. In this search again we get a copy of Sohan Singh Josh's Presidential address, P. 244, P. 245 is a copy of the "Labour Monthly" for February 1929, P. 246 is a copy of the "Communist Review" for January, 1929, P. 247 is "An Illustrated History of the Russian Revolution" Vol. 1, P. 248 is "The Masses of India" for July 1927, P. 249 appears to be a copy of the group photograph taken at Cawnpore in November 1927. Then P. 250 is a manuscript essay in Bengali on "Socialism and its Gradual Development" and P. 251 is a manuscript article in Bengali on "Lenin", both of which are stated by P. W. 120, P. K. Chandra, to be for the most part in the handwriting of Basak accused. P. 254 is a note in Basak's handwriting apparently giving an idea of the contents of each of the numbers of Inprecorr, which were found in his possession in P. 259. P. 255 is a list of addresses, some Communist and some Socialist. While suggesting that some of this material may not have been his, Basak has made no attempt to say that any particular item did not belong to him.
- In addition to these, two documents affecting Basak accused were recovered in the search of the B. J. W. A. office at 97 Cornwallis Street, Calcutta. One of these is P. 147 relating to the All-India Youth League, which bears Basak's signature and also contains his name in a list of Provincial organisers at the foot. Another is P. 145, a long article or resolution "on the formation of ("The Young Communist League in India" scratched out) organisation of Youths of Marxist views as vanguards of social revolution in India", apparently laid before the First All-India Socialist Youth Congress, Calcutta. I have quoted from this document before, but it may be well to quote again the last paragraph in which he says: "The awakening consciousness of the youths from de-classed intelligentsia and youths for other workers and peasants should be immediately mobilised to be formed into Young Communist League of India, to train themselves for the scientific outlook of the movement for controlling the political mass nationalist movement and for leading the transition to proletarian civilisation, as such be it resolved that with their main general programme task will be (1) to spread radical Marxist ideas among the lower middle class, workers and poor peasants (2) to further the trade union activities and kick out the reactionaries and Imperialist agents from the trade union movement (3) to educate in ideas and to give military training to the workers, poor peasants and students from its study circle classes' volunteer corps." There is one other document, P. 284, about which P. W. 133, Colonel Rahman, said in examination-in-chief that it was all in Basak's handwriting. In cross-examination after comparing it with another document he said: "I cannot recollect the handwriting in P. 284." His evidence, therefore, does not help very much. P. W. 277, Mr. Stott, was of opinion that this document was in Basak's handwriting, but about this document I feel considerable doubt. It is the sort of document which Basak accused might well have produced, but I am not entirely satisfied about the identity of the handwriting. I propose,
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therefore, to leave it out of consideration. Another document affecting Basak's case was recovered in Goswami's search. This is P. 16, an account-book of the Dakeswari Cotton Mill Workers' Union, maintained in Bengali, in which besides other entries relating to Basak himself there is an entry in August 1928 showing that travelling charges were paid for P. Spratt of the Bengal P. W. P., Muzaffar Ahmad, Dharni Goswami, Gopal Basak etc. This entry may very probably be connected with the visit to Mymensingh, to which I have referred earlier.

- O. P. 1315. Basak accused is of course a signatory to the joint statement made by Nimbkar accused. In addition to this his own statement contains numerous points of interest. At the beginning at page 43 of the statements of the accused in answer to a question in regard to his connection with the Workers' and Peasants' Party of Bengal he says : " I am a member of the W. P. P. I joined it at the end of 1927 because it was an anti-Imperialist mass party which stood unconditionally for complete independence from Imperialism. As distinguished from other political parties in India the W. P. P. is frankly a revolutionary party. It stands committed to the programme of national democratic revolution. Its policy is based on the principles of class struggle." At the bottom of the page he puts forward that absurd suggestion that as a class struggle exists independently of the efforts of the accused there can be no charge against them of fomenting it. In this passage he says : " The class struggle is not our making, it exists independently of us, is the very basis of the society we live in ; what we wish to emphasise is this that until the class struggle assumes a conscious form, becomes nation-wide, until it rises to the pitch of an agrarian revolution and until it is linked up with the political struggle for national liberation led by the proletariat, until then the success of national democratic revolution is not guaranteed. With this in view the W. P. P. formulated the class demands of the workers and peasants and made these the basis of organisational work among them." He goes on to scout the suggestion that these demands or principles can be imported from abroad. Then he does a little exposing of the nationalist bourgeoisie. At the bottom of page 44 he gives some idea of the aims of the W. P. P. and says : " It was the aim of the W. P. P. to be the organisational and conscious expression of the revolutionary movement. The endeavour of the W. P. P. was not to create split in the ranks of nationalists but on the other hand to rally together all genuinely anti-Imperialist and revolutionary classes and elements on a minimum programme of national democratic revolution." Naturally after this he has to explain the exposure and criticism of Congress leaders. About this he says on page 45 : " Our criticism and attacks on the Congress leaders were made with the view to purge the anti-imperialist front of all treacherous anti-revolutionary elements, that is with a view to strengthen that front." At the end of this passage he said that he had nothing to say as regards the documents which he had been asked to explain. He was next asked to explain his activities in connection with the Young Comrades' League etc. He took the opportunity to make a longish statement on this point most of which is of no particular value. However on page 47 he says : " I am charged of having done work among the youth, of setting up youths' organisations. Yes, I have tried to do some work among the youth." Then he discusses the various roads on which the youths are travelling at present, such as the roads of social welfare work, pacifism and boycott, Gandhi-ism, and terrorist nationalism, and rejects them all. He goes on : " What remains is the way of revolutionary working class and peasantry. Believing as I do in this I must state that I was not trying to set up at the time organisation for immediate insurrection. My ideas and the scope of my work were strictly limited and perfectly legal. I was only pointing out the way history was moving in the world and the way it will inevitably go in India." I have already dealt with the defence suggested in this passage. On the following page (48) he says : " It was my idea to make those youths study economics, history, literature, philosophy from a different point of view, that is from the Marxist historical materialist point of view." Then he goes on to say that other histories particularly modern histories of India " purposely blur the class struggle. Marxism proved that the history (except of the primitive society) is a history of class struggle." He goes on to explain that he talked about his philosophy of class struggle to Hindu youths. with the result that they got bewildered. I must admit that any one might feel bewildered who tried to contend with Basak's writings at their best. He attempts to remove this bewilderment in the next few pages and at page 51 we come to his conclusions as to the proper part of the youths. He says here : " As I am convinced that the working class is the only revolutionary class, the petty bourgeois youths attracted towards the youth movement, if they want to

win independence, must follow the working class. So I considered it necessary to give them the scientific outlook of Marxism which task was not at all an easy one." Lower down the same page he says : " If the petty bourgeois youth wants independence he must ally with workers and peasants but before he can do so, before he becomes a reliable ally, he must be convinced of the Marxist stand, otherwise he becomes an opportunist, he uses the workers and peasants for his own class interest ; he must adopt the characteristic idea of the working class which is Communism and hence the youth of the working class and the revolutionary petty bourgeois youth who has left his class prejudices can work only by means of a Communist Youth League for the attainment of national independence and the establishment of Socialism." On page 52 he discusses the scientific foundations of Communism or Scientific Socialism which he wanted the youths to understand. In the middle of this page he says : " Marxism and its logical application to the epoch of Imperialism, that is Leninism, is the only revolutionary philosophy that can lead the colonial countries like India to national independence, because Communism is the summarised experience of the revolutionary working class of the whole world for the last century." And that is why he was preaching it. But he goes on to put forward a kind of defence to the charge of conspiracy by saying : " When I advised the youth to form Young Communist League I did not do it at the behest of any persons or any party, neither did I do it in furtherance of any conspiracy. It was my studies and experiences and the objective conditions in a colonial country that made me a Communist by conviction." The suggestion is that whatever he did in connection with the youth movement and I suppose with his other activities was not done as part of the work of the W. P. P. or in association with others. It is I think sufficient comment on this to point out that the great bulk of the evidence in the case of Basak accused consists of his own letters in which he consulted the leading members of the W. P. P. in regard to every kind of activity. In answer to the next question put by the Court he dealt with the Vanguard Literature Company, his reply in connection with which I have quoted earlier on. He was then asked to explain his activities in connection with the various Trade Unions at Dacca. In reply he said on page 56 : " My T. U. activities were mainly confined to the works of Dakeswari Union so I would give a short sketch of the Union and the strikes therein," and he proceeded to do so. At the middle of page 59, he mentions that the Dakeswari workers passed a resolution to affiliate their Union to the W. P. P. The W. P. P. having a textile union at Matiaburz already affiliated to the Party objected to the existence of more than one union in one industry, and as a result of this the Dakeswari Union and the Union at Matiaburz amalgamated and formed the Bengal Textile Workers' Union. The result so far as the Dakeswari Union was concerned was that the sign-board of the Dakeswari C. M. W. U. was taken down and instead a sign-board of the B. T. W. U. Dhamgarh Branch was hung outside the office at 61 Nawabpur Road (Dacca), and he admits that he was then Secretary of that branch. Then in regard to the Scavengers' Union he says : " As regards Scavengers' Union, Scavengers' Union at Dacca was from the beginning organised as a branch of the Scavengers' Union at Calcutta. I was also Secretary of this Union." At the foot of this page he explains the reason why he worked in the Trade Unions in the following passage : " Believing as I do that the workers and peasants are the only genuinely revolutionary class in our country, I had worked among them in their class organisations, that is the T. U.'s, where I fought along with them in their drab day-to-day struggle, and as representative of these Unions I had attended the Cawnpore Session of the T. U. C." After this he was asked questions about the A. I. T. U. C. and the A. I. W. P. P. in reply to which he said that he had attended the A. I. W. P. P. Conference as a delegate of the Dacca branch of the W. P. P. Finally he refused to offer any explanation in regard to the numerous documents relating to the split in the Bengal W. P. P. and said he had nothing to say about the miscellaneous documents such as the article he sent to the " Spark ", the copies of " Inprecorr ", the A. I. W. P. P. theses and the various items of Communist literature which I have mentioned already.

Basak's case was argued at considerable length by Mr. Pyare Lal Sharma. On looking over my notes it does not appear to me that there is anything tangible in the whole of the arguments put forward. As in so many other cases they consisted in asking the Court to take each document as if it were something entirely independent and not to consider the sequence of events and the connections between one thing and another. No attempt was made, so far as I can see, to deal with the important evidence of association. Stress was laid on Basak's failure to get help from the Workers' and Peasants' Party, but it is to

be remembered that that failure was not a complete failure. On the contrary his own letters indicate that he expected and did receive, though not so frequently as he wished, advice and help from the Party. It appears to me that the evidence against Basak accused is most convincing. From the time of the Cawnpore Session of the A. I. T. U. C. he has been in continuous association and communication with such members of the conspiracy as Spratt, Muzaffar Ahmad, Goswami and Chakravarty accused. He has been a member of the Workers' and Peasants' Party and an active member who has managed to establish a branch of the Party at Dacca. He has been working in the Trade Unions at Dacca particularly among the Cotton Mill Workers and the Scavengers, and it is clear that he was carrying on his Trade Union work with the familiar aim of making the Trade Unions politically-minded and revolutionary organisations. It is true that he has not made any speeches, but it does not seem to me that that is necessarily a point in his favour. What he has lost in that direction he has easily made up for on paper. Lastly we have to consider his statement to the Court and the fact that he is a signatory to the joint statement. In the light of all these I think it is impossible to feel any doubt that Basak accused did take part in this conspiracy.

Q. P. 1321.

Agreeing with four and disagreeing with one assessor I hold that Basak accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A. I. P. C. I convict him accordingly.

PART XXXIV.

- O. P. 1322. The case of Radha Raman Mittra accused is markedly different from most of those which have gone before. It is not contended for the prosecution that he has been a Communist and a member of the conspiracy from the time of his first appearance in the evidence or that he has been a member of the C. P. I. or W. P. P. The theory put forward by the prosecution is that in the course of the year 1928 he became more and more closely associated with such leading members of the conspiracy as Spratt accused and was led thereby to join the ranks of the Communists in which he now claims to stand firmly. 5
- R. R. MITTRA 19. His first appearance in the evidence in this case is on the 8th March 1928 when he took part in a meeting of scavengers held at the Ochterlony Monument in Calcutta. P. W. 53, Inspector S. C. Ghosh deposes that of the accused Muzaffar Ahmad, Goswami, Chakravarty and R. R. Mittra were present. This witness gave some account of Mittra accused's speech. According to him Mittra said that "as a member of the Calcutta Corporation Teachers' Union he sympathised with the scavengers, he was also in the same boat with them. He had seen the Chief Executive Officer was trying to break the hartal with police help. He had seen European police with revolvers patrolling the district gaokhanas. They should remain firm. The rich were all combined to suppress the poor." P. W. 88, Abdul Wadud, Urdu shorthand reporter to the Government of Bengal, said that he missed the first 15 minutes of Mittra accused's speech as he had gone out of the meeting to get some food. On his return he found Mittra speaking and reported his speech from that point. P. 2104 is the report of Mittra's speech prepared by this witness. This report shows that P. W. 53 got hold of the gist of the speech rather successfully. There is only one point to which I may draw attention and that is that Mittra accused told the scavengers that when people tried to persuade them to break the strike they should reply "address our Union on this point. We shall go (to work) when our officers permit us." 10 15 20 25
- O. P. 1323. Mittra accused next took part along with Kishori Lal Ghosh accused in the formation of the Jute Workers' Union at Chengail. It appears from the evidence including a number of documents which formed part of D. 84 and also from D. 274 that the formation of this Union was the work of the Bengal Trade Union Federation which purported to be acting under the directions of the All India Trade Union Congress. At any rate it is a fact that at the E. C. meeting held at Delhi on the 26th February 1928, the A. I. T. U. C. did make a grant of Rs. 250 to the Bengal Provincial Committee of the A. I. T. U. C. (Bengal Trade Union Federation) for the work of organising workers particularly in the Jute industry. The Chengail Union actually came into existence on the 24th March 1928. The office bearers appointed were Mr. Mahbubul Haq as President, Mittra accused and another as Vice Presidents, Bankim Mukerji as Secretary and Ghosh accused as legal adviser. A month later on the 23rd April a strike broke out at Chengail, vide the evidence of P. W. 27, Sub-Inspector Ashutosh Mahapatra. As a result of this we find Ghosh accused writing on the 23rd April in P. 526 (15) (I. C. 152) to Spratt accused saying: "The situation at Chengail is serious. My unavoidable engagements make it impossible for me to leave Calcutta to-day. Bankim Babu and Radha Raman Babu are doing their best. If you can manage to go with Radha Raman Babu it would be very helpful." We learn from Spratt accused's statement at page 424 of the statements of the accused that this letter was received through Mittra accused. What he says is: "On the first day of the Chengail strike, towards the end of April so far as I remember, I was requested by Ghosh in a letter which I think was sent through Mittra (P. 526 (15)) to visit Chengail if I was not otherwise occupied. He asked me to go on behalf of the B. T. U. F. as he could not get away. So I went to Chengail and I stayed there on and off throughout the strike." P. W. 27 also deposes to a meeting of mill-hands held at Chengail on the 24th April at which Radha Raman Mittra accused presided. He says that speeches were made by Radha Raman Mittra, Kishori Lal Ghosh and Spratt. This was the occasion on which the Sub-Divisional Officer was present and at his suggestion Ghosh proposed that a deputation of strikers accompanied by the S. D. O. should wait on the Manager who was ready to receive a deputation. For the rest P. W. 27 says that "Ghosh, Mittra and Spratt asked the strikers to remain firm and make the strike a success. Spratt asked the workers to resort to quiet picketing with a view to desist the workers from doing any work inside the mill. He also insisted to raise a Union army with badges on for purposes of picketing and form 30 35 40 45 50 55 60 65
- O. P. 1324.

a Strike Committee, selecting one representative from each department who will look to the interests of the strikers. When the suggestion of a deputation was made Radha Raman Mittra accused interfered and asked the strikers not to send a deputation." This witness also attended a meeting on the 25th April in the evening at which Radha Raman Mittra again presided. The meeting of the 24th April also mentioned by P. W. 98, Sub Inspector H. V. Basu who prepared a gist report of Spratt accused's speech P. 2238. 5

O. P. 1325.

In the next month we find Mittra accused taking some part in the Lillooah strike on the E. I. Railway. P. W. 94, Inspector J. M. Chattarji deposes that in the evening meeting on May the 14th Banerji and Radha Raman Mittra accused were both present and spoke giving instructions for collecting funds for the continuance of the strike. This witness also mentions the presence of Mittra accused at a meeting in the evening of the 22nd June at Howrah Maidan. Another witness to Mittra accused's participation in the Lillooah strike is P. W. 47, Sub Inspector M. L. Bhattacharya who deposed that he knew Ghosh, Mittra, Chakravarty, and Muzaffar Ahmad, and that Ghosh, Banerji and Chakravarty occasionally addressed the meetings of the strikers. Then he mentions a meeting at Howrah Maidan on the 17th May at which Chakravarty accused with others addressed the meeting and he adds that P. Spratt and Radha Raman Mittra were also present at this meeting. It is however clear that this evidence does not by any means cover the whole of Mittra accused's activities. There is a small notebook recovered in Mittra's search with his own name on the front page P. 121, which contains numerous entries, ending with entries in connection with Ondal and Asansol which give an idea of the date of the earlier entries. In the course of this we find references to tickets for journeys between Chengail and Calcutta. Then later on there are three entries relating to visits to European Asylum Lane, the headquarters of the W. P. P. of Bengal. Then there are 3 or 4 entries relating to journeys to Lillooah and references to Kiran Mittra i.e. K. C. Mittra, the leader of the E. I. R. strikers. The name of Spratt accused occurs five times among the later entries. 10 15 20 25 30

O. P. 1326.

Towards the end of May it was decided that the strike must be extended along the line and one of those who took part in this work was Mittra accused. P. W. 67, Sub Inspector Fazlul Haq Chowdhri deposes that Spratt, Dharani Goswami, Radha Raman Mittra accused and a few others were responsible for the strike of Ondal railway workers which started in May 1928. The first meeting in this connection of which we have evidence is one which took place on the 23rd May 1928. P. W. 86, Ghulam Hasnain and P. W. 84, Abdul Lais Mohammad shorthand reporters took down notes of the speech made by Radha Raman Mittra on this occasion and P. 1930 (1) (a) & (b) and P. 1930 (2) (a) & (b) are the reports prepared by these witnesses and translated by the Urdu translator Ali Mohammad, P. W. 145. This is a very long speech ending with an appeal to the workers of Ondal to go on strike, because if they do the condition of all would be improved. He begins by alluding to the presence of police at the meeting. Then he goes on to explain the Lillooah strike and point to the glaring contrast between the poverty of the poor workers and the wealth of the rich masters. Then he tells his audience that the labourers in England are like the rich of India, each with his 'Kothi', car, gramophone, education for his children, theatres, cinemas, high pay and so on. Then he points out that in England both workers and masters are organised. Then he points to the instance of Russia as a place where the Labour Party has seized the Government. He says: "But the men of other countries have understood you and have stood up. This is a very strong *dal* (organisation). A short time ago one of our parties, the Labour Party (or one of our Labour Parties) has taken the (administration of ?) Government. This will happen very soon in England also. There are no rich men and no poor men in Russia." Then he goes on to the existence at the moment of strikes all over the country, and from that to the latest events in the Lillooah strike and the Agent's offer to open the works. This, he says, is because the Agent thought that the workers were starving, but herein he (the Agent) was wrong, because the workers were receiving help from everywhere, from Calcutta, from the Babus and so on, and not only from these but also from Russia, about which he says: "Russia has sent Rs. 30,000 for the strike, which has taken place in Bombay. These people never help us, if our dispute is not with our masters. For this reason the labourers of different parts of the world are brethren among themselves." This introduces the idea of the labourers of Ondal helping the labourers of Lillooah and Howrah. He suggests that if the brethren at Jamalpur and 35 40 45 50 55 60 65

O. P. 1327.

Ondal and wherever there are workshops strike work at this last moment for a few days only, the Agent will be upset and a compromise will be effected. From this he goes on to urge the workers to go on strike saying their only weapon is unity and the strike and Hartal. Then at the end finding that the workers were not ready to go on strike then and there, he gave them a day to think over the matter.

On the following day Mittra accused made another speech, which was reported by P. W. 84, Abdul Lais Mohammad, in P. 1931. In this for the first time we find Mittra accused identifying the Government with the capitalists. He says earlier on : " Will the Police and the Government help you ? The work of the Police and the Government is to help the masters and the munibs. All the Governments in the world except Russia say that both the rich and the poor are alike in their eyes. But there can be no falsehood greater than this. This is a deceit. All these Governments are in the hands of the capitalists. The Government itself is a capitalist. Therefore the work of the Government is always to side with the capitalists and suppress the poor and peasant brethren with lathis and bullets, if they stand up to demand their rights." Further on he insists on the right to strike.

On the 25th May we get another speech at Ondal by Mittra accused reported by the same witness in P. 1932. On this occasion the witness states that Dharani Goswami and Spratt accused were also present. The main point in this speech is an appeal to the workers of Ondal, who have decided to strike, to be firm in their determination and full of courage.

Mittra accused spoke again at a strikers' meeting at Ondal on the 26th May, when his speech was reported by P. W. 86, Ghulam Hasnain, in P. 2107. In the course of this speech he called for the formation of a Strike Committee and the opening of a branch of the East Indian Railway Union and moved two resolutions in that connection. The evidence of P. W. 59, B. N. Chattarji shorthand reporter, shows that Spratt accused made a speech on the same date, which was reported by the witness in P. 1919. I imagine from the wording of this speech that it was made before Mittra's. Like Mittra's it calls for the establishing of a branch union and the formation of a Strike Committee. The statement of P. W. 67, Sub-Inspector Chowdhri, shows that Mittra was present at Ondal on the 27th May also.

Next on the 28th May Mittra accused took part in a meeting in the evening, when he made a speech reported by P. W. 86, Ghulam Hasnain, in P. 2109. In the course of this speech he explains to the men what their demands are or should be. P. W. 67 has also furnished a report of this meeting, P. 2176, which gives a very similar list of demands. It will be remembered of course that it was during these days at Ondal that Spratt and Goswami accused wrote on the 25th May to Muzaffar Ahmad in P. 501 (I. C. 171), to which Muzaffar Ahmad replied in P. 526 (12) (I. C. 173). From Ondal Spratt, Goswami and Mittra went to Asansol, where a meeting was held on the 30th of May at which Spratt accused spoke in P. 1921. On the 1st June a meeting was held at a place called Chandmari Dangar at which Mittra and Spratt accused were present, and the former made a speech asking the railway workers to stop work (P. W. 68, Sub-Inspector Mohd. Fazulhuq). This speech was also reported in full by P. W. 84, Abdul Lais Mohammad, in P. 1933. The witness states that there is a gap in the middle, which is explained by the fact that he took a short rest. This speech begins with an allusion to the Railway Strike of 1922, at which time the leaders Gandhi & Co. had no time to watch and help the workers. But now, he says, the situation is changed. " Since then 6 years have passed away. Within these six years, in 1928, a new era has opened in respect of the Labourers' movement." He goes on to draw attention to the large number of workers out on strike in all parts of India. Coming to the explanation he says : " The fact is this, that a new agitation has begun in India today." Then he refers to the example of Europe, where also, he says, " the labourers suffered tyrannies, but then the movement of forming Anjumans, called Unions in English, (got up) among the labourers, and they began to form Anjumans." Then he comes to the demands of the workers, and after that to the inner meaning of an Anjuman, which he explains as follows :—" It means that when all the workers become its members (and) when the Anjuman demands payment at a certain rate, then there will be no one to say that he will be ready to work for a lesser amount." Then he goes on to say that the time has come for struggle. " Workers have stood up to demand their rights in different parts of the world. The day has come. Clouds have come..... All the men of the

O. P. 1328.

O. P. 1329.

O. P. 1330.

L.S.J.M.C.C.

E. I. R. (should) stand up at once. The workers of each and every place in India should demand their rights." Then he comes to an idea which, it will be remembered, was being put forward much about the same time in strike speeches in Bombay and says : " Who made the Rail ? Who made all the articles of ease and comfort ? Is there anything that has been made with the physical labour of these, who get their work done for nothing, and who suck blood ? All the things...from grain to workshops, associations, machines, and all which we see, have been made by you. Therefore I say that every man who makes a thing is its master. Therefore you are the master of the whole world, in truth." Then he talks about wages in England as compared with wages in India, and explains the principle at work in the following terms : " If you say that you wish a certain amount of money, then you must sell your thing. What have you got ? You have got your hands and feet. You have got your labour. You have come to the market of the world to sell your labour." Then he comes a little further on to the idea of the unity of workers and says : " When you unite and say deliberately ' we all the brothers have united and we shall not be devided in our opinions ; we demand our rights unanimously and loudly. We want to live in the world with ease and comfort like a man.' When you, all the workers unitedly make this demand, that very day you shall get it." Then he finishes by calling on the workers to go on strike immediately for their betterment, for their rights, for their benefit, for the demand and independence of the workers of their India.

O. P. 1331. On the following day Mittra made another speech at Asansol, which was reported by P. W. 84 in P. 1934. This is a speech in which the word ' Man Bap ' is used as a kind of refrain. It is an attack on the Railway administration and the Government, both of which call themselves the father and mother of the workers, but do not treat the workers at all as if they are really their children.

On the 4th June it appears that Mittra with Spratt had gone back to Ondal, vide the statement of P. W. 67, Sub-Inspector Chowdhri, who saw them both at a meeting there. According to the evidence the strike at Asansol actually broke out on the 9th June during the absence of Mittra from that place, see Mittra's own statement. However, they (Mittra and Spratt accused) both returned to Asansol on the 12th, when the same witness deposes that he attended a meeting, at which Mittra and Spratt were present and Mittra spoke asking the strikers to proceed to Ondal, Sitarampur and Dhanbad to agitate the Railway employees to make a strike. It was no doubt as a result of this speech that strikers from Asansol did go to Sitarampur on the 14th. About the meeting held at Sitarampur on this occasion, there is the statement of P. W. 84, Abdul Lais Mohammad, who says : " On June 14, 1928, there was a meeting at Sitarampur of Railway strikers who marched from Asansol to Sitarampur to induce the men there to go on strike. R. E. Mittra and Spratt accused were present and Mittra was the only speaker. I tried to take shorthand notes of his speech, but could not on account of incessant rain. I noted the gist only." The gist report which this witness tendered is P. 2508. According to it Mittra traced the history of the Lillooah dispute and gave an account of the demands of the Lillooah men. He told the Sitarampur men that Ondal and Asansol workers had struck in sympathy with the Lillooah strikers, and he asked the Sitarampur men to help them either by going on strike in sympathy or by contributing money for the relief of strikers. He told them also that the workers of Europe had helped the strikers with money, the greater portion of which, Rs. 10,000, came from Russia. As they were workers of the same Railway, it was much more their duty to help the cause of the Lillooah workers, which would also benefit them.

O. P. 1332. On the 15th June we learn from P. W. 68 Sub-Inspector Mohd. Fazlulhaq that there was another meeting at Asansol, in which Mittra, Goswami and Spratt accused were all present and Mittra made a speech, of which however there is no report in evidence.

Mittra accused again spoke at Ondal on the 27th June at a meeting of the Railway strikers there, and a report of his speech was taken by P. W. 86, Ghulam Hasnain, Urdu shorthand reporter, in P. 2108. This speech opened in rather peculiar fashion, as Mittra accused called on the workers to cry the " Jai " of the Anjuman, to which the workers replied with shouts of ' Mazdur Raj ki jai ', ' Mazdur Dal ki jai '. There have been hints already of a resemblance between Mittra's speeches and the speeches made in the course of the Mill strike in Bombay. In this speech the hints become very much stronger. He begins by alluding to the fact that the Agent of the E. I. Railway has now, in reply to K. C. Mittra's demand that all the strikers should be taken back to work, refused

- to take back 187 dismissed men at Asansol. He goes on, on the 2nd page of this speech, to say : "Brethren, I have for a long time been connected with the E. I. R. strike and have seen a number of strikes. I gain experience day by day, I see that there is no justice, but deception." Then he goes on that formerly Govern-
ment was not so high-handed, because it treated the agitation among the
labourers as child's play. Then he goes on : "Do not rely upon us also. Turn
us out as soon as possible, and make leaders from among yourselves", and he
goes on to explain why this should be done. The suggestion he makes is that
all these outsiders, who have taken part in Unions in the past, were in the pay
of the Government. But now these people have been upset and turned out. He
goes on : "New men have come, and there has been much agitation. I say
openly that I shall form a regiment of workers and shall make the labourers
militant workers, who will stand up to snatch their rights from the masters and
perform their duties. I do not want men who weep before the masters and ask
for increment. The men of the old Dal were against the strike. Whenever the
Mazdur Dal became agitated and did not listen to them, they began to try to
break the strike. Those who break the strike, are the greatest enemies of the
labourers," from which it is clear that Mittra accused has learnt a good deal in
the last few months. Then again he says : "Now a Dal has appeared in
England as well as in India, which says, "do not weep for the poor, do not give
them alms ; leave all those who are friends of the poor ; let them die ; let them
stand on their own feet ; we do not wish we do not ask that big men
should come to our help." Then again : "This strike is against the Government.
Therefore the Government wants to break it. The Government professes to
have made laws and to do justice. In whose favour justice is done ?" A little
further on he says : "The British Government is an association of the
capitalists." He attacks at great length the methods of Government or Govern-
ment officers in putting down a strike and refers to the military marching
through Asansol, a thing which he said, could never happen in England or any
other free country. So he says towards the end : "Now it is our duty to lift
our head and show to the country what tyrannies do they commit in India, that
the poor and the labourers of India cannot be suppressed by tyrannies." He
advises the workers to be ready to go to jail. Lastly he refers to a law, which
has been made, which only the literate can understand, and a law which will be
passed in the near future to put a stop to the agitation among the labourers.
About this law he says : "They shall then turn out men like me. This battle
is to be won. If it is won, it is possible that the law may be prevented."
- O. P. 1334. On the 8th July Mittra accused took part along with Banerji, Chakravarty
and Spratt accused in a strikers' meeting at Howrah Maidan in regard to which
we have the evidence of P. W. 83, Sub-Inspector K. B. Sen Gupta. This witness
deposes that "Radha Raman Mittra said to the strikers that they had held out
for months together yet the Agent did not offer any favourable terms of settle-
ment and so they had no other alternative but to go along the lines. He spoke
in Hindi. His words meant to extend the strike along the lines. He also told
the audience that they had succeeded in bringing about a strike at Asansol."
This witness further deposes that Mittra, Banerji, Chakravarty and Spratt were
also present at a meeting at Howrah Maidan on July the 9th. In cross-exa-
mination he said that "on July 9 R. R. Mittra spoke and said that the strikers
had become victorious since they fought hard with Government." The strike
came to an end on the 9th July and therewith Mittra's connection with it.
- O. P. 1335. A week later, on the 15th July, he and Ghosh accused were present at a
meeting at the Karbala Maidan at Bauria, vide the statement of P. W. 98, Sub-
Inspector H. V. Basu who took notes of their speeches and made a report
Ex. P. 2223. This report contains an account of Mittra accused's speech but for
some reason it was not printed in the printed exhibit. The witness has however
reproduced it in his oral statement in which he says : "R. R. Mittra said that
the Union meant only the unity of the workers and so no Union was formed
there till then in the true sense of the term. So long as three-fourths of the
workers had not become members of the Union they were not fit for any serious
action. If they took to violence or strike at this stage their Union would be
nipped in the bud. The police would interfere, the authorities would spend
money in thousands. Poor as they were they would be nowhere. He warned
them not to expect much from the Union which was still in its cradle, nor to
expect that their condition would improve by leaps and bounds by forming the
Union. He told of his experience in the Lillooah strike and advised them to
accumulate money and to unite in one body as early as possible." The witness
further stated that "at this meeting a resolution was moved for the forming of

the Union and K. L. Ghosh was elected President and R. R. Mitra Secretary and other people to other offices." The evidence shows that a strike broke out very soon after this meeting and lasted until January 1929. In answer to questions from Mitra himself the same witness P. W. 98 deposed to a meeting held at Santoshpur one mile from Bauria on the 22nd July at which Mitra accused advised the workers to face the police with dauntless breasts and court arrest in numbers. This was a reference to the riot which had taken place a few days earlier but about which the witness has no personal knowledge. In connection with this meeting there is also in evidence a document recovered in Mitra's search, rejected by the prosecution but put in by Mitra in his own defence. This is P. 118 D. Mitra and is apparently a kind of diary of events from the 4th June to the 30th October. The entry in regard to the 22nd July is "Meeting near Konai Mochar—Kishori I, Debkumar. "Don't run for fear of arrest." I may perhaps note that Mitra accused has mentioned Spratt in this document on six different occasions.

At about this period Mitra accused's name appears twice in exhibits relating to the Young Comrades' League. In P. 565 his name appears in a list of names with donations promised on the 28th July. He apparently promised a sum of Rs. 2. His name also appears in the list of persons present at a meeting on the 11th August with the word 'guest' written against it. Both these entries are admitted by Mitra accused.

Mitra accused continued to take an interest in the Bauria strike right up to the end, and it may perhaps be as well to collect the whole story together here. On the 12th of August he attended a meeting at the Karbala Maidan in company with M. K. Bose, Bankim Mukerji and others (P. W. 98, Sub-Inspector H. V. Basu, at page 48 of that volume of printed evidence). The same witness proves that Mitra attended meetings at the same place on the 16th and 22nd September and again with Ghosh and Spratt on the 28th October. At this last meeting all three made speeches. He next took part in a meeting on the 3rd November at Dahuka Bazar and after that on the 7th in one at the Karbala Maidan at Bauria. On this occasion he asked for strong picketing everywhere and to despatch batches of volunteers to the neighbouring mills to prevent men from coming to Bauria to work. Next on the 11th November he took part in another meeting at Karbala Maidan along with Ghosh, Chakravarty and Shamsul Huda accused. Then on the 2nd December he accompanied Ghosh, Chakravarty and Johnstone of the L. A. I. to a meeting at the same place. Again on the 29th December he was present at Bauria and spoke at another meeting. On this occasion also the witness P. W. 98 took a gist report of his speech which is in evidence as P. 2225. In this we find similar ideas to those we have come across elsewhere. The report runs as follows: "Radha Raman Mitra explained the causes of their absence from Bauria on Thursday last and said that he was very sorry to learn that they were losing faith in their Union and were ready to join work because the leaders could not come to hold the meeting on Thursday last. He said that the labour agitation was not a child's play and its object was not to gain increased rates. The workers would be trained as national soldiers who would be ready to fight for their country at the call of their leaders. The days of this struggle were not far off. He said that they had asked for Rs. 25,000 from the Congress for the relief of the Bauria workers. He asked all to be present in the meeting on the next day where they will settle how they will proceed in future." This is the last speech made by Mitra accused to the Bauria strikers and seems to me to be rather a good finale. It may be noted that the meetings of the 12th August, 16th September, 22nd September and 28th October are all mentioned in the document P. 118 to which I referred just now. That document also mentions meetings on the 5th August, 8th August, 15th August, 16th August, 26th August (in which Spratt took part), 2nd September, 9th September, 29th September, 6th, 7th and 8th October (in all three of these Spratt accused took part), 13th October, 15th October, 18th October, 21st October and 27th October (Spratt took part) and 29th October. This document also refers to an article entitled "Bauria Struggle" (presumably by Mitra himself) being given to the "Forward" on the 11th October and to its being published on the 19th.

I think it is rather significant that Mitra accused should have been elected a member of the Reception Committee of the A. I. W. P. Conference, vide the letter from Goswami as Secretary of the Reception Committee dated the 19th November 1928 P. 122 (L. C. 288). It does not of course prove a very close association between Mitra and the W. P. P. but it does show him to be a person

O. P. 1339. with whom the Party was (as we know) in touch and whom they thought not unlikely to give some assistance in the organisation of the Conference. This letter shows that the minimum subscription for a non-Party member of this Reception Committee was Re. 1/- and we have it from P. 105 that the subscription paid by Mittra accused was actually Re. 1/-. That exhibit consists of two receipts for Re. 1/- each from Mittra accused and his friend Bankim Mukerji, and in corroboration of it there is an entry in Mittra's account book P. 119 that he paid Rs. 2/- for himself and Bankim. 5

Two documents recovered in Mittra accused's search, P. 115 and P. 109, contain draft telegrams to (1) Saklatwala, House of Commons, London, (2) Tagore, care Smedley, at a Berlin address, (3) Interfed (i.e. the I. F. T. U.), Amsterdam, and (4) Ankolina (i.e. the League against Imperialism), Berlin, all of them asking for help for the Bauria strikers said to have been locked out since the 16th July. The telegram to Saklatwala was signed Radha Raman Spratt, that to Tagore was signed Muzaffar Ahmad, and the other two were signed Radha Raman Mittra, Secretary Jute Workers' Union, Bauria, Howrah. The original of the telegram to Saklatwala was produced from the Telegraph Check Office, Calcutta by P. W. 58, A. C. Chatterjee, and is in the handwriting of Spratt accused. Another telegram produced by the same witness is P. 2194 also in Spratt accused's handwriting, which is word for word the same as the telegram to Tagore in P. 115, but was actually despatched by Kali Das. Bhattacharya. It is fairly clear therefore that the telegrams contained in P. 115 were despatched in consultation with Spratt, Muzaffar Ahmad and Kali Das, that is to say in consultation with the Workers' and Peasants' Party. In this connection there are certain other exhibits. There is an entry in Mittra's accounts, P. 119, of Rs. 9-9-0 paid as cost of telegrams to Saklatwala and Soumen Tagore. Then on the 22nd November there is a letter from Spratt to Mittra accused, P. 104, in which Spratt asks Mittra to see Kishori and himself with Bankim if possible, tomorrow (Friday) morning, at Kishori's place. He says: "It is about the telegram which I sent yesterday. Kishori is furious and wants me to withdraw it. I can do nothing of course until we have a general discussion and decide." To this letter Mittra accused replied in P. 83 (I. C. 292) suggesting the following afternoon or Sunday for the meeting and discussion. Then on the 24th we find Spratt accused again writing to Mittra and saying: "I can't be at Bauria tomorrow. Can I see you at Kishori's place at 8 p.m. today? It is essential to clear the matter up at once. I feel that I cannot allow the position to remain as it is any longer." Finally on the 29th there is a letter from Spratt accused to Kishori Lal Ghosh, P. 27 (I. C. 304), answering Ghosh's letter of the same date, P. 526 (9) (I. C. 305). In this Spratt writes: "I am sorry I am engaged this afternoon and cannot come. I really think anyway that I could add little of value to the discussion, though I should be interested to hear it. I am surprised at Bankim's statement. The telegram bore both signatures, Radha Raman's and mine. As to that matter, Radha Raman came to the office here last night, and the matter was settled after a prolonged discussion." The result of all this was that on the 28th November Saklatwala representing the Workers' Welfare League despatched a sum of £10 for the Bauria strikers to Radha Raman Mittra, Secretary Jute Workers' Union Bauria, through the Chartered Bank, Calcutta, vide Exhs. P. 2110 to P. 2113 and the statement of P. W. 75, A. B. Das. This sum was paid to Mittra accused on the 5th December. Just about this time Mittra accused appears to have written a letter to the "Forward", which was tendered by him as a defence exhibit, D. 22 (4). This letter gives some account of the strike situation at the time, and further mentions that telegrams have been sent to the Dundee Jute Workers' Union, the Workers' Welfare League, London, and the Berlin Branch of the League against Imperialism asking for help for the strikers. This letter would appear to be dated some time in the first week or ten days of December, as it mentions the meeting at Bauria on the 2nd December, at which Johnstone of the League against Imperialism was present. 10 15 20 25 30 35 40 45 50 55

O. P. 1341. Much about this time also Mittra accused received the letter from Ghosh dated the 29th November 1928, P. 116, (I. C. 304). In this he begins by saying: "Instead of coming to me at every step for work that ought to have been done by the Secretary, you have now gone to the other extreme of not caring to inform me by a line as to how things are going on at Bauria or the measures you are taking." Then he goes on to make some enquiries about the monies received by Mittra accused from other sources and asks for Rs. 100 out of the sum of Rs. 250 received from the B. J. W. A. in order to get cross-examination copies. This letter would seem to support the theory of the growing 60 65
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attachment of Mitra to the W. P. P. and his concomitant detachment from Ghosh accused.

On the 7th December we find a letter P. 2060 P (I. C. 319) which establishes a connection between Mitra accused and Basak accused. This is a letter from Basak to Goswami in which Basak says in a P. S. " You did nothing about what I wrote about Radha Raman there. . . . Let Radha Raman write to me immediately. " Next on the 10th December we come to P. 114 (I. C. 324), a letter from Goswami as Secretary of the Reception Committee of the First A. I. W. P. P. Conference inviting the Secretary, Bauria Jute Workers' Union (R. B. Mitra accused), to send two representatives to watch the proceedings of the Conference " so that your organisation may be made aware of the principles and policy of the " Workers' and Peasants' Party ", which is now a rapidly growing influence in labour and political affairs. " Next Mitra accused attended the Jharia T. U. C. According to his own statement he did so on behalf of the Bauria Jute Workers' Union and supported Dewan Chaman Lal's resolution protesting against the use of force against the strikers. It is not quite clear how he could represent this Union, as a union so newly founded would have had no right to be represented at the Congress. In due course Mitra accused attended the A. I. W. P. P. Conference as a delegate of the Bengal Jute Workers' Association, vide his delegate's ticket, P. 142, recovered in the search of the B. J. W. A. office at 97 Cornwallis Street. It is of course possible that this merely represents Goswami's view of the proper delegate's ticket to issue to Mitra, as there is nothing to show whether it was or was not actually used. He was certainly present on the 3rd day, as P. 669 shows that on that day he seconded a resolution moved by Chakravarty accused expressing sympathy with the strikers at Bauria. This would not really prove very much, as he was particularly interested in the Bauria strike as Secretary of the Union. What is perhaps more important is that he took part in the procession of workers organised by the Party, which marched to the Congress Nagar, where a short meeting was held at which, the report shows, Sohan Singh and R. Mitra spoke. One of the slogans carried in this procession was " Long Live the Independent Soviet Republic of India. " In this connection it is worth noting that in the file P. 1764 recovered from the possession of Nimbkar accused relating to the A. I. W. P. P. Conference the Bauria resolution appears marked Appendix L, and there is on this piece of paper a signature of Mitra accused, about which it is impossible to feel any doubt. It was not put to any witness, but it was shown to the Court and the assessors along with other signatures of this accused.

Next on the 30th December Mitra accused took part in the workers' invasion or capture of the Congress Pandal, vide the evidence of P. W. 49, Sub-Inspector D. N. Roy. I do not propose to go into the details of or the evidence in regard to this occurrence here, as it does not greatly affect the case against this accused.

On the 3rd January 1929 the election of officers of the Bengal Jute Workers' Association for the year 1929 took place. In this election Banerji accused was appointed President, Goswami Vice-President, Chakravarty Branch Secretary, Bhatpara, and Mitra accused General Secretary. In this connection the close association between the B. J. W. A. and the W. P. P. hitherto has to be borne in mind.

In the middle of January Mitra accused took part in the Anti-Simon demonstration and the Lenin Day meeting. In connection with the former we have the evidence of P. W. 35, Raihan Ahmad, and P. W. 34, Abdul Lais Mohammad, who reported the speeches made by Mitra on this occasion in P. 1937 and P. 2469. In the first of these speeches he makes a general attack on the sending of the Commission and on the capitalist regime and ends by saying : " We, therefore, want that there should be such an administration, such a Government under which the full right to strike should exist, and if the managers declare a lockout, it would amount to an oppression. We want a Government under which bullets will not be fired, nor will this be so that one man will get a thousand rupees, and the other will get Rs. 10/- or Rs. 15/- to fill his belly. . . . So long as the Mazdur Dal will not be happy, we will carry on our agitation. We will not keep silent so long as our condition will not be improved in India (and) so long as a Government of us, peasants and labourers and the poor, is not established in India. " In his second speech, P. 2469, he sets out to make clear to the workers the difference in attitude regarding the Simon Commission between himself and people representing the workers

like himself, and others such as Congressmen and the rich men of the community, who were taking part in the same demonstration. The point he makes is that "Simon" stands for British Imperialism, and that the reason why the workers say "Simon go back" is because they do not want Imperialism or Capitalism of any kind. On the last page of this speech he sets out the view of those who say that they will have nothing to do with "Simon", because the most that "Simon" can give to them is Dominion Status, and what they want is Complete Independence. He goes on to say: "What do the workers say? The workers say that their salvation does not lie in the Dominion Status, that their good does not lie in it. Their object is complete Independence. Their salvation does not lie even in Complete Independence itself and their salvation would be effected only when the labourers get Complete Independence. Therefore I say to the labourers that I have told them a great deal. There can be no better and braver Swarajist army than of the labourers—Subash Babu says that if anybody can attain the independence of India it is the Labour and Peasants' Party. What does it mean? It means that he wants to take work from the labourers by patting their backs." A little further on he says: "But we won't forget and we won't be deceived—we will understand that until the labourer gets complete possession of it, no good shall be done to them. Therefore we don't want the Simon Commission. Whatever "Simon" has got it is capitalism, Imperialism, Landlordism etc. etc. We want none of these. Our object is clearly before us. We have come today for it." It is quite clear that his hearers understood what Mittra accused meant, because the finish of his speech a couple of sentences later was greeted with shouts of "Lal Pathan ki Jai" (evidently a mistake of the reporter for "Lal Paltan ki Jai") and "Mazdur Kisan Hukumat ki Jai". It is further to be noted that in connection with this demonstration the workers' procession carried banners bearing the inscriptions "Long live the Revolution", "Long live the Revolution in India" and "Long live the Soviet Republic" (vide P. 1346, I. C. 350, P. 1335, I. C. 368 and the statement of P. W. 36, Sub-Inspector G. B. Roy). Mittra accused also took part in the Lenin Day meeting on the following day, and made a long speech, which was reported by P. W. 82, N. H. De in P. 2459. The witness admits that this is not a complete note of the speech. He says that it was a long speech and he got tired, and that he does not now remember whether he stopped in the middle and went on again or stopped altogether and did not resume. About this speech it is interesting to note the statement of Mittra accused, which begins at the foot of page 25 of the statements of the accused. The passage in this connection ends as follows: "Although my object was not to hero-worship Lenin, but to explain his principles as far as I understood them, in the reported portion of my speech there is nothing of Leninism: it was only a theoretical exposition of Marxism which is the common stock-in-trade of even Social Democrats of the Labour and Socialist International. Similarly there is nothing in it of the Russian revolution or of the Comintern." I take this to mean that had the remainder of the speech been available, we should have found something in it about Leninism, something about the Russian Revolution and about the Comintern. However, unfortunately, all that is not available, and we have to take the speech as it is. A study of this speech makes it quite clear that it is unfinished and presumably unfinished in exactly the way suggested by Mittra accused in his speech. However there are a few passages which, in spite of his remark about their being the common stock-in-trade of even Social Democrats of the Labour and Socialist International, deserve consideration. At page 72 of the printed version he says: "But the leaders in the country do not think that they have any duties in this connection, at such meetings, or such occasions,..... It has not come to be recognised as the duty of the majority just at this moment, on the day of Lenin's death, to observe the anniversary of his birth or of his death. Whose duty is it? It is the duty of the poor, of workers and labourers, and of the Workers' and Peasants' Party." Lower down the same page he says: "We have assembled here to show respect, faith and reverence in the principle for which Lenin lived, and worked and died, and the system and order for which he worked all his life and for which at last he died. Mr. Spratt has spoken to you for about an hour about Lenin's life in detail. I am not very well up in Lenin's life,..... In reflecting on some points about Lenin, about the Communistic or Socialistic system of present day Russian rule, or about Communism or Socialism, some problems confront the Indian now. It is necessary for us carefully to discuss those problems." Then he goes on to discuss Marxism and Leninism, though as he himself says he scarcely reaches the fringe of Leninism, and the remainder of the speech is mainly devoted to Marxism. At the foot of

page 75 he says, referring to something that had immediately preceded : " This is the materialistic interpretation of history. Marx first gave it to the world. The second thing he gave to the world was his proletarian movement and the theory of the dictatorship of the proletariat." Then he goes on to the inherent contradictions of Capitalism. Then again he comes back to the proletarian revolution etc. and says at the top of page 78 : " His primary principle is the proletarian revolution and dictatorship of the proletariat. What then is our duty—our work ? If that is so, if capitalism itself generates the methods of its own destruction, if it does that itself, what are we to do. Our duty is to hasten it, to strive to accelerate its pace. This is your duty and ours." In this connection he mentions that he himself joined the Labour Movement only this year, and that leads him to discuss the position of Bhadraklok people who want to join the Labour Movement, and he insists on the necessity of a declassed mentality, rather than of actually joining the working class itself as a worker in a factory, pointing out in this connection that Marx and Lenin neither of them actually belonged to the working class. And as to the possibility of this " declassing " he points to the instance of himself as one who had lived with Mahatma Gandhi for two years with the result that there was no blind devotee like himself, that is to say no one who was a greater devotee of Gandhi. But as regards this phrase it may be noted that in his cross-examination of the translator P. W. 92, K. B. Roy, Mitra accused extracted from him the reply that " for ' devotee ' can be read ' admirer '." At page 80 of the speech he goes on to point out that Marx was the first person to discover what is called " class-consciousness." However he says that Marx succeeded in acquiring a declassed mentality and that Lenin possessed this declassed mentality.

O. P. 1348.

Immediately after this meeting we come to the correspondence in connection with the grant of Rs. 500 by the Girmi Kamgar Union to the Bauria strikers. The prime mover in this matter had apparently been Ghosh accused and I shall deal with it more fully in connection with his case. So far as Mitra accused is concerned I may refer to P. 1346 (I. C. 349) the letter dated the 22nd January 1929 from Muzaffar Ahmad to Ghate in which he acknowledges the receipt by T. M. O. of this sum and says : " I have asked Radha Raman Mitra to call a meeting of the workers. I shall make over the money to him in presence of the strikers." Two days later on the 24th January 1929 in P. 70 (I. C. 88), which is misdated the 24th January 1928, Muzaffar Ahmad wrote to Ghosh accused in the following terms : " The G. K. U. Bombay sent me Rs. 500 for the relief of the strikers at Bauria. I informed Mr. R. R. Mitra to arrange a meeting at once where I wanted to make over the money in the presence of the workers. Before he had done so the strike was over. Now I do not know what to do. I am just wiring to the above-named Union for instructions." The reply to this wire is P. 396 (I. C. 89) from Dange to Muzaffar Ahmad saying : " Sorry Bauria collapsed your telegram spend on them as you think best." Mitra accused says at page 18 that he never received the money because the strike collapsed and so the meeting spoken of by Muzaffar Ahmad in P. 1346 never took place. In connection with this matter there is in evidence another letter P. 73 recovered in Ghosh accused's search in which Muzaffar Ahmad writing about this G. K. U. money says : " You must have known that for this money I am personally responsible, not the Workers' and Peasants' Party. Again Messrs. R. R. Mitra and Bankim Mukerji were not working under my instruction, nor they are members of our Party. So it is no good to talk frivolous things about the Party. I had to spend money through Messrs. Mitra and Mukerji because they attended the Court while you wanted to finish your duty by writing letters." This might seem to be a piece of evidence helpful to the accused Mitra, but bearing in mind that it is said in the course of a dispute between Muzaffar Ahmad and Ghosh accused I am doubtful whether any great value can be attached to it. In any event it is not actually the case for the prosecution that Mitra accused was ever a member of the W. P. P. Their contention is that though not a member he was very closely associated with the Party and with the leading members of the conspiracy.

O. P. 1349.

Very much about the same time, that is in February 1929, there is more evidence associating Mitra accused with the Young Comrades' League. One of these pieces of evidence is an entry in P. 563 at page 21 of the printed exhibit showing R. R. Mitra among the members present at a meeting of the League held on the 8th February 1929. Another document connecting this accused with the League is P. 566 also recovered in the search of the premises of the Young Comrades' League at 78½ Harrison Road Calcutta. This is a letter dated the 17th February 1929 from N. (Nalindra) Sen, Secretary of the Y. C. L. to the

editor of the "Forward" forwarding for publication a notice about a Hindi class of the Y. C. L. in the following terms: "The Hindi class of the Young Comrades' League will commence from 18th February, Monday. Members willing to attend the class are requested to register their names on or before the 18th February. Comrades Radha Raman Mitra and Bankim Mukerji will take the class." About this Mitra accused says: "P. 566 shows that I had agreed to teach Hindi to the members of the League just a month before my arrest. Unfortunately the class never met." Still the fact that he was to hold a Hindi class for members of the League cannot be regarded as being without significance.

O. P. 1350.

We have next to consider the items recovered in Mitra's search and some other miscellaneous items of evidence which affect his case. Among the search items are P. 97 Stalin's "Leninism", P. 111 "The T. U. Movement Thesis" and P. 123 "The Mind and Face of Bolshevism" by Rene Fullop Miller. He says that both "Leninism" and "The Mind and Face of Bolshevism" were books which he had borrowed from a library. He was doubtless right in saying about the thesis that he must have received it at the A. I. W. P. P. Conference. As regards other documents Mitra accused's name of course appears in the B. J. W. A. address book P. 140, as we might naturally expect from his connection with that organisation. There are also several mentions of Mitra accused in Ghosh's diary P. 43. The first of these is an entry in regard to Muzaffar Ahmad's handing over the G. K. U. money Rs. 500/- to Radha Raman Babu at a meeting. Then on February the 28th there is the following entry: "Spratt came, and (I) had a prolonged talk with him. Told him everything about the impertinent letters Muzaffar wrote to me, he could not justify them. Gave me hints that there is no love lost between 97 Cornwallis Street and 21 European Asylum Lane. Kalidas has been expelled from the Party. Bankim and Radha Raman have made common cause with Muzaffar's opponents." Then again on the 6th March we find another allusion to Mitra accused. Here Ghosh says: "Spratt came in the evening. Promised Spratt to hunt up Campbell's letter and give it to him next time. Had a talk about the enquiry he conducted, as also the position of things regarding a split. He says Bankim and Radha Raman being outsiders got into the Party under false pretence and quarrelled", from which it is clear that even if Mitra accused was never a member of the W. P. P. he had never the less a considerable amount of influence there, so much so that he was one of those who helped to bring about the split by lending his support to Goswami, Chakravarty etc.

O. P. 1351.

Coming now to Mitra accused's statement it is to be remembered first of all that he is a signatory to the joint statement of the Communist accused. In his own statement he begins with a discussion of the old problem as to whether the Workers' and Peasants' Party is really a veiled Communist Party. The whole argument proceeds on the incorrect assumption that the title "veiled Communist Party" has been given to the W. P. P. by the prosecution and the Committing Magistrate. The point has been discussed before and I need not discuss it again. Then coming to the part taken by him in the East Indian Railway strike at page 4 he says that he went to Ondal because he was requested to do so by K. C. Mitra. That may be the case but there is no evidence in support of it and I may also refer in this connection to Spratt's letter to Page Arnot dated the 23rd October 1928 P. 2419P (F. C. 607) in which he says: "When eventually he (K. C. Mitra) consented to let us try spreading the strike, it was too late and the effort failed. At the same time he was able to shift on to us the blame for the victimisation etc. which befell the men at Asansol who did strike", which definitely suggests that the whole idea of spreading the strike and the work of spreading it was done by the W. P. P. It is true that D. W. 20, K. C. Mitra suggests a different idea and even says that it was he himself who proposed extending strike along the line. But I do not think anyone who listened to K. C. Mitra's evidence would be inclined to put much faith in him. In any case his statement as to the date at which Mitra went to Ondal does not tally with the facts proved by the prosecution evidence. Mitra accused took full responsibility for bringing about the strike at Ondal and also for the Asansol strike as well though he says that technically he was not responsible for the latter as it came about in his absence. He also admits that he attempted unsuccessfully to extend the strike to Sitarampur. Then at the top of page 6 he explains his statement that the strike was a victory and says: "Many of the strikers were disappointed as they got nothing for their hard struggle for so many months. It was to those that I said that they should not take the defeat so much to heart as a defeat of this kind, that is after a strenuous struggle, is tantamount to victory." As Crown Counsel pointed out in his arguments the

O. P. 1362.

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only sense in which this can be true would be the sense in which strikes are treated in Communist theory. That is to say since every hard-fought and protracted strike gives an opportunity for education of the workers and training them it is a victory of a sort. Then about his references to Russia he says at page 7 that they may appear objectionable to the prosecution. But of course that is not the point at issue at all. The point at issue is that references to Russia coupled with teaching of other kinds and associations or acts of certain kinds are the kind of thing to be expected from persons taking part in a Communist conspiracy and therefore are evidence against the person making them. On page 8 he says: "The second reference (to Russia) followed my statement that 5 per cent. of the people of the world had been keeping the remaining 95 per cent. in slavery for hundreds of years. After this statement it was necessary for me to give them the encouraging news about the state of affairs in present-day Russia, otherwise they would have gone away with the impression that mass slavery being centuries old was an inevitable and permanent thing and that they must bow down to it", which of course means that he was setting up Russia as an example to be followed. However he goes on to say: "But that my object was not to preach revolution or do propaganda on behalf of Soviet Russia is evident from the sentences that immediately follow etc. Had that been my intention I would not have held out the example of British workers to my audience for their emulation. I would have spoken of the Russian workers only and their conditions under their own rule. I would not have pointed out to them the road followed by the British workers namely the road of Trade Union organisation but that travelled by the Russian workers namely the road of revolution or the Moscow road." Then he goes on to make an important statement. He says: "I do not mean to suggest for a moment that I regard the preaching of revolution to workers as wrong. What I want to point out is that even a Communist, supposing I am a Communist, can and does participate in the petty day-to-day economic struggle of the workers like any other genuine Trade Unionist not only for remote bigger gains but also for immediate and partial improvements, and that in doing so he not only can but actually does lay aside for the time being all thoughts and talks of revolution or the dictatorship of the proletariat. This point requires special stress in view of the prosecution's contention that we engaged in Trade Union activity not primarily for the immediate improvement of the workers' lot but to train them in solidarity and united action and also in view of the similar contention of the Magistrate that the Communist hopes to improve the condition of the working class not in the immediate future but in the more distant future." Unfortunately as Crown Counsel has pointed out this statement is completely irreconcilable with the statements in the joint statement at pages 2865 and 2872. In the first of these two passages Nimbkar accused says: "Communism puts before itself the revolution and the preparation for the revolution as its highest aim, to which all other partial or immediate aims must if necessary be sacrificed. Reformism on the contrary puts forward no such ultimate aim, and professes to be exclusively concerned with immediate matters. This is the theory. But in practice it is hard to believe that any circumstances are likely to arise under capitalism in which the interests of the revolution would demand a sacrifice of the immediate economic interests of the workers." At page 2872 Nimbkar further says: "The Communist leadership in the Trade Union does support the policy of fighting for the immediate demands for improvement of the conditions of Labour of the workers, for social and political reforms. But while this is so, while we support the policy of rallying the workers into the Trade Unions on the basis of their immediate demands for improved conditions, we mention that the most important function is for the overthrow of the capitalist system, it being a fact that there cannot be any real or lasting gains under capitalism." At page 10 Mittra was questioned in regard to the Bauria strike. At page 12 he says: "The Union was formed under the auspices of the B. T. U. F. (Bengal Trade Union Federation)." He makes his position clear in regard to the proper function of the Trade Union Movement as a whole on page 15 where he says: "I claim that it is the natural and proper policy of the Trade Union Movement to put before itself as its aims not only the fight for improvements within the system of capitalism both by economic means and legislation but also the attainment of socialism through the overthrow of capitalism and in a colonial country the revolutionary fight for independence." He goes on to say a little more about this lower down where he says: "This fight will be led and carried through by the genuinely revolutionary proletariat in conjunction with the revolutionary peasantry and a section of the petty bourgeoisie." On the following page he comes to the Workers' Welfare League and argues in its favour from the fact that it was founded earlier than the Communist International. Next on page 17

he puts up a defence for the League against Imperialism. I have already dealt sufficiently with the status of that organisation, but it may be useful to quote a small passage from his statement where he says: "The League against Imperialism is therefore a genuine embodiment of the united anti-Imperialist front and Communists take part in it on the same terms as others openly and professedly and not under a camouflage, in order to further and carry out their programme of supporting the colonial revolution which is also the programme of the League." In dealing with the Chengail strike he mentions the fact that the Union was organised by the B. T. U. F. but devotes most of the space he gives to this strike to explaining his own attitude in connection with the proposal made by the S. D. O. for a deputation to wait on the Manager of the mill. The only explanation he gives for his participation in the scavengers' strike was the fact that he was also an employee of the Calcutta Corporation as a teacher and attended the meeting on behalf of the Teachers' Union. Next on page 22 he was asked about his connection with the Young Comrades' League. He says he could not be a member of the League on account of his age but he does not suggest any reason for his having taken an interest in the League. He was next questioned about the Anti-Simon Demonstration speeches and the Lenin Day speech. I do not think there is anything of value in his explanation of the former. As regards the latter he admits that he delivered the speech P. 2459 and says that it is no crime to honour great men even if they are only working-class heroes or above all Lenin, the greatest revolutionary of the world. He goes on to indicate his position by speaking in high terms of praise of Lenin, concluding with the remark: "It is not the mausoleum under the walls of Moscow Kremlin but the Communist International which stands as a towering monument to Lenin and Leninism." From this he went on in answer to the Court's question to deal with his attendance at the Jharia Session of the A. I. T. U. C. and his presence in the workers' demonstration which invaded the Congress Pandal at Calcutta on the 30th December 1928. Then on page 29 he was asked if he had anything to say in regard to the evidence associating him in his activities with Spratt, Goswami, Ghosh, Chakravarty, Banerji, Muzaffar Ahmad and other accused to which he replied: "I have said about myself, about others I don't want to say anything," which is a very direct refusal to give any explanation of those associations. He then went on in answer to a general question to say: "Though the Court has not asked me because there is no evidence on the point I do not want to hide from the Court that I am a Communist by conviction." But he also says (page 30): "Up to the time of my arrest I was not a member of the Communist Party of India," which is not particularly useful as it was never suggested that he was. Then he gives what I suppose is his general explanation for every thing that he did by saying: "I spontaneously reacted to the specific situations as they developed in the way I did, and if that is the way of the Communist International it shows how correct and scientific it is, and I claim that anyone else not already corrupted by reformism would have acted just like myself under the same circumstances." Finally from the middle of page 30 he makes an odd sort of attempt to deal with the charge. It will be sufficient to say that the argument here, makes no attempt to deal with the real charge and is based merely on the supposition that there must be secret illegal acts to justify a charge of conspiracy.

Mittra accused's case was argued at some length by Mr. P. L. Sharma, who dealt with most of the evidence against him and laid stress on the absence of correspondence between Mittra and other accused. He contended that the prosecution case establishes nothing but a weak sort of suspicion. That is of course only a very general kind of argument, and not one which is of very much assistance to the Court. A point which seems to me to deserve a little consideration is the fact that in the course of the hearing in this Court Mittra accused made a very obvious change of front. He had originally put in as evidence three letters from Mr. Gandhi recovered in his search, which are on the record, though not otherwise proved, as D 12 (1), (2) & (3). Before the end of the statements of the Bengal witnesses was reached however, Mittra accused definitely gave up the Congress defence, on which he had so far been relying, and from that time forward he has adopted the same line of defence as the Communist accused generally. It is in the light of this change of front and the position, which he has ultimately taken up both in his own statement and by adhering to the joint statement of the Communist accused, that we have to interpret the facts, which are in evidence against him. What the evidence shows is that having begun probably as a Congress worker Mittra accused in the course of the East Indian Railway Strike became associated with Spratt, Goswami and others. From that time forward we find him becoming more and

more closely associated with the activities of these persons and of the W. P. P. of Bengal. The evidence to which I have alluded above shows clearly the extent of his association with the Party and with leading members of the conspiracy. I have pointed to the evidence showing that he went to the Party office at 21 European Asylum Lane on many occasions, and that he was associated with the Party right up to the time of the split, in which it would seem that he took a very definite part in spite of not being a member of the Party. Not only that, but he also took a part in the First Conference of the All-India Party. Had he not been working for the same aims as the Party on that date, I do not see why he should have done this, much less why he should have taken part in the procession to the Congress Nagar on the 24th December and himself made a speech at this Party demonstration. Then again we have it that he took an interest in the Youth organisation started by the W. P. P., that is the Young Comrades' League. Another organisation in which we find him associated with the W. P. P. or its members is the Bengal Jute Workers' Association, which at any rate prior to the split was working in close co-operation with the W. P. P. Lastly we have to take into consideration the numerous speeches which he has made and which show a definite and progressive advance from being ordinary strike speeches to being speeches, which put forward the same aims, for which the members of the Workers' and Peasants' Party were working. Considering all these facts in the light of his present statements to this Court, as an individual accused and as a signatory to the Joint Statement, I find it impossible to reach any conclusion save that through his association with Spratt and others he came into touch with and joined this conspiracy and worked up to the date of his arrest to further its aims.

C. P. 1359.

Disagreeing with all five assessors I hold that Mitra accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A, I. P. C. I convict him accordingly.

PART XXXV.

O. P. 1360.
KISHORI
LAL
GHOSH.
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There is a large volume of evidence in the case of Kishori Lal Ghosh accused, but in view of the fact that Crown Counsel in the course of his arguments declined to lay a considerable amount of this before the Court for very good reasons, the case against him is not quite so bulky as it might otherwise have been. The evidence on which Crown Counsel has declined to rely in the case against Ghosh is mainly evidence in regard to his organisation of certain Trade Unions at Bauria and Chengail and his participation in strikes connected therewith. The reason for this refusal was that there is no doubt that during the period under consideration Ghosh accused was Secretary of the Bengal Trade Union Federation, which is the Provincial branch or Committee of the All-India Trade Union Congress. Ghosh accused unquestionably received from the Trade Union Congress Executive Committee meeting held in Delhi in February 1928 instructions or a mandate, and a sanction of a certain sum of money for organising the workers in the Jute industries in Bengal. It was apparently in accordance with that mandate that he organised these Labour Unions at Chengail and Bauria. His participation in the strikes at Chengail and Bauria was the natural outcome of his organisation of these Unions. As to whether in the course of the strikes he made any speeches which may tend to put the case against him in a different light, is a question which will be considered in due course. In the same way Crown Counsel has conceded with respect to Ghosh's participation in the East Indian Railway strike that there is nothing in the evidence as to how he came to participate, which can be used against him and the same also in the case of the Scavengers' strike. In all these cases the explanation of his public activities is to be found in his position as Secretary of the Bengal Trade Union Federation, which in the case of both these strikes was invited by the person leading the strikers to give what assistance it could. Here again the question, what he may have said in speeches, stands on a different footing, and his speeches will be considered in due course in their proper place. The prosecution has accordingly based its case against Ghosh accused on two kinds of evidence, namely (1) his public activities, such as speeches and (2) his private activities, such as correspondence and association.

O. P. 1361.

Coming now to Ghosh accused's public activities, the first fact about which we have evidence is the mention of him in connection with the Delhi Congress of the A. I. T. U. C. held in March 1927, at which he was elected Provincial organiser for Bengal. He should, if he was present at that Congress, have come into contact with some three or four of the accused including Spratt, who wrote him a letter, P. 38, shortly after it, suggesting that he might go to the Canton Conference but I am inclined to infer from the wording of that letter as also from the absence of any mention in Ghosh's own diaries, that he was not present there. He certainly participated in the next Session of the A. I. T. U. C. held at Cawnpore in November 1927, and we find from P. 1383 etc. that he was present at the famous tea-party given by Mr. Vidyarthi at the Pratap office. We have it therefore that on this occasion he came into contact with a number of accused in this case. On the other hand, as Ghosh's name does not appear in Dange's T. U. C. Left report, P. 1878C, we must take it that at any rate at this stage there was nothing more than contact. At this Congress Ghosh was elected a member of the Council of Action to represent Bengal and also along with Spratt and others to the Sub-Committee, of which Spratt was appointed convener, to draw up a Labour constitution for India. In February 1928 Ghosh is shown to have attended the meeting of the E. C. of the A. I. T. U. C. at Delhi, when he and Spratt were deputed to look into the position of Trade Unions in Bengal, and a sum of Rs. 250 was sanctioned for organising the workers in the Jute industries in Bengal, as I mentioned earlier. Finally Ghosh accused took part in the Jharia Conference, at which he seconded a resolution in favour of a Socialist Republic. According to his own statement, after this Congress he wrote a letter to the "Forward" discussing the good organisation of the minority in the Jharia Congress and suggesting similar efficiency of organisation for the majority. Unfortunately Ghosh has failed to prove this letter, vide the statement of D. W. 35, Mr. R. R. Bakhle.

O. P. 1362.

Next we have it that he did to some extent participate in the First A. I. W. P. P. Conference, to which, however, he says, he went merely in order to call Bradley accused. He was at any rate seen there by P. W. 254, Rai Sahib N. V. Trivedi, but was not apparently seen by P. W. 36, Sub-Inspector G. B. Roy, who certainly knew him long before that date, as he had seen him taking part in meetings in Calcutta as early as May 1928. On his own admission we may

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take it that he did go to the Conference at some time. Whether it is a fact that he came into possession of P. 51 the Trade Union Movement thesis, P. 56 the Political Resolution and P. 68 the same in Bengali, which were found with him three months later on the occasion of his visit to this Conference, it is impossible to say. That is his contention, at any rate, but there is no evidence. 5

O. P. 1363.

Another aspect of Ghosh accused's public activities is his participation in and making of speeches at public meetings of different kinds. The first speech by him that we have on the record is P. 1893(1), a speech which he made at Beadon Square on the 26th April 1928, and which was reported by P. W. 87, S. N. Bhattacharya, Bengali shorthand reporter. This speech opens with a critical consideration and condemnation of the 'Bhadralok' leading up to the remark that "if emancipation ever comes to this country, it is through the low-class people that it will come." Then he goes on to consider the likely effect of any political change, such as is at present contemplated, and says that "it will only mean that the white-faced men will go away and some brown-faced men will come and sit in their places." Instead of this he suggests that the Bhadraklok should realise the value of the workers and says: "But if you can today come and take up your stand beside these friends, if you can harness your brains to work for them, with the energy which will be then augmented, society may be reconstituted. Therein the interests and rights of the depressed classes will be protected, and the honoured class" (that is, no doubt, the present bourgeoisie) "will have to work like the depressed classes, to show their competence, then will they be able to retain their leadership." The speech generally appears to me to be a panegyric of the working-class masses. The point is generally summed up towards the end of the speech in the following passage. "So I say, the principal means for our emancipation is that we should combine with these people, and working like them, learning how to combine in organisation with them, where there is authority, assuming the leadership, where there is no authority, mixing with them, if we work in unions and combination, emancipation will be (found therein). Both political and economic emancipation will be accomplished by this course." It should be remembered that this speech was nominally intended to persuade the audience to subscribe for the help of the Lillooah strikers. 10
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O. P. 1364.

Ghosh accused spoke again at Harish Park on the following day when his speech was reported by the same witness P. W. 87, S. N. Bhattacharya. The witness says that the report is incomplete because he got tired before Ghosh finished speaking. In the beginning of this speech Ghosh refers to the French Revolution and the Russian Revolution and seems to be suggesting the possibility of a revolution happening unexpectedly, as he concludes this passage by saying: "So nobody can say from now as to what will happen with you here at a particular time. For when revolution comes it does not come proclaiming its advent with a beat of drum after advertising itself. Only when it does come then people understand that it is revolution." Then he refers to the strikes all over the country and says that the cause of these is the need for the removing of ordinary human wants. He goes on: "And this also is the demand of the Workers' Party (Note. In cross-examination the translator P. W. 92, K. B. Roy admitted that this should be merely 'workers' and not 'Workers' Party'). Whenever we make known this demand, many people forthwith say to us that this evolution of ours is the same as revolution. In that case, possibly the political reform which is taking place with us is also revolution, but they forget that a revolution takes place suddenly, whereas the process of evolution is very slow. And as soon as it is stopped, it turns out to be revolution," and he points to the analogy of steam. The rest of the speech does not seem to me to lead anywhere in particular though possibly it did come back to some clear point after the reporter had given up. In his explanation of this particular passage Ghosh seems to have been trying to suggest that it was in agreement with one of the doctrines of the Second International. It may be that that is so, but that is no explanation of its appearance in this particular speech. 35
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O. P. 1365, According to Ghosh's statement at page 1150 of the statements of the accused he was trying to impress on the public not to be misled by propaganda against the workers in general and the Lillooah workers in particular. Their demands were moderate etc. and to say that their demands should not be conceded to, otherwise the country would be faced with revolution, was to talk nonsense. It was Conservatives who talked like that who were responsible for revolution by stopping all avenues for evolution. This may possibly have been the idea but I do not quite see why he thought it necessary to put it forward, and if that was the idea why he went on to all the rambling stuff which follows on the

subject of the comparative weakness of the educated classes as compared to the working class which would seem to be leading up to a call to the educated classes to declass themselves. Another possible interpretation and much more obvious one appears to be that the speech is in the nature of a threat.

Ghosh accused next took part in the May Day celebration. The report E. 2172 prepared by Inspector S. C. Ghosh, P. W. 53, shows that about 1000 strikers, including some workers of the Calcutta Tramway Workers' Union and Press Employees' Association, led by K. C. Mitra, Philip Spratt, Kishori Lal Ghosh, Aftab Ali, Muzaffar Ahmad and others started about 5.30 p.m. for Mirzapur Park and arrived at the Maidan near the Monument at about 6.45 p.m. where they were supplemented by about 300 workers from the Seamen's Union, Bengal Mariners' Union, Port Trust and Marine Workers' Union and some employees of the Port Commissioner who had founded the Port Trust Employees' Association. The meeting was addressed by Spratt, Bankim Mukerji and others and the only other mention of Ghosh is that he spoke of 'unity amongst workers'. The important speech on this occasion was Spratt's, in the course of which he said among other things that "the Left Wing of the British Labour Movement—the Communist section who are very sincere—were actively supporting the Indian Labour Movement. MacDonal'd's party was for Dominion Status or for some nonsense like that. It was practically the Communist section who were giving their full support to the peasants' and workers' movement in India.....". In the next paragraph he talked about Russia and remarked that "Russia is an example of what Socialism can do. He hoped the Indian working class would also fly the flag of Socialism and follow Russia."

Ghosh accused next spoke at Deshbandhu Park on the 8th May and his speech was reported in P. 2264 (1) & (2) by P. W.s 81 and 82, N. C. Dutt and N. H. De. This is a long speech with a good deal of interesting material in it: It begins about the Lillooah strike being alleged to have been created in an atmosphere of artificiality and says that falsehoods are told about the strike such as that it has been provoked by people who have received bribes from Moscow. His reply to this is that "it does not need money to be remitted from Moscow for this purpose, and no incitement is needed for these strikes. For if men are men, if their blood has not wholly turned into water, a time comes when his blood is up," and from this he goes on to enlarge on the numerous genuine grievances and then he comes to the subject of political agitation and the danger of a Swaraj which caters for the 2 p. c. and not the 98 p. c. Then turning to his audience, evidently a literate audience, he says: "You have brains, they have the spade, they can work. Why should not there be union between these brains and these spades?" Later on he again emphasises this idea that the Bhadraklok must join the lower classes. Then he turns back again to the subject of money from Moscow and says: "I shall only say to you where does money from Moscow come to for us." Then he says that there is a great deal of bluff in this, and that the fact is that the British Trade Union Congress want to keep the Labour Movement in India subservient to themselves. Then he goes on to mention the I. F. T. U. and the R. I. L. U. and says that "the I. F. T. U. (or Amsterdam) is trying to get the Trade Union movements in all dependent countries to join it. In that case, France, England and Imperialist countries will be able to keep their movements under control, so that they might not join Moscow. With this object they are carrying on various kinds of propaganda. And they have proscribed books relating to Russia, and true incidents therein and pictures thereof. And falsehoods are permitted to reach there. In this way, it is being made to appear that Russia is very bad, and on the other side, an effort is being made to win us over to their side." Then he makes some remarks about the conduct of the British T. U. C. and the I. F. T. U. when approached for help for the E. I. R. strike and says that the British T. U. C. wrote that they were communicating with the Secretary of State and after that gave no reply. Amsterdam and the International Transport Federation connected with it gave no reply. On the other hand the Red International Federation gave money for the B. N. Railway strike even without any appeal to them and have given some Rs. 35,000 in all. Right through this passage he speaks in eulogistic terms of what Moscow has done and is doing. In this connection we have it further that Ghosh wrote a letter to the "Statesman," D. 174 (6), in regard to this idea of a Moscow agent being behind the strikes in Bengal. This letter gives Ghosh's account of Spratt's operations in Bengal, and he sent a cutting containing it to Spratt accused for perusal and return in P. 526 (13) (R. C. 339) some time in June 1928. It is interesting to compare the account in this letter of Spratt's visit to Ondal with Spratt's own

account of it in his letter to Page Arnot of the 23rd October 1928 P. 2419P (F. C. 607). Crown Counsel has, I think, rightly drawn attention also to the fact that the point which Ghosh made in this speech about the British T. U. C. trying to get control over the Indian Labour Movement is exactly the same point which Dange sought to make in his article in the Urdu "Kirti" for May 1928 (P. 747) entitled "Conspiracy of Imperialism in the A. I. T. U. C." Another point which he has made is that it suggests certain probabilities as to Ghosh's actions at the meeting of the E. C. of the T. U. C. at Delhi in February 1928. In connection with that meeting there is an entry in Ghosh's diary P. 41 against the date 26th February 1928 : "Meeting of the Executive Council A. I. T. U. C. room no. 53, Committee Room, Assembly Chamber;" below this there is a pencil entry : "Royal Hotel 5618 room no. 35, Dange and Spratt". So that we have it that at the time of the E. C. Ghosh accused had a consultation with Dange and Spratt at the Royal Hotel. Further it is to be remembered that the Bombay W. P. P. not to speak of Dange himself had issued open letters or circular letters in connection with this vote on the subject of the R. I. L. U. and the I. F. T. U. (cf. P. 37 found in Ghosh's search). In the light of the contents of this speech and of the above consultation it is hard to suppose that at the E. C. meeting Ghosh accused can have voted otherwise than in favour of affiliating the A. I. T. U. C. to the R. I. L. U. If he did not do so he must have acted inconsistently from some motive undisclosed.

Ghosh accused spoke again at Mirzapur Park on the 11th May when his speech was reported by P. W. 82, N. H. Dc in P. 2265. In this speech he begins by emphasising the firmness and the braveness of the strikers. Then he comes to the subject of "agents provocateurs." Then he comes back to the same subject of Moscow money and the artificial atmosphere in which the Lillooah strike had been engineered and speaks of the latter of contradiction which he had himself written. This may refer to D. 174 (6) but I think it probably refers to an earlier letter as that is dated the end of May some time after this speech. Then he comes to the same subject of the failure of the British Trade Union Congress to help the strikers and their final despatch of a sum of £200. On the other hand he stresses the way in which the R. I. L. U., without ever being written to, sent Rs. 21,000 for the Bombay Textile workers. Then he comes to the telegram asking for help from Moscow which was never sent off, but nevertheless was printed in the "Statesman" evidently with the idea of frightening people who might otherwise have helped the strikers. Then he goes on to preach by implication the idea that the State is the instrument of the capitalists. He emphasises that the officer next to the Viceroy has no authority "to do that which is the duty of the ruler, of the ruling power, viz. to save the weak from oppression by the strong. And if they have that power, they will not make use of it, till the policy of this Government undergoes a wholesale change." It looks very much as if in this speech Ghosh was speaking with a lawyer's caution and hinting that it is not the policy of the Government which needs to undergo a wholesale change but the Government itself. Then at the end we get a passage about economic justice and political justice in which he says : "These things which occur,— one of the chief reasons therefor is that in our country we all now realise that the fight for economic justice to us is practically identical with our fight for political justice. Can you ever, about your struggle now proceeding, say to a coolie or worker or to a man who is employed in a mill, that he will only fight for economic justice to himself, and not for political justice. If once you infuse into him a sense of justice, if once you rouse his manhood, he will never make any discrimination as to whose interests may be affected." Here again the underlying suggestion seems to be the familiar one that the economic fight must be turned into a political fight.

Ghosh accused made a short speech at Bauria on the 8th July 1928, the gist of which was reported by P. W. 98, Sub-Inspector H. V. Basu in P. 2222. In this he is reported to have said that "it was the Indians who were instrumental in bringing about the ruin of India, otherwise two lakhs of Europeans could not rule 30 crores of Indians. The fact was that these two lakhs of Europeans had 2 crores of Indian servants. The Gurkha soldiers, the sepoy, the Indian Police, and the Baboos were to be dreaded all the more. He argued how in England the labourers freed themselves from fetters by even calling underground meetings when labour agitation was prohibited by law." Ghosh accused has given a long explanation of this speech at pages 1134 and 1135 of his statement. It may be correct but there is nothing in the evidence to support it except the statement of P. W. 98 in cross-examination that the general object of the meeting appeared to him to be to explain the utility and object of formation of Labour

unions, but that of course would not explain the reference to underground meetings.

Another speech by Ghosh at Bauria and in fact the last speech of Ghosh accused which has been put in evidence is the one made by him on the 15th July 1928, the gist of which was reported by P. W. 98, Sub-Inspector H. V. Basu in P. 2223. In this speech he condemned violence on the part of the workers and asked the workers "to fight through the Union in a peaceful manner as violence would in no way improve the situation, on the contrary it would bring police in their midst, and hamper their cause." He also advised the workers of the two other mills at Bauria not to go on strike as by going on with their work they would be able to help their fellow workers and it would be convenient to the Union to give relief to the men of one mill only.

Turning now to Ghosh accused's private activities the first matter for consideration is his connection with Donald Campbell (George Allison). In this connection we have to consider Ghosh's statement, some defence exhibits and a few prosecution exhibits. Ghosh accused has dealt with his relations with Donald Campbell in his statement on pages 1049 to 1053 of the statements of the accused and also in his statement in the Lower Court P. 2599. The statement in this Court unfortunately is full of irrelevancies and fails to give any very clear idea of when the acquaintance between Ghosh accused and Donald Campbell started. In this connection Ghosh has mainly referred to his statement in the Lower Court from which I find that according to Ghosh he first came in contact with Donald Campbell in December 1926 just before the meeting of the E. C. of the A. I. T. U. C. held at Calcutta on about the 18th December 1926. He says that he understood from Campbell then that he was trying to bring about a settlement between the two factions in the Bengal Trade Union Federation. (In this connection reference may also be made to the statement of Mr. N. M. Joshi, D. W. 26.) About this he says: "Twice he came to my place to discuss these things, and the last time he came the day before the E. C. meeting was to meet. He said if he were able to bring about a settlement he would let me know at my office at 34 Bow Bazar Street before the E. C. meets. About two hours before the meeting I sent a note from the office to him at the India Association Hall and that letter was answered by him. My subsequent relations with him were those of a lawyer and client: and any information which I received from him was strictly that as between a lawyer and client which I cannot divulge." The reference here is to P. 77 (I. C. 15) a letter dated approximately the 18th December 1926 recovered in Ghosh's search. In this Donald Campbell writes to Ghosh: "I am in receipt of your note and although not fully conversant with what transpired at 12 Dalhousie Sq. yesterday afternoon I am fully aware that as the time for the E. C. meeting drew nigh the environment and the tension grew increasingly unfavourable. I can only regret that the fates made it impossible for something tangible to be done and hope that by some means, at present unapparent, a resolution will be forthcoming." Further information in regard to this dispute in the B. T. U. F. can be found in D. 391 at pages 10, 42, and 43 and in D. 753. Coming back again to Ghosh's statement in this Court he stated at page 1052, referring to this statement about his meetings with Donald Campbell in connection with the E. C. meeting of the A. I. T. U. C., that Donald Campbell "introduced himself as a Miner and Trade Unionist who had come to India to study the movement. I never knew the connections and the associates he had in India besides Messrs. Muzaffar Ahmad and Soumyendra Nath Tagore whom he introduced to me as gentlemen who had interested themselves on his behalf and one of them stood surety for him." Which suggests that Ghosh did not know Muzaffar Ahmad or Tagore before December 1926, a suggestion the truth of which I find it difficult to accept. I do not really understand Ghosh's statement in regard to his association with Donald Campbell. At page 1050 he speaks of "our conversation which was mostly confined to the actual state of things in England as far as the growth and organisation of British Trade Unions are concerned." That again is a statement which I find it hard to believe. Campbell had been in India for well over 6 months at this time, and that is not the subject which would really have interested him and Ghosh as a subject for conversation. Then without ever giving any idea of what opportunities he had for conversation with Campbell Ghosh says at page 1051: "Campbell and I parted as best of friends when he was taken in custody to stand his trial at Bombay." Then after an impertinent and irrelevant digression on the subject of the severity of the punishment awarded to Campbell as compared with the treatment by the Government of Inspector Derojinsky he goes on to say "As a Trade Unionist of great British

experience whose conversation I found very instructive I did not scruple to associate with him as I did in spite of the fact which he knew very well that he and I would never expect to see eye to eye on the question of Communism. But with all this personal intimacy Campbell never took me into his confidence more than was absolutely necessary for him in regard to the case before he knew that the case was to be transferred to Bombay. Even the fact that he was a Communist he did not disclose to me till he engaged me to appear on his behalf." But Ghosh has very carefully abstained from explaining how much in the way of interviews he had with Campbell between the time he met him first in connection with the dispute in the B. T. U. F. and the time when Campbell engaged him to act as his lawyer, which would presumably have been about the 23rd January when Campbell was arrested. It may be noted that both P. 77 and P. 50, the only exhibits in this connection, are undated. The acquaintance would seem at any rate to have extended from December 1926 to the 12th of February 1927, on which date Ghosh accused sent to Bakhle at Bombay the telegram, P. 1354 (3) (I. C. 21) which runs as follows: "Inform Ginwalla Campbell Arrives Bombay Monday Morning Via Nagpur Arrange Bail." There is one other letter touching on Ghosh's association with Campbell, which should be mentioned here. That is P. 24 (I. C. 319) dated the 7th December 1928, a letter written by Ghosh accused to Mr. N. M. Joshi, in which he speaks of his association with Saklatwala, Campbell (Allison) and Spratt as something on which he had been able to base certain conclusions in regard to the Communist. It is in the light of all this that we have to consider Spratt accused's letter to Ghosh dated the 16th March 1927, P. 38, (I. C. 29). In this letter Spratt writes: "I was asked to get in touch with you by my friend, Mr. Campbell, who gave me a letter of introduction to you. Unfortunately I gave the letter by mistake to Mr. Bose whom I met here (Delhi) at the Congress. I wish however to meet you when I come to Calcutta in a few weeks' time. Meanwhile Campbell wished me to approach you with a view to your going to Canton in May of this year to represent the A. I. T. U. C. at a Pan-Pacific T. U. Conference. If this can be done officially, I will put your name forward, with your consent, as a delegate. If it cannot be done officially by the T. U. C. i.e. if Joshi & Co. refuse, we wish you to go unofficially. In either case your fares will be paid. Will you in reply tell Mr. Muzaffar Ahmad, by whom I am sending this letter, whether you agree or not, and let him communicate to me? If you agree to go, I should like to discuss the nature of the Congress and your report and so on with you before you go."

O. P. 1375. Now we know that Spratt accused had been in touch with Campbell in Bombay, while Campbell was on bail there. In fact they were both living in the Y. M. C. A. Further than this we know that Campbell and Spratt both came to India in furtherance of this conspiracy, and one of the ideas was to link up the Indian movement with the P. P. T. U. S. then in process of formation. In these circumstances the fact of Ghosh being approached by Spratt after consultation between Spratt and Campbell to go to the Canton Conference cannot be regarded as without significance. Another point in this connection is the obvious fact that although it was hoped that Ghosh might be sent in the guise of a representative of the A. I. T. U. C., still it was clear that it was not the A. I. T. U. C. whom he was to represent, but the persons or organisation for whom Spratt was speaking, when he said: "We wish you to go unofficially, if it cannot be done officially." Ghosh received this letter from Spratt on the 20th March, vide the entry in P. 46 on that date: "M. A. came with a letter from S."

Now Ghosh accused says in his statement at page 1052 that he did not give the matter (of Spratt's letter) much thought, because he had no intention of going there (to Canton). This may be so, but I find it difficult to reconcile it with the evidence. In his diary, P. 42, Ghosh has noted the address and telephone number of Mackinnon Mackenzie and Co., and the Consul General for Japan and the Public Inquiry Office. Then on the 31st March he wrote a letter, D. 246, as Hony. Secretary of the Indian Journalists' Association, asking Thomas Cook & Sons Ltd. to supply him with information as to (1) the fares for Hongkong, Canton, Hankow and Shanghai—first class and second class etc.....(3) how long does it take for a man from Calcutta to reach Hongkong or Canton. To this Thomas Cook & Sons Ltd. replied on the 2nd April in D. 247, furnishing him with such information as was available and reminding him that passports were necessary. Ghosh made a note of the information contained in this letter in his diary, P. 46. Next on the 2nd April Ghosh himself as Secretary of the Indian Journalists Association issued to the

editors and proprietors of newspapers and journals in India a circular letter, D. 180, suggesting that journals in India might combine to send a deputation of trained journalists or failing that at least one to study the situation in China with an unbiased mind and keep on supplying news as long as they or he would be there, besides exploring the possibilities of organising Bureaus for the supply of accurate information. In the last paragraph of this letter Ghosh asked each addressee to give the matter his earnest attention and to let him (Ghosh) know, within a week from the date of receipt, his opinion from the business point of view and the journalistic point of view. Now the defence suggestion is that these enquiries with Thomas Cook & Sons were with respect to D. 180, but it is obviously equally possible that the whole of the enquiries and the issue of D. 180 were all made with a view to render it possible for Ghosh to accept the invitation contained in Spratt's letter, P. 38. Bearing in mind that Ghosh accused was at this time on the staff of the "Amrita Bazar Patrika" and would not have wished to lose his post by going off to Canton as a representative of the A. I. T. U. C. or of Spratt and his friends, it would be very natural for him, in view of his position on the Indian Journalists' Association, to try to get an excuse for being sent as a journalist in such a way that he might not thereby lose touch with the newspaper, on which he was employed. Ghosh accused in the course of the Prosecution arguments referred apparently in answer to this suggestion to P. 26, the minutes of the meeting of the B. T. U. F. held on the 9th April 1927. In these proceedings there is a reference to a letter from the Administrative Secretary of the A. I. T. U. C. with reference to the Labour Conference at Canton, which is evidently a reference to P. 2517, the letter issued by the General Secretary of the A. I. T. U. C. on the 5th April 1927 asking the members of the E. C. of the A. I. T. U. C. whether they approved of authorising Thengdi and Ghate, who had expressed their willingness to attend the Pacific T. U. Conference at Canton on the 1st May 1927 at their own expense, to attend the Conference as delegates of the A. I. T. U. C. The B. T. U. F. decided that in view of the shortness of the notice it was not competent to give an opinion one way or another. Ghosh's suggestion, I suppose, is that this decision by the B. T. U. F. supports somehow his view that he never intended to go and the view that the inquiry he made from Thomas Cook & Sons was in quite a different connection. But bearing in mind the comparative dates it does not seem to me that the decision recorded in P. 26 has any effect at all. The mere receipt of P. 2517 must have made it clear to Ghosh that different arrangements had been made and that the proposal made to him by Spratt no longer stood. The decision recorded in P. 26 does not seem to prove anything whatever one way or the other.

We have next to consider the relations of Ghosh accused with Soumyendra Nath Tagore. It will be remembered that according to Ghosh he first came into contact with this gentleman in December 1926 or January 1927, when Tagore and Muzaffar Ahmad were introduced to him by Donald Campbell. Tagore went to Europe in April 1927. The first letter which passed between them and which is on the record is P. 72 (1) (F. C. 341), a letter dated the 3rd January 1928 found in Ghosh's possession in March 1929. It begins: "I have not had any letter from you for a long time. I trust you got my letter all right", clearly indicating that there had been correspondence between Ghosh and Tagore before. On the other hand the tone is somewhat formal. This letter speaks of a Trade Union Conference in Germany, to which Tagore wishes to submit a report about Trade Union difficulties in India from Ghosh. The report should give an account of the historical aspect of the T. U. Movement in India with accounts of concrete particular Trade Unions. The writer then gives Ghosh an address c/o Miss Agnes Smedley. P. 79 (F. C. 737) dated the 7th February 1928 is apparently a draft or office copy of part of Ghosh's reply to P. 72 (1). In the printed exhibit this draft is mixed up with a draft letter to Miss Agnes Smedley apparently written at the same time. The whole of this draft to Miss Agnes Smedley is to be found in D. 212. This letter to Tagore, so far as it goes, refers mainly to Tagore's proposal in P. 72 (1) and in a preceding letter not in evidence to open a Labour Information Bureau in Europe on behalf of the A. I. T. U. C. He had no doubt also suggested supplying the Indian Journalists' Association with news from this Bureau, as Ghosh's letter encloses a resolution passed by the Association on the subject. The proposal was apparently for an organisation for the exchange of accurate Labour news from India in return for accurate foreign news from Europe. In this letter Ghosh mentions that for the last two weeks he had been busy about the Hartal, obviously meaning the Hartal which took place at the time of the landing of

the Simon Commission. It may be convenient to dispose of the letter to Agnes Smedley here too. Its only importance is that it contains a reference to Ghosh's scheme for sending a delegation of journalists to China. The circular issued by Ghosh on the 2nd April 1927 had referred to a deputation of journalists, and it had therefore seemed that there might be some special significance in the use of the word 'delegation' in Ghosh's notes in his diary P. 46 in regard to the fares to Hong Kong and Canton, which were under the heading "Delegation to China". The entry in this letter to Miss Smedley shows that he was using the words 'deputation' and 'delegation' interchangeably, and that therefore no special significance can be attached to the entry in P. 46.

The third letter which passed between Tagore and Ghosh is P. 76 (F. C. 429), a Bengali letter dated the 12th June 1928. In this letter Tagore mentions the previous discussion about the News Agency, and a letter written by him on the 24th April, which is not in evidence. He suggests Ghosh's coming over to Europe for 6 months on behalf of the B. T. U. F. Then he mentions Dange as if he were a person with whom Ghosh was acquainted. Then we get a mention of the article regarding the Trade Union Movement, which Tagore had asked for before and had evidently by now received. He promises that it will shortly be put into print, but he insists that what he wants from India is a detailed picture of the daily life of Indian labourers in all industries. Then he mentions having remitted £60 each for a paper for Kali Das Babu's Jute Workers' Association of Bhatpara and for the Bombay Textile Workers, the money having been sent in the former case to Muzaffar Ahmad and in the latter to Dange, and says that he has got a promise of £20 a month for each paper. He also asks whether he can help Ghosh's Press Employees' Association in any way. Another remark worth noticing in this letter is the reference at the beginning to the Left Wing paper, about which, Tagore says, he had written to Ghosh in his letter of the 24th April. This letter conveys the impression that Ghosh is in fairly close touch with Muzaffar Ahmad. On the other hand, there is no very definitely Communistic suggestion in it.

The last of these letters is P. 2008 (F. C. 503) dated the 1st August 1928. In this letter we get references to the Labour Bureau, the Press Service and Ghosh's article on the 'Indian Trade Union Movement'. In connection with the Press Service Tagore complains that Ghosh has not done as much as "a Madrasi named Nambiar" who has made an arrangement with the Free Press whereas Tagore and Miss Smedley had been hoping that Ghosh would make an arrangement from the Indian end, which would seem to indicate that Ghosh was a little lukewarm in carrying out the requests he received from Europe. Coming next to the main point of this letter, namely the question of affiliating the Indian Trade Union Movement to one of the two Internationals, the letter contains more indication of Tagore's point of view than it does of Ghosh's at this date. Ghosh appears to have said that it was suicidal to tie the All-India Trade Union Movement to the tail of the 2nd or 3rd International. While accepting the view that a mechanical affiliation of the Indian movement to any foreign movement was undesirable Tagore says that an analysis of the ideologies of the two movements is essential and leads him to the conclusion that the second ideology, that is the ideology of the destruction of capitalism, is the right one. Affiliation he thinks is unnecessary, but on the other hand he considers it quite essential that the Indian movement should avail itself of the experience of the world Labour Movement. He goes on to condemn the reformists and the scoundrels of the British Labour Party. Talking about the money for these newspapers he says that the donors do not want to exercise any authority over the movement in India, but only want a guarantee that the money will not be misspent. Tagore himself personally desires that unions should be formed in all key industries and be rescued from reformist leadership. There is another indication here that Tagore was by no means certain of Ghosh's position. A little further on in this letter (at F. C. 503) he says: "I shall be obliged if you will kindly let me know the policy on which you want to conduct the paper on behalf of the Federation." Ghosh has discussed the correspondence between him and Tagore at pages 1029 to 1034. I find it difficult to understand Ghosh's idea in his statement. He seems to have thought it useful to offer the Court a whole heap of information, whether true or false it is impossible to say, because in support of it there is practically no evidence. As far as relates to the innuendoes and hints like the one that the prosecution must have been in possession of many more letters, which were intercepted while passing between him and Tagore, it is sufficient to point out that no proper cross-examination was directed to eliciting evidence in support of the suggestion. All this evidence,

therefore, has to be judged on its merits entirely, disregarding the supplementary unproved material with which Ghosh in a manner entirely unbecoming to a trained lawyer has sought to confuse the issue. However, taking the correspondence as a whole and comparing it with the correspondence which passed over the same period between Tagore and Muzaffar Ahmad, it is obvious that there is a considerable difference. Tagore of course could not be in any doubt about the position of Muzaffar Ahmad, with whom he had been associating for more than a year in the Peasants' and Workers' Party and probably earlier. On the other hand it is clear that up to the last he was not certain what Ghosh's position was.

There is a little evidence in Ghosh's case of association with Communist organisations in England. This consists of three letters P. 30 (F. C. 335), P. 167 (F. C. 228) and P. 168 (F. C. 229). The first of these is a letter dated July 1927 from Ghosh accused to Harry Pollitt of the National Minority Movement acknowledging a letter dated the 17th June which had been delayed in transit and was received on the 11th July. In this letter Ghosh acknowledges the receipt of sample copies of literature and asks for a message of goodwill for the All-Indian Press Employees' Conference to be held on the 13th & 14th August. P. 167 dated the 3rd August 1927 appears to be H. Pollitt's reply to this letter and was recovered in the search of the B. T. U. F. office. This is a letter written by H. Pollitt as General Secretary of the National Minority Movement addressed to the Secretary B. T. U. F. sending the best wishes of the Minority Movement to the Second Session of the All-India Press Employees' Conference. P. 168 is a similar letter dated the 5th August 1927 from the editor of the "Sunday Worker" (William Paul) to the Hon. Secretary, All India Press Employees' Conference sending greetings on behalf of the "Sunday Worker" and expressing a hope that the Conference would strengthen the organisation of Indian workers to fight Imperialism. Bearing in mind the date and occasion of this correspondence, I do not think that it would be reasonable to attach a great deal of importance to it.

We come next to Ghosh's relations with Johnstone of the League against Imperialism and Ryan of the P. P. T. U. S. With Ryan Ghosh's acquaintance appears to have been limited to inviting him to attend a meeting of the Bengal Trade Union Federation, where he introduced him to a number of people. As regards Johnstone, there is a good deal of evidence of Ghosh's connection with him. It apparently began with the letter P. 84 dated the 25th November 1928 from P. C. Bose of the Indian Colliery Employees' Association, Jharia, introducing Johnstone as the delegate of the League against Imperialism to the Jharia Conference. Following on this we get P. 526 (7) and P. 526 (9) indicating an attempt to Ghosh to introduce Johnstone to Spratt accused. P. 27 is Spratt accused's reply to one of Ghosh's notes. Then on the 2nd December we have P. 2224, the report of a speech by Johnstone at Bauria, where he was accompanied by Ghosh, Mitra and Chakravarty accused. Like Ryan Johnstone also attended some proceedings of the B. T. U. F., vide the minute-book, P. 26, and we also get some mention of him in Ghosh's own diaries. P. 80, a document recovered in Ghosh's possession, is a cable from the League against Imperialism at Berlin to Johnstone instructing him to attend the National Congress and the Conference of the Independence League as well as the A. I. T. U. C. The fact of this document and P. 81 being found in Ghosh's possession suggests rather close association between Ghosh and Johnstone. This document P. 81 is a statement by Johnstone of his experiences in India ending in his arrest. It would be reasonable also, I think, to attach some value to the fact that this document is in Ghosh accused's handwriting, though bearing Johnstone's signature. Ghosh's explanation (given in his statement to the Lower Court) was that this letter was dictated to him by Johnstone with instructions to fill in the date and hand it over to the press after he was arrested. That may or may not be true (there is of course no evidence to support it) but in any case the fact that the document is in Ghosh's handwriting indicates close association between him and Johnstone. Bearing in mind the position of the League Against Imperialism as a specifically revolutionary organisation such close relations must be regarded as having some importance in Ghosh's case.

We have next to consider the relations between Ghosh and the Bengal Workers' and Peasants' Party. It is not contended by the prosecution that Ghosh was a member of the Bengal Workers' and Peasants' Party. The suggestion rather is that there are instances of association with it such as justify an inference that both were working for the same ultimate objects. In this connection we have to consider the nature of the documents recovered in Ghosh's

- search. These include P. 23 the Manifesto of the W. P. P. to the Indian National Congress, Madras; P. 40 the short report of the Bhatpara Conference, P. 52 and P. 53 copies in English and Bengali of the E. C. report for 1927-1928 presented to the Bhatpara Conference of the Bengal Peasants' and Workers' Party and included in "A Call to Action", P. 85 a copy of the Manifesto of the Communist Party of India to the All-India National Congress at Gauhati, P. 51 a copy of the Trade Union Movement resolution and P. 56 a copy of the Political Resolution, both adopted at the A. I. W. P. P. Conference in December 1928. These documents are not very numerous and certainly do not lead to any very definite inferences in the case of a Labour worker who was taking as wide an interest in Labour and social questions as Ghosh accused. P. 2510 is however a document, which stands on a somewhat different footing. This is a version of the programme of the Bengal Peasants' and Workers' Party and its preamble in Ghosh's own handwriting. This document was recovered in the search at 21 European Asylum Lane, the headquarters of the Bengal W. P. P., vide the evidence of P. W. 48 Sub-Inspector Shamsuddin Ahmad when recalled on the 26th January 1931. Ghosh's explanation of it at page 1074 is that it is a translation of a Bengali printed leaflet or manuscript which was handed over to him by Muzaffar Ahmad with a request to render it into English. Ghosh says that this was perhaps some time about the middle of 1927 and adds: "It was, I understood from him, the programme of the Peasants' and Workers' Party of Bengal and an English translation of it was urgently required for circulation. It is a translation of P. 1414 B." P. 1414 B is the copy of the programme in Bengali, which was sent by Muzaffar Ahmad to Mukherji accused at a much later date. There is of course no evidence to support Ghosh's statement about this document. But it is difficult to understand why an English translation should have been required urgently and if so why Muzaffar Ahmad could not have made it himself. The document tallies very closely with the "Whereas" document P. 1017 prepared at Bombay in about February 1927 and would therefore have been available in English in Bengal at a very early date. Moreover the list of demands contained in it appears to tally exactly with those contained in the Appendix at page 56 of "A Call to Action" and these were formulated at the second conference of the Peasants' and Workers' Party of Bengal held on the 27th February 1927. In these circumstances I find it very difficult to decide what value is to be given to the fact of P. 2510 being in Ghosh's handwriting.
- O. P. 1386. The other important fact which associates Ghosh accused with the Workers' and Peasants' Party is the fact to which I have referred earlier that he certainly did visit the First A. I. W. P. P. Conference at Calcutta for at any rate a short time and he is proved to have been present in the procession which marched to the Congress Nagar on the 23rd December, vide the evidence of P. W. 90, Sub-Inspector Abdul Rashid Khan. The only cross-examination of this witness on the point is as follows: "I knew K. L. Ghosh accused before. It is not a fact that he was not in the procession." There is as a matter of fact no reason whatsoever for disbelieving the statement of this witness and the importance of that fact is that Ghosh accused suggests that he went to the A. I. W. P. P. Conference once only and that on the 23rd December. He says he wanted Bradley to go to Bauria and that "Bradley made an appointment for himself and his friends for the 23rd December and asked me to pick them up from Albert Hall in the afternoon as they would be there at the time in connection with the Conference." Further on he states that he found the Conference in a state of great disturbance and that Bradley expressed his inability to go in view of the state of things. However he (Ghosh) went with Mr. Kulkarni and two or three others to Howrah but as they missed the last suitable train decided to postpone the visit. The weakness of this story is that the procession on the 23rd of December had been arranged beforehand (see P. 549(12)) and the Conference met a little earlier that day and the sitting ended at 4-15 p.m. instead of much later in the afternoon specifically because of this procession. It is therefore unlikely that Bradley could ever have made an appointment to go to Bauria that day. In fact it may well be doubted whether he could possibly have agreed to go to Bauria on any of the days fixed for the Conference.
- Another important piece of evidence in this connection is Ghosh's diary, P. 44, which contains entries on the 21st, 22nd & 23rd December in regard to the Session of the A. I. W. P. P. Conference. At least one of these entries looks more like an entry of something attended than of a future engagement. There is also in the same connection an entry in Ghosh's other diary for 1928, P. 41, against the date 27th December but with a note against a number of the

O. P. 1387. entries "21st". These entries relate to his expenditure on going to the Albert Hall (where the A. I. W. P. P. Conference was held) and from there to Howrah with Kulkarni and other leaders and back again. This would appear to indicate that if there is any truth in the particular account given by Ghosh of an abortive attempt to take some of the W. P. P. leaders to Bauria it took place on the 21st, that is the first day of the Conference, and not on the 23rd. In the light of these facts I am not prepared to accept Ghosh's story that he only went to the Conference on this one occasion and in the circumstances described. In any case there is no evidence whatever in support of the story although Ghosh accused did actually produce in Court a number of witnesses. Moreover, as has been pointed out, Ghosh has himself stated at page 1073 that he did not see anything wrong in attending the Conference. At the same time he suggests that he would not have gone there, because, whereas in 1927 the W. P. P. had very little activity to its credit which could result in a clash with the B. T. U. F., by the end of 1928 relations between them were strained. Hence he says it was unlikely he would have gone to the Conference, and he endeavours to get round the evidence of P. W. 90 by saying that it is not difficult for people in P. W. 90's position to know him (Ghosh). But that is a very different matter from saying that one saw him on a particular occasion taking part in a particular demonstration. This matter of Ghosh's attending the A. I. W. P. P. Conference and taking part in the demonstration on the 23rd December seems to me to be one of the facts which tell definitely in favour of the prosecution theory.

Closely connected with Ghosh's relations with the W. P. P. are his relations with Muzaffar Ahmad accused. The prosecution theory is that political relations between Muzaffar Ahmad and Ghosh were satisfactory but that there was side by side with this a personal hostility which led to Muzaffar Ahmad taking every opportunity to criticise Ghosh. Ghosh accused's contention on the other hand is that their personal relations were always cordial, that there was no personal feeling between them, but that there was always a disagreement on political matters. It was presumably in order to support this view that there was no personal hostility between them that Ghosh accused, at page 1057, stated that what made him keep in touch with Muzaffar Ahmad after their first meeting was that he always used to consider Muzaffar Ahmad as the victim of miscarriage of justice. One wonders why. One also wonders why knowing Muzaffar Ahmad's past activities and the aims and objects of the Party of which he was one of the live wires at the moment Ghosh thought him a good person to keep in touch with and have cordial relations with. One also rather wonders what the evidence is of these cordial relations. I certainly do not remember that Ghosh accused was able to point to any. Then he proceeds to say that he and Muzaffar Ahmad both criticised one another publicly and it was for these political reasons that Muzaffar Ahmad brought out Ghosh's reformism and Ghosh objected to Muzaffar Ahmad's Communist ideas. Ghosh has alluded to some of these criticisms. The first is an editorial in "Ganavani" dated 26-7-28. P. 593, written a fortnight after the Bauria strike was established. In this Muzaffar Ahmad had criticised the foundation of the Bauria and Chengail Unions as contrary to the T. U. C. principle of one union for every industry. Ghosh's answer to this was the one given by him in his letter to N. M. Joshi. P. 24 (I. C. 318) dated the 7th December, where he objected to Kali Das Bhattachariya's idea that all the unions formed in the industry should be branches of the B. J. W. A. and put forward his own view that the unions should go on being formed and should later consolidate themselves on the basis of federation or of one union with branches spreading out in the whole jute area. Ghosh alleges that the difference of opinion between him and the B. J. W. A. arose from the fact that after failing to settle the dispute between the two overlapping unions in the jute area, namely the B. J. W. A. and the Kankinara Labour Union, and finding that the whole organised labour force in the jute area was only about 3,000 workers out of 3½ lakhs, he obtained a small grant from the E. C. of the T. U. C. in February 1928 in order to make a move in regard to the organisation of jute workers. He had at first thought of organising the Champdani Labour League, but when opportunities offered at Bauria and Chengail he took them in preference and hence incurred the hostility of the B. J. W. A. and as the B. J. W. A. was affiliated to the W. P. P. the hostility of the W. P. P. also. He illustrated the extent of this hostility by referring to "Inprecorr" of the 3rd January 1929 part of P. 2491(a) which contains an article entitled "The Bauria Jute

Mill Lockout in India" by one M. Ali who, he suggests, is possibly Sepassi. It is of course much more likely that the article emanated from Muzaffar Ahmad. This article criticises the reformist leaders M. K. Bose and Kishori Lal Ghosh. Ghosh accused has given a long account of this article in his statement at pages 1062 and 1063 presumably with the intention of showing that not only the W. P. P. but the W. P. P.'s masters also regarded him (Ghosh) as a reformist, that is to say I suppose in order to bear out his general contention that the differences between him and Muzaffar Ahmad were political. In the same connection Ghosh has referred to Spratt's letter P. 2419P. (F. C. 607) dated the 23rd October in which, speaking of the Bauria Jute Mill strike, Spratt says to Page Arnot : "The situation is that the oldest Jute Union, the Jute Workers' Association, is led by us, but there recently have been established at Chengail and Bauria separate unions under the rather reactionary leadership of the Bengal Trade Union Federation. When the lockout took place at Bauria, the Association, instead of helping and getting support, simply stood aloof and did nothing. I have been to Bauria a number of times since I realised what was happening to persuade the Association to alter its policy but without success. The Federation is naturally making much capital out of it. The feud has, as usual, assumed an intensely personal form and to act correctly in such circumstances is very difficult." Another document which has been referred to as leading to much the same conclusion in regard to Ghosh's political position in the Trade Union Movement is a much earlier letter D. 140 (1) dated the 24th January 1928 in which Muzaffar Ahmad replying to a letter from Spratt, written by Spratt from Bombay shortly after the Madras Congress, wrote in regard to the Dockers' strike in Calcutta in the following terms : "Daud and Ghosh have some differences among themselves but are quite at one about the keeping of Communists and Radical Trade Unionists out of the Labour Movement."

O. P. 1390.

O. P. 1391.

Lastly we come to the long dispute between Ghosh and Muzaffar Ahmad in regard to the money sent by the Girni Kamgar Union for the Bauria strikers. Ghosh accused has dealt with this matter at pages 1090 and 1091 of his statement and I have already given a full list of the letters which passed in this connection at an earlier stage, see page 642 above. It will be seen that Ghosh accused began to move actively in this matter on the 3rd January 1929 when he wrote to Dange accused at the T. U. C. office in Bombay asking him to send the promised contribution from the G. K. U. to him as Provincial Secretary, A. I. T. U. C. and President of the Bauria Jute Workers' Union as promptly as possible as the situation was urgent. Ghosh claims that he received no reply to this letter and that the first he heard of the grant of money by the G. K. U. (which actually sanctioned a grant of Rs. 1,000 on the 16th January) was when he got the telegram D. 208 (8) from D. W. 35, R. E. Bakhle on the 24th January. On receipt of this telegram Ghoshi sent a note to Muzaffar Ahmad in reply to which Muzaffar Ahmad wrote back in P. 70 (I. C. 88), dated the 24th January 1929 but misdated 1928. In this letter Muzaffar Ahmad told Ghosh that he had informed R. R. Mitra accused to arrange a meeting at once "where I wanted to make over the money in the presence of the workers". Meanwhile however as the strike collapsed Muzaffar Ahmad said that he was in doubt what to do and had wired to the G. K. U. for instructions. On the following day, that is 25th January, Dange wired to Muzaffar Ahmad in P. 396 (I. C. 88) "Sorry Bauria collapsed your telegram spend on them as you think best." On the same day Muzaffar Ahmad paid Ghosh a sum of Rs. 100 out of Rs. 500 which he had received. On the 29th January evidently in answer to a further request for money from Ghosh Muzaffar Ahmad wrote : "Dear Comrade Ghosh, I have already given you Rs. 100 to conduct the cases. I do not know why you are again asking me for money. I shall go personally to the Court tomorrow and see how the things go on. I shall take with me some money there and pay if necessity arises. In the meantime please give me the detailed account of Rs. 100 which has already been given to you." This letter was recovered in Ghosh accused's possession with a draft reply on the back of it which shows considerable annoyance on Ghosh's part at Muzaffar Ahmad's attitude. He begins : "I confess I am a bit surprised at your reply yesterday to my letter of that requesting you to pay me a further sum of Rs. 150 in connection with the criminal cases pending against the Bauria workers." He goes on to criticise the suggestion that he should give accounts of every thing spent at that stage and to promise that a full account will be given and will be published in due course. Finally he suggests that there are only two alternatives either that Muzaffar Ahmad should give him money to conduct the cases or that he (M. A.)

O. P. 1392. should take charge of them himself. It is evident that Ghosh must have written to Mr. N. M. Joshi complaining of this as there is a letter in evidence from N. M. Joshi, D. 208 (4), dated the 9th February, in which he says in regard to the money from the G. K. U., "of course the Communist Union in Bombay does not want to hand over the money to you". That of course only represents N. M. Joshi's view of Ghosh's position. On the 11th February Muzaffar Ahmad wrote to Ghate in P. 1335 (I. C. 368) stating that he was spending the G. K. U. money in conducting the cases of the Bauria workers. Then on the 16th we get a letter from Ghosh to Dange, D. 565. In this letter Ghosh gives a full history of all that had taken place in connection with this grant from the G. K. U. for the Bauria workers. He explains that after obtaining the first Rs. 100 he met Muzaffar Ahmad and it was decided that the money (from the G. K. U.) would be spent on the conduct of the cases and appeals. Then he gives the history of his request for a further Rs. 150 and the reply. Subsequently he says he learnt that Muzaffar Ahmad was acting behind his back in connection with the cases and he remarks: "I need not enter here into the way your Party in Bengal behaved throughout the strike and how some of them owing to personal grudge—for anything I know they might have against me—conducted themselves—whose conduct contributed not a little to failure—but what I want to know is that why this money was sent to Muzaffar who did not even visit the strike area more than once or twice during the entire period of the strike instead of my own self through Congress who had undertaken organisation as Secretary of the above Federation under a mandate from Congress. Even if it was sent to him, why was he given so wide discretion which he was to use without consulting even me. Was it because he belonged to your Party?"

O. P. 1393. Is it the intention of your Party that the money was to be utilised to carry on propaganda against me rather than that it should be devoted to the relief of the workers? I would be highly obliged if you kindly reply to my letter." This letter was written from Delhi and in it Ghosh asked that the reply should be sent to him at Calcutta. It is a letter which as it seems to me tells on the whole in favour of Ghosh's contention that he never actually belonged to the same camp as Muzaffar Ahmad and the Workers' and Peasants' Party. Lastly I should perhaps note that it is in Ghosh's handwriting and was recovered in Dange's search, vide the statement of P. W. 244, Inspector R. S. Patwardhan.

On the 19th February we come to another letter from Muzaffar Ahmad to Ghosh P. 73. This seems to me to express both personal and Party hostility. He says: "I received the letter you wrote to me on the eve of your departure for Delhi. I received one more this morning. The terms you have used in your letters are extremely objectionable. You have no right to use such expressions about me. I did not bungle with the "Girni Kamgar Union" money, on the other hand I tried my best to see that none else including you are allowed to bungle with the amount." There is more in the same vein. Then in the last paragraph he says: "You must have known that for this money I am personally responsible, not the workers' and Peasants' Party. Again Messrs. R. R. Mitra and Bankim Mukerji were not working under my instruction nor they are members of our Party. So it is no good to talk frivolous things about the Party. I had to spend money through Messrs. Mitra and Mukerji because they attended the court while you wanted to finish your duty by writing letters." Finally we get Muzaffar Ahmad's letter to Dange, General Secretary of the G. K. U., P. 955 (1) (I. C. 382) dated the 1st March 1929 in which so far as I can see there is no real sign of personal feeling. Muzaffar Ahmad makes a great deal of the mismanagement of the funds in the hands of the office-bearers of the Bauria Union, their failure to make any announcement to the workers about receipt of money etc. and ends by saying: "I have informed them that unless Mr. Ghosh comes out with the account, and remaining sum of Dundee (about Rs. 150) be spent, I am not going to pay a single rupee. Because it is useless to pay money in that way. I shall let you know the later development soon." The reference to Dundee money is to a sum of £40 from the Dundee Jute and Flax Workers' Union mentioned earlier in the letter. Taking this correspondence as a whole I find it difficult to reconcile it with the prosecution contention that Ghosh accused's differences with Muzaffar Ahmad were based purely on personal feeling.

I come now to the point on which perhaps the strongest reliance has been placed by the Crown in the case against Ghosh accused, namely his close association with Spratt accused and certain curious matters in connection therewith. Their first contact subsequent to Spratt's letter P. 38 of the 16th March

1927 in regard to Ghosh's going to Canton must probably have been at the Cawnpore Session of the A. I. T. U. C. in November 1927 which was followed by their meeting at Calcutta before Spratt went to Madras for the Indian National Congress. Spratt writing to Dutt in P. 526 (29) sometime early in January 1928 discusses various people whom he had met in Calcutta during the 10 days which he spent there. In this letter he mentions Kali Das (Bhattachariya) and a number of others. Speaking of Ghosh he says: "He is an honest man and very intelligent. He "controls" only one Union, the Press Workers'. He is rather inclined to be statesmanlike like Joshi, but is improving. He has a perpetual difference with Kali Das though they have certain mutual respect. Mrinal Kanti Bose, otherwise similar to him, is not improving." Further on he says about Ghosh: "He does not like displeasing people, and in any case has to go carefully to avoid the formation of a majority bloc against him in the Bengal T. U. Federation." By "statesmanlike" and "improving" I take it that Spratt means reformist and beginning to take an interest in ideas other than reformist.

O. P. 1395.

It is I find difficult to estimate the importance to be attached to the fact that money was received by Spratt at Kishori Lal Ghosh's address in Calcutta at the time of his stay in Calcutta in December 1927. There is no question in regard to the fact which rests on P. 2429 series and P. 2430 series along with P. 1516 to P. 1519, all at F. C. 324 to 328. Spratt had already given the Y. M. C. A. people in Bombay an address c/o Muzaffar Ahmad so that he was not really under any necessity to give Ghosh's address in Calcutta and the only explanation possible is that he regarded it as in some way preferable. There is equally no satisfactory explanation as to why the telegraphic money order for £40 of the P. 2431 series (read with P. 1530 and P. 1531) was addressed to Spratt c/o Kishori Lal Ghosh. This amount is of course the one sent in June 1928 which was accompanied by the message "For representative Manchester Conference."

Apart from these money orders we have also to consider the circumstances in regard to several letters which came to Spratt addressed c/o Ghosh in one way or another. The first of these is P. 2002 C (F. C. 513) the letter signed 'J' making enquiries about "a couple of fellows in Manchester, Rhuden and Uke-Rhug." This is a letter which gave rise to a good deal of trouble. It was intercepted and copied at Calcutta on the 19th August 1928 by P. W. 97, Sub-Inspector A. K. Sen, who took the typed copy produced by the prosecution in the Court to be the one which he made at Calcutta at the time of interception nearly two years earlier. He was cross-examined about the letter at some length but never seems to have felt any doubt. The defence's interest was no doubt stimulated by the typist's initials R. H. coupled with the figure 1011 at the foot of this copy which had as a matter of fact been made in the Home Department or the Special Office at Delhi presumably in January 1929. The witness was also cross-examined as to why the letter was copied and the envelope photographed. The answer to that is of course that the address was in longhand and might easily be identifiable whereas the letter was a typed letter. Another point on which the witness was cross-examined was as to the existence of an inner envelope. He at first said 'no' but after consulting his notes he deposed that the letter was contained in an inner envelope which however had no address on it. But the value of that statement again was somewhat weakened by his saying later that he did not remember whether the inner envelope had on it the words "for P. Spratt" or not. A curious feature in connection with this document was that when this witness was recalled six months later in January 1931 it was found that the left hand bottom corner, bearing the initials R. H. and the date, had been torn off. No argument has however been based on this matter and indeed it is obvious that none could, because what was written there had been so brought to the notice of the Court when the matter first came up (and it had in fact come on record in cross-examination) that it is impossible to understand with what object anybody could have torn the exhibit. So I may leave that entirely out of account. It certainly seems probable that the inner envelope must have had something on the envelope to indicate that it was to be given to Spratt accused.

O. P. 1397.

P. 2001 the second letter known to have been sent to Spratt through Ghosh accused is a letter signed 'C' which was intercepted and withheld along with the enclosure P. 2001 (1) on the 30th December 1928. It is a letter dated the 12th December 1928 which is proved to have emanated from C. P. Dutt but it is signed only with this letter 'C'. It runs as follows: "Dear Comrade,

I am enclosing with this note a copy of a letter addressed to the A. I. W. P. P. Conference in Calcutta. You would be doing a great service if you would make sure that Philip gets this letter with the least possible delay as I do not know how to send it to him." The enclosed letter P. 2001 (1) was the E. C. C. I. letter addressed to the A. I. W. P. P. Conference at Calcutta, another copy of which was recovered in due course in the search at 2/1 European Asylum Lane and is in evidence as P. 478. It is difficult to draw any inference from this letter save that Kishori Lal Ghosh and C. P. Dutt were known and I think one might fairly say well known to one another. It also of course clearly indicates close association between Ghosh and "Philip".

The next letter of the same kind is P. 526 (44) (F. C. 749) an unsigned letter from C. P. Dutt to Spratt dated the 11th January 1929. This is a letter which we find from the interception copy of it, P. 2004P, to have been addressed to Mr. P. Spratt c/o Kishori Lal Ghosh. P. 2004P was not actually put in evidence in the Sessions Court but I take it into consideration none the less. It is curious that it should have been so addressed because it has written on the top the words "Please forward" from which I should be inclined to assume that the writer intended first to address the envelope to Ghosh but changed his mind. This letter was actually delayed in transit owing to its being addressed c/o Ghosh because at the time of its arrival in Calcutta Ghosh accused was away and as Spratt was not living with him it was not taken over for delivery.

O. P. 1398. In addition to these letters and money-orders two telegrams also appear to have been addressed to Spratt c/o Ghosh. The first of these is not in evidence but is mentioned in Ghosh's letter to Spratt, P. 526 (13), which is to be dated somewhere about June 1928. In this he says: "I enclose herewith a telegram—and I owe you an apology. The telegram reached me in the dusk of the evening and the postman said it was mine—I signed it, took it to light and without looking at the envelope tore it open. But subsequently I came to realise when it was too late that it was yours directed to my "care". However the mischief is done, but is it really a greater mischief than that it has been known exactly by those of our wives' brothers who are paid to poke their noses into other people's affairs?" I think one might reasonably infer from the wording of this letter that at this period at any rate Spratt's and Ghosh's political opinions were not the same, so that it might be supposed undesirable that Ghosh should see the contents of a telegram addressed to Spratt. Another telegram which came to Spratt c/o Ghosh is P. 2189 (F. C. 514) the telegram from John "Send urgently preferably wire information confidence placed Orm Massel & others in Manchester" which as we know was closely connected with the letter P. 2002C (F. C. 513) and was referred to by Spratt writing to Page Arnot in P. 2419P at F. C. 607 (611) and to which he actually replied in P. 2190 (F. C. 517).

In connection with this contention that his address was used by Spratt as a cover address Ghosh accused has put forward a good deal of argument in his statement at pages 1043 following. He particularly contended that it was not fair to draw an inference of intimacy from Dutt's signature in P. 2001. He alleged that an examination of the exhibits would show that Dutt "is guided rather by the whim of the moment or if I may say so by the exigency of the moment" (in the matter of the use of his full name or a squiggle in signing letters). In support of this contention Ghosh accused referred to certain letters from C. P. Dutt on the record, namely P. 526 (44), P. 526 (42), P. 1233 and P. 1348 (34). Unfortunately there is no force in this argument. Ghosh says that P. 526 (44) is signed C. P. Dutt, but that is unfortunately incorrect, the letter being one which is not signed at all. P. 526 (42) he has described correctly. P. 1233 is a letter which there was no reason for not sending openly, and the same is the case with P. 1348 (34). It will indeed be found that all the letters, which C. P. Dutt signed with his full signature, are letters in the case of which a secretive signature like the kind of C, which he has used in P. 526 (42) and P. 2001, would serve no purpose at all. On the other hand in all the letters, in which there is some cryptic phrase or some reason for concealing his identity, Dutt uses either this letter C or a squiggle, or does not affix any signature at all. A more difficult question is whether there is necessarily any real significance in the use of this signature in this letter to Ghosh. Knowing as he must do that Ghosh was well acquainted with Spratt and must know him as Philip Spratt (Spratt was sufficiently notorious in India by this time), Dutt might have reckoned that even without knowing precisely who the person was

who had signed P. 2001, Ghosh would probably carry out his request and deliver the enclosure, that is the E. C. C. I. letter, to Spratt.

In regard to the money-orders sent to his address for Spratt Ghosh stated at page 1046 that he had an idea that Spratt's people at home were sending him money, so he never gave a thought to it. It is true that one of these money-orders, the one received in June, was apparently brought to Ghosh's house on a number of occasions, but I do not think one can fairly infer from that that he must have read the message which accompanied it. If he did not read it the first time, he would not be likely to do so afterwards, because all that would happen would be that the peon would say that he had brought the same form again and Ghosh would inform him that Spratt was still away.

We get more in regard to Ghosh's relations with Spratt from Ghosh's diaries and from his statement to this Court. There are numerous mentions of Spratt in Ghosh's diary P. 41 beginning from the 20th March 1928. For instance on the 5th April he has an appointment with Spratt to come to him with the prospectus and the paper. On the 30th April he pays Rs. 4/- to Spratt for Chengail expenses. Spratt's name again appears on the 26th June in connection with Chengail. After that he does not appear again until the 27th October, but after that he is mentioned on the 2nd November, 14th November, 18th November, 21st November, 23rd November and 26th November. More important perhaps are the entries in the diary for 1929, P. 43. The first of these entries is on the 28th February 1929, where Ghosh writes: "Spratt came and (I) had a prolonged talk with him. Told him everything about the impertinent letters Muzaffar wrote to me. He could not justify them. Gave me hints that there is no love lost between 97 Cornwallis Street and 2/1 European Asylum Lane. Kali Das has been expelled from the Party. Bankim and Radha Raman have made common cause with Muzaffar's opponents." Ghosh had another talk with Spratt on the 6th March, about which he writes: "... Spratt came in the evening. Promised Spratt to hunt up Campbell's letter and give it to him next time. Had a talk about the enquiry he conducted as also the position of things regarding split. He says Bankim and Radha Raman being outsiders got into the Party under false pretences and quarrelled."

Coming now to Ghosh's statement, Ghosh contends that these notes and diaries show that Spratt told him very little, and that too in answer only to enquiries. However at the end of this passage on page 1098 he says: "I am certainly not going to deny, in whatever light the prosecution may choose to take it, that I had very close personal relations with Spratt, and this intimacy was possible because each of us exactly knew the outlook of the other, and we agreed to differ on political matters. We had in our long conversations very little (if time) to talk and discuss either about the inner working of the Federation or of the Workers' and Peasants' Party, but we used to have frequent talks and discussions on the Labour Movement and on other subject." On this subject he enlarged considerably on page 1099, where he said that "perhaps with no one in India outside his Party members Spratt had such intimate personal relations as he had with me." Ghosh devoted the whole of pages 1100 and 1101 to what is practically a panegyric of Spratt, ending with a statement in the middle of page 1102 which really amounts to no more than saying that in Ghosh's mind they were close personal friends and "each was glad to work with the other as far as he might."

There is one other matter in connection with relations between Spratt and Ghosh, which is to be considered, namely the telegram sent jointly by Spratt and Radha Raman Mitra to Saklatwala in connection with the Bauria strike, to which I have alluded in dealing with the case of Mitra accused. I have also alluded there to the arious letters in that connection including the one which mentions Ghosh as having been furious about it. At page 1092 of his statement Ghosh maintains that this was due to the telegram being in contravention of a resolution passed at the Cawnpore Session of the A. I. T. U. C. to the effect that no individual union or person should approach any foreign body for help except through the A. I. T. U. C. I do not really think that the matter of this telegram throws much light on the position of Ghosh relatively to the conspiracy.

Another matter which we have to take into account in assessing his position is the fact that he was associated from time to time in one way or another with a great many persons, who have been definitely found to have been members of the conspiracy, for example Dange, Chakravarty, Goswami, Shamsul Huda and Radha Raman Mitra. So far as Chakravarty is concerned there is not much evidence, and Ghosh at page 1056 says that he probably saw him at

Lilloah. With Goswami he admits that he came into touch in connection with the Scavengers' strike. Shamsul Huda, he says, he met at Bauria and invited to address the meeting. As a matter of fact there is a mention of Huda in the diary P. 41 against the date 14th November 1928, where Ghosh has written : " Had some talk with Shamsul Huda, who agreed to work at Chengail under my instructions." At page 1105 Ghosh proceeds to give Huda a certificate in respect of his honesty, because he says Huda told him that he did not agree with his political views. As regards Radha Raman Mitra Ghosh had a good deal to say and explained that it was at his instance that Mitra was elected Secretary of the Bauria Jute Workers' Union. It will of course be remembered that at that time Mitra accused had not developed in the manner in which he developed later. I should note that there are a good number of mentions of Mitra in the diaries, and that on the whole these entries suggest that Ghosh and Mitra did not work very well together in double harness.

O. P. 1403. Lastly in the case of Dange accused we have mainly to consider Ghosh's letter, P. 86, (I. C. 83) dated the 3rd January 1929. Ghosh's real point in writing this letter was to get money for the Bauria strikers, but the letter opens with some very fulsome compliments from him to Dange. In this first paragraph Ghosh says : " We missed you very much, believe me (at Jharia), and were surprised to find that the Party for which we all know you did so much (was) giving preference to Joglekar over you in the selection of the Assistant Secretary to the Congress. At Cawnpore I found you to be the hot favourite and Joglekar not very seriously taken. What can have happened in the meantime excepting the fact that Joglekar is hand and glove with Bradley that he would become the hot favourite at Jharia ? However that is not our lookout. As soon as we found out from the statement made by Bakhle that you did not expressly express any disinclination to stand as a candidate for the Assistant Secretaryship, as we were led at first to believe from what Joglekar said, we all voted solidly for you. Your party, if you permit me to be frank, does not consist of so many members having any adequate intellectual equipment that it can afford lightly to throw over one who is perhaps the most intellectual amongst them, especially during his absence." Side by side with this, however, we have to put the letter, D. 565, to which I referred in connection with the Bauria money. I think it would be impossible not to regard these letters as definitely dissociating Ghosh accused from any connection with the Workers' and Peasants' Parties. There is one other document, which to some extent connects Ghosh with Spratt and Dange, namely Spratt's letter to Page Arnot, P. 2419 P (F. C. 607), dated the 23rd October 1928, in which at F. C. 611 Spratt says : " About Research work, I am afraid I have to report a complete blank. Dange has done nothing in Bombay, on account of the strike, and Kishori has the same record here, for less tangible but equally formidable reasons." It is really rather hard to know quite what Spratt meant by associating himself with Dange and Kishori here. There is some evidence that Ghosh was interested in Research work and had some relations with the L. R. D., with which he has dealt at page 1019 following. He himself says that he made some enquiries from Spratt accused and ultimately received from him a document very similar to the paper D. 92 put in from the European Asylum Lane search by Spratt accused and stated by Spratt to be a copy of the note on the subject, which he sent to Ghosh from Ondal or Asansol. The evidence does not seem to me to be sufficient to establish any real personal connection between Ghosh and the Labour Research Department.

Possibly the most peculiar feature of Ghosh's relations with Spratt accused is the fact that we do not find Spratt ever seizing an opportunity to expose Ghosh's reformist tendencies. Even when the occasion must have been present by virtue of their working together in strikes Spratt accused never seems to have done anything of the kind. The prosecution contention based on this naturally is that it indicates that there was no difference of opinion between them so far as relates to the objects for which they were working. On the other hand it seems to me that there is another possible point of view. As Crown Counsel has frequently pointed out, Spratt accused never seems to have wasted very much time on anyone whom he did not think likely to be useful. He gave a certain amount of time to Dewan Chaman Lal at an early stage, but after that he gave him up entirely. But the explanation of his persevering with Ghosh and not seizing opportunities to expose his reformist tendencies may be only that he had hopes that Ghosh might in the course of time come to be of service. Ghosh held a useful position as Secretary of the Bengal Provincial Branch of the Trade Union Congress and Spratt may (leaving out of account their personal friendship) well have thought that it was wiser to go on, so to speak, " nursing "

O. P. 1405.

L.M.M.C.C.

Ghosh, particularly as the Workers' and Peasants' Party was aiming at and indeed making good progress towards achieving a Communist majority on the A. I. T. U. C.

As for Ghosh's point of view in regard to Communists in the Labour Movement, it is expressed at page 1111 where he says he attacked the Communists not because they were Communists but because of their failure to act up to their professions and their acting in a way which was inconsistent with their professions. He thought that they appeared to proceed on the assumption that if the country was to attain its salvation, it must be through that particular party, otherwise let the country (or in this case the working class) be damned. And to some extent that is the point of view which Ghosh expressed in his letter to Mr. N. M. Joshi, P. 24 (I. C. 319), where he criticises the so-called Communists as typified in the members of the Bengal W. P. P., whom he found to differ greatly from what he expected from Communist literature and from his acquaintance with Saklatwala, Donald Campbell and Spratt. The prosecution have contended that this is not an attack on real Communists and that is of course perfectly true, but it is an attack on the representatives of Communism with whom Ghosh was coming mainly into contact and with whom one should in this case expect to find him cooperating at any rate to some extent.

O. P. 1406. We have now to consider the documents recovered in Ghosh accused's search. We find among these P. 21 a copy of the Communist Manifesto by Marx and Engels, P. 31 and P. 32 copies of the "Masses of India" for July and September-October 1927, P. 33 a copy of the "Vanguard of Indian Independence" for September 1922, P. 48 the Labour International Handbook for 1921, P. 49 a bound volume of "Langal" and "Ganavani" with a slip containing the address of Upadhyaya's Indian Seamen's Union in London and also the address of Tagore in Berlin, P. 54 a copy of "Inprecorr" of 1923, P. 55 another copy of the "Masses of India" for June 1927, P. 57 a copy of the "Sunday Worker" dated 8th July 1928, P. 58, P. 59; P. 60, P. 61 and P. 62 more copies of "Inprecorr" of 1922 and 1923, P. 63 a copy of the "Labour Monthly" for August 1927, P. 64 and P. 65 two more copies of the "Vanguard of Indian Independence" dated the 1st June and 1st September 1922, P. 87 a copy of Stalin's "Leninism", P. 88 a copy of Zinoviev's book entitled "Russia's Path to Communism", P. 89 a copy of John Reed's "Ten days that shook the World", P. 90 a copy of the thesis entitled "The Revolutionary Movement in the Colonies" (frequently alluded to earlier) and P. 91 a copy of Bukharin's "Lenin as a Marxist". Ghosh has stated that he obtained the bulk of these through the newspaper office in which he was working and contends at page 1177 that "a journalist worth his salt—not to speak of a Trade Unionist—who takes note of the International currents of thoughts and ideas in the Labour Movement of the world, cannot fail to be interested in the authoritative exposition of an ideology which now influences the practical policy of one of the greatest States in the world." All these books and newspapers certainly do indicate a very keen interest in Communism and their presence has therefore to be taken into consideration, but it is obvious that they cannot by themselves prove participation in the conspiracy.

Another important set of items in Ghosh's search is the series of diaries, P. 41 to P. 47. I have alluded to these diaries already from time to time, and there are only a few points to which I need now draw attention in them. P. 47 his diary for 1927 contains against the date January 6th the address of Muzaffar Ahmad and "Ganavani", about which he says that the fact that it is entered on that particular date does not mean that he came to know Muzaffar Ahmad then. This diary also contains the addresses of Shib Nath Banerji and Jhabwala which are to be found in the pages for memoranda. Coming to 1927 P. 42 contains a number of entries from the 5th January to the 14th February in connection with the case of Donald Campbell. P. 46 is the diary which contains the entries in regard to Spratt's letter P. 38 and the enquiry in regard to fares to Hong Kong. It also contains pinned to the front page a visiting card of Kedar Nath Sehgal of the "Khabardar" office of Lahore, that is to say Sehgal accused. This diary also contains the address of Majid accused, which appears on date November 21st as follows:—"Mr. M. A. Majid, Secretary, Punjab Press Workers' Union, Mochi Gate, Lahore". Coming to 1928 we have two diaries, P. 44 and P. 41. I have already dealt with a good many of the entries in these diaries and need only mention that P. 41 mentions a meeting with Radha Raman Mitra on the 18th January, an appointment with Muzaffar Ahmad on the 20th, a letter to Tagore on the 9th February and a letter to

Mukherji accused at Gorakhpur on the 16th April, in addition to entries with regard to Spratt which I have quoted earlier. In P. 44 we find the address of the League against Imperialism in Berlin entered against the date November 28th and at the end the references to the A. I. W. P. P. Conference and other Conferences which followed it, to which I have referred already. It also contains a note of the telephone number of the Bengal Workers' and Peasants' Party. There is one other entry to which I will allude later. Coming to 1929 we have the two diaries, P. 45 and P. 43. I have already quoted from these diaries, and probably the only other item in them which is interesting from the point of view of the prosecution is the entry in P. 45 on the 1st January, where he says: "One of the things memorable in the history of the Indian National Congress in the year just expiring is the number of messages and (1 of) goodwill it has received from far and near.....The National Minority Movement of England and the National Party of Tunis under the iron heels of France are the two most important bodies which indicate how the freedom movement in India is attracting world-wide attention. All-India Trade Union Congress has also Mr. Johnstone from League against Imperialism and Mr. F. J. Ryan and from Pan-Pacific Trade Union Secretariat." Now as opposed to these entries more or less tending in favour of the prosecution view of Ghosh's political aims and activities, we have to take into consideration the fact that at the beginning of his diary for 1928, P. 44, and again at the beginning of his diary for 1929, P. 45, we find Ghosh writing a kind of personal meditation in regard to his views of life, and it is only fair to say that in both cases this review of his position is not such as we should expect from a man working for Communist aims.

There is no doubt that the prosecution have established a number of points against accused Ghosh. We have first of all to consider his admitted close association with Donald Campbell and with Spratt accused. In connection with the latter we have to consider that this was on his own statement an unusually close friendship, and that as a result of it Ghosh accused did receive a number of letters and telegrams intended for Spratt. We have it further that as early as 1927 he was regarded as a suitable person to be sent to represent Campbell's and Spratt's principles at the Canton Conference. Then we have it that there was a good deal of cooperation at one time or another between Ghosh and the Workers' and Peasants' Party, although it is quite certain that there were also disagreements between him and that Party and specifically between him and Muzaffar Ahmad. Then again we have to remember that he undoubtedly took a very keen interest in the subject of Communism and that early in 1928 his speeches indicate that he was moving in the same direction as the members of the Workers' and Peasants' Party. On the other hand, although the whole of these facts constitute very grave grounds for suspicion, I have been unable to find any evidence, which clinches the case against Ghosh by proving an act definitely in furtherance of the objects of the conspiracy. The act which comes to my mind nearest to being such an act is his participation, so far as it is proved, in the A. I. W. P. P. Conference and particularly in the procession taken out by the leaders of the Party on the 23rd December from the Sradhanand Park to the Congress Nagar. But against this it is to be remembered that the evidence on the record as to what Ghosh was doing between the date of that Conference and the date of the searches and arrests in March 1929 does not show him to have been working with the members of the conspiracy and for the ends of the conspiracy.

In the light of all these facts, while I am of opinion that Ghosh accused was rightly committed to this Court for trial and has from time to time tottered on the brink of participation in this conspiracy, I am not convinced that he has ever actually done so. He is therefore in my opinion entitled to the benefit of the doubt. Agreeing with all five assessors I hold that Ghosh accused is not proved to have participated in this conspiracy and acquit him accordingly.

PART XXXVI.

- O. P. 1411. I come next to the case of Shib Nath Banerji accused. But before going into the evidence in his case it is necessary first to go into the history and position of the Bengal Jute Workers' Association. According to the evidence this organisation was formed in January 1925 as the result of the amalgamation of three previously existing organisations the Gauripur Works Employees' Association, the Naddea Millworkers' Union and the Reliance Labour Union. D. 68 a booklet, to which Kali Das Bhattachariya the original organiser of the B. J. W. A. deposes, shows that in 1925 Kali Das Bhattachariya was Secretary and Sideshwar Chatterji General Secretary. In 1926 Shib Nath Banerji accused became General Secretary and Kali Das Secretary. We have it from Kali Das that in 1926 he, Shib Nath Banerji and Sideshwar Chatterji were the persons controlling the Association. About the middle of this year Gopendra Chakravarty accused is said to have come and joined the Union. Though not given any office, he used practically to do the work of a Secretary. At the meeting held on the 1st January 1928 we find from P. 283 that Kali Das was elected President and Treasurer and Chakravarty accused Secretary while Shib Nath Banerji became an ordinary member of the Executive Committee. Another accused who came in at this election was Goswami who was elected one of the three Vice-Presidents. Meanwhile on the 24th September 1927 the Bengal Peasants' and Workers' Party wrote to the B. J. W. A. suggesting that it should affiliate itself to the W. P. P. and it appears from item 1 (a) at page 47 of "A Call to Action" that this affiliation actually came about in October 1927. The E. C. report which mentions this fact goes on to record that "reorganisation and extension of the work of the Association are now being carried on." This report is the report of the E. C. of the Bengal P. W. P. for 1927-28 and must have been written early in 1928. In these circumstances it is of particular interest in the case of Banerji accused to find that besides Kali Das he, Chakravarty and Goswami accused were the most consistent and regular attendants at the meetings of the Executive Committee of the Association. There are in P. 283 minutes of meetings held on the 1st January, 22nd January, 22nd April, 17th June, 12th August and 9th September. Excluding the General Meeting on the 1st January we find Shib Nath Banerji was present at 4 of these meetings, Chakravarty at 4 and Goswami at 3. The B. J. W. A. was very closely associated with the Annual Meeting of the Bengal Peasants' and Workers' Party held at Bhatpara on the 31st March and 1st April 1928. In this connection we have in evidence leaflets in Hindi and Bengali P. 355 recovered in the search of the Hajinagar Branch of the B. J. W. A. and the Bengal Paper Mill Workers' Union. This is a leaflet dated 22nd March 1928 issued by the Peasants' and Workers' Party notifying the Annual Meeting and stating that "the office of the Bengal Peasants' and Workers' Party is located at 2½ European Asylum Lane. If however brother peasants and workers want to know more about the Annual Meeting they can have it from the office of the B. J. W. A. at Bhatpara." We further find from "A Call to Action" at page 1 that the Conference was held in "a Pandal erected near their Central Office by comrades of the B. J. W. A." In the same paragraph we find that representatives attended from the B. J. W. A. which is affiliated to the Party. At this meeting of the W. P. P. the new Executive Committee which was elected included Goswami, Kali Das Bhattachariya and Gopendra Chakravarty all members of the B. J. W. A.
- O. P. 1412. Continuing the external official history as it were of the B. J. W. A. we find a close connection between that organisation and the split in the Bengal Workers' and Peasants' Party. That connection appears even in the first signs of the split, which showed themselves at the A. I. W. P. P. Conference on the 3rd day when Goswami's amendment that the General Secretary of the Party should be directly elected by the annual Congress was supported by Chakravarty, Kali Das Bhattacharya, M. K. Sinha and A. Roy, the first four of whom were all members of the B. J. W. A. The next event in the history of the B. J. W. A. was the annual general meeting held at Bhatpara on the 3rd January 1929, at which we find the following office-bearers elected:—President, Shib Nath Banerji; Vice-Presidents, Goswami and two others; General Secretary, Radha Raman Mitra; Branch Secretaries, Gopendra Chakravarty at Bhatpara, Kali Kumar Sen, Calcutta, N. K. Chakravarty, Champdani, Manindra Kumar Sinha, Matiaburz, with Kali Das Bhattacharya as one among a number of Executive Members. It will be found that these elections were not all of them considered satisfactory by the Workers' and Peasants' Party. P. 34 also shows that the Central Office of the B. J. W. A. had been removed to 97 Cornwallis Street, Calcutta.

In February 1929 we come to the part taken by the B. J. W. A. in the split in the Bengal W. P. P. The first exhibit in this connection is P. 2615, a letter dated the 16th February 1929, in which Kali Das resigned his membership of the Workers' and Peasants' Party. Next on the 17th February we find from D. 37 that at a meeting of the E. C. of the W. P. P. of India, Bengal Provincial Branch, certain resolutions were passed in regard to the position of those members who had not paid subscriptions for a period of two years. These resolutions were communicated to the General Secretary of the A. I. W. P. P., Nimbkar accused, by Muzaffar Ahmad in P. 1767 (I. C. 378). Then on the 20th February we get a letter P. 144 from Muzaffar Ahmad as Secretary of the Bengal Provincial Branch of the A. I. W. P. P. to the General Secretary, B. J. W. A. 97 Cornwallis Street, Calcutta, asking whether the association intends to remain affiliated and asking it, if so, to pay the necessary fees. On the same day we get the letter D. 36, in which Muzaffar Ahmad informs Chakravarty accused of his expulsion from the Party for not paying his subscription. Another letter written by Muzaffar Ahmad on the same day was apparently one, in which he informed Kali Das of his expulsion on the same ground, to which Kali Das replied in D. 106 (equals D. 44 (1)) acknowledging receipt of it and adding: "May I accept this also as the reply to my resignation letter which I sent to you on the 16th February last, in case I do not hear from you on the contrary within seven days from the receipt hereof?" These letters were followed by the general letter of resignation by Goswami, Basak and others, and the other letters to which I have alluded earlier in connection with the split in the Bengal Party. It may be noted that among the signatories to this general letter, P. 423, were Goswami, Kali Kumar Sen and N. K. Chakravarty, all connected with the B. J. W. A.

Crown Counsel has emphasised and I think rightly that the relations between the B. J. W. A. and the W. P. P. are not to be estimated merely in the light of the rules governing the relations between those two bodies. The real question is whether or not the Workers' and Peasants' Party was actually controlling the B. J. W. A. and its branches or not and that depends not on the rules but on the question as to who were the persons, that is the individuals, controlling the B. J. W. A. If they were persons whom we know to have been members of the W. P. P. then we can be sure that it was in reality the W. P. P. which was controlling the B. J. W. A. I have already pointed out what members of the W. P. P. were among the office-bearers of the B. J. W. A. in 1928. Those of whom we are aware were Kali Das Bhattacharya, D. K. Goswami and Gopendra Chakravarty. On the other hand even if in some respects the elections at the meeting held on the 3rd January 1929 were not quite satisfactory still we know that of the office-bearers Goswami, Chakravarty, Kali Kumar Sen, N. K. Chakravarty and Manindra K. Sinha, besides Kali Das Bhattacharya, were all members of the W. P. P. In addition to these there were the General Secretary Radha Raman Mittera who was certainly closely connected with the W. P. P. and Banerji accused of whom more anon.

Another aspect of the connection between the W. P. P. and the B. J. W. A. relates to the various organisations founded by the W. P. P. and the B. J. W. A. P. 464 is a notice in regard to the Trade Disputes Bill drafted by Spratt and evidently intended to be issued over the signatures of the Secretaries of the W. P. P. and organisations connected therewith. The names of the signatories (in each case the Secretary of the organisation) given at foot are Muzaffar Ahmad for the W. P. P. of Bengal, Kali Das Bhattacharya for the B. J. W. A., D. K. Goswami for the Bengal Scavengers' Union and Manindra Kumar Sinha for the Bengal Textile Workers' Union. It may perhaps be objected that in P. 544 (3) a list of Trade Union in Bengal apparently prepared in 1929 the name of the General Secretary of the B. T. W. U. is P. M. Das. The explanation is that P. 464 must have been drafted in 1928 before the amalgamation of the B. T. W. U. with Basak's Dakeswari Mill Workers' Union as it appears from P. 299 that M. K. Sinha was Secretary of the B. T. W. U. prior to the amalgamation. In any case it would make no particular difference as P. M. Das otherwise Pyare Mohan Das was also a member of the W. P. P. and in fact of the E. C. of the Party. Bearing in mind that the headquarters of the B. T. W. U. after the amalgamation was at 211 European Asylum Lane and that in this notice P. 464 the Secretary of the organisation was Manindra K. Sinha who in 1929 was also Branch Secretary of the B. J. W. A. Matiaburz Branch, it is not difficult to realise the close connection between the B. J. W. A. and the B. T. W. U. Incidentally it may be noted that the re-organisation of the B. T. W. U. and its amalgamation with the Dakeswari Union were evidently the work of the W. P. P.

as appears from Goswami's letter to Basak P. 2203C. to which I have referred earlier in dealing with the cases of Goswami and Basak. Another piece of evidence leading to the same conclusion is Muzaffar Ahmad's letter to Tagore, P. 2256P. (F. C. 491), dated the 19th July 1928 in which Muzaffar Ahmad writes : " We have started here a Textile Workers' Union." 5

In addition to this more or less indirect participation in the formation of unions the B. J. W. A. was directly responsible for starting the Bengal Paper Mill Workers' Union, the Angus Engineering Workers' Union and the Ishapur Ordnance Workers' Union, vide the statement of Chakravarty accused at page 152 of the statements of the accused. We find from P. 544 (3) that the office-bearers of the Bengal Paper Mill Workers' Union located at Bhatpara were S. N. Tagore as President and Gopendra Chakravarty as General Secretary. Chakravarty was also Secretary of the Angus Engineering Workers' Union and in the Ishapur Ordnance Workers' Union Spratt was President and Kali Das Bhattacharya Secretary. Another Union evidently closely connected with these, if one may judge from the names of the office-bearers, was the Garden Reach Workers' Union of which Spratt was President and Manindra K. Sinha Acting Secretary. 10
O. P. 1417. 15

In addition to the above evidence which illustrates how close the connection was between the W. P. P. and the B. J. W. A. there are two references by Spratt accused which are conclusive. One of these which I have quoted already in another connection is in Spratt's letter to Page Arnot of the 23rd October 1928, P. 2419P. (F. C. 608), in which he speaks of the B. J. W. A. (without actually naming it) as being " led by us ". Another mention occurs in Spratt's analysis of the split in the Bengal Party, P. 527 (8), in which he speaks of " the tendency towards cooperation with the Congress shown by the B. J. W. U. which is under the control of this group (the dissidents). At the last Annual Meeting three Congressmen were quite unnecessarily placed in prominent official positions in the Union." This remark quite clearly indicates that the Union referred to was one regarded by Spratt as being under the control of the W. P. P. and one therefore in which the appointment of Congressmen to official positions should have been impossible. There is other evidence of this very close association but I hardly think it is necessary to quote it. It may however be useful to note what Chakravarty says about the B. J. W. A. at page 151 where he remarks : " The B. J. W. U. reflected this growing class-consciousness and the increasingly felt need for class solidarity of workers in the jute industry of Bengal. It is the latest type of Union, an industrial Union. It was organised definitely on a class basis. From the very beginning its object was and still is to fight the entire employing class in general and the jute employers in particular." Chakravarty goes on to say : " That the B. J. W. A. or Union was really a militant working-class organisation is evident from its activities in connection with various strikes." He goes on to allude to its activities in connection with a number of strikes in the jute mills and adds : " But it did not confine its activities only to the field of jute labour. . . . In response to the appeal of Mr. K. C. Mitra, General Secretary, E. I. Railway Union, it deputed me as its representative to assist the locked-out workers of Lillooah." That in itself coupled with what he says about organising other unions a little lower down would be sufficient to show that the B. J. W. A. was not an ordinary Labour Union limiting its operations to its own particular industry and the particular interests of its own members. 20
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O. P. 1418.

The same inference is irresistible when we consider the nature of the documents recovered in the searches of the different offices of the B. J. W. A. The first of these searches is that of the head office at 97 Cornwallis Street conducted by P. W. 11, Inspector S. N. Chatterji, who found Kali Kumar Sen there and searched the rooms which he pointed out as being occupied by the Association. The search list is P. 134. Kali Das Bhattacharya, D. W. 16, has attempted to confuse the issue in regard to this search by suggesting that the B. J. W. A. had only one room at 97 Cornwallis Street whereas the search list actually relates to four rooms. Kali Das Bhattacharya is such an obvious liar that it is impossible to accept anything that he says as having necessarily any particular value unless it can be regarded as an admission. We have to set side by side his two statements that in 1929 he was the Acting President because Shib Nath Banerji though elected President did no work as such partly because he went to jail at a very early stage, and his statement that he himself only went to the head office at 97 Cornwallis Street a few times, and this too bearing in mind that there never has been any doubt that Kali Das was the real driving force of the B. J. W. A. throughout its history. The following documents were recovered in this search and have been put in evidence : P. 135 " A Call to Action ", P. 136 a copy of the " Political 50
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O. P. 1418.

Resolution", P. 137 a copy of the "Trade Union Movement Thesis", P. 138 a copy of the "W. P. P. Principles and Policy Thesis", P. 145 Basak's thesis or resolution for the First All India Socialist Youth Congress at Calcutta, P. 140 an address book containing among others the addresses of Tagore, Banerji accused and Begerhotta, P. 146 a collection of addresses and P. 147 the paper to which I have referred earlier in relation to the All India Youth League. In regard to the search of the Bhatpara office we have the evidence of P. W. 18, Sub-Inspector Ubed Ali and the search list P. 278. In this search the following interesting papers were recovered : P. 279 a notice of an E. C. meeting of the W. P. P. to be held on the 5th April 1928 addressed by Muzaffar Ahmad to Kali Das Bhattacharya and Gopendra Chakravarty, P. 280 Basak's telegram of the 13th September 1928 calling on the comrades to come to Dacca to assist in the Dakeswari strike. These are the items which have been put in evidence. But the search list P. 278 shows that there were also found here copies of the W. P. P. Principles and Policy Thesis, a copy of the Presidential Address at the First A. I. W. P. P. Conference 1928, that is to say Sohan Singh Josh's famous address, a copy of Dange's book "Hell Found", 2 copies of the Y. C. L. Programme and Policy and a copy of the Annual Report of the C. P. I. for 1927, that is to say presumably the same document which we have on the record as P. 1207 (1), and lastly a copy of the W. P. P. Manifesto to the Indian National Congress Madras 1927. Then in regard to the Hajinagar office we have the evidence of P. W. 20, Inspector R. C. Guha and the search list P. 352. I have already referred to the document P. 355 which has come on the record from this search. Nothing of interest in this connection has come on the record from the search of Titagarh office conducted by P. W. 22, Inspector S. C. Ghosh who prepared the search list P. 357, but there is more of interest in the search of the Matiabur office of Manindra K. Sinha at 7 Garden Reach Road which was searched by P. W. 25, Inspector C. C. Sircar who prepared the search list P. 362. This search list shows that the offices searched were those of the Jute Workers' Association, the Bengal Textile Workers' Union and the Garden Reach Workers' Union. From this search the following interesting pieces of evidence have come on the record : P. 363 a receipt book for subscriptions in aid of the First A. I. W. P. P. Conference, P. 364 a book of proceedings of the Garden Reach Workers' Union which shows that Spratt accused was elected President of the Union on the 9th January 1929 (a fact which helps to date the list of Trade Unions, P. 544 (3)), P. 366 leaflets in Bengali, Hindi and Urdu issued from the W. P. P. headquarters in connection with the Fifth Anniversary of the death of Lenin, P. 366 a Hindi leaflet announcing the coming A. I. W. P. P. Conference, P. 368, P. 369, P. 370 and P. 371 copies of "Ganavani", P. 372 27 copies of a leaflet advertising "A Call to Action", P. 374 a visitor's ticket for the A. I. W. P. P. Conference, and P. 375 Urdu posters announcing the Conference. The search list P. 362 shows that these were not the only interesting items found in the search. It mentions also a copy of Lenin's "Imperialism, The State and Revolution", 3 copies of the Political Resolution, 4 copies of the Trade Union Movement Thesis, 3 copies of the W. P. P. Principles and Policy Thesis, 242 copies of printed Hindi handbills for "Lal Nishan" (item 48), 2 copies of the "Masses of India", a slip of paper containing the address "Zulius Trosin, Hamburg, 4 Kines Strasse 10" which may be compared with the address found in P. 1065 at F. C. 722 recovered in Amir Haidar Khan's search. Lastly it is to be remembered that in the search of Kali Das Bhattacharya's house at Bhatpara on the 22nd January 1927 in connection with the arrest of Donald Campbell, the latter's British passport no. 85570 was recovered. This fact has been admitted by Kali Das in his cross-examination. P. 1996 is the search list prepared by P. W. 45 on the occasion of that search. It is in the light of the above facts in regard to the B. J. W. A. that we have to consider the case of Shib Nath Banerji and particularly his connection with that organisation.

In the course of the above account of the history and connections of the B. J. W. A. I have shown the different positions in that organisation occupied from time to time by Shib Nath Banerji accused. There had been some attempt to spread a cloud over the position of Banerji in the year 1927. According to Kali Das Bhattacharya there were in 1927 two Secretaries, Shib Nath Banerji and Sideswar Chatterji most probably. But Shib Nath Banerji only came once or twice on Sunday and otherwise he could not take part as he had no time. He then added that Gopendra Chakravarty came about the middle of the year and "practically used to do the work of a Secretary." Chakravarty accused himself says at page 152 of the statements of the accused that he was Assistant Secretary of the B. J. W. A. in 1927. Kali Das's statement was of course intended to support the statement of Banerji accused at page 88 of the state-

ments of the accused that in 1927 there were two Secretaries and one Assistant Secretary and no General Secretary. (He put this forward in support of the view that connection between the W. P. P. and the B. J. W. A. must really have been very slight because P. 416 (1) was addressed by the General Secretary of the P. W. P. to the General Secretary of the B. J. W. A.). On the other hand

O. P. 1422. P. 283, the minutes of the B. J. W. A. for the year 1928, certainly does not suggest that there were two Secretaries in 1927. The first resolution submitted to the Annual General Meeting held on the 1st January was that the account and the report of working of the Association submitted by "the Secretary" for the year 1927 be approved. This is worth a good deal more than the statements of Messrs. Kali Das and Banerji. Moreover if there was to be any change in the secretariat of the B. J. W. A. in the following year we should have expected to find some remark. On the contrary Chakravarty is appointed Secretary C. E. C. and one M. N. Biswas Assistant Secretary C. E. C. without any commentary. Further when it is contended that Shih Nath Banerji fell out with Kali Das over the affiliation of the B. J. W. A. to the Bengal P. W. P. in October 1927, we have to remember that in spite of that fact Banerji accused was an active member of the E. C. of the B. J. W. A. in 1928 and that he along with Kali Das and Chakravarty accused was authorised to act as a representative of the B. J. W. A. to the E. C. of the A. I. T. U. C. for the year 1928. The chief document, relied upon in support of the theory of differences between Kali Das and Banerji in 1927, is a letter from Kali Das to Banerji, D. 668. Unfortunately this letter utterly fails to show what the grounds of disagreement were. It rather suggests that the differences of opinion had something to do with a Cooperative Credit Society but nothing clear emerges. If as a matter of fact Banerji accused did, as is suggested, object to the affiliation of the B. J. W. A. to the W. P. P. (and I find it impossible in the light of the numerous documents to which I have referred already to doubt that a de facto affiliation did take place) it is difficult to understand why he continued to work with the B. J. W. A. up to the end of the year 1927, and also during 1928, as he himself says at page 91, "attended meetings of the B. T. U. F. and A. I. T. U. C. as a representative of the B. J. W. A." It is of course very easy for Banerji to say in a passage immediately following the one quoted: "Later on when I had differences with B. J. W. A. I used to attend meetings of B. T. U. F. and A. I. T. U. C. as representative of other unions with which I had established connections." But it is quite evident that that does not refer to the years 1927 and 1928 because in that case he could not have allowed himself on the 1st January 1928 to be appointed a representative of the B. J. W. A. on the E. C. of the A. I. T. U. C., and this resolution (no. 4) of the General Meeting was passed in Banerji's own presence as is proved by the fact that the very next resolution was actually proposed by Banerji himself, see P. 283. Banerji did in fact attend the A. I. T. U. C. Session at Cawnpore in November 1927 and it must be supposed in the circumstances that he did so as representative of the B. J. W. A. otherwise it is difficult to know what the meetings were which he says he attended regularly as representative of the B. J. W. A. In regard to the Jharia Session Banerji contended that he was not there as a representative of the B. J. W. A. in spite of the authorisation contained in P. 283, which would obviously account for the issue of the delegation ticket P. 14, issued by Chakravarty as General Secretary of the B. J. W. A. in his name. About this he says at page 100: "I did not see this document before. B. J. W. A. might have elected me delegate in recognition of my past services but the fact is that I did not use this ticket." That may be so, we have no evidence as to the use of this ticket. But the statement which I have just quoted is definitely unsatisfactory in view of resolution no. 4 passed in Banerji's own presence at the General Meeting of the B. J. W. A. on the 1st January 1928 and the fact that in spite of his alleged dissociation from the B. J. W. A. he was elected President on the 1st January 1929.

On the 31st March and the 1st April 1928 the General Meeting of the Bengal P. W. P., at which the name was changed to the W. P. P., was held at Bhatpara with the co-operation of the B. J. W. A. Banerji accused says that this was without his knowledge and without his approval. It may be so but there is no evidence supporting the contention, and one begins to hesitate to accept statements of this kind from Banerji unsupported.

The next event of interest in Banerji's history was the meeting held at Ishapur on the 3rd April 1928 at which the Ishapur Ordnance Workers' Union was formed, vide P. 548 (9) a document recovered in the search of the W. P. P. headquarters at 21 European Asylum Lane. At this meeting the office-bearers elected were Spratt accused as President, Banerji accused as Vice-President

and Kali Das Bhattacharya as Secretary. Banerji accused put forward a suggestion that this document was not proved but went on at page 132 to admit for all practical purposes that the facts stated are correct. We have it from Kali Das, D. W. 16, who has deposed to the formation meeting of this Union that Banerji accused was elected Vice-President (probably proposed by himself, Kali Das) because he was working at Titagarh then and was known to the Ishapur workers. Unfortunately for this statement according to Banerji himself he had left Titagarh on the 29th March and it is impossible to suppose that he would have allowed Kali Das to remain in ignorance of that fact.

From this time Banerji changed his main sphere of activity to the E. I. Railway strike. The chief witness on the subject of that strike is D. W. 20, K. C. Mitra, a witness who came second only to Kali Das Bhattacharya in the impression he gave of being completely undeserving of confidence. According to this witness he sent for Banerji to help in this strike after the Bamangachi firing which appears to have taken place on the 28th March. That would be some support for Banerji's story that he shut up the Branch office of the B. J. W. A. at Titagarh on the 29th. At any rate Banerji was present at a strikers' meeting at Mirzapur Park, Calcutta, in connection with the Lillooah strike on the 4th April (P. W. 53, Inspector S. C. Ghosh). He was also present at a meeting on the 6th April at Howrah Maidan, vide the evidence of P. W. 94, Inspector J. M. Chatterji. This witness further deposes as follows: "I first saw Banerji accused on the road at Telkolghat about 9.30 a.m. on 6th April 1928. There was an office of the Factory Workers' Union in that road. It was established by K. C. Mitra with the help of Banerji and Spratt accused. I saw Muzaffar Ahmad along with Banerji and Spratt accused both on the road and at the office that morning. Some attempt was made in the arguments to detract from the value of this statement by reference to a statement said to have been made by the witness in the Lower Court. But that statement was never put to the witness and I can see no reason for rejecting the statement he has made in this Court." P. W. 47, Sub-Inspector M. L. Bhattacharya, saw Banerji at another meeting at Howrah Maidan on the 10th April along with Spratt and Ghosh accused and again at a meeting of scavengers on the 11th at which Spratt and Muzaffar Ahmad accused were present. Banerji accused addressed this meeting and felt it necessary to offer an explanation at page 128 where he suggested that his attendance at this meeting was quite accidental. This same witness, P. W. 47, also speaks of the Factory Workers' Union office at Telkolghat Road. About this he says: "The Factory Workers' Union office was started there in 1928. I know Shib Nath Banerji and Spratt accused and see them both here. I say them both frequently at that office in 1928." The next meeting which he attended so far as the evidence goes was on the 19th April at Howrah Maidan where he told the strikers that he wanted to take them in a procession to Calcutta and gave them instructions for proceeding (P. W. 94, Inspector J. M. Chatterji). Between this public meeting and the next one attended by him, Banerji attended the E. C. meeting of the B. J. W. A. at Bhatpara on the 22nd April at which, as P. 283 shows, he seconded a resolution protesting against the Bamangachi firing. A resolution was also passed for the affiliation of the B. J. W. A. to the B. T. U. F.

In the course of the next few months Banerji accused attended a large number of meetings at a good many of which he spoke. In connection with these meetings we have the evidence of P. W. 87, S. N. Bhattacharya, P. W. 88, Abdul Wadud, P. W. 35, Raihan Ahmad, P. W. 94, Inspector Chatterji, P. W. 36, Sub-Inspector G. B. Roy and P. W. 63, Inspector K. B. Sen Gupta. The evidence of these witnesses shows that Banerji accused attended meetings at many of which he spoke on the 26th, 28th and 29th April, on the 8th, 11th, 12th, 14th, 20th, 23rd and 28th May, on the 1st, 4th, 5th, 6th, 7th, 12th, 14th, 17th, 22nd, 23rd, 24th, 27th, 28th and 29th June and on the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th and 10th July. At many of these meetings he was associated with other accused; for example Chakravarty accused was present at 14 of these meetings, Spratt accused at 3, Muzaffar Ahmad at least at one and Mitra at two. In the course of these meetings we get Banerji's speeches P. 1893 (2) of the 26th April, P. 2103 of the 28th and P. 1936 of the 29th, in which he refers to Russia saying: "In Russia they do not fight for their living wage only; but also they took the Kingdom in their own hands. The entire affair of that place is in the hands of the workers. What was the demand of the Lillooah workers? Only a little promotion. But in Russia, the Government is in the hands of the workers." The only other speech made by Banerji in the course of the Lillooah strike which has been reported in full is P. 2106 made by him at Asansol after the strike at Lillooah

had come to an end. Meanwhile some time in May Banerji accused was the leader in the commission of Satyagraha in front of the Howrah Police Court as a protest against the dismissal of the case against the people who had fired on the strikers at Bamangachhi on the 28th March, vide Spratt's letter to Ghate, P. 1322 (T. C. 165). The same incident is referred to in Tagore's letter, P. 2032 (F. C. 427), dated the 6th June, in which Tagore says: "I saw the name of Shib Nath Banerji in the newspapers in connection with the Lillooah strike. Is he our Shib Nath Babu? Does not Shib Nath Babu work with Kali Das Babu now?" It is an obvious inference from this remark that Banerji accused was well known to both Tagore and Muzaffar Ahmad. On the 12th June and again on the 9th September we find from P. 283 that Banerji accused attended meetings of the E. C. of the B. J. W. A. At the first of these a resolution was passed condemning the Trade Disputes Bill. The resolution was moved by Banerji accused who also seconded a resolution for founding two new branches of the Association. On the 9th September a number of resolutions were considered. The only important one is no. 4 moved by Banerji accused that "this Committee condemns most vehemently the attempt of the Government to pass the Public Safety Bill, which means nothing but a heinous attempt to prevent the real friends of the mass people from coming to India."

The next events of importance, in which Banerji accused took a part, were the meetings at Jharia of the All-India Railway Federation and the All-India Trade Union Congress. Now the prosecution case generally is that throughout the meetings of the A. I. R. F. and the A. I. T. U. C. at Jharia Banerji accused was working as a member of a group along with members of this conspiracy, more particularly members of the Workers' and Peasants' Parties. In connection with the meetings of the All-India Railway Federation we have Bradley accused's report, P. 2413P (1) (F. C. 751), which is printed as P. 2416P (4) (F. C. 763). This report shows that at the meeting of the Council of the A. I. R. F. the Secretary's report was first considered. "Then the most important item of the All-India Railwaymen's demands was taken. The General Secretary stated that he had just received a letter from the Railway Board acknowledging receipt of demands sent to them in September, and it was quite apparent that there had been definite delay by the Railway Board on this matter. A resolution was moved by D. B. Kulkarni, seconded by K. N. Joglekar, G. I. P., supported by B. F. Bradley, G. I. P., Shib Nath Banerji, E. I. R., Marcell Fernandes, B. B. and C. I. as follows:— "This meeting of the A. I. R. F. considers that sufficient time has been given to the Railway Board to reply to the demands of the Railwaymen placed before them in September last, and since no clear reply has yet been received the Railway Board has been deliberately delaying the reply. This meeting therefore considers that a time limit should be fixed and that the Railway Board should reply by the 15th February 1929. The General Council of the Federation should meet on the 16th February and failing a satisfactory reply from the Board a campaign for direct action be resolved upon and on a fixed date a General Strike of all railways be declared." The resolution goes on to sketch a programme to be carried out between the A. I. R. F. meeting and the 16th February. The report shows that an amendment was moved, and that after much discussion the resolution was defeated in an adjourned meeting by a small majority, and a policy of 'no action' and 'wait and see' was adopted by the Federation.

O. P. 1429.

The demands mentioned in this report were those which had been framed at the Bhusawal Conference and had been laid before the Railway Board at Simla on the 12th September, vide P. 2416P (5) at F. C. 768. Crown Counsel has argued that Banerji's explanation of this is highly unsatisfactory and I cannot but agree. He says at page 134: "It is difficult to remember definitely after such a long time what I said in a particular meeting. . . . It was quite likely that I supported such a resolution at least morally." It is evident from Bradley's report that this resolution was the 'piece de resistance', yet Banerji remembers nothing about it, while on the other hand he does remember speaking on some point of very little comparative importance, a suggestion by K. C. Mitra that all the Trade Unionists in the different railways should concentrate their efforts on one railway and organise the workers there fully and then start with another railway, otherwise all the unions were having a miserable existence. About this he says that he spoke and "it was to press this suggestion that we had gone there, but there was no response to this suggestion and being disappointed Mr. K. C. Mitra did not go to any further meeting of the Federation, nor did I. On the occasion we were there, we were only guests."

If I had given my opinion for or against any resolution of the meeting, it must have been in an informal way." K. C. Mitra, D. W. 20, of course did his best to support Banerji on this point. He says: "I attended the A. I. T. U. C. Jharia Congress as representative of the E. I. R. Union. Banerji accused and B. C. Mitra were also representing it there. . . . We all three also attended the meetings of the A. I. R. F. Conference. Our Union was not affiliated that year. But we got special permission from the President to attend. I was also allowed to speak on a special proposal. We did not vote as we were not authorised to do so." This appears to be another case, in which Banerji accused has deliberately told the Court a great deal less than the truth.

O. P. 1430. Immediately after the meetings of the A. I. R. F. Banerji accused took part in the Jharia Congress of the A. I. T. U. C. In the case of this Congress we have a report prepared by Bradley accused, P. 650. The first mention of Banerji accused is in the report of the proceedings of the third day, that is the 20th December, about which Bradley writes: "This was the most important day of the whole session as all the important questions had been left. The first item on the agenda was to recommend to the Session of the Congress the names of delegates and advisers for the two International Labour Conferences to be held at Geneva next year. This was the signal for a terrific scramble of those who wanted a free trip to Geneva." Then he goes on to talk about the nature of the support for the proposal. Then he comes to the opposition and says: "The opposition to sending delegates and (¶ of) those in favour of severance with this Imperialist organ was carried on in a definite and organised manner. Those who spoke against sending delegates were K. N. Joglekar, D. B. Kulkarni, Shib Nath Banerji, myself and others." The result of this contest was that by a small majority it was agreed to send delegates. Delegates were then elected and Bradley says: "Our people refused to take part in this", which is exactly what had been decided upon in the meeting of the Bombay E. C. held on the 7th December, vide P. 1344. The note of the decision runs as follows:—"It was also decided that Com. Kulkarni should be put up as a party candidate for the Presidentship of the T. U. C. Party members were to refrain from contesting the election of delegates for Geneva, and to vote against affiliation to I. F. T. U." Banerji accused's suggestion at page 133 of his statement is that he opposed sending delegates to Geneva on quite different grounds to those which appear as the grounds put forward by the opposition according to Bradley's report. He says: "My reason for opposing the proposal was that it leads to demoralisation of labour workers seeking election as delegates, formation of cliques etc. turning away the attention of the few workers in the cause of labour from the main work of organising and educating labour." His witness K. C. Mitra, D. W. 20, however, failed to give him any support in this connection, and the other defence witness on the point Mr. Mahbubul Haq, D. W. 17, says nothing about Banerji's speech but only quotes Banerji's own explanation to him of his opposition to the proposal. In this he says: "Banerji said he was opposed to it, because the delegation diverts the attention of the real Trade Unionists from the actual work. He also said it resulted in the formation of Party cliques for pushing up their own nominees." It is curious to find that at the end of his cross-examination this witness said: "I did not know what Shib Nath (Banerji) had said to this Court in giving his reasons for opposing the sending of a delegate. He did not explain what he meant by saying that it diverted attention from the actual work. What I have stated he said to me, was said in private conversation in the same meeting, and I cannot say if he said the same in the course of his speech." This is really rather an amazing statement for a witness who had listened to the said speech as Banerji made it. Moreover I regret to say that I do not accept for a moment this witness's statement that he did not know before he came into the Court what he was going to be asked about the Jharia Conference. The witness came into the Court with a whole series of letters (relating to Ghosh's case, as he was a witness for Ghosh accused as well as Banerji) ready flagged for reference, and it is quite obvious that in saying that he did not know what he was going to be asked, he was lying. The statement which he made a little further on about these papers where he said, "what I brought I brought owing to my instinct as a lawyer" is quite delightful, but not calculated to impress a Court.

The suggestion of the prosecution is that the only possible meaning which can be attached to Bradley's report is that Banerji was working as a member of a group with Bradley and others at the meetings of the A. I. R. F. and the

A. I. T. U. C. In this connection we get another piece of evidence as to the position and nature of that group in Bradley's article on the Jharia Congress of the A. I. T. U. C., P. 661. In this article he is explaining the necessity for fighting against the attempts made to lead the young T. U. Movement of India on to reformist lines. Speaking of the Jharia Congress he says : "What happened at the Jharia Congress? Much time was taken up by discussing whether they should recommend delegates to the International Labour Conference to be held at Geneva under the auspices of the I. L. O. The Communist group took their stand for complete severance with this Imperialist body, the only logical position the Indian Trade Union Congress could take." Then he points out how illogical the decision of the Congress was. Another remark in this report P. 661 is the following :—"Within the T. U. Congress at Jharia there appeared a strong fraction led by the Communists who were conscious of this position and who led the fight to make the T. U. C. use the power of the workers in their struggle against Capitalism." Another article by Bradley on the same lines is P. 1206 (1), a newspaper cutting, recovered in the search of the Kranti office. In this he talks about the combination of the Communists and the Left Wing. Then coming to the question of the International Labour Conference he says : "As far as this question is concerned the Communists had a decided policy. They opposed the sending of delegates." Then he proceeds to quote some of the reasons given, which still exhibit the same contradictory nature, on which Banerji sought to rely in his own favour. Then coming to the question of the affiliation of the P. P. T. U. S. he says : "The question was put to the vote and Chaman Lal and the disunited won. But there was that solid vote of the Communists still there every time." At the end he says : "The Communist group worked well and deserved the praise that Kirk pays them in the "Statesman"" The prosecution suggestion is that it is impossible to imagine that Bradley, who could write these two articles P. 661 and P. 1206(1), in which he devotes himself entirely to bringing out the rightness of the Communists and Left Wing and the wrongness of the Reformists in the T. U. movement, could possibly mention Banerji accused as he has done in P. 650 and P. 2416(4), unless Banerji were actually a member of his own group. An attempt was made to meet this by showing or trying to show that Banerji was one of the persons whom Bradley accused calls in P. 1206(1) "the disunited", who voted for the election of Jawahar Lal as President in preference to D. B. Kulkarni. There is nothing in P. 650 to show which way Banerji voted. All we get there is "two nominations were made for the Chairman to the Congress, Jawahar Lal Nehru and D. B. Kulkarni. In this matter Chaman Lal had been canvassing for J. Nehru. We stood by D. B. Kulkarni as our nominee and as a worker. I may add this is the first time a worker has fought this position. The voting was 36 for J. Nehru, and 29 for D. B. Kulkarni," Banerji accused says nothing in his statement about the way he voted, but an attempt was made to prove that he had voted for Jawahar Lal Nehru in order to bring him into Bradley's category of the disunited. The only evidence on the point is the statement of D. W. 35, Mr. R. R. Bakhle. Crown Counsel criticised his evidence and the least that can be said is that the criticism was thoroughly well merited. Mr. Bakhle in examination-in-chief said : "There was a contest that year for the post of President between Mr. Jawahar Lal Nehru and so far as I remember Mr. D. B. Kulkarni. I opposed Mr. Nehru, and I cannot say whether I supported or opposed Mr. Kulkarni. If I remember aright I think the E. I. Railway Union representative voted in favour of Pt. Jawahar Lal." In cross-examination the witness said : "I can give a few names of Unions which supported Jawahar Lal, such as Press Employees' Union, Bombay Textile Labour Union (myself and others), Madras Labour Union (Mr. Shiva Rao and some others)." This of course put the witness in an obviously awkward position, as he had apparently opposed Mr. Nehru and yet had voted for his election. In re-examination this contradiction was pointed out to him and he was asked to explain it, whereupon he said : "What happened was that when the two names were proposed I was in favour of neither, but in my speech I opposed the candidature of Pt. J. L. Nehru. I believe I suggested some other third name being put up. When the actual voting came I had to make a choice only between those 2 candidates as there was no other in the field, and I voted in favour of Pt. Jawahar Lal as against Mr. Kulkarni. I had no specific person in view for the third candidate, and did not suggest any." This makes it fairly clear that Mr. Bakhle is not a witness in whom it is possible to repose any particular confidence, and in any case the reasons he gave for having a vague idea

in the back of his mind that the E. I. R. Union representatives voted for Jawahar Lal Nehru were most unsatisfactory.

O. P. 1436. The next incident, in which Shib Nath Banerji was concerned, is the so-called capture of Congress. That is the occurrence on the 30th December 1928, when a large procession of workers came to the Congress Pandal and was at first refused admittance, but after some discussion was admitted, held a meeting and went away again. P. W. 49, Sub-Inspector D. N. Roy, deposed in regard to this affair as follows :—" On December 30 I was on duty at the Congress Pandal. It was the 2nd day's sitting of the National Congress and was to take place at about 2 p.m. [The sitting was delayed as the Congress Pandal was invaded by the labourers about 10,000 in number. The labourers were carrying Red Flag and were crying " Mazdur hukumat ki jai ". As they approached the gate, they were obstructed by the Congress volunteers who were on duty there. The volunteers were overpowered and the workers entered the Pandal by force." The witness then volunteered : " Ultimately the Congress authorities allowed them to hold a meeting there for one hour only. I heard an announcement made to that effect. Among the crowd of workers I noticed S. N. Banerji accused, Mitra accused and Dharani Goswami accused. In the meeting the behaviour of the Congress authorities was first criticised and then a resolution was passed. Its gist was that they did not like the present Imperialistic Government neither the Nationalist Imperialistic Government and wanted a Government for the workers." The witness was cross-examined at some length about this occurrence and added a certain amount of information. Another witness, who gave evidence in regard to this occurrence was P. W. 104, S. C. Mazumdar, who was questioned about it at great length in cross-examination. Much stress has been laid on the fact that he was a prosecution witness, but as regards that it will be sufficient for me to say that his whole attitude as a witness betrayed a strong bias in favour of the defence. The evidence he gave for the prosecution was purely formal, and he really took the part of a defence witness. However, that is not important, because the occurrence itself, apart from the importance attached to it by Communist writers and the treatment of it in defence by Banerji accused, has no real importance as a piece of evidence proving the participation of any of the accused in the conspiracy. The feature of this witness's evidence, which gave rise to great discussion at the time of argument, was the attempt to prove through certain copies of the " Forward " of Calcutta, the official Congress organ, that this Labour meeting at the Congress Pandal had been contemplated for nine days prior to the actual date. The defence contention, as we find from the evidence of K. C. Mitra, D. W. 20, was that permission had been obtained for the holding of this Conference from the General Secretary of the Reception Committee of the Indian National Congress. Unfortunately it came out in the examination of K. C. Mitra that both the application and the permission were contained in documents, which were not put before the Court. The evidence that any such permission was obtained therefore goes out, and the only other piece of evidence, from which such a permission might be inferred, are the copies of the " Forward ", D. 173 (1) to (7), and D. 685, a licence obtained by K. C. Mitra from the Police Commissioner for the procession, in which the workers marched to the Congress Pandal. Very unfortunately for the accused at a later stage of the case the " Forward " for the 30th December became available and was found to contain official contradictions of the rumour that permission had been granted to hold a Labour Conference in the Congress Pandal. In cross-examination K. C. Mitra was shown a copy of the " Englishman " D. 54 (2) containing a paragraph headed " A Misunderstanding " and stated in regard to this : " The statement in the first two sentences implying that permission was not granted for the holding of the Labour Conference in the Congress Pandal is not true." Then he was questioned about the " Forward " and deposed : " Forward is the official paper of Congress. I cannot say whether there was in " Forward " of the 30th December an official statement that permission was not granted." The witness was then shown two notices, P. 2616 (1) & (2) in the " Forward " of 30th December both headed " False Rumour " and deposed : " It was not possible for the publicity Secretary of the Congress to put in such a notice as the latter as the notice of the Labour Conference was appearing daily in the " Forward ". It is false that permission was not given. In the former passage the statement that no permission had been applied for or had been given was false." A little further on he said : " It is not a fact that it is untrue that permission was ever granted." The point here is not so much the facts which appear from the Forward of the 30th December, which may be true or false ; there is no evidence. The point is that copies of the " Forward " covering a period of 9 days prior to the 30th

known to be in favour of the defence contention, in as much as they showed this Labour Conference as part of the programme of the week, were put in, and the copy of the "Forward" of the 30th which would have cast doubt on the nature of the demonstration was kept back. Of course it has been contended by defence counsel that this copy was not available when the copies of "Forward" from the 20th to the 29th December were put in, and that anyhow there is no burden on the defence to put in documents, which favour the prosecution. But the fact remains that the defence here quite evidently tried to hide something from the Court. It cannot be believed that "Forward" of the 30th December was not available originally, and even supposing for a moment that it was not available at the time of the evidence of P. W. 104, that is on the 26th June 1930, it could have been made available later, and an attempt to tell the Court half the truth should not have been made. Banerji accused has dealt with this matter at great length on pages 122 to 128, and the only point with which I am concerned is his statement at page 124, where he said (and it is to be noted that this statement was made on the 8th April 1931): "After it was fixed up the news was given to the press; all the principal daily papers of Calcutta published the news that there would be a labour conference on 30th December in the Congress Pandal in the list of engagements of Congress week; this was also published in "Forward" in the same list of Congress week engagements from day to day (D. 173 (1) to (7)). Forward was the official organ of the Congress at that time." It will be noted that there is no hint in this statement that Banerji knew, as he must have known, that "Forward" of the 30th December would undo the whole of the good effect of the entries in the other copies of "Forward" put in.

The last piece of evidence of importance in Banerji's case is his election as President of the B. J. W. A. at the annual meeting held on the 3rd January 1929, vide P. 34. About this he says at page 95 of his statement: "On 3rd January 1929 I was elected President of the B. J. W. A., it is alleged, and the Magistrate tried to make capital out of this fact. I had been sentenced to 9 months' rigorous imprisonment by the Calcutta High Court on the 18th or 19th December 1928. I was to surrender on the 11th January and so the election was only a week before that. I was not present at the annual meeting when the election took place, nor was my opinion taken beforehand, nor did I go to the Central Office after the election. I knew about it from a newspaper report just a day or 2 before my surrender, and so I am not in a position to state definitely what actuated B. J. W. A. to elect me President." The accused proceeded to contend that D. 26, a draft letter from Kali Das to Sime, consisting very largely of cancellations except in so far as it is eaten by white ants, would show that Kali Das looked on this election as a formal affair and said to Sime that he had again been elected President and did not even mention Banerji's election. This letter is not dated. It contains in regard to the election of office-bearers the following remark: "This year I have been elected President and Mr. Radha Raman Mitra General Secretary of the Union." In his statement as a defence witness Kali Das says about it: "Most probably I wrote to Mr. Sime after the election of 3-1-29 that I was elected President. D. 26 is in my handwriting. In my opinion it was immaterial that Shib Nath was elected President, because he was in jail." Then about this election he further says: "I did not inform Banerji beforehand that I was proposing him as a President. I did so afterwards. I can't remember if it was by letter or word of mouth. I can only say it is unnatural that we should not have informed him. I must have informed him. I do not remember meeting him after he was elected President so I cannot say if he was very surprised at his election. If I informed him I did it by letter. I do not remember whether he ever wrote a letter in reply. My letter if I wrote one, I do not remember when I sent it. If Shib Nath said that he got the news from a newspaper report 2 days before he went to Jail that must be correct. I cannot say if he ever received my letter. I cannot say whether D. 44 (4) is the first letter I got from Shib Nath after the election." It is surprising to find that whereas Banerji says that he never heard of his election until the 9th January or thereabout, he was actually in company with Chakravarty accused, who had been elected Secretary of the B. J. W. A. Bhatpara Branch, at a Bauria strike meeting on the 6th January. It is difficult to imagine how he could possibly have failed to hear of his election on that occasion. In fact I find it impossible to believe that he did not hear of it until the 9th January, as he says. The only piece of evidence on the point is D. 44 (4), a post-card dated the 11th January from Banerji to Kali Das in which he says that he is surrendering today and signs himself "Yours Sincerely Shib Nath, Jail President" with a mark of exclamation after the title. One might have expected that he would, if he had

only heard of his election indirectly a couple of days earlier, have made some sort of comment on it or enquiry from Kali Das as to what Kali Das' idea had been in getting him elected President. In the light of all these facts I think it has been rightly contended by the Crown that Banerji's connection with the Bengal Jute Workers' Association was much more intimate than he has admitted in his statement. It looks as if he had avoided being appointed Secretary of that organisation in the elections on the 1st January 1928, because he wanted to be free to participate in other activities, rather than because of any difference of opinion with Kali Das in regard to the affiliation of the B. J. W. A. to the W. P. P.

As Banerji accused was in Jail at the time of the arrests in this case, there is no evidence in regard to the search of his property. We have, therefore, now only to consider the effect of his statement to this Court and of the defence evidence. He begins with the question of his affiliated membership to the W. P. P. and endeavours to prove that the relations between the W. P. P. and the B. J. W. A. were not as close as the prosecution has suggested. At page 90 he says: "There is abundant proof to show that this attempt of controlling B. J. W. A. on the part of W. P. P. was resented by the former." But the documents he refers to here all relate to the stage of the split, and have no bearing worth the name on the relations between the two organisations from October 1927 to the end of 1928, which is the period we have to consider in connection with his own association with the B. J. W. A.

Next he comes to the election of the office-bearers on the 3rd January 1929, and attempts to make out that he was one of the three Congressmen brought into the Party as officials at that election. That is of course with reference to Spratt accused's discussion of the split in the Bengal Party (P. 527 (8)), but, as Crown Counsel has pointed out, this suggestion is obviously absurd. Banerji had been connected with the B. J. W. A. throughout the whole period of its connection with the W. P. P. It follows that the reference to Congressmen cannot refer to him, and an examination of the names plus a consideration of the facts elicited from witnesses makes it quite clear that the three Congressmen referred to were R. R. Mitra accused, his friend Bankim Chandra Mukerji and S. K. Bose, all members of the North Calcutta Congress Committee. He next attacks the problem from another angle, and seeks to demonstrate that the B. J. W. A. could not really have been closely associated with the W. P. P., because it was closely associated with certain other organisations. The argument is not very logical, and the evidence does not support it. There is nothing really very convincing about the connection between the B. J. W. A. and the Dundee District Jute and Flax Workers' Union, and as regards the B. T. U. F. there was a complete break for a considerable period. However, what Banerji is really getting at is still the same old Congress defence, and he tries to establish a close connection with the Congress Labour Sub-Committee. But here again what is the evidence? It consists solely of one letter from Banerji himself to Kali Das Bhattacharya and one letter from Kali Das to Banerji. I leave out of account Banerji's own statement that he had a long talk with the President of B. P. C. C., because there is nothing to support it, and Banerji's own statements do so obviously need corroboration before anyone can safely accept them. Now all Banerji says in D. 44 (4) is: "The Congress Labour Board approached me and I have referred to you and somebody will see you regarding the matter. Do what you think expedient." This letter is written on the 11th January, the date of his surrender to bail. Kali Das replied to it on the 18th in D. 44 (12), in which he acknowledges Banerji's letter and says: "I am now corresponding with the Congress Labour Board and shall try my best to induce them to devote more time and energy for organising labour. I hope I do not misunderstand your view regarding our policy towards the Congress." It is curious in the light of what has been said about the election of Banerji as President of the B. J. W. A. being a mere formality to find Kali Das rather anxious to be doing what Banerji wants. But again we have to remember that all this relates to January 1929 just about the time when owing to the split in the Bengal Party, a split arising largely out of personal disagreements with Muzaffar Ahmad, the B. J. W. A. was inclined to break away from the W. P. P. Banerji then goes on on page 92 following to give a long account of his own connection with the B. J. W. A. in part of which he is supported not very satisfactorily by Kali Das. Counsel for Banerji argued his case as if complete faith could be put in everything that Kali Das said. I regret to say that the impression created in my mind by Kali Das was that he was a witness, in whom it was not possible to place the smallest confidence whatsoever.

It is only necessary to read through his statement and his cross-examination to realise what sort of a witness he is and I hardly think it is worth while to demonstrate his worthlessness by a detailed analysis of his evidence. According to Banerji his relations with the B. J. W. A. became strained towards the end of 1927, which no doubt explains why he attended the annual General Meeting on the 1st January 1928, and continued to take an interest in the Association throughout that year. What seems to me more interesting in his statement in this connection is what he says at the foot of page 94 about his connection with other Trade Unions. He says here: "When I was compelled to give up my interest in the B. J. W. A., I diverted my attention to other channels and found more suitable atmosphere for labour work in other Trade Unions. First together with Mr. P. K. Sanyal I founded the Calcutta Tramway Workers' Union and was one of its Vice-Presidents. Secondly at this time I was also taking interest in the Port Trust Employees' Association and in early 1928 was elected General Secretary of that union." And he goes on a few lines later to say: "As I had not decided my policy with respect to B. J. W. A. I was taking interest in other labour matters and corresponding with Mr. T. P. Sinha of the Indian Information Centre in regard to sending Indian Trade Unionists for training in England." We have it, therefore, from Banerji himself that he was simply taking a general interest in Trade Unions of all kinds. The question is, with what object? A little further on he refers on page 96 to Tagore's letter of the 6th June 1928 to Muzaffar Ahmad, P. 2032, and contends that Tagore's remarks: "I saw the name of Shib Nath Banerji in the newspapers in connection with Lillooah strike. Is he our Shib Nath Babu? Does not Shib Nath Babu work with Kali Das Babu now?", should not be interpreted against him. In this connection he refers to Muzaffar Ahmad's remark in his letter to Tagore of the 8th September 1928, P. 1865 (1), in which, referring to a comment in the "Sunday Worker," he says: "Shib Nath is not a member of our Party directly. But he is a member of a union affiliated to our Party." There is, I think, some little force in his contention that Muzaffar Ahmad certainly did not show any interest in his conviction as compared with the interest he showed in that of Chakravarty, an actual member of the Party. On page 100 Banerji accused gives an account of the affairs of the East Indian Railway Union and his own connection with it which, he says, began with the Bamangachi firing. There is a discrepancy here between his account of his reason for leaving Titagarh and that given by Kali Das. According to Banerji's account, although there were numerous organisations which did help the Lillooah workers, the Bengal W. P. P. never did so. He says on page 104: "Some of the members of W. P. P. used to come and address meetings or help in other ways, but their number was only a small fraction of all those who used to come and help the Lillooah workers during the lockout. The members of W. P. P. who used to help the Lillooah workers had no controlling hand in the Union and some stopped helping the Union and even attacked some of the office-bearers of the Union before the strike was over." In this connection Banerji referred to Spratt's letter, P. 2419P and the disapproval shown by Spratt of the conduct of the strike in that and other letters. Then he goes on to talk about certain attempts at settlement, in which he claims to have taken a considerable part. All this account of the strike is very long-winded and does not really help, because it is not his mere participation in the strike on which the case against him rests. So far as that goes the prosecution really have based very little on it at all. In fact it will be found that that is true in regard to all strikes. It is not on mere participation that the prosecution have based their case, but on the use made of the strikes by the accused, who took part in them. No doubt the manner in which the evidence of participation was put before the Court did suggest that mere participation was a factor, and it may be that at some stage of the case the prosecution also suggested this by arguing the case on those lines. But, as the case now stands, as put before the Court in Crown Counsel's final argument, mere participation in strikes has, I think rightly, been given very little value. In the absence of evidence that that participation was being used for work on Communist lines; that is work in furtherance of the conspiracy, participation in a strike has very little effect at all. It is just possible, on the other hand, that evidence of following a reformist policy on the part of a particular accused in a strike might be helpful to his case, and there is a certain amount of evidence of that kind in Banerji's defence, vide the evidence of Mr. C. F. Andrews, added to which there is the negative fact that although he took a very active part in the Lillooah strike over a period of more than three months, the prosecution scarcely contend that there is any real evidence of his working in the strike on Communist lines.

That is a point which, I think, is very definitely in his favour. His part in the Lillooh strike and such speeches as he made have to be contrasted with the part taken and the speeches made by the professedly Communist accused in the Bombay Textile strike of 1928.

O. P. 1446. Banerji goes on to discuss the capture of Congress, with which I have dealt already. He accepts his share of responsibility for it as an office-bearer of the E. I. Railway Union and says the whole thing was really organised by K. C. Mitra. At the end of this he comes to his participation in the Scavengers' meetings on the 29th March and 11th April. In both cases he says his presence was accidental, a curious coincidence, but on the other hand it does not appear that he said anything of great importance at these meetings. After this Banerji dealt with a number of miscellaneous matters, and finally came at page 137 to the evidence of Mr. Brailsford showing that he (Banerji) had been in Russia before he went to England and from there came back in 1925 to India. In regard to this he gave a long account for which there is of course no evidentiary support of the history of his movements and of his efforts to get permission to return to India from England. A great deal of stress has been laid on the fact that while in England he professed to have been disillusioned about Communism by his stay in Russia. But it must of course be quite obvious that anything Banerji said in England, when he was endeavouring to get permission to come back to India, could be of no value whatsoever as proof that he really was disillusioned about Communism. The fact which emerges from the whole of this disquisition on Banerji's previous history is that he had had in Russia a full training in Communism and Communist work, but that is not of course the question in issue. It means that he had been fitted to do Communist work. The question is : did he do it and did he thereby take part in the present conspiracy ?

O. P. 1447. The last piece of evidence with which Banerji accused has dealt was the entry of his name in the deceased Thengdi accused's note-book, P. 797, along with his address and the remark "D. C.'s friend". This entry was evidently made in 1926 much about the time when Banerji himself says he first came to know Donald Campbell. I note however that Banerji accused gives no date of the occasion of his first meeting Donald Campbell, and carefully abstains from saying anything about his further acquaintance with him except that he says : "There" (apparently a slip for 'then') "I met him also in the T. U. C. Executive where he was trying to settle the differences between 2 sections at the request of the E. C." This is apparently a reference to the events of December 1926. It is rather curious that Banerji, who is so ready to give almost too much information in many cases, has been so cautious in this connection.

O. P. 1448. Turning now to Banerji's witnesses I think it is hardly necessary for me to say much more about them than I have done already. Kali Das Bhattachariya and K. C. Mitra are two witnesses whose evidence is far more likely to injure the case of anyone who calls them than to benefit them. K. C. Mitra refused to give evidence in English, the only language which he really knows, and preferred to give it in a mongrel brand of Hindustani, I suppose because that necessitated each question in cross-examination being translated which gave him more time to think about his answers. Time after time he betrayed himself by speaking English in cases where there was no difficulty in using a Hindustani phrase. As for Kali Das the little I have quoted is quite typical of his whole evidence and not as bad as the worst of it. In fact one of the main difficulties in Banerji's case is to forget Banerji's own dishonesty and that of his witnesses and concentrate on the facts proved against him. Put shortly the case against him is that admittedly he went to Russia and spent a considerable time there during part of which he was a member of the Eastern University and certainly must have acquired a very thorough acquaintance with Communist aims and methods. He was unable to conceal his previous history when he reached England and posed whether genuinely or not as disillusioned. It was in any case the only possible attitude to adopt, desiring as he did to get back to India. After his return to India he was bound in view of the facts known about him to the authorities to walk most warily. We have proof of his association during the years 1926 to 1929 first with Donald Campbell, then with the B. J. W. A. and indirectly with the W. P. P., and after that with different members of the W. P. P. in strikes, for example Spratt and Chakravarty (with whom he had also been acquainted in the B. J. W. A.). Then in 1928 we have him associated not only with the B. J. W. A. but also with the East Indian Railway Union, the Factory Workers' Union at Telkolghat Road, the Ishapur Ordnance Workers' Union, the Tramway Workers' Union and the

Port Trust Employees' Association. Lastly we have him associated with the Communist group in both the A. I. R. F. Conference and the A. I. T. U. C. Session at Jharia. This is a formidable record, but with it all we have to weigh the fact that he is not proved by any evidence of value to have been working on the same lines or for the same aims as the Communist members of the conspiracy. He does not seem ever (with one possible exception) to have been preaching Labour Raj in his speeches and he must have made many. His co-operation with the W. P. P. was very lukewarm and the Party does not seem to have attached any value to him. In my opinion there remains room for the greatest suspicion in his case but I cannot feel quite convinced that he was ever a member of this conspiracy. I therefore give him the benefit of the doubt. Disagreeing with one assessor and agreeing with the other four I hold that Banerji accused did not take part in this conspiracy and acquit him accordingly.

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PART XXXVII

O. P. 1449. The case of Ajodhya Prasad is on quite a different footing from that of any of the rest of the accused. It is in short that he has been working in furtherance of the conspiracy as a courier, travelling as a lascar between India and Europe with the object of maintaining communications between conspirators in Europe and conspirators in India. From some points of view therefore his case is definitely more interesting, in fact a refreshing change from those with which I have been dealing so far. 5

O. P. 1450. We first hear of Ajodhya Prasad in 1924 when we have it from the evidence of P. W. 255, K. B. S. Abdul Karim, P. W. 257, Police Constable P. A. Swami, P. W. 258, Inspector H. S. Abdul Sattar and P. W. 259, Seth Ali Mohammad that he visited Pondicherry and Villianur and stayed with R. C. L. Sharma with whom I have dealt in an earlier chapter. According to the evidence he stayed with Sharma in these two places for some 4 or 5 months as he himself admits at pages 541 and 542 of the statements of the accused. There he says: "In May 1924 he (R. C. L. Sharma) wrote to me that he was dangerously ill and there was nobody to look after him. On the receipt of this information I left for Pondicherry and stayed with him. In the winter of that year when he recovered and became able to look after himself I came back to Jhansi. It was all before the present conspiracy came into existence (1924). After that I never wrote to him nor did he write any letter to me. This evidence of the prosecution witnesses that I again went in 1926 to Pondicherry is untrue. The relations between him and me were purely personal and not political." The reference to 1926 is perhaps to the evidence of P. W. 255 who admitted in cross-examination that he was not definite about seeing Ajodhya Prasad in 1926, but accused has forgotten the evidence on the point of P. W. 257 who deposed to seeing Ajodhya Prasad with Sharma again 2 years after his first visit and was not even cross-examined on the point. So we may take it that he did actually visit Sharma in Pondicherry twice, once in 1924 and once in 1926. At the time of either the 1924 or the 1926 visit to Pondicherry Ajodhya Prasad was also seen by P. W. 255 in Madras in company with C. Krishnaswamy Iyengar to whom also I have referred in an earlier chapter. This witness deposed that he once followed Iyengar in company with Ajodhya Prasad, and that he was not following the movements of Iyengar on that occasion but those of Ajodhya Pd. 10
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The next piece of evidence in Ajodhya Prasad's case is P. 2313P (F. C. 131) and its enclosure a Hindi letter P. 2313P (1). This is a letter, dated Jhansi the 31st May 1926 (Ajodhya Prasad accused is a resident of Jhansi) and signed Alakh Prakash, which is proved to be in the handwriting of Ajodhya Prasad accused, vide the evidence of P. W. 258, Inspector Abdul Sattar. This letter shows a good general acquaintance with the affairs of the Communist Party. It mentions the opening of the Central Office at Delhi by Begerhotta, and the controversy with Satya Bhakta in the "Pratap" about which he says that his own article was not published in full: "they have cut off a most important paragraph in which I tried to prove that he is propagandizing to receive money from Masco". With this letter Ajodhya Prasad sends a cutting from the "Pratap" containing his own contribution and a letter for Elder, that is to say, the Hindi letter P. 2313P (1). Further on he gives a cover address for Tagore at Calcutta and suggests that letters for himself should be addressed to "town school address". Lastly he tells his "Brother" (the letter is addressed to N. Swamy, 18 Niliviraswamy Chetty Street, Triplicane, Madras) that he lost his grandfather while he was in Calcutta. The Hindi letter, presumably intended for R. C. L. Sharma, enclosed with this letter has a number of allusions to persons connected with this case. For instance the writer speaks of Iyengar and M. A. (evidently referring to Muzaffar Ahmad) as he has been talking about Calcutta. Then at the beginning of the letter he says: "However Kutbuddin purchased a press and got it fitted and ready. But as no electric current could be got it could not be made to work. It may perhaps have been working now. If not so, it will begin work in a few days. The press has been purchased at a cost of Rs. 2200. You will get "Langal" as soon as it is out." These references to Kutbuddin and the press may be compared with the references in P. 52 which mentions the "Langal" as the organ of the Labour Swaraj Party and speaks of Kutbuddin as providing the initial expenses. At the end of this letter also he refers to the controversy with Satya Bhakt and says: "You must have received manifesto and a paper published by Satya Bhakt. I have got a letter published in reply to that paper in the "Pratap". Although that has not been 35
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printed in full, still I have been sending you its cutting along with this letter." This letter as I pointed out earlier is dated the 31st May 1926. We have in evidence as P. 2313 the "Pratap" dated the 30th May 1926 which contains an article at columns 2 and 3 of page 11 entitled "Mr. Satya Bhakt and Communism" which is signed by Ajodhya Prasad Srivastava. This purports to be a reply to an article by the said Mr. Satya Bhakt and is quite evidently the article referred to in P. 2313P and its Hindi enclosure, so that quite apart from the identification of Ajodhya Prasad's handwriting, we have it clearly proved from another side that the letter P. 2313P emanates from a person who writing to the "Pratap" signed himself Ajodhya Prasad. It is fairly clear from other evidence that the paper published by Satya Bhakt to which Ajodhya Prasad wrote a reply is the leaflet referred to by Roy in the "Masses" for September 1926, part of P. 2581, and also referred to by "Indian Communists Abroad" (Sepassi) in P. 783 (F. C. 142) as the "mischievous propaganda carried by Satya Bhakta & Co. of Cawnpore" in reply to which a leaflet called "National Communism" was being published.

As I have already pointed out it is clear that at the time of writing P. 2313P Ajodhya Prasad had recently been in Calcutta. That also appears from the opening sentence of the letter in which he says: "After waiting long time for the reply of Elder I left Calcutta and reached here in last week." This letter must therefore have been written not more than a week or 10 days after he had left Calcutta. It is interesting in these circumstances to find that Iyengar writing to Muzaffar Ahmad in P. 2169P on the 31st May says: "How are you and our dear chap A. P. getting on?" and again at the end of the letter: "Ask please A. P. to write to me about his welfare." I think it is clear from all these facts that as early as the middle of 1926 Ajodhya Prasad accused was closely associated with R. C. L. Sharma, Iyengar and Muzaffar Ahmad accused. He was also acquainted with what was going on in the Communist Party of India and had or thought he had a status which justified him in writing a letter to the "Pratap" criticising Satya Bhakta.

On the 30th June 1926 Ajodhya Prasad accused made a declaration under the Press Act (P. 2319). P. W. 140, Mujtaba Husain, Chief Reader to the Court of the District Magistrate of Jhansi deposed that Ajodhya Prasad accused signed this paper in his presence. He took the paper along with the accused to the Joint Magistrate who got Ajodhya Prasad identified and then asked him to verify execution of the form. In cross-examination the witness said: "Ajodhya Prasad brought the declaration written already and only signed it in my presence. I can say nothing about the ink of the part which was already written, whether it was of my office or not." As a matter of fact inspection of the document makes it quite clear that the whole thing was written at one time and in the same ink and the evidence of this witness therefore shows that Ajodhya Prasad and no one else is responsible for the whole of the writing in this declaration.

Early in 1927 Ajodhya Prasad accused got himself registered in the Shipping Master's office at Bombay as an Indian seaman under the name Abdul Hamid Abdul Karim registered no. 14513. We have not of course the evidence of any witness who saw him presenting himself at the Shipping Master's office. What we have is proof of identity of thumb-impressions which it is quite impossible to go behind even if there was not, as there is, other very good evidence in the case to support it. The witness on the subject of the registration is P. W. 233, E. N. Vaidya, a clerk in the office of the Shipping Master at Bombay. This witness produced the register of certificates of service which is prepared in the Shipping Master's office. This is a register which contains among other details the marks of identification and thumb-impression of the man who presents himself for registration as a seaman, as every man who wants to go to sea as a seaman must do. After the necessary registration is effected the newly registered seaman is given a document commonly called a "Nalli" which he keeps in his own possession and in which he gets details entered from time to time by the Captain of the ship on which he sails, those entries being subsequently countersigned by the Shipping Master. At the time of registration a photograph of the newly registered seaman is also taken, of which one copy is pasted on to the "Nalli" and the other is kept in the register of photographs. The photograph is taken with the man bearing on his chest a card having his registration number written on it. P. 2473P (1) and P. (2) are photographic copies of P. 2473, the entries in the register of certificates of service relating to no. 14513 Abdul Hamid Abdul Karim, that is to say, Abdul Hamid son of Abdul Karim, and P. 2229P is a photographic copy of the photograph contained in the original

register of photographs. (There can be no doubt that the man whose photograph as Abdul Hamid P. 2229P is on the record is Ajodhya Prasad accused.) This witness went on further to explain the procedure when a seaman wants to sign on for a voyage. In this connection he deposed : " When any seaman signs on in Bombay to serve in a particular ship he produces his " nalli " and the details from that are entered in the articles of agreement of that ship and voyage, the whole agreement being signed by the Captain and the Shipping Master, the agreement being between the Captain and the crew. 2 copies of this are prepared, one being the office's copy and the other for the ship. On the completion of the voyage or the period the ship's copy is deposited with the Shipping Master. At the time of being paid off on discharge the seamen put their thumb- impressions on the ship's copy which is then retained by the Shipping Master. There is no thumb impression if he (i.e. a seaman) is not paid off on discharge." This witness was then shown the articles of agreement and the official logbooks in respect of a number of voyages of the Anchor Line S.S. Elysia. For the first of these voyages we have the articles of agreement P. 2230 and the official logbook P. 2231. We find from the articles that they were opened on the 9th March 1927 and that the voyage terminated on the 27th May. The name of Abdul Hamid Abdul Karim appears at page 26 as no. 113 of the crew and in the last column where an entry is made as to the last ship in which the seaman served we find the entry " 1st ship ". The registered number of Abdul Hamid is also given, that is 14513. At the end we find his thumb-impression in token of his having been paid off. The whole entry relating to Abdul Hamid Abdul Karim is P. 2230 (1). Turning to P. 2231 we find in the list of seamen a note against no. 113 Abdul Hamid Abdul Karim " Coal Trimmer ", Conduct " Very good ", Ability " very good ". In another portion we find an account of the voyage, that is the ports visited. This shows that the crew came on board on the 12th March and the voyage ended on the 27th May. It may be pure coincidence that on the 10th March Spratt accused wrote a letter to Page Arnot of which P. 1955 (F. C. 192) is the office copy. As Crown Counsel has pointed out this letter is not one which it was particularly necessary to send by a secret method and it is possible that Ajodhya Prasad did not take it. Spratt accused stated that he forgot to post it at Bombay and actually did so at Delhi. In connection with this registration of Ajodhya Prasad accused as a lascar I should perhaps also refer here to Ghate's letter to Iyengar P. 2326P (F. C. 187) dated the 19th February 1927 in which Ghate says : " The boy is quite alright. He may write to you separately. The arrangements are being completed on his behalf." It will be remembered that Ajodhya Prasad had got himself registered as an Indian seaman on the 14th February and that he did not actually sign articles of agreement for the Elysia until the 9th March.

Ajodhya Prasad's second voyage on the S.S. Elysia is perhaps the one which is most interesting from the point of view of this case. With reference to this voyage we have the articles of agreement P. 2232 and the Logbook P. 2233. The articles of agreement were opened on the 5th June and Abdul Hamid no. 14513 was signed on on the 6th June and his reference number for this voyage was no. 117. He was paid off on the 20th August. The Elysia actually sailed from Bombay at 3 p.m. on the 8th June as we find from the logbook. We have it further from the logbook that she cleared from Manchester on the 23rd July at 8-30 a.m. and inspection of the articles also shows that they had been handed in at Manchester on the 18th and were returned on the 22nd with a note that the ship proceeds to Birkenhead. The articles were again handed in at Liverpool and were returned there on the 28th. The logbook further shows that the ship cleared from Liverpool on the 28th July. We have it therefore that Ajodhya Prasad alias Abdul Hamid was at Manchester from 18th to 22nd July and at Birkenhead (Liverpool) from the 23rd to 28th July.

In connection with this voyage we have in evidence the following correspondence. P. 1007 (F. C. 213) is a letter dated the 9th June 1927 from C. P. Dutt to Spratt, recovered in Spratt's 1927 search, which contains in invisible ink the following among other remarks : " Why did you not meet Ismail in the Nivasa ? I am waiting for Hamid." If, as we may very well suppose from some writing to which I am just coming, C. P. Dutt had met Hamid when the Elysia visited Liverpool between the 28th April and the 3rd May on its previous voyage (P. 2230), he would of course know that Hamid would be coming again with the Elysia on the next voyage. P. 2407P is a letter intercepted and photographed in England by P. W. 1, Captain Booth and P. W. 8, Mr. Burges, which has been proved by P. W. 277, Mr. Stott and also appears to be in the handwriting of Ajodhya Prasad accused. (I may perhaps remark here that a consideration of Mr. Stott's evidence and the reasons given by him for his opinion as to Ajodhya

Pd.'s handwriting along with the juxtaposed photographs P. 2554 leaves no room for doubt as to the correctness of his view that the person who wrote the encircled parts of P. 1943S and P. 1944S and who wrote the pale blue ink writing on P. 2319 (i.e. Ajodhya Pd.) also wrote the originals of P. 2313P and P. 2407P.) It is dated Friday and bears a Manchester postmark of the 27th July 1927. It was addressed to C. P. Dutt, 38 Mecklenburgh Square, London. In this letter the writer says that he will leave this port (Manchester) tomorrow morning and go to Birkenhead. He suggests meeting Dutt on the Monday evening, that is the 25th about 7 P.M. "near the gate of the docks wherefrom you returned last time." O. P. 1457. If this fails he suggests that Dutt should come to the ship on Tuesday about 6-30 P.M. and inquire for Saifa fireman (the Punjabi man). He goes on: "In this case I will leave ship before you and wait near the ship's stair (the seedhi)." Another alternative which he suggests is that Dutt should write him a note with some appointment in Birkenhead on 24th, 25th or 26th after 7 P.M. We have the best possible reason for thinking that Dutt duly met Ajodhya Prasad at Birkenhead in the shape of a letter P. 1012 (F. C. 227) dated the 25th July which was found in Spratt's possession in the 1927 search. This is a letter written on a page evidently detached from a tear-off pad. The handwriting is proved to be that of C. P. Dutt and the letter is signed "J". The contents also indicate that it emanates from Dutt, vide the discussion of Dutt's letters in an earlier chapter. The letter ends with the remark: "Have a talk with Musa." Bearing in mind that until Ajodhya Prasad alias Abdul Hamid returned to India Spratt was unable to have any conversation with Musa and that he did so between the 20th August and the 5th September while Ajodhya Prasad was at Bombay, it seems fairly certain that the person indicated by the name "Musa" is Ajodhya Prasad himself. As regards these two letters it may be noted first that the address of Dutt to which Ajodhya Prasad wrote from Manchester is the same from which Dutt wrote a letter P. 1233 (F. C. 305) to Mirajkar accused in connection with the Spratt Defence Fund, and secondly that on the S.S. Elysia there was as we should expect a fireman Saifa Niazullah, Punjabi fireman, no. 82. 5
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Ajodhya Prasad was paid off at Bombay up to the 20th August 1927, vide P. 2232 (1), and the articles were deposited in the Shipping Master's office on the same day. It is rather curious that about a week before his return, on the 15th August, Spratt accused writing to Dutt in P. 2329P (1) (F. C. 235) concluded his letter with the remark: "I have not yet heard from Musa." But O. P. 1458. it is to be remembered that this letter was written from Lahore and that Spratt accused was probably in some doubt as to the probable date of Ajodhya Prasad's return. In forwarding this letter to Iyengar on the 26th Ghate in P. 2329P (F. C. 236) wrote: "The boy has returned quite in good spirits", and Spratt accused had already been informed of his return by Mirajkar and Ghate accused in P. 1010 and P. 1011 written on the 21st and 22nd August. What Mirajkar says is: "God's messenger has come from brother and wants to meet you here. He will go first week of next month (5-9-27)." Ghate says: "I am sending some copies of the "Masses" that were sent for us through the boy who returned yesterday. I am sending a letter that he brought with him." It will be noticed that all the facts are entirely compatible with the "boy", "God's messenger" etc. being Ajodhya Prasad. 35
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Abdul Hamid alias Ajodhya Prasad next signed on again on the Elysia on the 31st August, his number in the crew being 104. The "articles" show that he had to be on board on the 5th September which was the date of sailing as forecasted in Mirajkar's letter to which I have alluded above. (For this voyage the articles are P. 2234 and the logbook P. 2235). The logbook shows that the Elysia actually sailed at 4-30 P.M. on the 5th September. It can scarcely be a mere coincidence, bearing in mind the position of Ajodhya Prasad which I have indicated at the beginning of this chapter, that Spratt, whom we know from other evidence visited Bombay at this time, wrote on the 4th September the letter P. 1009 (F. C. 300) with which I have dealt at considerable length in an earlier chapter. There are two mentions of Musa in this letter. At the beginning he says: "I have had a chat with Musa" and further on talking about arrangements in regard to "finances" he says: "If absolutely nec. I should by Musa". But an examination of the original letter here shows that what Spratt seems to have written originally was "send by Musa". This he corrected substituting "I should by Musa". I take it that it was not generally considered desirable for the coconspirators in Europe to put all their eggs in one basket and send both letters and money by the same person, hence the hesitation in suggesting that Musa should be used to bring money from Europe. Both the articles and the logbook contain entries showing that Abdul Hamid 50
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deserted from the Elysia at Marseilles on the 25th September. There is an entry in the articles "deserted at Marseilles, 25-9-27" and instead of there being a thumb impression at the right hand end of the line of entries relating to Abdul Hamid there is no further entry. In the logbook there is an entry marked P. 2235 (1) at page 32 as follows: "25th September 1927, Marseilles, Abdul Hamid Abdul Karim, 104, went on shore and up till time of sailing failed to rejoin ship. He has left on board a wooden box locked." Their against him name in the logbook there is an entry "deserted" with a reference to the entry just quoted. 5

We know nothing about Ajodhya Prasad's movements between the 25th September 1927 and January 1928. He next appeared at Marseilles just after the Elysia had visited that port again on its next voyage to England. The voyage on which he disappeared was concluded by the payment of the crew on the 3rd December 1927 (P. 2234). For the next voyage we have in P. 2521 both the articles of agreement and the official logbook which show that there was no Indian Seaman of the name of Abdul Hamid Abdul Karim on the Elysia on that voyage at all. The articles of agreement for that voyage were opened on the 14th December 1927 and the logbook shows that the Elysia left Marseilles on the journey to England on the 7th January 1928. There is no evidence as to the reason of the delay from the date in January 1928 when Abdul Hamid went to the British Consul to report that he had been left behind by the Elysia on the 5th, and the 2nd March, the date on which he was sent from Marseilles on the S.S. Morea under the reconveyance order P. 2236. Probably the delay was occasioned by the necessity of obtaining this order from the Board of Trade in England. This order is for the repatriation of Abdul Hamid Abdul Karim, Coal Trimmer, Elysia. The document then gives the official number of the ship, the port from which the voyage began, that is Bombay, the port at which the seaman was left behind, i.e., Marseilles, and the date of leaving behind, that is the 5th January 1928. The order shows that Abdul Hamid was conveyed from Marseilles to Aden by the S.S. Morea and from there to Bombay where he arrived on the 16th March 1928 by the S.S. Razmak. In regard to the subsequent events we have the evidence of P. W. 253, Sub-Inspector, Kothari and P. W. 215, Inspector Desai, who in consequence of information received had instituted inquiries and sent Sub-Inspector Kothari to meet Ajodhya Prasad on his return. Inspector Desai and Sub-Inspector Kothari both identified Ajodhya Prasad accused in the Court as the man whom they met and who had been repatriated from Marseilles under the name of Abdul Hamid. Inspector Desai also served on Ajodhya Prasad P. 1943 a summons under section 100 of the Indian Merchants' Shipping Act in respect of his desertion at Marseilles. P. 1943 (S) is the signature made by Ajodhya Prasad alias Abdul Hamid on this summons in the presence of P. W. 215 and P. 1944 (S) is the signature made by him on the receipt for the summons P. 1943. Abdul Hamid was then put up before the Chief Presidency Magistrate where he made the statement of which P. 1945 is a true copy proved by Inspector Desai. This statement was made on the 16th March 1928. It is in this statement that we get Abdul Hamid's otherwise untrue account of losing his ship at Marseilles which nevertheless explains how he was able to get the reconveyance order. It runs as follows: "I signed on the Elysia. I went on shore. I did not obtain the permission of the Captain or chief officer. But I asked the permission of the serang. I admit I did not return but I lost my way and when the ship had left next day I went to British Consul and informed him". The result of this escapade on the part of Abdul Hamid alias Ajodhya Prasad was that he was given a fortnight in the Byculla House of Correction, vide the slip P. 2235 (3) attached to the logbook of the voyage on which he deserted. Both Sub-Inspector Kothari and Inspector Desai further deposed that some time later, apparently in June 1928, Ajodhya Prasad came one day to the office of the Deputy Commissioner of Police and complained that he was being watched by the police. 10
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O. P. 1460.

O. P. 1461.

O. P. 1462.

Ajodhya Prasad next appeared in Calcutta in January 1929 when Muzaffar Ahmad writing to Ghate in P. 1346 (I. C. 349) dated the 23rd January said about him: "Ajodhya Prasad is here". Muzaffar Ahmad again mentioned him in a letter to Ghate (P. 1335, I. C. 368) on the 11th February, when he had a little more to say about him and remarked: "Ajodhya Prasad is still here. For the present he will not leave Calcutta." He had no doubt been at Calcutta for some time prior to this as we find him in P. 460 a group photograph evidently taken at the A. I. W. P. P. Conference. In this group he appears along with other U. P. residents P. C. Joshi and Kadam accused and the reason for saying that 60
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the group was taken at the time of the A. I. W. P. Conference is that it is one of a series of group photographs found at the W. P. P. headquarters at 21 European Asylum Lane, all of the same size and to all appearances taken with the same camera. No accused has I think explained the composition of the various groups but it is very easily explainable on the supposition that they were taken on this occasion. It may further be noted that at the time of the searches on the 20th March 1929 Ajodhya Prasad accused was found to be living at the W. P. P. headquarters at 21 European Asylum Lane, Calcutta and therefore to some extent shares the responsibility for the many important documents found in that office.

In addition to the evidence of Inspector Desai and Sub-Inspector Kothari we have another equally conclusive piece of evidence that Ajodhya Prasad is the same person who sailed three times from Bombay on the S.S. Elysia as a coal trimmer Abdul Hamid Abdul Karim. On his admission to the Meerut Jail Ajodhya Prasad's thumb impression was taken in the jail admission register which was put before the Court and the entries relating to Ajodhya Prasad marked P. 2461. A photographed copy of the entries including the thumb impression is on the record in two parts as P. 2461P. and P. 2461P. (1). The thumb prints made by Ajodhya Prasad in the jail admission register are proved by the evidence of P. W. 142 Sub-Inspector Gulab Singh formerly finger print expert in the C. I. D. Finger Print Bureau to be identical with the thumb prints made by Abdul Hamid in P. 2232 (1) and P. 2473P. and P. 2473P. (1), that is to say his thumb prints in the articles of agreement for the second voyage of the S.S. Elysia and in the marks of identification register maintained in the office of the Shipping Master Bombay. The witness further deposed that the thumb print P. 2230 (1), that is the thumb print of Abdul Hamid taken at the time of his being paid off at the end of the first voyage of the S.S. Elysia was blurred. He said that it was of the same type and formation but that the ridges could not be deciphered owing to blurring. This witness was also shown the original thumb print P. 2461 (1) in the jail admission register both in the Lower Court and in this Court so his evidence does not merely rest on the photographed copy of it P. 2461P. (1). He did not actually see the original in the Shipping Master's register but he has deposed that comparison of thumb impressions can be made perfectly satisfactorily and without difficulty from photographs. I can see no reason to feel any doubt about the evidence of this witness.

Before I come to the accused's statement I must mention one piece of evidence which may or may not really relate to Ajodhya Prasad though I am inclined myself to think that it does. This is the reference in P. 1295, P. 1300 and P. 1303, the notes of the meeting of the C. P. I. at Calcutta on the 27th, 28th and 29th December 1928, to Hamid. It certainly is a fact that other members of the C. P. I. are mentioned in these notes by their own names, but it is to be remembered first that we do not find evidence of there being any member of the Party of the name of Hamid, secondly that it is fairly clear that Hamid displayed some special knowledge in regard to the selling of the press by Swamy. This I take to mean that the press at Madras referred to elsewhere must have been sold by Iyengar, and we have it in evidence that Ajodhya Prasad had a particularly close acquaintance with the Madras-Pondicherry post-office and would be particularly likely to know anything that took place there. For the rest the fact that Hamid was to go to Jubbulpore tells us nothing. Ajodhya Prasad was at Calcutta at this time as I have indicated above and it is almost incredible that he should not have attended the meetings of the C. P. I.

His statement begins at page 531 with a reference to the evidence connecting him with the C. P. I. About this he says: "I am a Communist and I was a member of the C. P. I. until my arrest." Then he discusses the evidence about Hamid, denying that it has any reference to himself and says on page 532: "I was a member of the C. P. I. by my real name Ajodhya Prasad. . . . The C. P. I. was not affiliated to the C. I. at the time of my arrest. . . . I maintain that to organise the C. P. I. as a section of the C. I. is perfectly legitimate in India." Then he goes on to discuss Communist philosophy for some six pages, at the end of which he comes to the question of independence and violent revolution, about which he says: "No discussion and argument round the table can bring complete independence. This can only be attained through violent revolution. The oppressed nation is always at war with its oppressors until the domination of the latter is overthrown. Once the active fight is started there is no middle course between freedom and death." On the following page he gives instances of the determination of the masses as

compared with the feeble efforts of the bourgeoisie. Then on page 540 he says that "national revolution.....is long over-due..... The only possible course open for those anti-Imperialists who desire complete independence for India is to unite all such political parties and groups on a popular mass programme.....to carry on the struggle against Imperialism." As to the methods which he favours he suggests "a no-tax no-rent campaign among the peasantry and the town poor and the general strike among the working class for their immediate relief." "At the same time," he says, "Kisan Sabhas, must be organised on an All-India scale, contact must be established with the rank and file of the army and police force so that they can be won over to the side of revolution. Groups of armed workers and peasants must be formed and generally all preparations made, so that an armed uprising can be successfully carried through, and seizure of power effected," and a few lines further on he says : "For these reasons I joined the C. P. I." So that his personal position is quite free from doubt. He joined the C. P. I. in order to work for revolution and has been presumably doing so.

O. P. 1465. He goes on to deny writing the Alakh Prakash letter P. 2313. It does not seem to me that what he has to say meets the evidence at all. Then he has a little to say about R. C. L. Sharma which I have quoted already. It may however be noted here that he has not attempted to explain why Sharma should have written to him to come and look after him when he was ill, nor did he ever put any question to any of the Madras or Pondicherry witnesses in regard to this alleged illness of Sharma. After that he comes to the documents and letters to which I have referred in connection with his voyages to England. It seems to me that although he has talked a good deal he has not said anything that is of any value. It is interesting to note that he said practically nothing at all about the documents and oral evidence identifying him with Abdul Hamid. All he has to say is : "As the Magistrate has said in the Committal Order that I became a courier of letters to and from conspirators in England and India. I deny the allegation that I was so used or that I ever engaged in such activities and I maintain that it is utterly untrue. It is for the prosecution to prove their theory, and I should not be expected to say anything which would help the prosecution in unjustly implicating me." It is sufficient to say that the evidence is there and that there is nothing on the record which detracts from its convincing force. After this Ajodhya Prasad went on to a rambling discussion of the supposed reasons for the institution of this case and of some legal points which it was hardly necessary for him to say anything about as he himself said on page 550 that he did not know any law. In the course of this discussion he remarked at page 551 : "Speaking for myself I consider "to deprive the King of his sovereignty of British India" as my birth-right, by all means at my disposal". Lastly in this connection it is to be remembered that Ajodhya Prasad is one of the numerous signatories to the so-called Joint Statement made on behalf of the Communist accused by Nimbkar accused.

O. P. 1466. It appears to me that the case of Ajodhya Prasad admits of no doubt whatever. He is and has been for a long time a member of the Communist Party of India and has been associated one way or another with such members of it as Begerhotta, Iyengar, Ghate, and Muzaffar Ahmad besides Mirajkar and Spratt, and if, as I am inclined to think, he was present at the Calcutta meetings with a good many more. It is quite clear on the evidence that he travelled to and from Europe at least three times as a courier with letters in connection with the conspiracy, and that on one journey he brought back with him a letter and copies of the "Masses". We do not know what the letters were which he carried but we can be fairly sure that two of them were P. 1012 and P. 1009, and there can be no doubt in the light of his own statement and the Joint Statement with what object he did all that he is proved to have done.

Agreeing with four assessors and disagreeing with one I hold that Ajodhya Prasad accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A. I. P. C. I convict him accordingly.

PART XXXVIII.

- G. P. 1467.** We first hear of Sohan Singh Josh accused or rather of the newspaper, with which he was so closely connected, the Kirti of Amritsar in the Punjab, in Sepassi's Urdu letter of the 29th September 1926, P. 2121P (F. C. 171) addressed to Muzaffar Ahmad but beginning "Dear brethren Nassim, Majid and others." In this he says: "A Gurmukhi newspaper (monthly) entitled the Kirti is issued from Amritsar. We receive its issues but none of us can read Gurmukhi. Please find out and ascertain after getting it studied (by someone) what sort of newspaper it is." The paper is again referred to in Spratt's letter to Page Annot of the 21st July 1927, P. 1968 (F. C. 224), a letter written by him from Lahore. In this he says: "The Sikh movement also seems dead. The paper "Kirti" which Burton mentioned to me, is conducted from Amritsar, by some of the ex-Canadian Sikhs. The editor died a few months ago. A memorial number of the paper appeared, and I hear that it is being continued. Its influence is not very widespread, I think. The language Gurmukhi or Punjabi written, a modified Devanagari script, is read only by Sikhs. I have not been able to gather anything about the contents." Spratt speaks of the Kirti again in P. 2329P (1) (F. C. 235), the cryptic letter written by him on the 15th August 1927 to C. P. Dutt, but it is obvious that here Spratt is referring to an individual and not to the paper itself. He says: "Jerse (Kirti) seems to be an independent sort, and though friendly is suspicious. Perhaps L. "(Majid)" has been tactless with him." It is obvious of course that in referring to the Kirti here Spratt must mean the editor or at any rate the person responsible for running the Kirti. A month later in September 1927 Sohan Singh Josh accused became second Manager of the Kirti, and there is an appeal in the Gurmukhi Kirti for September 1927, part of P. 746, in which the new Manager spoke as if this would impose upon him a very heavy responsibility indeed. There is an astounding contrast between the tone of this appeal and the inferences to be drawn in regard to the importance of Josh accused's position on the paper from his statement at page 299 of the statements of the accused, where he says: "The policy of the Kirti was in the hands of the editor. I had nothing to do with the direction and control of its policy. The editor was quite free to write anything, subject to one condition, which he was made to sign at the time of the appointment, that he would have to discuss things in the paper from the Marxian standpoint." Then he goes on to describe his own duties, which consisted of pushing the sale of the Kirti, writing letters in consultation with the editor to men in the Labour Movement with Marxian views for contributions to the Kirti, finding photographs and getting blocks made of them for publication in the Kirti. I think it is obvious that the inference to be drawn from the appeal in the Kirti and from numerous other facts on the record is that, in fact, if not in theory, Sohan Singh Josh accused was the real editor of the Kirti, though it is quite likely that someone else, really only a figurehead, used to occupy the editorial chair, so as to be available to be used as a scapegoat in case the paper got into trouble with the authorities.
- G. P. 1468.** Sohan Singh Josh's first public appearance, as it were, in this case was at the Cawnpore Session of the A. I. T. U. C. In connection with this we have the evidence of P. W. 111 Sub-Inspector J. N. Sen Gupta as well as Dange's T. U. C. Left report, P. 1878C (I. C. 72), which shows that Josh accused was present at the meeting of the T. U. C. Left at Gowaltoli on the 29th November. Josh accused of course admits that he went to this Congress and says at page 299 that it was there that he met Spratt accused whom, he says, he had not seen at Lahore, which of course is possible as Spratt's report about him in the letter, to which I referred earlier, may have been from hearsay.
- G. P. 1469.** The first time in 1928 that we come across Sohan Singh accused is on the 13th March, when he wrote a letter, P. 1637, (I. C. 125), to Dange accused at Bombay. This is also actually the first letter from this accused, which is in evidence. The letter refers mainly to articles, but begins with an anxious enquiry about some books, which were evidently expected to come from Bombay at about this time. The reference to Dange's article appears to relate to the article entitled "Conspiracy of Imperialism at the A. I. T. U. C." which appeared in the Urdu Kirti for May 1928 (P. 747).
- Just after this on the 15th March 1928 Sohan Singh Josh accused wrote a foreword to Miss Agnes Smedley's booklet "India and the Next War" (P. 897). This booklet contains a couple of articles by Miss Agnes Smedley herself along with a leading article and a front page criticism of one of these articles by Lala Lajpat Rai in the "People" of Lahore. The main point which Miss Smedley

was leading up to in her articles appears at page 48, where she says : " I believe that nothing can meet the situation, but a programme which would lead to the establishment of a socialist system of society. Such programmes are before the country already in the various Workers' and Peasants' Parties, and one such is outlined in Palme Dutt's book " Modern India "."

O. P. 1470. On the 12th April 1928 a meeting was held at the Jallianwala Bagh, Amritsar, for the organisation of labourers and peasants. The persons responsible for calling this meeting, according to the Urdu Kirti for May 1928, P. 747, were Sohan Singh Josh accused and Bhag Singh Canadian, the other Manager of the Kirti. The meeting is said to have been attended by, among others, Majid and Sehgal accused, Feroz Din Mansur, Lala Ram Chandra BA. etc. A resolution was unanimously passed that a party should be established, the object of which should be to organise the peasants and workers, that it should be called the " Kirti Kisan Party ", and that those present should be regarded as its members. Sohan Singh Josh accused was elected General Secretary and brother M. A. Majid of Lahore as Joint Secretary of the Party. The report further says that a sub-committee consisting of Sehgal, Majid and Sohan Singh, accused along with two others was appointed to draw up rules and regulations. The paragraph relating to this meeting was headed " Establishment of the Kirti Kisan Party (Workers' and Peasants' Party) ". Information of the formation of this Party no doubt reached Calcutta and Bombay fairly soon, but no official intimation seems to have been given for some time, and it would appear that it must have been asked for by Muzaffar Ahmad, as we find Sohan Singh Josh accused in P. 2051C (I. C. 197) dated the 14th July writing to Muzaffar Ahmad in the following terms : " Your letter to Com. M. A. Majid, dated Calcutta, May 23rd, 1928, has been handed over to me to inform you officially about the formation of the W. & P. Party in the Punjab. The Party came into being on the 12th April 1928. The constitution of the Party is also complete." After this he goes on to talk about the Conference proposed to be held at Lyallpur from the 28th to the 30th of September. P. 1444 found in the Kirti office and P. 344 found with P. C. Joshi accused are copies of the rules framed for the Punjab Kirti Kisan Party or W. P. P.

O. P. 1471. From now on we get a whole series of letters written by Sohan Singh Josh, accused either with reference to the Lyallpur Conference, to which many of the accused were invited, or to the Kirti itself, that is to say letters in which he asked for contributions for that paper from one accused or another. There are also on the record a number of replies from different accused. Among the letters relating to the Lyallpur Conference I may mention P. 1608 of the 14th July, a letter to Dange, P. 2051C of the same date already mentioned, in which he invites Spratt, Bradley and others to the Conference, P. 549 (18) dated the 27th July to Bradley and Spratt, P. 1234 of the same date to Mirajkar, P. 1641 of the 18th August to Dange, P. 1642 of the 14th September to Ghate asking him to come with Bradley, Mirajkar and Jhabwala, P. 2052P to Muzaffar Ahmad, and P. 2093 and P. 1901P letters from Muzaffar Ahmad and Ghate regretting their inability to come. Among the letters asking for articles for the Kirti and letters from other accused to Josh in regard to such requests, we have P. 1637 of the 13th March 1928 a letter to Dange, P. 1449 of the 7th of April 1928 a letter from Jhabwala, P. 1609 of the 1st June a letter to Spratt, P. 1638 and P. 1639 letters to Ghate and Dange written in July 1928, P. 526 (25) a letter from Spratt of the 13th July 1928, P. 1608C a letter to Dange of the 14th July, P. 1640 a similar letter to Ghate of the 6th August, P. 419 a letter to Muzaffar Ahmad of the 10th November, P. 2147 of the 23rd November the letter from Spratt enclosing two articles (" Russia and India " and " The Power of Labour "), P. 1895 a letter from Usmani of the 17th January 1929 and P. 1085 which is in the nature of a reply to Usmani's letter. Most of the letters written by Josh accused, whether the evidence consists of an original or of a copy, have been admitted by him.

O. P. 1472. On the 2nd September 1928 Muzaffar Ahmad wired to Sohan Singh accused in P. 2184 " Postpone Starting Others Not Coming." This telegram forms part of the correspondence relating to the Party discussions or Council of War, which was ultimately held in Bombay, and which presumably Sohan Singh did not attend. No doubt this telegram was sent to him, because the Punjab people had agreed to send a representative to Calcutta if the discussions took place there. vide Muzaffar Ahmad's letter to Ghate, P. 1616C (I. C. 209) dated the 3rd August. Spratt's notes of the Bombay discussions P. 526 (32) show that it was decided there that Sohan Singh should be the President of the Calcutta Conference. He was actually elected President of the Conference at a later date, and the election is mentioned in Muzaffar Ahmad's letter to Sircar, P. 274

(F. C. 291) dated the 23rd November and Spratt's letter to Sohan Singh himself of the same date, P. 2147, (I. C. 292), in which Spratt writes in a postscript: "The Reception Committee decided last night to ask you (Sohan Singh 'Josh') to preside at the Calcutta Conference. You will of course be informed officially." This letter is one which was actually addressed to the editor of the Kirti and enclosed the two articles "Russia and India" and "The Power of Labour".

We come next to the Lyallpur Conference. I have already mentioned that a good many letters were written about this Conference. Originally it was intended that Dange accused should preside over it, but ultimately it was found impossible for him to leave Bombay owing to pressure of work in connection with the Textile strike. Invitations were issued by Sohan Singh to many of the accused, as I have mentioned above. Then a poster in Gurmukhi P. 1393 (equals P. 451) was issued in connection with it by Sohan Singh and Bhag Singh, the Managing Directors of the Kirti Magazine, Amritsar. In this notice it is stated that the President will be S. A. Dange of Bombay, a staunch patriot and a well-known Communist, who was convicted in the Cawnpore Bolshevik Conspiracy Case. It is further stated that besides him Mr. P. Spratt, author of the proscribed book "India and China", Mr. Bradley, member, Communist Party, England, Mr. Muzaffar Ahmad, General Secretary, W. P. P., Bengal, and several other sympathisers of workers belonging to the Bombay Presidency, the Bengal Presidency and the U. P. of Agra and Oudh will attend the meeting and add to its glory. At the end we find it further stated that Lala Kedar Nath Ji Sehgal, President of the Naujawan Bharat Sabha, Mr. M. A. Majid and Lala Chhabil Das will also put in their appearance. It is also mentioned that Mr. Ram Chandra, B.A.-national has accepted the presidentship of the Reception Committee. Another document in connection with this Conference is P. 2093 (1) a letter of greetings dated 26th September 1928 from the W. P. P. of Bengal to the Conference of the W. P. P. of the Punjab. This message alludes to the necessity of, and the steps which are being taken towards forming the Workers' and Peasants' Party of India and holding its first Conference at Calcutta at Christmas. The only other important piece of evidence in connection with this Conference is the evidence in regard to the speeches, but it will be, I think, more convenient to take the whole of Sohan Singh accused's speeches together.

On the 12th October Muzaffar Ahmad accused sent a telegram, P. 2196, (I. C. 245) to Sohan Singh accused, which reads as follows: "Spratt myself attending Workers' Conference Meerut fourteenth fifteenth. Come there if you can." It does not much matter whether Sohan Singh accused did or did not receive this telegram. It is at any rate a fact that he attended the Conference, as he admits at page 312 of the statements of the accused, where however he says that he attended the Meerut Conference on being invited by the Mazdar Sangh. P. W. 173, Sub-Inspector Mardan Singh, and P. W. 126, P. S. I. Mangal Singh Tewari, both depose to his presence on this occasion, and the latter reported his speech, P. 1090, which will be dealt with along with his other speeches.

We come next to the First All-India Workers' and Peasants' Party Conference at Calcutta. Sohan Singh accused was informed of his election as President of the Conference by Goswami in the letter P. 1873P (I. C. 302) dated the 27th November 1928, but the fact that he was to be asked to preside had been mentioned in the circular letters issued to organisations outside India by Goswami accused as early as the 1st November, vide P. 467 (7) (F. C. 632), P. 2420P (I. C. 633) etc. Sohan Singh accused himself wrote to Muzaffar Ahmad on the 10th December in P. 2151P (I. C. 322) to say that he was preparing his address and hoped to start for Calcutta on the 18th. He further said that he would bring the report along with him and wire before starting from Amritsar. I presume the reference is to the Provincial Party report of activities during the year. In due course he did send a telegram to Muzaffar Ahmad at the time of starting, vide P. 468 (1) (F. C. 336). As regards the part taken by him in the Conference the most important piece of evidence is his own speech, which however I shall leave till later. He is of course mentioned a few times in P. 669 and himself moved a considerable number of resolutions from the chair, the resolutions which were expected to be and were passed unanimously. He also took part in the procession on the 3rd day, which went to the Congress Nagar, and made a speech at that place. On the 4th day he was elected as a member of the National Executive Committee representing the Punjab, along with three others. Another small piece of evidence in connection

tion with his participation in this Conference is the group photograph, P. 458, recovered in the search of the headquarters of the Bengal Party.

The next event of interest in connection with Sohan Singh accused is the series of meetings of the Communist Party of India held at Calcutta from the 27th to the 29th December, in connection with which we have Ghate's notes P. 1295, P. 1300, P. 1303, P. 1309, and P. 1310. I have dealt with P. 1310 before, and it is sufficient to say here that the names suggested in it for the Punjab members of the Central Executive of the C. P. I. were those of Sohan Singh, Abdul Majid and Feroz Din. Curiously enough, although Sohan Singh was not a member of the Party until the 29th December, vide P. 1295, he was selected as a member of the C. E. C. on the 27th, vide P. 1295, P. 1300 and P. 1303.

It appears from Sohan Singh's diary, P. 909, that he left Calcutta on the 2nd January to go to Jamshedpur. The next we hear of him is through a letter P. 1895 (I. C. 347) written to him by Usmani from Bombay on the 17th January, in which Usmani writes : " My negotiations with Khan having collapsed I had to leave Punjab. Sorry could not see you before leaving. The Kirti should be sent in many copies here, as Comrade Ghate wants a copy in every branch of their Girni Kamgar Union." After this on the 7th March Sohan Singh wrote two letters. The first of these is P. 485 (I. C. 388) to Muzaffar Ahmad, in which he apologised for not replying to letters earlier, because he had been very busy with the Second Session of the Naujawan Bharat Sabha, about which he says Muzaffar Ahmad might have read in the " Tribune ". Then he mentions that " the Editor of the Kirti has been arrested under Section 124-A." A little further on he remarks : " The Punjab is doing well, we hope you, along with Comrade Spratt, will be alright. I am safe up till now. We have never heard anything from our Bombay Comrades." This letter is signed by Sohan Singh as General Secretary of the Punjab Workers' and Peasants' Party. The other letter written by him on the 7th is P. 1085 (I. C. 389), addressed to Usmani accused. After acknowledging a letter from Usmani Sohan Singh writes : " We hope you will be faring quite well, and trust you will come out successful in your new venture. Kindly send us two copies of your weekly, one to my address and one to the address of the Editor Kirti. I am arranging to send you the back issues of Urdu Kirti. I think you might have read about the arrest of the editor and the search of our office." Another letter, which must have reached Sohan Singh during this period is the original of P. 1897P (F. C. 753), dated the 13th January 1929, Roy's letter addressed to Messrs. Darbar & Co., P. O. Box 14, Amritsar, Punjab. In this letter Roy writes : " Bhai Ishwar Singh requested me to contribute regularly to the Kirti. This I will, of course, do with great pleasure. As it may not be advisable for the Kirti to publish too many articles signed by me, I shall write them with a pseudonym " M. Rahman ". He goes on to ask that the Kirti in both languages should be sent to the following address : " Herrn Bhaduri c/o Arnheim, 44 Jagow St. Berlin." This letter had an inside envelope addressed " for Kirti ", and is itself good evidence of the close connection between Darbar & Co. and the Kirti. In this connection it may be noted that the evidence of P. W. 163, Inspector Nasiruddin, shows that the offices of the Kirti and Darbar & Co. were both in the same room, and in the same building as the Onkar Press. In reply to the only question asked about this statement in cross-examination the witness said : " I do not know what the connection is between the Kirti and Darbar & Co." and indeed it is hard to say, for nobody outside the offices of the Kirti and Darbar & Co. could possibly know what the actual connection was. But it is a reasonable inference that Darbar & Co. merely served as a cover address.

There is on the record evidence of a whole series of speeches made by Sohan Singh accused running from February 1928 up to March 1929. The first of these is reported in P. 1903, which is a report of the speech made by him at the Second Naujawan Bharat Sabha Conference held in the Bradlaugh Hall, Lahore, on the 24th February 1928 (P. W. 179, Sub-Inspector Arjun Singh). This report shows that Sohan Singh Josh was elected President of the Naujawan Bharat Sabha for the following year and Abdul Majid Vice-President. This speech is comparatively unimportant, the only interesting thing in it being an attack on religion which, he says " is only a means of exploitation now ".

His next reported speech is the one made by him on the 1st May, vide the report, P. 1879(1), prepared by P. W. 159, Sub-Inspector Rashid Ahmad, Urdu Shorthand reporter. There is a good deal of talk about workers and peasants in this speech. He says at one place : " Brethren, we wish that the

- Raj of the Kirti should spring up in the world in the real sense of the term and that administration also should fall into our hands." Then he talks about the coming war between England on one side and Russia on the other, and asks the labourers and workers of India not to help the English in that war at all. Towards the end he says : " I again ask you to destroy this Capitalism and Imperialism, and Kirtis (workers) should join together and establish their own Raj in their own country." 5
- On the 26th May Sohan Singh accused took part in a Naujawan Bharat Sabha meeting at Jullundur, at which he made a speech P. 1883(3) reported by P. W. 158, Sub-Inspector Badri Nath, who however says that Sohan Singh Josh spoke in Punjabi, and as he does not know Punjabi shorthand, he took it down in longhand Urdu script. This speech begins with an attack on religion and further on points out that it is no use substituting an Indian bureaucracy for the English one. 10
- Next on the 12th June he made a speech at the Bardoli Day meeting held under the auspices of the City Congress Committee of Amritsar and the local Naujawan Bharat Sabha. In this he speaks of the possibility of an Indian Government being created without its having much good result and says : " But I am of opinion that if India is to secure complete independence, then, as a resolution was passed at Madras, all labourers and peasants should become organised and start a revolution in India. And we can come out successful only by creating a revolution." 15
- A month later on the 20th July Sohan Singh spoke at the Mahalpur Diwan described by P. W. 179, Sub-Inspector Arjun Singh as a meeting of the Sikh Diwan. P. 1911 is the translation of a longhand note taken by this witness of the speech, which Sohan Singh made in Punjabi. This is a long speech full of references to Russia. His attitude to the existing system of society is also well illustrated in it. He says : " The condition of India makes one's hair stand on end. The whole of this system is rotten. The whole of it should be reduced to pieces and thrown into the sea, and a new edifice should be erected (instead)." Further on he says : " This is the society we want to overthrow, and we want to establish a new system, under which the requirements of every man may be fulfilled." Then he comes to the example of Russia and talks about the revolution there and says : " If you want to remove hunger and poverty from the world, then I say, you will have to get ready like Russia and create a revolution." Then further on again : " The present age is the age of workers. Now workers' war is to take place. Whether it takes place soon or later is a thing which lies in your hands." The speech concludes as follows : " Arise and join the revolutionary movement. Unfurl the red flag of liberty in this India and attain liberty." 20
- Again on the 5th August we find Sohan Singh speaking at a meeting held at Jallianwala Bagh, Amritsar, under the auspices of the Naujawan Bharat Sabha. This meeting was held in the course of the " Friends of Russia Week ", and Sohan Singh's speech, which is reported by P. W. 179, Sub-Inspector Arjun Singh, in P. 1910, naturally contains numerous allusions to Russia. For example he says : " The principles which Russia is teaching are, I understand, calculated to give salvation to India. I want that a Government similar to that of labourers and peasants which exists there should exist in India as well." 25
- Sohan Singh spoke again on the 18th August at another Naujawan Bharat Sabha meeting, when his speech was reported by P. W. 158, Sub-Inspector Badri Nath in P. 1884. (1). There is nothing of much importance in this speech. 30
- Coming now to the Lyallpur Conference we have a report P. 1906 prepared by P. W. 179, Sub-Inspector Arjun Singh, which contains notes of five speeches made by Sohan Singh on the 28th, 29th and 30th September. In the first of these speeches Sohan Singh explains that it was impossible for Dange to come to preside at the Conference, because of the strike at Bombay and that Lala Chhabil Dass Principal, National College, will preside instead. He also mentions that the strikers in Bombay have received help from Russia, first a sum of Rs. 20,000 and afterwards a sum of Rs. 14,000. In his second speech we find him saying : " An opportunity has come today that we should fight for ourselves and establish Raj in the world for 98 per cent. people." Then in the 3rd speech he refers to the establishment of W. P. Parties all over India. He says : " As a Workers' & Peasants' Party has been established in the Punjab, so similar parties have been established in all other provinces throughout India. 35

They are joining together and casting away the yoke of slavery." Then he goes on to allude to a letter from Mazhar Ahmen, presumably a mistake of the reporter for Muzaffar Ahmad. The 4th speech contains a number of allusions to Karl Marx and his doctrine of a proletarian revolution. The last speech was made in moving a resolution in regard to the Nehru Report, which runs as follows : "This session of the W. P. P. Conference congratulates the authors of the Nehru Report for their having tried to unravel communal tangles and considers the declaration of rights in this report as a step (?). It condemns their action in fixing Dominion Status as their creed in place of complete independence and showing criminal neglect towards the interests of peasants and workers. At the same time, it declares that nothing short of complete independence can satisfy workers and peasants."

G. P. 1481.

Coming now to the Meerut Conference P. 1090 is a report prepared by P. W. 126, P. S. I. Mangal Singh Tewari, which contains the resolution relating to economic demands moved by Sohan Singh Josh on the 15th October and the speech made by him in support of this resolution. He begins by saying : "We are holding a new conference here", and proceeds to contrast the objects of this Conference with those of the Congress. Further on he says : "What is needed is Proletarian revolution." Then again he says : "We shall not let Imperialism and the rule of rich men exist, nay, we shall establish in India a Government of peasants like that in Russia." Finally he concludes : "This is the time of seizing your rights on the strength of your Jatha (organisation)., If you can seize your rights by force seize them, otherwise no one will save you..... This society is filthy. Injustice is done to you in it. Consequently, try to sweep it out of existence. When we shall unite, we shall start proletarian revolution, and we shall in this way establish workers' and peasants' rule in India and prosperity will increase."

Sohan Singh next spoke at Jallianwala Bagh on the 16th December in a meeting held to celebrate "Kakori Day." His speech was reported in P. 1905 by P. W. 179, Sub-Inspector Arjun Singh. He began by saying : "The subject is difficult", and indeed he found it so because he had to preach against individual terrorism. He deals with this in the following passage : "I would like to point out that our Naujawan Sabha does not repose confidence in terrorism. We understand that 'individual terrorism' has not succeeded anywhere. We can murder a few persons by this method, but they can be replaced by other tyrants. In this way this system cannot be changed ; nor can any injustice and oppression be ended. Hence our object is to change the system and not to murder individuals. Mass civil-disobedience and mass no-tax campaign should be launched. It is for this reason that we lay emphasis on organisation."

G. P. 1482.

I come now to Sohan Singh accused's speech at the A. I. W. P. P. Conference. Copies of this speech were found in no less than 18 different searches. It is printed as P. 596 and the copy found with Sohan Singh Josh himself is P. 915. He begins with a lengthy discussion of the position of the Congress and comes to the conclusion that the Congress Movement has up till now been carried on for the benefit of the bourgeoisie. Next he takes up the subject of the Simon Commission and sees little hope of any benefit to the masses from that. Then he deals with the Nehru Report which he says is a class constitution which betrays the interests of the proletariat. Towards the end of this section he says : "We must clear the air and put the issue definitely before India that we are out not only to end Imperialism but Empire as well." A little further on he says : "The presence of the King, the Governor-General and the Governor in the Nehru Scheme has made it all the more reactionary." And towards the end of the same paragraph he says : "India will get true freedom only when the British interests are cleared away bag and baggage..... India can attain true liberty only through a revolution and not by framing constitutions." This brings him to a number of essential demands, the last of which is : "Land to the peasants and last but not the least cancelling all the vested rights by law." Next he comes to the Independence of India League which he criticises by saying : "Because the Congress had done nothing for the good of the masses they were getting out of control, so the conscious bourgeoisie have created this League in order to keep the masses under their influence". He concludes the main paragraph on this subject thus : "On the other side our Party is carrying on an uncompromising campaign for complete independence, our Workers' and Peasants' Party is an Independence Party and our slogan is Complete Independence. Then what was the need of this Party ? All people who believe in revolution and class struggle should join our Party and placing before the workers and peasants a revolutionary programme should organise them to win freedom."

G. P. 1483.

Next speaking on the Trade Union Movement he says : " It is led by persons belonging to the petty bourgeoisie class who want to limit this movement to economic fight and do not wish to let it meddle with politics." He complains that " the Trade Union Movement has no militant policy. All power is spent on redressing minor grievances, most of its leaders keep aloof from politics. 5
So our work consists in organising the workers and the peasants, so that after affiliating our organisations with the Trade Union Congress, we might capture it." Next he comes to the affiliation question and says that " it is essential that our movement should have international connections, for it is only by internationally organising ourselves that we can fight with the so-organised capital. 10
therefore we must of necessity affiliate ourselves to the international movements." He goes on to recommend affiliation with the League Against Imperialism, the International of Moscow or the Peasants International Krestintern, and in the next paragraph he says : " Therefore we should establish relations with the Pan-Pacific Trade Union Secretariat as well." Coming then to the British Trade Union Congress he condemns it and the International Federation of Trade Unions, Amsterdam, and suggests the Workers' Welfare League of India as an official agent in Great Britain. Next he touches on the subject of strikes and gives a word of praise to " our Bombay comrades ". He says here : " If all of us would imbibe the spirit shown by them I am sure that we can bring about revolution in a very short time." In this connection he acknowledges the help given by Russian workers and " our Indian friends " and says : " Without this timely help the Bombay workers would not have held out so long. We should thank the Soviet Government for infusing among the workers a desire to help their oppressed brethren abroad." I think that " honest Josh " (I do not for the moment recall who it was that gave him this title) has probably described very aptly the moving spirit in the matter of contributions from Trade Unions in Russia for the help of strikers etc. in other countries. Next he discusses the Indian Legislatures and the system of nominated representatives of Labour and says : " We should once for all decide that we shall have nothing to do with the Imperialist Government and that he who cooperates with it will not be one of us." However at the end of this section he suggests " taking advantage of the elections in disseminating our ideals among the public ". He then proceeds to condemn the Trade Disputes Bill, the passing of which " is meant to deport comrades Spratt and Bradley ". After this he discusses the problem of the peasants whom he describes as " a big army that can win freedom if we manage to awaken them to class-consciousness ". With this object the Party " should place before them a programme containing their immediate demands and they should be made to understand how their condition will improve under a free Government ". He continues on much the same lines in discussing the Bardoli dispute. At the end of this discussion he says : " We believe that as long as the present system continues there can be no hope of the betterment of the workers' and peasants' conditions. For this reason we shall have to end this evil system, and all this can be brought about by a revolution alone. Therefore in order to prepare the peasants for a revolution we should place before them a programme based on their immediate needs of life, and organising them in this way prepare them for the battle of freedom." 25
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O. P. 1485.

O. P. 1485.

Naturally it is impossible for Sohan Singh to avoid the subject of the coming war which threatens Russia. It would not matter much if it threatened anybody else of course, and the reason that it threatens Russia is that " her existence means a message of revolution to the poor workers and peasants all over the world. As long as the Russian Bolshevik Government exists it will be a beacon-light for the revolutionaries the world over. The people will imbibe revolutionary and Communist ideas and will try by every possible means to overthrow the existing order of things ". Then he states the proper methods for the workers to adopt in case of war, as for example mass strikes, sabotage, hartals, boycott, paralysis of the means of transport, and harassment of the enemy in the rear, keeping the enemy in fact between two fires. In the next section entitled " Our Enemies " he says : " Is it not a matter of pride to be called a Bolshevik ? " and in the second paragraph of this section he states his position plainly in the following words : " To speak my mind freely I am working to bring about such an order of things (that is just distribution of wealth etc. etc.) and because the Bolsheviks of Russia have shown us the way in this respect,—we are thankful to them: If our enemies call us Bolsheviks, we accept the epithet, because we know that Bolshevism stands for liberty, equality and fraternity." 50
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O. P. 1486

In the next section he discusses the need for a central organisation and weekly organ and from this comes to the tasks of the Party. In this connection

he emphasises class struggle, encouragement of hartals and strikes, the slogans of Complete Independence, Constituent Assembly, universal adult suffrage, abolition of landlordism, international affiliation, the dissemination of "our ideas among the young men" (that is the Youth Movement) and propaganda against coming war and along with these all the time concentration on organisation and solidarity. Then he has a few words for the comrades in jail and the deportation of Donald Campbell, and concludes with a peroration in regard to the coming of the millennium in which "kingship will wholly vanish from the surface of the earth". The last three lines of this peroration however are really the most important where he says: "But all this cannot be achieved without revolution, for a revolution is the only friend of the poor and the helpless. It is revolution alone that can bring real brotherhood and liberty to mankind." The speech concluded with five slogans: "Long live the Proletarian Revolution, Long live the Soviet Rule, Long live Marxism and Leninism, Long live the solidarity of the exploited people of the earth", and then the anti-climax, "Long live the Workers' and Peasants' Party of India."

At Jamshedpur, where he went on leaving Calcutta, Sohan Singh Josh made a speech on the 3rd January which is reported in P. 2208 (P. W. 122, Sub-Inspector R. P. Ghosh). In this speech as usual he criticised the Congress leaders. In the middle of this speech he said that "the Workers' and Peasants' Party are trying to secure universal franchise for the labour so that every worker will have the right of voting". He also said that these things were their immediate objective and the ultimate goal of their Party was to establish a Labour Government and to secure political power for the labouring classes like Russia. He wanted to create a revolting spirit in the minds of the labour to obtain their goal. Further on he said that "he would like to bring about a change in the existing order of things like Russia and also would bring about a revolution for the same; the labour should have a revolutionary spirit in them, they must have a Labour Government and will follow the principles of Russia". The witness who reported the speech has also deposed that copies of Sohan Singh Josh's Calcutta speech were distributed at this meeting.

Sohan Singh Josh next spoke on the 24th January 1929 at Jallianwala Bagh when his speech was reported by P. W. 179, Sub-Inspector Arjun Singh in P. 1904. In this speech he said that "he was the great enemy of the British Government and wanted to efface it". He and his friends as everyone knew did not want kings. Nevertheless he was supporting the resolution about the King of Kabul (Amanullah) because he was the enemy of the British Empire. The meeting was apparently held to express sympathy with Amanullah (vide statement of P. W. 179).

Sohan Singh Josh spoke again at Lahore on the 22nd February. P. 1877 is a printed copy of the speech which was distributed at the time and came into the hands of P. W. 160, Sub-Inspector Sardar Dhyan Singh who was present at the meeting. This was at the Second Session of the Naujawan Bharat Sabha held at the Bradlaugh Hall. P. 1877 actually contains an omission but the full speech was reproduced in the Urdu Kirti for March 1929, P. 207. In this speech he talks first about communalism, then about "what it is that we young men want" and says that "the aim of the young men is to secure Complete Independence". Then he goes on to say that "we are deadly opposed to Imperialism". A little further on he says: "We clearly see that the only obstacle in the way of our Independence is the British Government. We should therefore drive it out of the country first of all and then alone we can attain Social Independence." Then he goes on to discuss the possibilities of the future and says that "at present the revolution on the part of middle classes is in progress, and in due course they will get hold of the reins of the country". "But", he says, "their mentality and their policy will be identical with that of the Imperialists, and this will bring about no special change in the condition of the masses. For this reason the masses shall have to prepare themselves for mass action (lit. republican revolution) and shall have to fight for their rights." He repeats this in another form later on where he says: "But we, who find our interests linked with those of the masses, can establish a republic of the labourers and peasants only if we make them fully understand what the present system and the one that is to follow it mean for them. It behoves us to frame a programme covering the needs of the masses, to organise them (the masses) and create so much power in them that they may gird up their loins for the protection of their rights." Then he goes on to discuss the future programme, the matter of individual terrorism (about which he says: "We

do not believe in individual terrorism. We believe in revolutionary mass action only and this is the only method with us by which we can secure complete independence."), the war danger, the Public Safety Bill and so on.

The last speech made by Sohan Singh Josh was reported in P. 1468 by P. W. 154, Sub-Inspector Jagat Singh. This speech was made at the Workers' and Peasants' Conference held at Rohtak on the 8th, 9th and 10th March 1929. In this speech we get the usual subjects of the rich and poor, the necessity for unity, the marvellous joys of Russia compared with the evils of life in India and the wonderful improvement in Russia since workers' and peasants' rule was established there. He goes on to preach the abolition of private property and finally calls on the workers to "rise and establish a Swaraj in which we, workers and peasants, should rule." The last sentence of the speech sums up the whole matter in much the same terms when he says: "We have to establish a Government of workers and peasants and not Swaraj."

Coming now to Sohan Singh Josh's search, the searches with which he is connected were conducted by P. W. 150, Sub-Inspector Rahmatullah. The search list for his house at Islamabad is P. 883. In this search we get P. 884 Dutt's "Modern India", P. 885 the Peasants' Resolution, P. 886 the Resolution on the general political situation which is found in "A Call to Action", P. 891 the W. P. P. Principles and Policy thesis, P. 892 the Political Resolution, P. 893 "A Call to Action", P. 895 a copy of the "Masses of India" for February 1928, P. 896 some issues of the "Workers' Weekly" and cuttings from it and similar other papers, P. 897 Miss Agnes Smedley's "India and the Next War" (this was actually published by the "Kirti" office), P. 898 "The Proletarian Revolution" by Lenin, P. 899 "Wage Labour and Capital" by Karl Marx, P. 900 Lenin's "The State and Revolution", P. 902 a typewritten copy of his own Presidential Address at Calcutta, P. 903 a typewritten copy of the resolution on organisation adopted by the Bombay Party in March 1928, P. 905 a copy of Spratt's Draft Resolutions for the Jharia Session of the A. I. T. U. C. which corresponds exactly with P. 1373 (8) C to E, P. 908 Roy's "The Future of Indian Politics", P. 909 a diary for 1929, P. 910 a diary for 1928 (which mentions a visit to Majid), P. 911 numerous copies of the "Kirti", P. 912 part of a copy of the "Sunday Worker" dated the 13th May 1928, the pages missing from which were found in the search at 211 European Asylum Lane, Calcutta and are in evidence as P. 533, P. 914 the W. P. P. Manifesto to the Madras Congress, and P. 916 the Trade Union Movement Thesis presented to the Calcutta Conference.

Sohan Singh Josh accused, who is of course a signatory to Nimbkar's Joint Statement, has made a long statement of his own but I do not know that there is very much in it that affects the case against him. First he talks about the W. P. P. of the Punjab for which on page 293 he really accepts a large share of the responsibility. At page 295 he says that "the W. P. P. was not a Communist body. It was an Independence Party in the real and full meaning of the term." He adds: "The Party aimed at the establishment of the National Democratic Independence through revolution. It was openly a revolutionary body of the militant workers and peasants, who being disillusioned by the Congress defeatist politics, had risen in revolt against it." On the same page he says: "The Workers' and Peasants' Party was a body based on the class struggle." After discussing his speech at Lyallpur and some miscellaneous matters he comes at page 299 to his position in connection with the "Kirti" and denies that he was ever editor or manager of the "Kirti". His real position, he says, was that of a joint managing director. I must admit that it appears to me to make little difference what the name of the post was. The question is whether he was or was not the moving spirit, and there is a good deal of evidence in the way of letters to show his activities in connection with that paper. As to the evidence of P. W. 195 Balwant Singh, on which he sought to rely, it can only be said that he was not a witness who inspired much confidence. He was called as a prosecution witness for formal purposes only and was then cross-examined and very readily gave evidence favouring the defence. In re-examination with the permission of the Court in regard to his ability to recognise the handwriting of Sohan Singh he immediately began to prevaricate. He had known Sohan Singh's handwriting for a period of well over a year but pretended doubt about it. In fact his first answers in this connection are most illuminating. He said first of all that he recognised a signature, but when defence counsel objected to proof of Sohan Singh's signature in re-examination, the witness altered his statement and said: "The name written is Sohan

Singh's. I cannot recognise the handwriting as it is a long time since I saw it." A little later he said he did not know who the General Secretary of the W. P. P. of Punjab was. It is evident that as a witness to rely on for anything in support of which there is no other evidence Balwant Singh is of very little value. Incidentally it may be noted that Sohan Singh at page 293 admitted the genuineness of a letter P. 2052P, the handwriting of the signature in which Balwant Singh declined to recognise. At page 303 Sohan Singh made some remarks about Darbar & Co. saying that the "Kirti" management had no connection with it. It may be so but there is no evidence except the evidence showing that the two offices were in one room. Next he deals with the money order sent to Usmani. I have dealt with that in Usmani's case and commented on the falsity of the suggestion made by Sohan Singh here. At page 304 in answer to a question about the numerous articles written by other persons which appeared in the "Kirti", the responsibility for which would be damaging to him, he said: "I am not responsible for any of the articles appearing in the Kirti magazines over names other than my own. The editor or the writers of the articles are responsible for them." In my opinion that is not a reply which can be accepted. I am quite satisfied that Sohan Singh's position on the "Kirti" was one which gave him the real control over and hence the responsibility for what appeared in the "Kirti", and a study of the Gurmukhi Kirti P. 746 and the Urdu Kirti P. 747, P. 731, P. 726 and P. 207 shows that there are great many articles requiring explanation. Incidentally it may be noted that the rules of the Punjab W. P. P. P. 1404, which are translated in Urdu translations under P. 344 conclude with an advertisement of the Kirti which is described in the following terms: "It is the only socialist organ of the workers and peasants throughout India. It wants to bring about revolution in the existing social, economic and political system."

O. P. 1492.

From the "Kirti" Sohan Singh Josh comes to the Naujawan Bharat Sabha in connection with which he talks about religion and says that "the chief plank of the propaganda of the Sabha was anti-communalism and anti-religion", and goes on to say that "the Naujawan Bharat Sabha is not a Communist body". There is a good deal more about the Sabha but I do not think it is of much assistance to the case. On page 307 he comes back to the subject of religion to which he is always very hostile. From this he comes again at the top of page 309 to the Congress and I note a statement here which is fit to be classed with the most flagrantly false of the lying stories which have appeared from time to time in the statements of Communist accused. This is where he remarks: "Gandhi's non-violence was thrown overboard by the peasants and some spies were murdered at Chauri Chaura." I have already stated elsewhere that the true facts are that this was an attack on a thana by a mob of overwhelming size resulting in the murder of a Sub-Inspector and some 16 constables and chaukidars. From the Congress he comes at page 312 to the Meerut Conference, in connection with which he criticises the report and the translation without much conviction. He states at page 313: "It is not to my knowledge that any Workers' and Peasants' Party was formed at Meerut." This again is a very feeble denial. Then in connection with the Calcutta Conference he says that he delivered the speech P. 596 and that he stands by every word of it and bears the full responsibility for it. He goes on to admit that he attended the Cawnpore Congress of the A. I. T. U. C. but of course does not remember anything about Dange's T. U. C. Left report. Next in answer to a question about his connection with the C. P. I. he says at the foot of page 315: "I am a Communist in the Marxian Leninist sense and in no other." This he amplifies on the following page by saying that "a Communist is one who knows the doctrine of the requisites for the emancipation of the proletariat, that is to say who understands the determinants of the proletarian movement, foresees its course and results and whose chief aim in life is to organise the workers and peasants on a class basis with a view to destroy the bourgeois supremacy and conquer the political power by the proletariat. He is not worth the name if he does not devote his life to the bringing about of such revolution as will root out all the social injustices and economic inequalities from off the face of the earth." Further down the same page (316) he says: "I claiming to be a good Communist had the honour to be a member of the Communist Party of India." A little lower down he speaks of the British Empire "which we are out to smash up", and he refers to the existence of a Communist Party in Great Britain, suggesting that that justifies its existence in India. He goes on to say: "Our C. P. I. was not affiliated to the Third International at the time we were arrested, though we had a mind to get it affiliated as soon as possible." At page 317 he was questioned about the documents connecting him with the Bengal Party. He said in

O. P. 1493.

reference to P. 721, which mentions the "Kirti" office of Amritsar as one of the places where "A Call to Action" could be purchased, that he did not know anything about it. But he added that "the manager of the Kirti" (meaning I suppose Balwant Singh) "did receive some copies of "A Call to Action". He sold some of those copies and the money was returned, to my knowledge, to the Ganavani office, Calcutta." It is curious to note the way in which Sohan Singh who was originally appointed the second manager of the "Kirti", vide O. P. 1494, has now, apparently in order to be able to put a little more responsibility on Balwant Singh, changed himself into a managing director.

At page 318 he was questioned about his speeches and entered into a long discussion of agrarian revolution, the W. P. P. Programme, National Revolution and so on. In the course of this at page 328 he discussed non-violence and violence. He condemned the creed of non-violence as one which had never been and would never be successful, saying: "I want to say violence has been the rule in history. is quite essential for the progress of mankind." But even then he attempts some sort of defence by saying: "Violence, as long as it is not practised, remains only of academic interest, nothing more, nothing less. The prosecution as well as the Court cannot get away from this fact." A good deal of what he has to say after this is full of contradictions. This is particularly the case in regard to his attitude in regard to the law of the land. At page 330 he says: "To confess the truth, we could not do what we ought to have done. The reason is that the law of the land stood in the way and we tried to steer clear of it as far as possible. But in spite of the fact that we committed no illegal act, we were caught all the same." Yet at page 341 he says, speaking of tyrannical laws: "Fortunately or unfortunately I have a knack of disobeying all those rules, regulations, orders and laws that stand in the way of forming my own opinions and doing my own thinking." Curiously enough, going on to discuss revolution he carefully avoids the methods by which revolution is to be carried out which however, I suppose, we are to infer from what he had said earlier. At page 335 he comes back to the Communist International again and says: "Although I was not affiliated to the Comintern in any way I want to declare here in this Court that I believe in the programme laid down from time to time by the Communist International. The 3rd International in my opinion is the only International that is in thought, word and deed the standard-bearer of Marxism and the advance guard of revolution." It certainly seems a reasonable inference that if he holds this, then all that he did must have been done with the object of furthering the programme of the Communist International. At the end of this section he replied to the question put to him about his speeches some twenty pages earlier and said: "In regard to other speeches I may say that they fairly represent my views." He goes on to say that the reporters made mistakes but that "taking all in all the reports show my views approximately correctly." He was next questioned about some miscellaneous items of evidence, some of which I have not mentioned before. One is the mention of his name in P. 146, a list of names found in the Calcutta office of the B. J. W. A. He says both about this and about the appearance of his name in the Krantikari office register P. 433 that he does not know how his name happens to be there. He was next questioned about his search, when he admitted that the proscribed books found in his possession were his. About the other articles, papers etc. he says they came to the Kirti office and he got them from there. Speaking of Miss Agnes Smedley's "India and the Next War" he says: "These articles appealed to me. I thought it would serve our purpose better if I would publish them in the book form," and so he did so. At page 349 he came back to the Russian Revolution which he described, as he did in a speech I have quoted before, as a "beacon light in the history of the world." At page 350 he attempted a defence to the charge with which I have dealt earlier in this judgment, when he said that "a conspiracy means dark corner meetings. secret whisperings and underhand dealings. manufacturing of bombs and procuring of firearms etc. etc." I need not criticise this contention again. Then at page 352 he proceeded to demolish an argument of another accused on the subject of kings whom he condemned entirely. Finally at page 353 he said: "Having expressed my views on feudalism, kingship and monarchy I admit that I did celebrate Lenin Days, May Days, I did join the demonstrations against Simon Commission and other tyrannical acts of British Imperialism. I did deliver many speeches and hold some conferences to expose British Imperialism in India, but these opinions and acts of mine do not constitute a conspiracy and I have done nothing so far to deprive the King Emperor of his kingdom in India." Unfortunately that is only an expression of Sohan Singh's opinion and I regret that I am unable to share it.

The facts against Sohan Singh Josh accused seem to me to be utterly damning. He first became connected with the "Kirti" in September 1927 when we find that he took his appointment very seriously indeed. That paper has been conducted throughout (I have not thought it necessary to quote from it either Sohan Singh's own articles or the articles contributed by other accused because there is such a mass of other material, but the statement is easy to verify) as a paper preaching Communist revolutionary ideas. He was probably, or at any rate possibly, in touch with Majid before the Cawnpore Session of the A. I. T. U. C., but if not he certainly came into touch with him and a number of other accused on that occasion. From that time on he became the leading organiser of the W. P. P. in the Punjab and was at its inauguration in April appointed its General Secretary with Majid as Joint Secretary. It is quite clear that he was the live wire of the Party, vide his efforts to make a success of the Lyallpur Conference by getting the members of the Party from other provinces to attend it. Further the fact that he was a live wire was clearly well established in the minds of the leaders of the conspiracy, a fact amply proved by his being called in to help in the Meerut Conference and by his selection as President of the First A. I. W. P. P. Conference at Calcutta. The part which he took in that Conference indicates his standpoint most clearly. Finally we find him admitted to the Communist Party of India and becoming a member of the Central Executive Committee. Along with these facts we have to consider his speeches, a long series of speeches running from February 1928 to March 1929, throughout which he follows the regular Communist revolutionary lines. Lastly we have to consider the fact that he is a signatory to the joint statement of the Communist accused and that in the statement which he has made to this Court he to a very large extent admits that he has been working to bring about a revolution. In the light of all these facts I feel not the smallest doubt that Sohan Singh Josh accused has taken a part and a very active part in the present conspiracy.

O. P. 1497, Agreeing with four and disagreeing with one assessor I hold that Sohan Singh Josh accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A, I. P. C. I convict him accordingly.

to be drawn off in favour of **PART XXXIX**.

O. P. 1498. Abdul Majid accused's name appears for the first time in Sepassi's letter to Begerhotta P. 783 (F. C. 142) dated the 2nd September 1926 signed "Indian Communists Abroad", in the last paragraph of which Sepassi writes: "We were very glad to hear that comrades Gohar Rahman, Nasim and Majid are there. We could not write to them because we have no address of theirs. Give them our greetings." He is also one of the addressees of the Urdu letter of the 29th September 1926 P. 2315P (1), the translation of which is printed as P. 2121 at F. C. 171. This is the letter addressed by Sepassi to "Dear Brethren Nasim, Majid and others" which was sent through Iyengar to Muzaffar Ahmad at Calcutta and was intercepted first on its way to Iyengar and again when Iyengar sent it for the second time to Muzaffar Ahmad addressed c/o N. C. Dey. The interesting passage in this letter in connection with Majid's case is where Sepassi says: "More money will be sent to you if you will start a newspaper of the Party (and send that newspaper to us). It is a defect in all of you comrades that you go on complaining but do not intimate your address where letters might be sent, where money might be remitted, where newspapers might be sent and where literature might be sent. Please write in detail about these things and have such friends in Bombay as might have connection with sailors. We shall send newspapers and literature through sailors." This is followed by an enquiry about the Gurmukhi Kirti and by a reference to Donald Campbell about whom Sepassi says: "Cables will be got sent on the occasion of your conference. One Campbell of the British Communist Party is present there. He is being instructed to deliver at the conference a speech on behalf of his Party. He should not only be given a chance to do so but care should also be taken that he does not fall into the hands of the C. I. D. He should be cleverly made to disappear after he has delivered his speech." This letter was sent off by Iyengar from Madras for the second time on the 2nd November and must have reached Nasim, Majid & Co. by the middle of the month. In the light of its contents it is interesting to find from P. 1207 (1) the report submitted to the C. P. I. meeting held at Bombay on the 31st May 1927, the section headed "Record of Work done during the period", that "efforts were repeatedly made here (Lahore) by comrades Derveshi (Gohar Rahman), Majid, Ram Chandra and Hasan to start a regular organisation of the work on educative lines. Recently the weekly Mehnat-Kash, an Urdu weekly, has been started by them, which is doing splendid work in educating the masses of the Urdu-knowing districts." At the end of the same report in the list of organs (non-official) we find Mehnat-Kash, address Mochi Gate, Lahore, which incidentally is the same address as that of M. A. Majid whose name appears as a member of the Executive. The conference referred to would appear to be the one mentioned in this same report as a propaganda conference which it was decided to hold at Delhi in November last, that is November 1926.

Majid accused was of course acquainted with Muzaffar Ahmad. P. 2125C (I. C. 14) is a copy of a letter in Bengali from Muzaffar Ahmad to Abdul Halim written on the 15th December from Lahore. Both at the beginning of this letter and at the end Muzaffar Ahmad has given his address as c/o M. Abdul Majid Esq., Dal Mohalla, Mochi Gate, Lahore and in the body of the letter he says: "I am still putting up in the house of friend Abdul Majid." There is also on record a bill P. 415 (6) (F. C. 174) addressed by the Communist Bookshop, 16 King Street, London to Muzaffar Ahmad c/o M. A. Majid Esq., Mochi Gate, Lahore, India. The same address was also given by Muzaffar Ahmad writing to Jogtekar in P. 1844C (I. C. 17) on the 1st January 1927. There is an alternative address given in this letter c/o Reception Committee, which is explained by the reference in the body of the letter to the Lahore Conference which we find mentioned in P. 1207 (1) as proposed by the Lahore group to be held in February 1927. Incidentally the same report later mentions in that connection that "comrade Muzaffar who had gone to Lahore ran down to Bombay to meet Saklatvala on his arrival", which it will be remembered took place on the 14th January 1927. Majid's connection with this proposed Lahore Conference is further supported by the recovery from his possession of three receipts P. 732, P. 733 and P. 734 all for money received from the Secretary, All India Communist Conference, Lahore.

We next come across Majid at Delhi on the occasion of the Delhi Conference of the A. I. T. U. C. P. 1494 shows that he was staying at the Royal Hotel in room no. 32 along with Gohar Rahman Derveshi. His signature also appears in token of having received the notice P. 781 which was sent out by Ghate and

Begerhotta on the 15th March calling an informal meeting of the members of the C. P. I. present in Delhi at 10 a.m. in room no. 33 at the Royal Hotel. Majid accused admits that he came to Delhi at this time but says that he came to attend the A. I. T. U. C. as a delegate of the Punjab Press Workers' Union. About P. 781 he says that he does not remember to have ever signed such a paper or to have attended a meeting of the C. P. I. But it is quite obvious that no importance can be attached to anything except his admission that he was present at Delhi on this occasion for (1) there is no doubt about his signature on P. 781 and (2) it is clear that he could not have come to attend the A. I. T. U. C. as a delegate of the Punjab Press Workers' Union. The reasons for this conclusion are two; (1) we have Spratt's letter to Page Arnot P. 1968 (F. C. 224) dated the 21st July 1927 in which speaking of Ramchandra, Majid, and Derveshi he says: "They succeeded in starting a Press Workers' Union, which had about 60 members, but it has now been dead for 6 months or more, (2) the defence put in in evidence the official report of the Delhi Conference of the A. I. T. U. C. as D. 391. This report shows that the Punjab Press Workers' Association was affiliated to the A. I. T. U. C., but that Association does not appear in the list of Unions represented by delegates at the Congress which is given at page 2 of the report. Moreover had Majid been present at the Congress as the representative of the Press Workers' Union we might have expected to find his name in the report of the Delhi Session sent by Spratt to Page Arnot in P. 1828 (F. C. 197) on the 26th March. He had mentioned there at F. C. 198 most of the other persons of importance in this case who were present and the omission of Majid if he was present would be remarkable. Majid emphasises the fact of his presence at Delhi on this occasion by saying that it was here he met Spratt accused for the first time and made some attempt to look after him when he fell ill in the Royal Hotel.

We next hear of Majid in Ghate's letter to Muzaffar Ahmad P. 2127P (I. C. 164) misdated 10th May 1928 but actually written on the 10th May 1927 (it was intercepted at Calcutta by P. W. 54, Sub-Inspector B. N. Gupta on the 12th May 1927). In this letter Ghate says: "I have written to Majid to send me Urdu copies from Lahore." By this he apparently means copies of the Urdu paper Mehnat-Kash. This letter was written shortly before the General Meeting of the C. P. I. which is reported in P. 1207 (1). I have already quoted from that document. There is nothing in it to show what members were present at the Annual Session but the report shows that Majid accused was elected to the Executive.

In June 1927 Majid accused was in touch with Spratt who had now come to Lahore, vide Spratt's diary P. 1947 which shows that he and Majid met on the 26th June and again on the 29th. Majid's name appears frequently in Spratt's correspondence at this time. He is mentioned in P. 1967 (I. C. 54) Spratt's letter of the 14th July to Dange and again in P. 2133P (I. C. 57) of the 21st July in which Spratt writing to Muzaffar Ahmad mentions that Messrs. M. A. Majid & Co. send their love. As I mentioned before he is also referred to in Spratt's letter to Page Arnot of the same date P. 1968 (F. C. 224) where Spratt says: "Some of the ejected ones Ramchandra, Majid and Derveshi two of those who have returned from Russia, own a paper the "Weekly Mehnat-Kash", which I hope you are getting. They are very keen, but suffer from lack of funds and education." There is also in addition to these letters some oral evidence of police officers which associates Spratt during the time of his visit to Lahore with Majid and Sehgal accused, vide the statements of P. W. 165, P. C. Niranjan Das, P. W. 170, P. C. Anwar Ali Shah and P. W. 171, Sub-Inspector Phoni Bhushan. There is further evidence of this association in Spratt's letter to Dutt P. 2329P (1) (F. C. 235) dated the 15th August, a letter which it is reasonable to infer from Mirajkar's letter P. 1010 (I. C. 60) dated the 21st August and Ghate's letter P. 1011 (I. C. 62) dated the 22nd August was actually taken from Lahore to Bombay by Majid himself. In this letter Spratt writes: "Lujec (Majid) & Co. here are rather inexperienced, but sound. They are getting among the local university (T. U.) men, and have especially established good relations with Lal (Chaman Lal) who supports their paper. Unfortunately their best man has just been spirited away, probably for a year or two." The reference here is undoubtedly to Ram Chandra whose arrest and trial was mentioned by Spratt in a number of letters at about this time. Going on Spratt mentions another activity of Majid and says: "There is no Methodist (W. P. P.) organisation here, though a Young Christian Association with very similar ideals was established a year or so ago. It had branches in several places, and was active for a time, though like everything else it is now dead. L. (Majid) is trying in

what spare time he has to revive it, and that is obviously a good policy. The contents of their organ (Mehnat-Kash) is still too theological (I take this to mean "theoretical") and not practical enough, but they know their weakness and are improving it. The revival of University (T. U.) activity here is giving them material to use." Elsewhere he speaks of L (Majid) as "arranging with Fh. (Ghate) about getting copies of the Bible (probably he means the Masses) if they arrive," and adds: "Similarly for the Bulletin and the C. Times." Further on again he says: "Even L is greatly handicapped by poor English, but he could do something to spread the gospel of light." Then it is in this same letter that Spratt speaks of Jerse (i.e. Kirti, that is Sohan Singh Josh) and remarks: "Perhaps L has been tactless with him."

We find Majid mentioned next in Spratt's letter to Dutt dated the 4th September 1927, P. 1009 (F. C. 300). The relevant passage here is as follows: "Re. A. I. English Journal, we have had an informal general conference, Lozzie, Lajec & Co. at Bombay, and have agreed to start one as soon as arrangements can be made, chiefly in charge of Confe & Rhug."

The evidence of P. W. 111, Sub-Inspector J. N. Sen Gupta and P. W. 119, Inspector Jagannath Sarin shows that Majid accused was present at the Cawnpore Conference of the All-India Trade Union Congress. But a further proof is the group photograph frequently mentioned before, a copy of which, P. 743, was actually found in Majid's own possession. Dange's T. U. C. Left report P. 1878C also has a particular interest in his case as this copy of it was addressed to him as Abdul Majid e/o "Mehnatkash". In the light of this address arguments based on the facts that Dange began the letter "Dear Mr. Majid Ali" and in the report of the informal meeting held at Gowaltoli on the 29th November described him again as Majid Ali, have little value. Majid accused has of course admitted that he went to the Cawnpore Congress, vide his statement at page 519 where referring to the photograph P. 743 he says he went to the Congress and mentions the circumstances in which the photograph was taken. About Dange's letter P. 1878C however he says: "I do not remember if I ever received this paper."

Shortly before the Madras Session of the Indian National Congress it seems to have been suggested by Singaravelu that a Communist Conference should be held at Madras during the Congress week and in consequence of this suggestion Ghate accused wrote the letter P. 2101C (I. C. 75) on the 9th December to Muzaffar Ahmad in which he mentions Singaravelu's suggestion and adds that "friends here have suggested that an ordinary meeting of the Party be held at Madras and no conference." He suggests that Muzaffar Ahmad should consult Spratt and write to Ghate what he should do in the matter. Ghate must have written a very similar letter to Majid as we have in evidence, recovered in Appaji Rao's search, the letter P. 1287 (4) obviously intended for Ghate in which Majid writing from Lahore on the 12th December acknowledges Ghate's circular letter dated the 10th December 1927. He goes on to say: "I appreciate the suggestion of Comrade Singaravelu, but sorry it is very far and most of us could not attend the Party meeting. If you people agree personally I have no objection but I and comrade Gohar Rahman will not attend the Party meeting which I think is important for us." The mention of Gohar Rahman in this letter is quite typical of Majid's letters. It appears that these two were great friends and closely associated in everything that they did.

The first reference to Majid accused in 1928 is in Spratt's letter P. 2096P (I. C. 87) of the 16th January, when he speaks of Majid accused with reference to Chaman Lal, obviously in connection with his books and other articles, which had been left in Chaman Lal's possession and which in spite of repeated efforts he had not so far succeeded in recovering. It was in this connection that on the 1st February Majid accused himself wrote the letter P. 526 (28) (I. C. 97) to Spratt, in the course of which he suggested that the best thing would be for him to come to Lahore for a day or two on his way from Bombay to Calcutta. Majid wrote another letter to Spratt accused on the 10th February, P. 526 (47) (I. C. 100), also in regard to Spratt's property. These letters do not reflect very well on Mr. Chaman Lal's conduct. At the end of this letter Majid says: "I intend to leave for Peshawar on the 12th instant and shall be back in Lahore by the 18th. I hope that you will also arrive at Lahore by this time." As a matter of fact Spratt was not able to visit Lahore until he came to Delhi for the meeting of the E. C. of the A. I. T. U. C.

On the 24th February Majid accused took part in the Second Naujawan Bharat Sabha Conference held at the Bradlaugh Hall, Lahore, in which, as we

find from P. 1903, he was elected Vice-President. Sohan Singh Josh accused being elected President. He himself made a speech in moving a resolution on the War danger, and this was reported by P. W. 179, Sub-Inspector Arjun Singh, in P. 1902. His main point in connection with the War danger was that Indians should not help in any war in future.

Another meeting was held in the Bradlaugh Hall on the 3rd March, at which Spratt accused was present accompanied by Majid and Sehgal, who at the conclusion of the meeting saw him off at the Railway station, vide the evidence of P. W. 164, Head Constable Ram Singh, P. W. 170, P. C. Anwar Ali Shah, P. W. 171, Sub-Inspector Phoni Bhushan and P. W. 179, Sub-Inspector Arjun Singh, the last of whom only attended the meeting. This was the visit to Lahore during which Spratt made a last and only moderately successful attempt to recover his property from Chaman Lal.

The next event of interest in Majid's history is the meeting held at the Jallianwala Bagh, Amritsar, on the 12th April, at which the Punjab Workers' and Peasants' Party or Kirti Kisan Party was formed with Sohan Singh Josh as General Secretary and M. A. Majid of Lahore as Joint Secretary. Majid accused was also one of the five members of the sub-committee, which was appointed to draw up rules and regulations. It appears from the evidence of P. W. 179, Sub-Inspector Arjun Singh, that a Young Men's Conference was held at Amritsar on the same day, in which Majid accused took part. The witness reported the speech made by him in longhand, P. 1914. The only remark of interest in this speech is where he says: "We are prepared to help them" (apparently the Youth Party of China) "in every way, and come what may, we shall try to put an end to the curse of Imperialism."

Majid accused next took part in the May Day meeting held at Lahore on the 1st May and made a speech, of which P. W. 159, Sub-Inspector Rashid Ahmad, took a report P. 1879 (2). He began by talking about the Commune of Paris in 1870 and Karl Marx. Next he went on to the subject of religion, about which he talked for the remainder of the speech in spite of considerable interruption, in the course of which Sehgal accused, who also made a speech on this occasion, tried to help him out. This meeting is mentioned in the Gurmukhi Kirti for June 1928, part of P. 746.

It appears from Sohan Singh Josh's letter to Muzaffar Ahmad, P. 2051C (I. C. 197), that on the 23rd May Muzaffar Ahmad wrote a letter to Majid asking for official intimation of the formation of the Punjab W. P. P. Next on the 22nd July we find Majid himself writing a letter P. 1626C (I. C. 197) to Dange. This is in connection with the Lyallpur Conference, and in it Majid tells Dange that his name has been suggested as President. He goes on: "So I request you to kindly please us by approving the same. Moreover it is quite evident to you that we are short of funds and expect that all the expenditure in connection with this shall be borne by you. We are also inviting Comrades Mirajkar, Nimbkar, Bradley, Mrs. Dange, Ghate, Muzaffar and P. Spratt." On the following day Majid accused wrote two more letters in connection with the Lyallpur Conference. These were both enclosed in one envelope, and were intercepted and copied as P. 2045C, but one of them was subsequently recovered at 2/1 European Asylum Lane and is in evidence as P. 526 (24). These are two letters, one to Muzaffar Ahmad and the other to Spratt inviting them to come to the Lyallpur Conference in September. In the letter to Muzaffar Ahmad Majid also says: "As regards the Calcutta meeting I regret to say that at present none of us could attend the meeting, but if you are willing, we can send the name of our representative." This was no doubt in connection with the meeting of the Provisional Committee of the All-India Party, which had evidently been mentioned by Muzaffar Ahmad in earlier letters to Majid, vide Muzaffar Ahmad's remark in his letter to Ghate of the 28th May, P. 1348 (22) (I. C. 174).

Majid accused took part in another meeting at Jallianwala Bagh, Amritsar, on the 18th August, when he made a speech, which was reported by P. W. 158, Sub-Inspector Badri Nath in P. 1884 (2). In this speech he begins by quoting the example of Russia and says: "Today Russia has set an example (lit: taught a lesson) to the world and has shown how workers are governing and how (they) can take up the reins in their own hands after destroying big Governments." A little further on he said: "I myself have seen the condition of Russia", and then went on to explain that even if the Russian workers were not getting more food, they were free politically and that this freedom was keeping them alive. Then he gave rather a muddled account of Russian history, the wanderings of Lenin and finally the Communist revolution.

Majid accused also took part in the Lyallpur Conference, at which on the 29th September he made a speech, which was reported by P. W. 179, Sub-Inspector Arjun Singh in P. 1907. This speech was made in moving a resolution against the Trade Disputes Bill. It opens with a declaration of the right to strike. In the course of this speech he observes that the Government is in reality always with the capitalists, and he goes on: "The interest of both is common. Therefore they help their own men. Class struggle. As yet our labourers have not understood (the meaning of) mass action, owing to which the world is battling with them... I say not even one Bolshevik can be seen. It is the Government itself which produces thousands and thousands of Bolsheviks every day and every night. Bolsheviks are appearing day by day from amongst the peasants and labourers. The Government and the capitalists are responsible for this. If the Government wishes that there should be no Bolsheviks, why does it kick away their (labourers') demands." Further on he says: "We cannot improve our condition until we change this Government. Every step that we take is towards changing this Government, therefore the demon of Bolshevism cannot terrify us. If this is Bolshevism, then each individual among us, shall—and shall necessarily—be a Bolshevik." Another interesting document in connection with this Conference is P. 1908 which contains a copy of five of the resolutions passed at the Conference, namely those on the War danger, the Trade Disputes Bill, the Nehru Report, the Red Flag and the Right to carry arms.

Majid accused next took part in the Meerut Conference, at which on the 13th October he made a speech P. 1087 (reported by P. W. 126, P. S. I. Mangal Singh Tewari) in seconding a resolution in regard to political prisoners. He used this speech to compare jails in India with jails in Russia suggesting that in Russia the life of prisoners is exceedingly comfortable. In the course of this he says: "I consider India as Central Jail." In this speech he refers to the Assembly letter in a passage which apparently rather troubled him. It runs as follows: "You might have recently heard that a letter of M. N. Roy, who is described as a big agent of the Bolsheviks, while I am only a small agent. When I read that letter in a newspaper, I understood that it was a fictitious letter." He deals with this in his statement at page 514, where he suggests that what he really said and meant was not "I am a small agent" but "I or we are described as small agents". His explanation may of course be correct, it is not easy to say. P. 1088 is another exhibit relating to this Conference, which contains the resolutions moved by Majid accused on the 15th October. These resolutions cover the social demands included in the Bengal programme. It concludes with a few remarks which I may quote: "The existing system will not give you any concession unless you change it and replace it by another. You can lead a life like the labourers of Russia. It will take hours to describe their condition in full."

Majid accused did not take part in any of the subsequent conferences, such as the Conference at Jharia and the Calcutta Conferences, though he was elected a Vice-President of the A. I. T. U. C. at Jharia in his absence. He was expected to come to the Calcutta Conference, as we find from P. 467 (1), a notice issued by the Assistant Secretary of the Reception Committee on the 19th December 1923, which announced that Sohan Singh Josh would arrive by the Punjab Mail on the following morning, and that Comrades Abdul Majid, Kedar Nath Sehgal and Ram Chandra Kapur were to arrive Calcutta tomorrow morning from Lahore, but they along with others had been arrested and detained at Lahore by the Police. In the A. I. W. P. P. Conference a resolution regretting the absence of Abdul Majid, Kedar Nath Sehgal and Ram Chandra Kapur of Lahore was passed and appears as Appendix D in P. 669. Majid accused was also elected as one of the Punjab representatives on the National Executive Committee. He is also mentioned in the various notes of the meetings of the C. P. I., which show that he was elected to the Central Executive in his absence. In connection with his absence from these meetings we have also on the record a letter written by Majid himself to Muzaffar Ahmad, P. 2153P. (I. C. 356) dated the 28th January 1929, in which he explained that his absence was due to his arrest and that he was still on bail and was not certain what would be the result.

The only other activity of Majid accused, of which we have any evidence, is in connection with the Naujawan Bharat Sabha Conference held at Lahore in February 1929. For this Conference he sent to Muzaffar Ahmad, Secretary Workers' and Peasants' Party, Calcutta, a telegram on the 18th February, which runs as follows: "Attend Naujawan Conference with Spratt Majid."

- O. P. 1512. There are a few miscellaneous items of the evidence in addition to the above, which should be mentioned. First of all we have speeches made by Majid accused at three meetings, which I have omitted in the above historical sketch. The first of these is P. 1861 made at Jhaman on the 13th May 1928. There is nothing of any particular importance in this speech. He spoke again a couple of days later at a meeting at Jallianwala Bagh, Amritsar, when his speech was reported by P. W. 179, Sub-Inspector Arjun Singh in P. 1913. In this he has a certain amount to say about religion. Among other things he says : " This society " (that is the N. J. B. S.) " will have no concern with any particular religion." Then a little further on he says : " We do not want a capitalist Government. I declare that we want to change the system of capitalists, and the labourers who in reality are the masters of this country will govern it." He goes on to point out that he does not really differ from the principles of the Congress, but he differs from the people who have control over the Congress, because they are really capitalists. The third and last of these speeches of Majid to which I have to refer is the one made by him at Jullundur on the 26th May, which was reported by P. W. 158, Sub-Inspector Badri Nath in P. 1883 (1). In the course of this speech he calls upon the youths to liberate their country and says : " Until you liberate your country you won't get anything. There is unemployment in the country. This cannot be removed until you crush the existing system (or Government) like Russia. . . . like the present Russia. . . . and create a new system (or Government). The object of our Naujawan Sabha is to liberate the country and form a Government of 98 per cent. people, and that this 98 per cent. should have the right to govern."
- O. P. 1513. Majid accused's name is also mentioned in the Kirti Subscribers' register P. 1409 as also in the Payam-i- Mazdur Press File P. 1086 and also in the list of names found in the B. J. W. A. office in Calcutta, P. 146.
- Majid accused was present at his house on the 20th March, 1929, when it was searched by P. W. 143, Inspector Jawahar Lal, who prepared the search list P. 699. In this search a number of items of interest were recovered. P. 703 is an article by Saklatwala from the " Labour Monthly " ; P. 704 is the W. P. P. Manifesto to the Indian National Congress, Madras, with a note at the foot by Muzaffar Ahmad dated the 19th December 1927 : " Do you approve this publishing in the name of the Workers' and Peasants' Party of all India " ; P. 706 is an article by A. Losovsky entitled " The International Congress of friends of the Soviet Union " ; P. 708 is an account by A. G. E., presumably Glyn Evans, of the meeting organised by the International Class War Prisoners' Aid at the Albert Hall to celebrate the 10th Anniversary of the Russian Revolution etc. ; P. 711 (1) is a letter from the W. W. L. I. signed by Potter Wilson to the editor of the 'Mehnat-Kash' sending a copy of the 9th Annual report of the League, for the year ending 31st December 1926 ; P. 712, P. 714, P. 715, P. 716, P. 726, P. 730 and P. 731 are all copies of Kirti ; P. 717 includes copies of the W. P. P. Principles and Policy Thesis, the Trade Union Movement Thesis and the Political Resolution ; P. 718 contains five copies of Sohan Singh Josh's Presidential Address at the Calcutta Conference ; P. 719 is a copy of a pamphlet entitled " Communism " by Palme Dutt, P. 720 is described as Resolution on the need for a Workers' and Peasants' Party, and includes a Resolution on Organisation and a Programme of Immediate Demands ; P. 722 is a copy of " A Call to Action " ; P. 723 is a form of application for membership of the Bengal W. P. P. ; P. 727 is a copy of that wonderful production by Usmani entitled " A Page from the Russian Revolution " ; P. 728 and P. 729 are copies of the Constitutions of the Bengal Peasants' and Workers' Party and the Bengal W. P. P. ; P. 736 is a copy of the rules and regulations of the Punjab W. P. P. in Urdu ; P. 737 is an account book which mentions the receipt of Rs. 42 from Muzaffar Ahmad, and expenditure on telegrams to Muzaffar Ahmad and Saklatwala, and P. 737 (1) is a slip of paper, which was attached to P. 737, showing debit entries of Rs. 12 for Spratt and Rs. 30 for Usmani.
- Majid accused is of course a signatory to the joint statement of the Communist accused. He begins his own statement by saying : " I am a Communist and was a member of the Communist Party before my arrest. . . . I whole-heartedly sympathise with the scientific programme of the Communist International, which it has put before the world for a world revolution." A little further on he says : " I am fully convinced that one day the proletarian revolution will surely be successful in India. My study (of the situation) convinces me that the success of the proletarian revolution in a Colonial

country, like India, is based on a national democratic revolution.....
 We, the Communists, are making efforts to bring about this revolution. We
 are convinced that all those parties, which are unitedly making efforts to crush
 Imperialism, can attain success only by acting according to the programme,
 which we have placed before the country." On the following page he says : 5
 "We take upon ourselves the responsibilities of our revolutionary activities,
 organisation and leadership. The prosecution alleges that the unrest in India
 is due to the Moscow activities which India does not want. We, the Com-
 munist, do not object to, or refrain from, taking aid from the International
 or Russian workers. In fact, we think, that India should welcome such aid." 10
 On the same page he again says : "I do not know who Mr. Sepassi is, nor
 was any person bearing that name my friend or acquaintance at any time. I
 neither wrote any letter to him nor did I receive any letter on his behalf."
 On page 513 he deals with the Meerut Conference, about which he says : "In
 October 1928 I not only attended the meeting of the Meerut Workers' and 15
 Peasants' Party, but I made a speech also. As far as I know I cannot call
 this meeting to be a conference of the Workers' and Peasants' Party, nor do
 I remember if at that meeting any foundation of the Workers' and Peasants'
 Party was laid." I fear that not much importance can be attached to this
 statement. He goes on to point out a mistake on the part of the reporter in
 translating 'sazish' as 'sedition' and to offer an explanation of the passage,
 in which he had described himself as a small agent of the Bolsheviks. On page
 516 he deals with the evidence relating to his connection with the Kirti Kisan
 Party of the Punjab. In this connection he says : "I took part in the organi-
 sation of the Kirti Kisan Party of the Punjab, and the aims and objects for
 which the foundation of it was laid are contained in P. 344 and P. 736. (P. 736
 was recovered from my place.) But these aims and objects themselves became
 annulled since the formation of the All-India Workers' and Peasants' Party. I
 consider it necessary at this stage to mention the aims and objects of the W. P. P.
 It is a political body of workers, peasants and middle class people. Its object
 is to bring about a national democratic revolution." He goes on to describe
 its immediate demands and further says : "The W. P. P. is not a Communist 30
 Party, but it is a national revolutionary party of the public." Then he pro-
 ceeds to explain the difference between the programme of the W. P. P. and
 that of the Congress pointing out that "the programme of the Congress is
 constitutional and not revolutionary", whereas, as he has just said, "the 35
 W. P. P. wants to reach its goal by establishing a complete independent
 democracy of workers and peasants and by adopting ways and means of
 organised struggle to which the Congress is opposed." He goes on to attempt
 to explain the difference between the Communist Party and the W. P. P. and
 says : "If there is any resemblance between the C. P. and the W. P. P. it is
 this that the immediate programme of the former and the ultimate goal of the
 latter is one and the same", but he adds : "As both are revolutionary
 bodies, it is necessary that their national revolutionary programme should re-
 semble each other." After this he discusses the report of what he said at the 45
 Lyallpur Conference. At the foot of page 519 he deals with his connection
 with the Mehnat-Kash, but tells us little except that it was a weekly organ of
 the Workers' class, and that its office and his own office, that is the office of
 M. A. Majid & Co., were in the same place. He tells us here that the Mehnat-
 Kash had stopped work, which may very probably be due to some failure on
 the part of the arrangements for finance from Europe, since it would appear
 from the Assembly letter, P. 377(1), that financial aid had been coming in for
 "the three papers", which were presumably those mentioned in P. 1207(1),
 namely Ganavani, Kranti and Mehnat-Kash. Then he goes on to deal with 50
 the Naujawan Bharat Sabha, with which, however, we are not really con-
 cerned, save in so far as the evidence relates to the speeches made under its
 auspices. Next at pages 523 to 525 he deals with May Day, in connection with
 which he shows that he is well acquainted with the change in the nature of May
 Day celebrations brought about by the Russian Revolution, namely that it has
 become the day for taking an oath to safeguard Soviet Russia from Imperial-
 istic attacks, which however is not quite the same description of the oath as
 is given in Brailsford's book, P. 1777 (page 92). There is nothing else of any
 real interest in his statement.

Majid accused argued his own case. Perhaps however that is putting
 too high a construction on what he did, as I found after a short time that for
 practical purposes what he was doing was to repeat in Urdu, presumably for
 the benefit of the assessors (all of whom however understood English), the 65

arguments which had been put forward by Joglekar accused. As those arguments have already been dealt with sufficiently, I need not discuss them again.

The case against this accused is I think quite clear. He has been a member of the Communist Party of India from at any rate 1926, and his name is mentioned in a number of letters from Europe indicating that he was in touch with conspirators outside India, as indeed we should expect in view of the fact that he himself claims to have visited Russia. He was also in 1927 publishing a newspaper, which was a non-official organ of the Communist Party of India, and right through the whole period from 1927 to 1929 we find him associated with such members of this conspiracy as Spratt, Sohan Singh Josh, Muzaffar Ahmad, Ghate and Mirajkar in addition to those whom he met at Cawnpore, such as Dange, Joglekar and Goswami. When the Workers' and Peasants' Party was organised in the Punjab in April 1928, he became its Joint Secretary, and throughout 1928 he was taking part in public meetings in almost all of which he made speeches calculated to further the aims of this conspiracy. It is evident that he has been an active worker throughout, and as to the objects with which he has been working it is only necessary to refer to his own statement and the joint statement. I am quite satisfied that Majid accused has been an active participant in the present conspiracy.

O. P. 1518,

Agreeing with four and disagreeing with one assessor, I hold that Majid accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under Section 121-A, I. P. C. I convict him accordingly.

PART XI.

O. P. 1519.
KEDAR
NATH
SEHGAL
25.

The first piece of evidence in the case of Kedar Nath Sehgal accused is the statement of P. W. 165, Police Constable Niranjan Das, that he watched Spratt in August 1927, when Spratt was living with Dewan Chaman Lal. The witness deposed that Sehgal and M. A. Majid accused used to visit Spratt during this period. In cross-examination the witness added that Sehgal and Majid accused took a great part in political matters, attending meetings and delivering speeches.

The next mention of him is in the evidence of P. W. 111, Sub-Inspector J. N. Sen Gupta, who saw him at the Cawnpore Conference of the A. I. T. U. C. It is however to be noted in this connection that Sehgal's name does not appear in Dange's T. U. C. Left report, nor was he one of those who attended the late Mr. Vidyarthi's tea party and appeared in the group photograph.

On the 3rd March 1928 we have him once more associated with Spratt and Majid accused. This was on the occasion of the meeting held at the Bradlaugh Hall in Lahore, at which according to P. W. 179, Sub-Inspector Arjun Singh, Spratt, Sehgal, Dange and Majid accused were present. Subsequently P. W. 164, Head Constable Ram Singh, saw Spratt go with Majid and Sehgal to Sehgal's house and half an hour later in a tonga to the Railway station. There they were all three seen together by P. W. 170, P. C. Anwar Ali Shah and P. W. 171, Sub-Inspector Phoni Bhushan. The last two witnesses say that Sehgal and Majid saw Spratt off in the Bombay Mail bound for Delhi.

A month later we come to the inaugural meeting of the Workers' and Peasants' Party of the Punjab reported in the Urdu Kirti (the official organ of the party) for May 1928, part of P. 747. This report shows that the meeting was held at the Jallianwala Bagh, Amritsar, at the invitation of Sohan Singh Josh and Bhag Singh Canadian and was attended by M. A. Majid, Lala Kedar Nath Sehgal and various other more or less well-known people, the total audience numbering about 60 persons. At this meeting a resolution was unanimously passed that a party should be established, the object of which should be to organise the peasants and workers, that it should be called the Kirti Kisan Party and that those persons should be regarded as its members. Sohan Singh Josh was elected Secretary and M. A. Majid of Lahore Joint Secretary, and a sub-committee was appointed to draw up rules and regulations. Sehgal accused was one of the five members of this sub-committee along with Majid and Sohan Singh Josh accused and two other persons. There is no evidence to show what part was taken by Sehgal accused in the work of drawing up the rules and regulations. In the absence of evidence it must be presumed that he took his share in it.

Sehgal accused's next public activity was his participation in the May Day meeting at Lahore, at which a speech was made by him, as well as by Sohan Singh Josh and Majid, which was reported by P. W. 159, Sub-Inspector Rashid Ahmad in P. 1879 (3). There were also other speakers. The witness was cross-examined at some length by Sehgal accused, but the only thing of interest which he deposed under cross-examination was that he had seen Sehgal accused doing Congress work for the last ten years. This speech opened with some remarks about religion induced by the heckling which Majid accused had suffered in the course of his speech. Sehgal then moved a resolution in regard to the firing on the Bombay and the Lillooah strikers. Next he went on first to say that Government is helping the capitalists and does not protect the rights of the workers, and secondly to attribute the communal hostility to the British rule. About this he says: "The fact is that all these skirmishes will never come to an end unless the English go away from here. So long as you do not drive out the English from here, no work of yours will be done satisfactorily You should destroy the Government of these Englishmen and the capitalists."

Sehgal accused next spoke at a meeting held at Jullundur on the 26th May 1928 in connection with the organisation of the Naujawan Bharat Sabha there, when his speech was reported in P. 1883 (2) by P. W. 158, Sub-Inspector Badri Nath. He begins by laying down that the Naujawan Bharat Sabha will be a non-communal organisation. Later on he talks about the coming war and the proper policy for Indians in connection with it. He further recommends boycott of the Simon Commission and of English-made goods.

We learn from the editorial note in the Urdu Kirti for September 1928, part of P. 747 that the "Friends of Russia Week" was celebrated from the 2nd to the 8th August. In this note it is stated that during this week the

"Friends of Russia" all over the world raised a voice of protest against the war preparations being made against Russia and extolled the system of Government in Russia. Further on it is stated that this week was celebrated in the Punjab with great zeal and fervour and that grand meetings were held at Lahore and Amritsar. It is also stated that people attended these meetings in thousands and that Principal Chhabil Das, Lala Kedar Nath Sehgal, brother Abdul Majid and Bhai Sohan Singh Josh delivered very strong lectures against war during these days and exposed fully the deceits of the Government.

O. P. 1522. Sehgal accused next took part in the Punjab W. P. P. Conference held at Lyallpur from the 28th to the 30th September. His name appears, as one of those who would attend, in the notice P. 1393, and we have in regard to his participation the evidence of P. W. 179, Sub-Inspector Arjun Singh, from whose note P. 1908 it appears that Sehgal moved at least two resolutions, one about the War danger and another about the right to carry arms. It was also elicited in cross-examination from the witness that he seconded the resolution moved by one Dev Narain Pande that the W. P. P. flag should be of uniform colour and that the colour should be red, and that in seconding this resolution Sehgal said that the flag should have on it the sign of a loaf of bread or a stick.

Sehgal accused's next public activity is perhaps the most important of all the facts in evidence against him. This was his participation in the Workers' and Peasants' Conference at Meerut. There are two accounts of his speech on this occasion. The first is the report of his speech printed in the supplement to the Desh Bhagat of the 22nd October P. 198 (equals P. 1456), which will be found printed under P. 172, and the second is the report of the speech as taken by P. W. 126, P. S. I. Mangal Singh Tewari, P. 1101. The printed speech is very lengthy, but a great deal of it can be disregarded entirely. At an early stage he gives a very wide definition of labourers. Then he goes on to dilate at great length on the unhappy condition of the poor in India. From this he comes to crime statistics. Then he comes to the bureaucracy of India, which he describes as the root cause of all diseases in this unfortunate country, mainly it appears on the ground of its expensiveness. After this he deals with the capitalist leaders and the results of capitalist conditions, namely the prevailing unrest and strikes. This passage he concludes by saying: "Public welfare can be achieved by severing connection with the capitalists. The capitalist leaders therefore must either join hands with us, that is the workers, or go over to the capitalists so that the matter may be settled." He goes on from this to talk about religion and after that the Simon Commission and the Nehru Report, which however he would reject on the ground that complete independence is essential. Then he talks about the Bolshevik bugbear. Early in this section he says: "We have now decided that we will not let this British Government also remain here as ruler." Then he says that rumours are being spread that Russian people are not satisfied with the new system of Government. In answer to this he makes an attempt to set out what he calls the advantages of revolution in Russia, that is the many improvements which have been effected since the revolution. At the end of this statement he comes to his peroration and says: "The statements that I have placed before you have carefully been ascertained by Englishmen, for I had no opportunity to go to Russia, but my brother Abdul Majid however did go there." Then he makes a remarkable statement and says: "Although the bureaucracy will now blame me for carrying propaganda in favour of the Bolsheviks and perhaps for receiving money from them, yet I may tell the Government that if the bureaucracy also provides similar facilities to the poor Indians I shall be the first person to make a statement, as I have done above, in placing before the public the report regarding the Soviet Government." Then coming to his actual summing up he says: "First hear what is it that we want. We want complete independence. We want labourers' and peasants' Government. We want that since land has been created by God and all the created beings of God have equal rights, all should have it by shares. Peasants and labourers should have a control over the Government and all should have equal share, for land should not be the property of a single individual or of any family." Further on he says: "Now the object of peasants' and labourers' Government is that motherland should be regarded as the property of the whole nation, and that republican Government should make arrangements for the Nation." He goes on to suggest that if all this is done the millennium will come in a very short time. He ends with nine behests to the labourers and peasants of India in the following words: "(1) Unite together; (2) Start unions at different places; (3) Act upon what you pass (unanimously); (4) Use articles manufactured by the labourers of India; (5) So long as you do not attain

liberty, never use any article, however beautiful, manufactured by any foreign country; (6) National flag should be of uniform colour; (7) Celebrate all festivals and fairs together so that (mutual) love may be engendered; (8) Do not try in any way to offend each other's feelings; (9) Make common gymnasiums so that they may afford pleasure." It will be found that the bulk of the important passages in this speech are to be found in the reported speech, although on account of the length of Sehgal's oration the witness was not able to report the whole of it. It will of course be remembered that in company with Sehgal accused at this meeting there were present also Spratt, Muzaffar Ahmad, Sohan Singh and Majid accused besides P. C. Joshi and Gauri Shankar. We find from the 2nd issue of *Krantikari* dated the 24th November 1928, that in addition to the formation of the Party etc. and the appointment of office-bearers the Conference decided that tracts should be written for the popularisation of the resolutions adopted on the occasion of the Conference. One of the tracts which the report says "are now being written and will shortly be published", is one on Jallianwala by Kedar Nath Sehgal of the Punjab Party. There is of course not any evidence as to whether Sehgal ever wrote this tract, but the fact that he agreed to write it is mentioned again by P. C. Joshi accused in his letter to Palme Dutt of the 5th November 1928, P. 2409P. (F. C. 633), in which he says: "To familiarise our resolutions we are publishing some tracts each on the following subjects. . . . Jallianwala, Saigul. . . . We will publish them in English as also get them translated in the various vernaculars."

Q. P. 1525.

Sehgal accused certainly intended to go to Calcutta for the A. I. W. P. P. Conference. This is clearly indicated by the document to which I referred a few pages back in the case of Majid accused, P. 467 (1), and also by the resolution passed at the Conference, which is mentioned in P. 1763 and also in P. 669. On the first page of P. 669 (printed exhibit) we find it stated that at the close of his Presidential speech at the Conference Sohan Singh Josh moved two resolutions of protest against the arrests of J. W. Johnstone of America, a fraternal delegate to the Conference from the League against Imperialism, and of three members of the Party, M. A. Majid, Ram Chandra Kapur and Kedar Nath Sehgal of Lahore, which had occurred a few days before the Conference. The second of these resolutions is the same which appears in Appendix D, "Resolution on the arrest of three Comrades of Punjab", which runs as follows:—"This Conference regrets the absence of its members Abdul Majid, Kedar Nath Sehgal and Ram Chandra Kapur of Lahore, who on the eve of their departure for this Conference were arrested by the police and detained, and expresses its whole-hearted sympathy with them." There is another reference to these arrests in Majid's letter to Muzaffar Ahmad P. 2153P. dated the 28th January 1929 in which he says: "Ram Chandra and Kedar Nath Sehgal and other Comrades are being tried under Section 124-A, Indian Penal Code, and the result you can easily know from the daily papers of Lahore." It seems to me clear that in this letter Majid implies that Sehgal belongs to the same group or organisation as himself and his correspondent.

Q. P. 1526.

The next mention of Sehgal accused is in Sohan Singh Josh's Presidential address to the Second Session of the Punjab Naujawan Bharat Sabha at Lahore on the 22nd February 1929, which is reproduced in the *Urdu Kirti* for March 1929, P. 207. In this, in thanking the members for making him President of the Conference, he says: "Prior to me Lala Kedar Nath Sehgal has adorned the Presidential Chair of the Naujawan Bharat Sabha. The ability, capacity and sacrifice with which he has given a lead to the young men of the Punjab have fallen to his lot only and it is due to his patriotism and (spirit of) sacrifice that he is soon to become a guest of the Government." I take it that it was in connection with the case which later resulted in his conviction that on the 22nd February Sehgal wired in P. 340 (I. C. 299) to Joshi at Allahabad asking him urgently for a sum of Rs. 200/-, see also Sehgal's own draft of this telegram P. 765 at I. C. 265. Two documents found in P. C. Joshi's search were a money-order form filled in for Rs. 60/- and addressed to Sehgal, P. 323 (I. C. 265), and a draft telegram addressed to him, P. 326 (I. C. 264), but there is nothing to show whether or not the money was actually sent. The evidence is mainly valuable as indicating a close association between Sehgal and P. C. Joshi, and there is further proof of this association in the note in P. C. Joshi's diary, P. 311, where Sehgal's name appears under the heading of *Krantikari* as one of those noted in the section "International contributions" along with Agnes Smedley, Palme Dutt, Shah and Shaukat (Usmani).

Q. P. 1527.

There is also on the record some other evidence of Sehgal's association with other accused. For example in Sohan Singh's diary for 1929, P. 911, there are

two entries containing references to Sehgal. The first of these is on the 28th January, where he writes : " Reached Hoshiyarpur in the morning. Magistrate allowed me an interview with Lala Kedar Nath-Ji." The second is on the 9th February where he writes : " Went again to Lahore. Heard Jawahar Lal's speech and met Kedar Nath. Slept at Kedar Nath's house at night." Sehgal has made no attempt to explain these entries and takes refuge behind the silly defence that he is not the writer of the entries. Two other pieces of evidence connecting Sehgal with Sohan Singh Josh and the Punjab W. P. P. are the Kirti registers, P. 408 and P. 409, and here again he has put forward the same futile defence. We have also proof of association with Usmani, who, it will be remembered, must apparently have been in Lahore in January 1929, as he was deputed to organise the N. W. R., but gave up the idea when his negotiations with M. A. Khan were abortive. The evidence of this association is Sehgal's possession of Usmani's photograph, P. 756, and also of Usmani's book " Peshawar to Moscow ", P. 754, which he says at page 1565 of the statements of the accused that he purchased for his own study. About the photograph he says at the foot of page 1562 that it " had, as far as I think, been given (to us) by some journalist in 1928, to get a block thereof prepared through us ". There is of course no evidence in support of this suggestion. There is one other piece of evidence of association, namely the appearance of Sehgal's name in the list P. 146 found in the G. J. W. A. Head Office at Harrison Road, Calcutta, where however his address is given as c/o the Provincial Congress Committee, Lahore.

Q. P. 1528.

Coming now to Sehgal's own search, which was conducted by P. W. 169, Inspector Mohammad Sadik, who prepared the search list P. 754, the first item is a copy of the " A. B. C. of Communism " (P. 755) and a little further on we come to Trotsky's book " Towards Socialism or Capitalism ? " (P. 757). About these his explanation was that they were both given to him by a third person to return to their owner, apparently one Ratan Lal Bhatia. Another book recovered in this search was P. 759, " India in Transition " by Roy, which he says he picked up in a friend's house and borrowed to read, but never succeeded in getting on with. P. 760, " Inqilab-i-Roos " in Urdu, he says was given him by the author. In addition there were found the Magazine " Soviet Russia ", which apparently emanates from New York (P. 761), and an Urdu booklet entitled " Ek Communist ka Paigam " (A message from a Communist) (P. 763), & an invitation from Sohan Singh Josh and Bhag Singh to Sehgal to attend the Lyallpur Conference (P. 766).

No attempt was made by Sehgal accused to argue his case, so we have left for consideration only the statement which he made to the Court. He begins his statement by dealing with the Meerut Conference. He gives on page 1503 a detailed account of the way in which he was approached to become President of the Meerut Conference. It will be sufficient to say that there is no evidence whatsoever to support his statement. He professes to have begun by refusing, but says he ultimately agreed owing to Gauri Shankar accused's persuasions, and finally started for Meerut on receipt of a money-order for Rs. 20/-. On his arrival at Meerut he says he was met by Congressmen, who took him to the residence of Mr. Balwant Singh Rais, President of the Meerut Congress Committee. In this connection he referred to a document P. 176, which was rejected by the prosecution and tendered as a defence exhibit, purporting to be a report of the U. P. and Delhi Provincial Political Conference, which shows that he took part in a political procession in the account of which he is mentioned as President of the Workers' and Peasants' Conference. He suggests that this proves that the Workers' and Peasants' Conference was organised solely by the Congressmen. That however misses the point. It does not matter very much who the organisers were. The question is what it was used for, and whether Sehgal accused took a share in using it for that purpose. Now as to that the position is that Sehgal accused presided over this Conference from start to finish. It must be taken therefore that he was privy to the use of this Conference for setting up the Workers' and Peasants' Party of the U. P. & Delhi. It was impossible for the various economic, political and social resolutions to be passed and speeches made proposing the formation of a U. P. Workers' and Peasants' Party without his understanding what was going on, and in any case there could be no reason to suppose that a man who had taken a part in the inauguration of the Punjab Party and had participated as a member of it in the first Conference held by that Party subsequent to its inauguration, the Lyallpur Conference, should be in any doubt as to what was being done at Meerut. Moreover I should note that this document P. 176D is not supported by any evidence. Sehgal accused went on to compare his printed speech with

Q. P. 1529.

O. P. 1530. the speech as reported by P. S. I. Mangal Singh. It seems to me that this was a complete waste of time. He proceeded to discuss and explain various items in this speech at considerable length, particularly his reference to Russia, about which he says that he cannot at all understand how it can be a crime to compare two countries, which of course avoids the point. At page 1524 he prevaricates quite shamelessly and says: "Besides, no Workers' and Peasants' Party was formed under my presidentship, nor was any such resolution passed under my presidentship, nor can I remember or think of any, nor yet did I sign any such resolution in token of its having been carried out." I suppose the suggestion is that he was so exhausted by his famous oration that he slept throughout the remainder of the Conference. Then he goes on to pretend entire ignorance of the suggestion that he was to write a pamphlet on Jallianwala and to rely against Joshi's letter, P. 2409, on the evidence of one or two prosecution witnesses, who stated that they knew nothing about any organisation in Meerut like a Youth League or a Young Comrades' League. 10

At page 1527 he laid stress on the fact that he was a member of the E. C. of the Punjab Provincial Congress Committee and a member of the Indian National Congress, and was also President of the Punjab Provincial Naujawan Bharat Sabha. He further emphasises that leading Congress members were present at meetings which he attended, specifically the May Day meeting. That of course proves nothing at all. His presence at the Lyallpur Conference is also attributed by him at page 1533 to the fact that he was a member of the E. C. of the Punjab Provincial Congress Committee. I am afraid that this explanation is scarcely adequate. At page 1535 he comes to the subject of the Red Flag resolution. He says at page 1537 that he desired that the flag should be of red colour, because that colour is brighter and deeper. His remarks on the subject of the resolution about the right to carry arms are almost equally absurd. 15

O. P. 1531. 25

At the foot of page 1539 he comes to grips with his membership of the W. P. P. of Punjab and says: "I read the aims and objects of the Punjab Workers' and Peasants' Party in the jail, and this too at the time when I was confronted with the painful necessity of making a statement. Otherwise, I had never to this day seen the objects of this Workers' and Peasants' Party or of the party of any other province." I find this quite impossible to believe in the light of the facts, to which I have alluded above. In the same connection he says at page 1542 that he had no time to attend the foundation meeting of the Punjab Party, because the Punjab Political Conference was going on at the same time and he was fully occupied with it in his capacity of a member of the E. C. of the Punjab Provincial Congress Committee and also of the Subjects' Committee. If he really intended to put forward these contentions seriously, he should have called witnesses to support them. Similarly he goes on to give a fanciful account of what little he heard about the idea of forming the Punjab W. P. P. and proceeds to mix this up with the Punjab Zamindara League. But again I must remark that there is no evidence to support his story. From page 1547 he talks about the Naujawan Bharat Sabha, which of course has a certain amount of distant resemblance to the Young Comrades' League, but the prosecution have not really attempted to base their case on the Naujawan Bharat Sabha, save in so far as that association has provided a platform, from which numerous speeches of importance have been made by the three Punjab accused, 30

O. P. 1532. Josh, Majid and Sehgal. In any case here again there is no evidence in support of Sehgal's lengthy disquisition on the subject of that organisation. He then attempts at page 1556 a rather feeble explanation of his visits to Dewan Chaman Lal's house, when Spratt accused was staying there and denies his association with Spratt. He proceeds to allege that his first introduction to Spratt took place at the meeting held at the Bradlaugh Hall on the 3rd March 1928 and to deny that Spratt accused came to his house after the meeting. I have however failed to find any sufficient reason for rejecting the evidence of the witnesses to whom I have referred in this connection. Next he suggests at page 1559 that he met Sohan Singh Josh for the first time at the First Punjab Provincial Naujawan Bharat Sabha held at Amritsar from the 12th to the 14th April 1928. Oddly enough in this connection he says: "My connections with him (Sohan Singh Josh) are political like those with hundreds of other members of the Congress, members of the Naujawan Bharat Sabha and other societies. Up till the time of my arrest, not even the mention of any private society was ever made between us, nor did we conspire. Nor did we speak any such sentence to each other, which would savour of conspiracy." He goes on at pages 1559 to 1561 to give a long account of how he first heard of Majid accused in October 35

1925, and at page.1561 says about him that "later on in 1928 he began coming to the Congress Committee on my insistence and was also elected a member of the Punjab Provincial Congress Committee." Again there is no evidence. He says something here about a conversation with Majid, but it is very indefinite. Then he goes on to explain the various books and documents recovered in his search and from that to allude to certain evidence of prosecution witnesses, which he suggests associates him with the Congress and not with this conspiracy. 5

O. P. 1533. Finally on page 1570 we come to a passage in his statement which strongly suggests that despite all he has said about being or having been a Congressman Sehgal accused is really much nearer to the Workers' and Peasants' Party than he is usually prepared to admit. In this he says: "There is much hue and cry nowadays that India should be for Indians, but this has no other meaning except that the administration should be wrested from the hands of a handful of Englishmen and made over to a handful of capitalistic Indians, who should also act in the same way in which the handful of Englishmen have been acting, keep all the property and riches in their own possession and let the 98 per cent of people remain where they are and put them off summarily. That won't make much difference. In my opinion 'India for Indians' means that India should be for those crores of people, who plough the land, the poor working classes, who produce all articles of food and dress, who provide all the goods required in living, whom the owners of pounds, by means of their power, keep deprived of their necessities of life. This is the idea which has from the very beginning taken root in my mind and brain, in pursuit of which my whole life has been spent, and shall be spent in future." Finally in conclusion he says: "I am sorry to say that so far I have not been able to prepare my brain for Communistic ideas. But I know today what my desire is and that I have stated above." 10
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This statement of course takes him only a part of the way and he has carefully avoided saying anything about how the end is to be achieved. Nevertheless it seems to me that it is impossible to reconcile the evidence against Sehgal accused with his innocence. We have it that he has been in association with Majid and Spratt since the summer of 1927 and so far as Majid is concerned possibly for very much longer. He has been closely associated with Josh accused since at any rate early in 1928 and took part with him and Majid in the formation of the Workers' and Peasants' Party of the Punjab. He says that he took no part in drafting the rules and regulations but there is no evidence to support that contention. All we know is that he was appointed a member of the Sub-Committee and that his connection with the Party did not end with that Conference. On the contrary he attended the Lyallpur Conference of the Party, and, even more important, he took an important part in the inaugural meeting of the U. P. Party, at which the other two leading members of the Punjab Party Majid and Sohan Singh Josh were there to support him, by presiding over it. At Meerut he was further associated with Spratt again and with Muzaffar Ahmad and it is obvious that he could not possibly have misunderstood what was going on. Moreover his own speech indicates that one of the objects of the meeting was to preach a Labour Government following the example of Russia. Had there been no evidence whatsoever affecting him after the Meerut Conference it would even then have been difficult to believe him innocent. But in the light of the fact that he was expected to attend the Calcutta Conference and was regarded by the members there as one of the members of the Party, it is I think impossible to regard him as anything else than a genuine member fully cognizant of the aims and objects of the Party. Those aims and objects have been laid down so frequently by different members of the conspiracy that no one who like Sehgal associated with active members such as Majid, Sohan Singh Josh, Spratt, Dange and Muzaffar Ahmad could possibly be in doubt about them. It seems to me clear that Sehgal accused did take an active part in this conspiracy and that in so doing he must have had a full and sufficient understanding of its aims and objects. 30
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O. P. 1535. Agreeing with one and disagreeing with the other four assessors I hold that Sehgal accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A, I. P. C. I convict him accordingly. 60

PART XII.

Q. P. 1536.
M. G.
DESAL.
26.

The case of Motiram Gajanan Desai is another case which is on decidedly different lines from the generality of the individual cases of the accused. Put shortly the case against him is that in furtherance of the conspiracy and in association with other accused he brought out in January 1929 a weekly newspaper called the "Spark". His own contention of course is that the "Spark" is a socialist newspaper which he himself brought out as an entirely independent venture.

Q. P. 1537.

Desai appears to have gone to England somewhere about 1924 and says that while there he devoted himself to journalism. In this connection he has relied on certain defence documents such as D. 4 a letter of the 7th March 1925 from Colonel Josiah Wedgwood M.P. introducing Desai accused to Mr. George Lansbury and D. 582 another letter from Colonel Wedgwood of the same date introducing Desai to Mr. Gillies. Letters of this kind however really only go to indicate what Desai was saying to people in England at that time and do not give any particular assistance in the estimation of the prosecution evidence against him. On the 18th June 1925 we come to a letter written by Desai from England to Mr. D. P. Sinha (Defence Counsel) which was intercepted and copied as P. 1872C (F. C. 45) by P. W. 100, Inspector Ghulam Murtaza. The copy contains a few wrong spellings and corrections but it appears that there is only one thing in it to which Desai accused really objects. The actual authorship of the letter is not contested as appears from the numerous references to it on pages 1611 & 1612 of the statements of the accused. In this letter Desai writes to Mr. Sinha: "Your introductory notes proved very valuable. I have been working regularly at the Labour Research Department and have been contributing to one of the labour papers. I wonder if you notice any of my articles in the Bombay Chronicle. They have been appearing recently under a different pseudonym (From our occasional correspondent). We have been trying to form a Trade Union Centre in conjunction with people in Bombay and Calcutta for the Indian lascars over here. There are at a time 1500 Indian seamen in Britain. You might find some information on the subject in my article of the 16th April." Taking the references in this letter in the order in which they appear, the first is to the Labour Research Department. We have it in evidence that the Labour Research Department employed a body of voluntary workers (the fact is mentioned by Spratt accused and there is also documentary evidence) and therefore one would naturally suppose that by saying that he had been working regularly at the L. R. D. Desai meant that he had been working there as a voluntary worker. The defence contention was (vide Desai's statement at the foot of page 1609 of the statements of the accused) that he went there to look up statistical references, just as he went to the British Museum or India Office Libraries. There is however no evidence on the record which supports the view that people do go to the L. R. D. to look up references in the manner suggested. The second reference in this letter is to Desai's own articles in the Bombay Chronicle. In this connection the prosecution tendered in evidence a copy of the Bombay Chronicle dated the 16th April 1925 containing an article described as being "from an occasional correspondent", of which P. 2583 is a copy. The article is headed "Export of British Capital—Centre of Gravity shifted—Indian Seamen in London" (From an occasional correspondent, London, March 3). About this article, after a lot of talk which rather suggested that he might be intending not to admit it, Desai said at the top of page 1612: "I straightway admit that it is one of the many articles I sent to this paper. At the time of writing this one I was not yet appointed the official correspondent of the Bombay Chronicle. That came later." Desai's contention is that in the passage in P. 1872C which follows his reference to his articles in the Bombay Chronicle where according to the copy he had written "We have been trying to form a Trade Union Centre", what he actually wrote was "They have been trying to form", and he suggests that the prosecution put in the copy of the Bombay Chronicle containing this article in order to bolster up the reading of P. 1872 as it now stands. What we find in the article is however only a more or less impersonal account of a mass meeting held at Poplar Town Hall with the object of forming an Indian Seamen's Trade Union Centre in London with branches at Cardiff, Liverpool and other ports. It is not easy to say whether this article indicates personal knowledge and interest in the subject of the Indian Seamen's Union because, when all is said and done, it is part of the business of a reporter to make the subject he is writing about interesting. Desai himself says at the top of page 1613 that it was because he was an Indian journalist to whom individuals and associations used to send notices and reports of public functions

especially those which were connected with India and the East, that he received a report of this meeting of Indian Seamen and incorporated a summary of it in his article to the Bombay Chronicle. He denies that he had any connection with Trade Union matters throughout the whole of his stay in England. In spite of all this argument and assertion I find it difficult to believe that the police officer who copied Desai's letter, even if he had to retire from service a few years later on the ground of ill health, would have substituted "we" for "they". Moreover it is to be borne in mind that apart from a few mistakes in the spelling it is not contended that the rest of the letter has been in any way incorrectly copied. The article P. 2583 does not perhaps really affect the issue very much either way except to show that the subject had been in Desai's mind some three months earlier than the time of his letter to Mr. Sinha. Taking the facts as a whole it seems to me that it is not possible to reject this letter as proving that he was taking an interest in Trade Union matters which affected Indians in Great Britain. As a voluntary worker at the L. R. D. he could not help being interested in Trade Union matters to some extent and it would be very natural for him to feel a particular interest in them as relating to his own country.

It will be remembered that there is a good deal of evidence in regard to this matter of organising Indian seamen in London. As it so happens Desai's article gives the first reference, namely to a meeting held at Poplar Town Hall on the 27th February 1925. The next reference is in P. 2374 (F. C. 55) dated the 26th June 1925, a letter recovered at the search of the C. P. G. B. headquarters at 16 King Street, giving a brief survey of the progress recently made in connection with colonial work. In this it is mentioned that "a very successful "Hands off China" demonstration was held on Friday last at Poplar Town Hall which was remarkable because of the huge number of Oriental and Indian seamen present." This meeting would have taken place on the 19th June. Coming next to P. 2375, Robson's report of the Conference attended by Roy at Amsterdam on the 11th and 12th July 1925, we find that one of the complaints made by Khan was that "it had been proposed to form a Seamen's Union among Indian seamen (no doubt a reference to the February meeting) but that so far nothing whatever had been done. At a recent meeting in Poplar Town Hall, arranged for this purpose, party speakers had only dealt with China." Khan repeated this complaint later on in this meeting. Robson replied to it by pointing out that "this work had only been going on a few months and that Upadhyaya was in charge of the activity under the auspices of the Minority Movement." Upadhyaya was also present at the Conference and reported that "he had received practically no support from the members of the Indian Bureau in his work among Indian seamen, but mainly from members of the British party." He was followed by Dutt who stated that "everything possible had been done to get the Seamen's Union going, that the Indian unions had been communicated with and no reply received, and that it had been decided to consult Joshi" (presumably N. M. Joshi who was in Europe at that time) "on the position but during the last week or two the Bureau had decided to go along on their own with the work." The matter was again mentioned in P. 2377 (F. C. 79) a report of Colonial Activities submitted to the C. P. G. B. by the Colonial Department apparently in September 1925 in which it was stated at F. C. 81 that "contact with the seamen was established and maintained by a process of regular weekly meetings at the London Dock Gates where an average of 50 to 60 Indians regularly turn out." The report goes on to talk about the circulation of literature and the holding of special Indian seamen's meetings in different ports to discuss the demands of Indian seamen. The report says: "This latter enabled us to secure good contacts with whole groups of seamen on many ships and it has developed into prominence the question of organising Indian seamen into a Trade Union affiliated to the All India Trade Union Congress. We are now pursuing a campaign for this latter." In addition to this documentary evidence there is the oral evidence of P. W. 4, Detective Sergeant Renshaw, who has deposed: "I know a man called Upadhyay. I have had personal dealings with him and once searched him in the street. I know him well. He organises the Indian seamen. He does it through the National Minority Movement. He has organised the seamen in a Union. I was in London on May Day 1925. I have read the passage in P. 2393 relating to participation of seamen in the procession that day. I saw them myself. Bhat, Vermani, Nandi and Upadhyay were present at the meeting held on 20th September 1925 to organise the seamen."

The next piece of evidence to which the prosecution draw attention in Desai's case is P. 2379 (1) (F. C. 87). This is the letter from Roy to Dutt, to which I have alluded earlier in this judgment, conveying the decision of the

Communist International in regard to the members of the Indian Communist group in Great Britain namely C. P. Dutt, A. C. Banerji, M. A. Khan, J. Chowdhry, M. Bhat, D. C. Virmani, P. C. Nandi, M. A. Desai and N. G. Upadhaya. The question is whether the person referred to here is really the accused M. G. Desai. It must be said that the material for reaching a conclusion on this point is not very adequate. Had the initials been M. G. Desai one might have felt fairly certain that the reference was to Desai accused. The mere fact that the initials given are M. A. Desai does not prove that the person referred to here in this letter was not Desai accused. It would be sufficient in this connection to remember that Upadhaya's initials are really N. J. and not N. G. On the other hand there is evidence associating Bhat, Virmani, Nandi and Upadhaya together while there is nothing of the kind in Desai's case except that he also was showing an interest in the Indian seamen. That fact however cannot be left out of consideration and it does suggest the possibility that the Desai to whom this letter refers is the accused. On the point of initials too it is worth noting that an examination of the originals of the letters relied upon by Desai in defence shows him described more than once as only M. Desai and not M. G. Desai.

Desai accused arrived at Bombay on the 28th November 1927 as a passenger on the S.S. Aquileia when certain articles found in his baggage were seized as proscribed literature under the Sea Customs Act by P. W. 220, Mr. D. V. Kamat, Preventive Officer in the Bombay Customs, who prepared a list of the articles seized by him P. 1476. The list includes a couple of copies of the "Sunday Worker", 34 copies of the "Labour Monthly", a copy of the "Communist Review" and numerous books on labour subjects. According to his own statement Desai joined the staff of the "Bombay Chronicle" a few days after his return, but went in January 1928 to the "Indian National Herald" where he worked as an assistant editor. According to his statement in the Lower Court towards the end of the year the Bombay High Court passed orders to liquidate the "Herald" as it was financially in a bad way, and he then decided to start a weekly paper of his own. According to his statement in this Court on page 1626 he worked on the "Herald" up to the end of the year 1928. Elsewhere, on page 1661, he said: "The Indian National Herald financially got into low waters early in 1928. About August 1928 the High Court of Bombay passed orders to liquidate the concern", however for reasons which he explains "the "Herald" continued some sort of existence even after I left it in January 1929." He goes on to explain that he realised that he had made a mistake within a couple of months after he left the "Bombay Chronicle", that is to say very early in 1928, and began to consider whether he might not be able to start something of his own in case the "Herald" actually went down and use his knowledge of Socialism. He goes on to mention a whole series of persons whom he consulted. The prosecution case is that it was at this time that he came into close touch with the members of the Workers' and Peasants' Party of Bombay. It will be remembered of course in this connection that until we come to the Bombay discussions in September 1928 there is no mention anywhere of the "Spark" and that Desai's own name does not appear in the evidence until January 1929.

Before we come to the evidence surrounding the actual production of the "Spark" it is important to remember that one of the matters which had often been considered in the correspondence in this conspiracy was the bringing out of an English organ. The letters in this connection are all of the year 1927 but it is not likely that the subject was forgotten. The first reference in this connection is in C. P. Dutt's letter of the 25th July 1927, the one which no doubt came to India by the hand of Ajodhya Prasad, P. 1012 (F. C. 227). In this he says: "What about the All-India Methodist organ in English? That should be one of next things. Of course it should really be preceded by an All-India Conference." It was possibly because this letter had been seen by him that Mirajkar accused writing to Spratt on the 21st August in P. 1010 (I. C. 61) remarked: "The English paper has not been started yet, because I am afraid its running is not yet assured, I mean economic." The subject was also referred to on the 22nd August by Ghate in P. 1011 (I. C. 62) in which he said: "I think we should seriously concentrate on bringing out an English paper—I have begun to doubt our wisdom in coming out with the vernacular paper first. I am to blame in this respect as much as anybody else." It is therefore natural to find Spratt referring to the English journal in his letter written 10 days later, P. 1009 (F. C. 300) dated the 4th September 1927, in which he says: "Re. A. I. English Journal, we have had an informal general conference, Lozzie, Lujec & Co., at Bombay and have agreed to start one as soon as arrangements can be made, chiefly in charge of Confe and Bhug. It will not be official they think. In

present circs. it can be done by reducing the present Bombay organ to smaller size and devoting it mainly to stuff to univs. But that should be avoided if possible and if it is avoided more material would be required." The subject was not quite forgotten in 1928 as we find in the resolution on Peasants adopted at the Enlarged Executive meeting of the Bombay W. P. P. on the 29th January 1928, a section towards the end headed "Party" which runs as follows: "Most important of all we require a party with a large membership, efficiently organised, disciplined and active. It should have a propoganda organ in English and an agitational organ at least in Marathi." The above documents establish clearly the fact that the need for starting an English organ of the Party was always in the minds of the Party members.

O. P. 1544.

It is in the light of these facts that we have to consider the notes kept by Spratt and Bradley accused of the discussions of Party policy which took place at Bombay from the 6th to 10th September 1928. I have already quoted the entries in both these sets of notes in full but it will be convenient to reproduce so much as is necessary of them again here. Spratt's notes on the subject are in P. 526 (48). In these notes we get a heading "Organs", then the name Spark underlined and in square brackets, followed by the remark: "Socialist paper for but not an official party organ". The only other paper in this list which is in square brackets is "Lal Nishan" which is described as 'Hindi weekly.' I have already referred, when I was dealing with this matter earlier, to the evidence in regard to "Lal Nishan" which shows that it had been intended to bring this paper out just about this time, vide Muzaffar Ahmad's letter to Tagore P. 1865 (1) (F. C. 562) which was actually written from Bombay about the 8th September as its contents show, but was intercepted at Bombay by P. W. 253, Sub-Inspector Kothari. The meaning of the square brackets surrounding "Lal Nishan" and the "Spark" quite obviously is that these were two organs which were contemplated but had not yet reached the stage of publication. As to the comment by Spratt against the name "Spark" it seems to me clear that its meaning is that the "Spark" was to be a socialist paper published for the Party but not to be an official Party organ. It will be remembered that that is practically the position which had been forecasted for it a year earlier in P. 1009. Turning now to Bradley accused's notes of these discussions, P. 670, all he writes is "Organs: Spark"—Below that he gives "K. Restarted" and some details, then "Ganavani" and some details, then "Hindi—Lal Nishan," then "English—" followed by a blank and the words "Iskra Bengal". These are all mentioned of course in Spratt's notes but I hardly think it necessary to give the whole of Spratt's notes. In view of the fact that these notes showed quite clearly that the future publication of the Spark was a matter considered by the members of Workers' and Peasants' Party in September 1928, an attempt was made in the arguments to suggest that the notes were not written until December. I have already dealt with these notes as a whole on a former occasion and I do not think the argument really requires consideration. It was based on a suggestion that a reference to Nariman had something to do with a Youth Conference at Calcutta in December, but it is quite evident that it had nothing whatsoever to do with any Calcutta Conference. Bradley's notes show that it related to the Youth Movement in Bombay consisting of "three men regularly, under the influence of Nariman."

O. P. 1545.

Crown Counsel in the course of his arguments drew the attention of the Court to an important fact in connection with Desai's explanations in his statement in regard to the Spark. There is nothing of course on record in regard to this fact, but Desai accused and his counsel were both listening attentively to Crown Counsel's arguments and they made no attempt (except the one to which I shall refer shortly) to question the fact stated by him. It is this. Desai accused began to deal with the evidence regarding his activities in India, specifically in connection with the "Spark", on the 19th November 1931 at page 1627 of the statements of the accused. He went on doing this on the 20th but at the beginning of his statement on the 21st at the top of page 1638 he suddenly left the Spark entirely and proceeded to deal with certain miscellaneous letters. He did not come back to the subject of the "Spark" until the 27th when he began to give an account of his preliminary activities in regard to the starting of the "Spark". Practically three whole days' statement and five days consideration intervened between the place where he broke off and the place where he resumed. The explanation given by Crown Counsel is that on the morning of the 21st when Desai was putting forward guesses as to the meaning of Spratt's and Bradley's notes to which I have referred above he cut in with the very generous hint to the accused that it was no use his pretending to make a guess. The prosecution

O. P. 1546.

knaw and would satisfy the Court that Spratt's and Bradley's notes were written in Bombay in September 1928. The only comment or reply made by defence counsel on these facts was to say that at page 1634 Desai accused was dealing with the evidence against him in chronological order. To put it mildly that was a misstatement. I have looked through Desai's statement carefully to see whether the evidence with which he was dealing relating to the year 1929 from page 1627 was dealt with in chronological order, and I find that taking the documents with which he dealt in the order in which he took them up they are dated as follows : 1. 21st January, 2. probably 29th January, 3. 4th February 4. 4th February, 5. 4th February, 6. 14th March, 7. 11th February, 8. 14th February, 9. 4th February, 10. 14th February, 11. 15th March, 12. 5th March, 13. 14th March, 14. 15th March, 15. 15th March, 16. 2nd February, 17. 25th February, 18. 15th March. I do not therefore follow defence counsel's remark about chronological order and it appears to me to be quite clear that Desai accused did drop the explanation of the documents relating to the Spark hastily on the 21st in order to take time to consider the position arising out of what Crown Counsel had just told him. The importance of the incident must of course not be exaggerated. I treat it merely as indicating the weight to be attached to the mention of the Spark in these two documents.

The next piece of evidence in Desai's case is a letter of the 10th December 1928, D. 780. This is a letter signed by Mr. Horniman of the Indian National Herald authorising M. G. Desai to act as representative of the Herald at the Indian National Congress and all other conferences at Calcutta during this and the next month. This document of course supports Desai's contention that he was working for the Herald up to the end of 1928. But it is curious that if he received this authorisation as early as the 10th December, Desai should not have reached Calcutta until after the A. I. W. P. P. Conference. That is what he says at page 1645 and there is no evidence on the point one way or the other. It may however be noted that in Desai's search a number of documents relating to that Conference were recovered ; as for example P. 1242 containing 5 copies of the W. P. P. Principles and Policy Thesis, P. 1243 containing 6 copies of the T. U. Movement Thesis, P. 1244 containing 4 copies of the Political Resolution, and P. 1277 a copy of Sohan Singh Josh's Presidential address.

The next mention of Desai is in a letter written by A. B. Khardikar on the 15th January 1929 from the address of the League Against Imperialism in Berlin to C. G. Shah (recovered in Shah's search). In this letter Khardikar says : " I do not know Mr. M. G. Desai's address, will you please give him my address and ask him to write to me." This letter clearly indicates a fairly close previous acquaintance between Desai and Khardikar, because otherwise instead of asking that Desai should write to him Khardikar would merely have asked for the address of Desai.

On the 22nd January Desai accused was present at the Lenin Day meeting of which he took notes in P. 1261. Bearing in mind the character of his paper there is nothing at all surprising in this fact. A report of the proceedings appeared in the Spark, in which Shaikat Usmani was described as having put himself forward as an eyewitness of the scene of frenzied grief at the news of Lenin's death. This gave rise to some correspondence between Muzaffar Ahmad on the one hand and Ghate and Usmani on the other in P. 1335 and P. 480. I shall come to these letters in due course.

Next on the 24th January an advertisement of the " Spark " was published in the " Indian National Herald " D. 784. On the following day the " Herald " published the manifesto of the Workers' and Peasants' Party, vide D. 375. It was on the 25th January also that Desai signed a declaration under the Press Act before the Chief Presidency Magistrate, P. 1886.

A few days later on the 29th Desai accused sent a telegram P. 526 (3) to Spratt accused asking him to send by registered post an article of 1000 words on the Public Safety Bill. The telegram was signed " Desai, Spark, Bombay 4 ". At some time earlier than this Spratt must have asked Desai for a pamphlet on class struggle, since on the 4th February Desai wrote a letter P. 526 (4) (I. C. 362) (of which P. 1249 recovered in Desai's possession is apparently the draft) in which he says that he has been frightfully busy in bringing out the Spark and it will not be possible to write the article. None-the-less he is hoping to get an article from Spratt on the Public Safety Bill. He goes on to say : " How do you like the Spark ? We are going to add a few more features next time, space permitting." Then he asks Spratt if he can get someone to send very brief, but bright Calcutta notes for the Spark. Finally he says : " I

do not know if this is going to be my last letter to you. In that case au revoir. But try to keep the Spark in mind and write something for it from wherever you might be." This letter from Desai crossed a letter from Spratt found with Desai and marked P. 1251 in that search but printed as P. 2006P (I. C.363) in which he sends an article on the Public Safety Bill and writes in regard to the Spark : " We received no. 1 today. Quite bright and so on, I thought. Please send nos. 1 and 2 and V. P. P. for a year to (1) D. P. Godbole (2) Aftab Ali (3) G. C. Basak (the addresses are also given of course). He goes on to suggest that a specimen copy or two followed by a V. P. P. might be sent to one S. N. Sahai, P. O. Khagaul, Dinapore and S. N. Chakravarty, Sobjibagh, P. O. Bankipore and Provash Chandra Mittra, Jamshedpur, the last name does not appear in the printed exhibit. In this connection Crown Counsel referred to a document P. 2617 which is an address book of subscribers to the Spark and which is largely in Desai accused's handwriting. There can be no question of course about the handwriting as the book was compared in Court with other documents in Desai's handwriting. The book actually came from his search as the endorsements on it show, but as it so happened it was not put to the searching officer. However in view of the handwriting that was obviously not by any means essential. On examining the contents of the book we find that Spratt's suggestions were accepted and the names of Godbole, Aftab Ali, Basak, S. N. Sahai, S. N. Chakravarty and Provash Ch. Mittra appear in the register as nos. 27 to 32. Incidentally the book contains another corroboration of its genuineness in the shape of an entry no. 38. In this entry, which is no. 38 in the list which begins at the other end of the notebook, there is the address of K. Srinivasan, editor " Free Press of India ", 265 Strand, London which was evidently entered in compliance with the request made by Mr. Sadanand, D. W. 34, in his letter D. 778 of the 24th February 1929. Apart from its interest as showing Desai's readiness to accept suggestions from Spratt accused, this notebook contains other interesting entries. For instance at no. 19 we have the name of Singaravelu Chettiar, Triplicane, Madras, at no. 20 that of Krishnaswamy Iyengar of 18 Venkatachalam Chetty Street, Triplicane, Madras, and at no. 22 that of P. C. Joshi, 34 Holland Hall, Allahabad, and in the list at the other end at no. 21 the name of A. C. Nambiar, Berliner Str. 66, Berlin W. It also of course has the names of the editor of the " Labour Monthly " and the editor " Sunday Worker " besides numerous others. At the end nos. 45 and 47 are " Ganavani " and " Kranti ". In the same connection it is worth noting that the subscribers' register of the Krantikari, Jhansi organ of the U. P. Workers' and Peasants' Party P. 433, shows that the ' Spark ' was a subscriber to that paper.

I come now to the " Spark " itself. Seven issues of the Spark were published on the 27th January, 10th, 17th and 24th February and 3rd, 10th and 17th March. Crown Counsel in the course of his arguments went right through the whole of these seven issues of the Spark and demonstrated with the greatest clearness the nature of this publication and the way in which it did all those things which would be helpful to the Workers' and Peasants' Party, as for example (I am quoting here from a note, generously supplied by the prosecution to Desai and his counsel at some date prior to the date of his statement, in which the prosecution stated that they would read practically the whole of the contents of the Spark to show its tone, and argued that there was practically nothing in it that was not put in there with the objects which follow) instilling class hatred, exposing and ridiculing reformist leaders, praising Lenin, the Soviet and everything Russian, attributing evil motives to British Imperialism, drawing attention to the splendid work of the W. P. P. and G. K. U., praising individual members of W. P. P. or G. K. U., and ridiculing or deprecating the influence of religion. I do not think it would be proper for the purposes of a judgment to go into the Spark in anything like this amount of detail. I will however draw attention to a few points in connection with each issue.

The first number of the Spark was published on the 27th January 1929 accompanied by a headnote which runs as follows : " We are coming out a fortnight earlier than we intended and are giving a full page publicity to the candidates of the Workers' and Peasants' Party " (that is to say, for the Bombay Municipal Elections) " as they seem to have been let down at the last moment by the local Congress organisation on a flimsy pretext. From 10th February the Spark will appear regularly every Sunday :—Ed. Spark." I have been given on behalf of the defence and particularly by one defence witness an explanation as to why the Spark was brought out a fortnight earlier, accompanied by the suggestion that the publicity given to the W. P. P. candidates in the Spark was not accompanied by any bias in their favour. Unfortunately the very

heading of the paragraph devoted to the W. P. P. candidature on the front page stamps this as false. The article is headed "Labour's Municipal Platform—Support Workers' Candidates," which is a definite invitation to the readers of the Spark to vote in favour of the W. P. P. candidates. Moreover there are other little bits of suggestion in the article itself. Then we come to a report headed "Amanullah's Fight Against Mad Mullahs", which is definitely intended to cast suspicion on foreign influence, that is British influence, as working against Amanullah. The same spirit is to be found in the alleged quotation from the "Daily Herald" on the Mystery Man, that is Air-craftsman Shaw alias Lawrence of Arabia. Then we come to an article by Adhikari accused entitled "What Germany thinks of India". This is described as "specially written for the Spark", which obviously means that it was written by Adhikari for the Spark at the request of the Editor. A very short study of this article shows that what Adhikari is out to impress on anyone who reads his article is the revolutionary point of view of the German proletariat.

Coming to the editorial, which is headed "A rag for those in rags", we get a good deal of exposure and ridicule of reformist leaders. Then at the end he says: "The Spark will be anti-capitalist, anti-Zamindar, anti-communal, but above everything anti-Imperialist." And again the last paragraph is most suggestive. It runs as follows: "We are painfully conscious of our limitations. But even a 'rag' like ours can work wonders especially when soaked in Marxian oil and ignited by a spark from the sharpening clash of class forces. If it cannot move mountains, it might clear away the jungles of parasitic interests and blaze the Workers' Path to Power." Then we come to "Bourgeois Brain Waves" which appear in every number (except one) and consist in the main of sarcastic remarks aimed at the kind of people to whom a newspaper inclined to be Communist in its political attitude would naturally be hostile. Next there is an article headed "Dominion Status—The cry of vested interests" by Desai himself, which again casts a certain amount of scorn on the bourgeois leaders by calling Gandhi the Gilbertian Mahatma. This is an article which contains an allusion in terms of admiration to the workers' invasion of the Congress at Calcutta, which he calls "the lightning-like challenge of militant Labour on the second day of the meeting", when, as he says, "Those thirty thousand men of action captured the pandal and in the fewest words proclaimed what they were after and how exactly they would go about the job." It will be remembered that 'what they were after' was "Workers' Government" (P. W. 49, Sub-Inspector D. N. Roy). Crown Counsel demonstrated in regard to this article that some of it quite clearly had its origin in Nimbkar's speech at the Indian National Congress, vide the report contained in D. 163. This was largely in connection with Dominion Status, which was impliedly condemned. On the next page we get a review by C. G. Shah of Ralph Fox's novel "Storming Heaven," followed by a small quotation from Bernard Shaw and the description of the Lenin Day meeting at Bombay. It is quite clear that there is nothing in any of these items which could have been in the smallest degree objectionable to the members of the Bombay Party or damaging to their cause, quite the contrary. In the report of the Lenin Day meeting we get accounts of the speeches of Usmani, Bradley, Nimbkar and Adhikari, and it is interesting to find that whereas the official reporter failed to make anything of Adhikari's speech, Desai was able to report that "Adhikari, just returned from Germany, finally elaborately explained how Lenin arrested the corruption of Marxism by Labour Imperialists and carried forward the work of Marx from the era of Capitalism into the epoch of Imperialism, at the same time working out a practical application of his theories." The tone of this report is very obviously more than friendly, as for instance where he speaks of the rousing reception given to the workers' procession as it entered the hall, saying that it was something that would have delighted the heart of Lenin; and there are other suggestive passages. Then on the last page we get an item headed "British Monroe doctrines exposed" and another hinting at the nature of the bill soon to be introduced to cope with alleged Communist influence in Labour disputes. This is followed by another paragraph headed "Who says Indian Communists will be spared?" plainly intended to suggest that Government will soon bring in repressive measures against Indian Communists as well as non-Indian ones; Lastly we have another bit of sarcasm at the expense of bourgeois leaders in the suggestion that Gandhi may be going to lead a general strike.

The second number of the Spark opens with an article headed "Bombay's Blood Bath" which contains several passages, in which the writer speaks favour-

ably of the attitude of the Labour leaders. The article further suggests that no labour leader could be such a lunatic as to create discord deliberately between masses of Hindu and Muslim workers. It may be so, but it is obviously the point of view which the Workers' and Peasants' Party must have wanted put forward. This number of course contains 'Bourgeois brain waves' again. Then there is a leading article on the Public Safety Bill whose main object, he says, is to perpetuate the slavery of the workers and peasants of India by isolating them from the international organisations of all the exploited masses of the world. From this he goes on to the opposition to the Bill in the Assembly, part of it capitalist and part of it obviously national reformist in character. This leading article is followed by an article on the Municipal elections headed "Lessons of Defeat", the tone of which is clearly very hostile to vested interests; but the real underlying cause of complaint in the article is the defeat of the Workers' representatives, "who had by far the most comprehensive and constructive programme to offer". This seems to be fairly open support of the Workers' and Peasants' Party.

Next we get the article on the Jharia Congress by Bradley, from which I quoted in dealing with the case of Banerji accused. This is followed by an article on the subject of the Bauria strike which is headed in the most correct style "Workers' fight with Jute lords". Next is an item relating to a Soviet film entitled "Storm over Asia" which is described as an indictment of British mandates, colonies, etc. Then on the last page we get "Marxism for Everyman" and other items such as would certainly be of interest to members of the W. P. P.

In issue no. 3 the first item is Spratt's article on the Public Safety Bill. The original of this article is contained in Spratt's letter, P. 2006P (1) (L. C. 367), and it has been pointed out that a short passage has been cut out. I do not think that is calculated to make much difference to the general tone of the article. Then we get an article headed "Robber's rule in Kabul", obviously intended to support Amanullah, no doubt because he was considered to be hostile to Great Britain. This number also contains as usual 'Bourgeois brain waves' and 'Marxism for Everyman'. The leading article is headed "A Week of Blood and Terror" and is used, as the article "Bombay's Blood Bath" was used, to compliment the Labour leaders on the clear and calm lead given by them. There is also an article on the Trade Disputes Bill which is described as "new fetters to further limit the liberties of the Indian working class etc." At page 6 there is what purports to be a review by Shah of "Lenin" by Trotsky. It consists mainly of extracts, one of which contains an allusion to "Iskra (the Spark)". It runs as follows: "The group of revolutionaries with whom Lenin associated in London and carried on vigorous anti-Czarist and anti-Capitalist propaganda through the two papers, Iskra (The Spark) and Saria (The Dawn), is thus described by Trotsky." Later on we get an extract in regard to Lenin's ideas about moral values, to which I have referred earlier. In this he says: "Lenin unlike Gandhi did not believe in absolute moral values. The criterion he adopted to judge the morality or immorality of a principle was as to whether it advances or thwarts the revolutionary struggle of the exploited masses." Then we get an article headed "What claim have the British to be in India?" and on the last page an article on the subject of Mr. Khadilkar, Editor, "Nawa Kal", being put on trial for sedition. It may be noted that there is in the article headed "Marxism for Everyman" in this number a passage very reminiscent of a passage in P. 1207 (4), an article on Lenin Day, which is proved to be in the handwriting of Adhikari accused, which rather suggests that this feature of the Spark emanated from him.

The next issue no. 4 begins with a picture of Clara Zetkin, veteran German Communist, and an article headed "Talks with Lenin—Art and culture belong to workers", which purports to consist of extracts from an account of this lady's first visit to Lenin's home. It may be noted that it has been suggested that the photograph of Clara Zetkin may very easily have come from Muzaffar Ahmad, who, we know, received a picture of Clara Zetkin from Tagore in July 1927 in P. 440 at F. C. 221. On the next page we come to "Workers' world" containing information about the Clerks' Union and the Dock Workers' Union, most of which would appear to emanate from Mirajkar accused. Next there is an article on a pamphlet by Kropotkin entitled "An appeal to the young". This appears to have emanated from Shah and is definitely on the right lines, that is in favour of the theories supported by the W. P. P. Then we come to the leading article, which is signed B. T. R. and concludes with the following sentence: "What is

wanted is a complete liquidation of the present structure of Imperialist domination." Then we come again to 'Bourgeois brain waves' which are on the usual lines. They are followed by an article by Adhikari accused on the Trade Disputes Bill, which obviously does not call for discussion as he could not possibly write an article, which would be unsuitable from a Communist and W. P. P. point of view. Next comes "Marxism for Everyman" and then an article entitled "The Ghost of the Kuomintang". This is an extract from an article in the "Labour Monthly", P. 1269: There is nothing much else of any real interest.

- O. P. 1557. Issue no. 5 begins with an article on the "Significance of the Anglo-French Alliance" by Hutchinson accused. This is followed by a paragraph headed "Their spare-time job—M. A. L. S (this is apparently a misprint for M. L. A.'s) talk about the 'Fight for freedom'." The point obviously lies in the suggestion that that fight is their spare-time job. Sarcasm at the expense of bourgeois leaders always occupies a good deal of space in the Spark. Another similar item in this issue is headed "Mahatma to travel by blue express". Then we have "Marxism for Everyman" and "Workers' World", in which there are almost two whole columns, the second of which is signed S. V. G. (Ghate). It appears to me, however, that both columns really emanated from him. Elsewhere on this page we get attacks on British exploitation and the Indian Government. The leading article in this number is very long and is headed "Roots of Hindu-Muslim antagonism", the suggestion being that whereas formerly only British Imperialism approved if not encouraged friction between Hindu and Muslim upper classes, in the post-War period the Indian working classes themselves are taking a hand in the game. The writer concludes with the suggestion that the only remedy is "a militant Socialism which embraces within its fold all the toiling masses of the country, cutting across the barrier of creed and caste, and allies itself with the exploited masses of other countries, who are also fighting against the same enemy—Imperialism." There is much more which could be quoted in this, but I hardly think it is worth while. Then follows an extract from a story or article by Dmitri Firmanov, the only apparent object of which is to excite admiration for a member of the Russian Red Army. Another item in this number, which is obviously on the "right lines" is the item of news headed "Sacco and Vanzetti vindicated—Bourgeois "Justice"—another Word for Bourgeois Revenge". On the last page we get "More of Mystery Airman" and "Movies to Broadcast Imperialist Propaganda", the underlying suggestion of both of which is obvious. This issue also contains an advertisement of the copyright of Shaukat Usmani's book "Peshawar to Moscow."
- O. P. 1558. Issue no. 6 opens with an article by one Zelda K. Coates stating that there is nothing whatsoever wrong with the Soviet regime. On the contrary all is going on satisfactorily in spite of difficulties. Then we get Sarcasm at the expense of Gandhi, and a quotation from Saklatvala, which is on the "right" lines from the W. P. P. point of view as one would naturally expect. Next we have "Marxism for Everyman", and an item headed "British Workers and War Danger" suggesting the importance of mobilising mass action against war. The editorial is headed "Under the Dictatorship of Lombard St." and deals with the Indian budget. The gist of the attack is in the last paragraph which says: "The essentials of Imperialist policy are thus clearly seen in the budget." The writer goes on to lay stress on the heavy taxation of the poorest peasants and workers and the vast apparatus (maintained) to keep them under entire subjection in order to ensure the hegemony of Imperial interests. Then follows an article on "The Revolt of Youth in India" by Mr. Meherally of the All India Youth Congress and Bombay Presidency Youth League. The writer wants young India to be on the move. This is followed by "Bourgeois Brain Waves" and items headed "Bangalore Editor's Glorious Fight Against Autocracy", "Textile Strikers in Nizam's Dominions", "Suppression of Socialism A La Japonais", "Ansari Pays Congress Levy on Income", "Hunting Out Communists", "White Masters in East Africa" (a story of an alleged brutality by one), "Sun Yat Sen's last Letter to the Soviet Government" which talks about the nations which are the victims of Imperialism etc. and suggests that they should follow the Russian example, and an item headed "Negro Insurrection in French Congo, Railway that cost 17,000 lives" which is presumably an attack on French Imperialism.
- O. P. 1559. In the last issue, that is no. 7, we get first an open letter by G. Adhikari to Com. Meherally headed "Youth Leagues—Revolutionary or Reformist?" The proposals contained in the programme of action at the end of this letter are what we would expect them to be from Adhikari accused. The next item is headed "What does Dominion Status Mean?" and is a paragraph containing a report

that in delivering a lecture in England a certain King's Counsel expressed the opinion that Dominions had no right to secede. Then we get an item headed "Repression is Stalking in Land." Next is the leading article on the subject of Gandhi's arrest at Calcutta. In the course of this article the writer expresses the opinion that the unnecessary extension of the boycott of British cloth to all foreign cloth is an attempt conscious or unconscious to exploit nationalist sentiments in the interests of Indian capitalists. Generally speaking the article is an attack on Gandhi whose faith in the "charkha" is described as naive and pathetic. This is followed by an extract from Jawahar Lal Nehru's book "Soviet Russia" suggesting that the only possible conclusion from a study of the facts is that India has nothing to fear from Russia. Then we come to the "Bourgeois Brain Waves", which are followed by a review by Hutchinson accused of the same book "Soviet Russia" of Jawahar Lal Nehru. Side by side with this review is another by someone who signs himself X-Ray. Hutchinson describes Jawahar Lal's book as positively dangerous, and earlier on criticises it as containing very little which might tend to counteract the sinister capitalist propaganda about Soviet Russia. The other critique of this book concentrates first on the glories of Russia as revealed by it. The writer however criticises the author's failure to shake off his scepticism regarding the ultimate success of the Communist programme. It will be noticed that both these critiques are from a more or less W. P. P. point of view. These are followed by an article signed R. S. N. (Nimbkar) under the caption "Workers' World—Bombay Oil Strike", and by Marxism for Everyman. On the last page we get three items, an extract from a book by Lenin, a paragraph headed "Gandhism—a Reactionary Gospel" which is an extract from M. N. Roy's "India in Transition", and a list of dates entitled "Landmarks in the Life of Karl Marx".

O. P. 1561.

The point which emerges from the study of the Spark as a whole is that it is impossible to point to a single item in it from start to finish to the publication of which the members of the Workers' and Peasants' Party could have objected. On the contrary there is a good deal which seems definitely intended to propagate the Party's ideas and thus to further this conspiracy.

We come now to consider the comments with which the Spark was received by members of this conspiracy, and I think it is most important to note the tone of all these comments. The first occurs in a letter from Bradley accused to Potter Wilson of the W. W. L. I., P. 2417P (F. C. 799) dated the 2nd February 1929, that is to say just a week after the first number of the Spark had come out. In a postscript to this letter Bradley writes: "Enclosed find 'The Spark' a new paper that has come out, it has got to be improved." I think it is fairly obvious that one does not write about a new paper that it has got to be improved unless one imagines that one has some authority in the matter, which will enable one to take steps for its improvement. Then on the 14th March we find Spratt accused writing to C. P. Dutt in P. 527 (1) and saying: "Have you seen Desai's 'Spark' by the way? He has done it quite well. I think, in the circumstances, but it was a hopeless proposition from the first. We have heard nothing of it now from three weeks, so it must have collapsed, I suppose. (I am wrong, as I write, Nos. 5 and 6 (but not 4) are received.)" Now here again the comment "he has done quite well in the circumstances" shows a kind of fatherly interest in the Spark which is only understandable on the supposition that Spratt or the Party were somehow interested in the Spark, and, I would think, had known in advance of the intention to produce it; as of course they certainly did, vide the notes on the Bombay discussions.

O. P. 1562.

We come next to the draft letter, P. 1174 (F. C. 855) found in Adhikari's search and evidently intended for M. N. Roy. This is the letter in which we get the hinted mention of Usmani. It is a letter, in which, it will be remembered that he talks about Usmani as the "friend against whom you warn", and elsewhere says, "Urdu paper is being edited by my friend", thus avoiding mentioning the "Payam-i-Mazdur". Again he says: "I write in the Marathi organ" and so avoids speaking of the 'Krantī' by name. It is after all this that he comes to 'Iskra' and says: "Iskra is in other hands but we control it to a certain extent, if we could finance it we could get guaranteed control. Want of English material. Hunger for these things in p. b. circle." In argument it has been suggested that Iskra here must be the paper mentioned there in Spratt's and Bradley's notes as "Iskra Bengal", an irregular news and propaganda sheet, distributed free, but the suggestion is absurd. Adhikari is talking here about the Bombay papers with which he is personally acquainted,

and as regards the use of the name Iskra it is impossible to suppose that Roy, well-read in Communist history, would have the least difficulty in drawing the inference that this was a reference to the paper Spark. Moreover, as Crown Counsel has pointed out, if Iskra Bengal was a propaganda sheet distributed free, that means that it was a paper, the financing of which was already arranged for, so that there would be no point in the remark "if we could finance it we could get guaranteed control".

Then we have another reference of a slightly different kind. This is a letter referring to the coming out of the Spark and really rather to be classed as written prior to its appearance, though it was actually written after the first number had come out. It is a letter from P. C. Joshi accused to Muzaffar Ahmad, P. 2155P (I. C. 371), which is the same as P. 416 (16), and was intercepted and photographed on the 14th February 1929, and must therefore have been presumably written about the 12th. In this letter Joshi writes: "It is a pity I have not been hearing anything from the Party headquarters, and am absolutely in the dark about the things being done or to be done. I also read Desai is to edit a Weekly. Is it true? When is it to come out?" This is doubtless a reference to the report in the "Krantikari" (Issue no. 9) of the 4th February 1929 (P. 431), which appears in a paragraph headed "A Communist paper would be published" and runs as follows: "A Communist weekly entitled the "Chingari" will shortly be published from Bombay. It would be edited by Mr. M. G. Desai." That that is the reference is a fairly certain inference from the fact that Joshi accused originally wrote "I am told" and then scratched it out and wrote "I also read". Now this letter obviously implies that both Joshi and Muzaffar Ahmad know Desai, or at any rate know who Desai is and are interested in him. It implies that the fact that Desai is going to edit a weekly is interesting to the Party. That appears to me to be nothing more than the normal natural interpretation of the passage. Desai's comment on this at page 1634 is to take up the wording used by the Magistrate in the Committal Order where he said that "P. C. Joshi wrote to Muzaffar Ahmad "I also read Desai etc.", as if Desai needed no introduction to either side." He says in answer that the objective world we live in does not consist of a series of bourgeois drawing rooms with their formal introductions and inane exchange of 'how do-you-do's'. That is of course the last word in futility as a reply, and in fact there is no answer to this criticism. For the rest Desai attacked Joshi's ignorance on the 14th February of the fact that one issue of the Spark had come out on the 27th January and another on the 10th February. But that is neither here nor there. Admittedly the first issue of the Spark was brought out hurriedly for a special reason, and there is nothing at all surprising in its not having been seen either by P. C. Joshi or by the management of the Krantikari at Jhansi.

This however is not the only letter from P. C. Joshi in regard to the Spark. On the 5th March we find him writing to Gauri Shankar a post card, P. 195 (I. C. 386). In a postscript to this he says: "The Weekly Spark is being published from Bombay. Did you get it? It is an organ of the Party." In cross-examination the Urdu translator agreed that a better translation of the word for which he had given 'organ' as a translation would be 'follower'. It is obvious that the substitution does not make any very serious difference. The importance of this letter of course is that it indicates that the information which Joshi had as a member of the Workers' and Peasants' Party was that the Spark was connected in some way with the Party.

Another interesting piece of evidence in connection with the question whether the Spark was an independent venture or was brought out, so to speak, under the Party auspices is Roy's letter of the 27th February 1929, P. 1676 (F. C. 825). This is a letter with which I have dealt to some extent in Adhikari's case. It was intercepted and withheld, and the evidence shows that it was typed on Roy's typewriter. The cover was addressed to Miss Chattopadhyaya and contained an inner cover addressed "For Suhasini". This inner envelope contained a short note dated Berlin, 27th February 1929 to Suhasini asking her to pass the enclosed on to "our friend Adhikari". The enclosed consisted of a letter signed R. dated the 25th February, a certificate in favour of G. A. also signed R. and an article on "The Role of the Proletariat in the National Revolution" signed Abdur Rahman. In his letter to Adhikari Roy has a good deal to say about the Spark, in fact there is one long paragraph almost entirely devoted to it. I will quote a few of the more important remarks. In the second paragraph of the letter he says: "The Spark was very very welcome. I can well imagine the

difficulties under which it has to come out, although I fail to understand the reason for some of them." Then in the next paragraph he says : " Now I believe you would not mind my making one or two suggestions about the Spark. First, an enquiry. Is it the outcome of private initiative or is it officious (official ?) ? I ask this, because in the latter case, I would be very surprised that it had so much difficulties. As far as I know, efforts have been made for months to hasten the appearance of one like it." Then he goes on to comment on its being described as " a Socialist Weekly " and on the remark in the leading article that " it is almost utopian for instance to expect a socialist daily in Bombay like the Daily Herald in London " which, he says, made him think that perhaps the Spark was the outcome of private initiative. In this paragraph he also suggested a sub-title, such as " a Working Class Weekly " in place of the sub-title " a Socialist Weekly ". It seems to me that the obvious interpretation of these comments is that copies of the first issue of the Spark were sent to Roy to show what was being done without giving him any details of the history of its inception. Roy however shows that he was aware that efforts had been going on for a long time, as we also know from the evidence to have been the case, vide the 1927 correspondence and the notes of the Bombay discussions. If he received copies of the Spark without any further information, he would inevitably conclude that the Spark was the long-looked-for English journal of the Party, and hence he would naturally make such suggestions in regard to it as he thought necessary. That fact therefore does not really prove very much. On the other hand it certainly does not help the defence either, for all it shows is that Roy was so far in the dark as to the exact position of the Spark, in regard to which we may well suppose that the members of the conspiracy would have hesitated to write in plain terms for fear that their letters might be intercepted and the editor of the Spark thereby hopelessly involved. It is however important in considering this letter not to lose sight of the postscript, which relates to the article enclosed. In this he says : " The two articles mentioned above " (that is those mentioned in the body of the letter) " are being sent to the address of your prof. friend. The one enclosed herewith is for the Spark. It is the copy. The original was sent by the last mail ", from which it is clear that Roy was quite definitely under the impression that the Spark was a Party paper, which would welcome articles from him.

Another reference to the Spark is to be found in Muzaffar Ahmad's letter to Ghate of the 14th February 1929, P. 1335 (I. C. 368), where Muzaffar Ahmad comments on a passage in the Spark, in which Usmani speaking at the Lenin Day meeting was reported as having described himself as an eye-witness of the grief of the Russian people at the news of Lenin's death, whereas Usmani was actually in Peshawar District Jail at the time. Commenting on this Muzaffar Ahmad says : " I do not know through whose mistake such a report has appeared in the " Spark ". In any case Usmani must clear his position." To this letter Ghate replied in P. 480 D Spratt, a letter rejected by the prosecution but put in through the evidence of the searching officer by Spratt accused. Enclosed with this letter is a note to Muzaffar Ahmad from Usmani in which he says : " I have already told the editor of Spark that it could only be my ghost to witness the death frenzy of Lenin in Moscow. I was in prison and that he also knows now. The mistake was due to the graphically dealing with the frenzy of the people in Moscow when Lenin died." I do not know that this correspondence really helps one very much to assess the relations between the Spark and the Party.

On the other hand we get another little hint as to the relations between members of the Party and Desai in Spratt's letter to C. P. Dutt of the 14th March, P. 527 (1) (F. C. 846), to which I alluded in connection with the Spark. This was in connection with the subject of Press reports for the " Sunday Worker." In this letter Spratt writes : " You remind me of the question of sending Press reports to the " Sunday Worker " and so on. I feel very guilty about this. I found soon after I came that I should have to get some sort of licence from the Director General of Posts and Telegraphs in order to wire at press rates. Otherwise it is impossibly expensive of course. And at that I simply dropped it. Subsequently Desai told me in Bombay that he intended to do something, but I do not know if he is. I saw him for a few days in Calcutta but forgot to raise the question." Spratt of course had not been in Bombay since September 1928, so that it is fairly obvious that this conversation with Desai must have taken place either at the time of the Bombay discussions, as we might very well suspect in view of the entries in Spratt's and Bradley's

notes, or earlier. Secondly of course one notices that Spratt speaks of Desai in this letter to Dutt, as if Desai were someone with whom he knew Dutt to be already acquainted, otherwise he must have described him as Mr. M. G. Desai and said who he was. The same of course is implied in the reference to Desai in the next paragraph in connection with the Spark.

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The prosecution have of course contended throughout that the name 'Spark' is itself an indication of the underlying idea, with which this paper was started, and that the idea of the name came from a famous newspaper always associated with the name of Lenin, namely the "Iskra". I have dealt with this subject to some extent earlier, but it has a peculiar importance in Desai's case, because in his statement to the Court he has endeavoured to cast ridicule on the whole idea. In the course of his statement at page 1661 he says : "It was during my talks with Mr. Khare that we hit upon the name "Spark" as a simple and striking title for the paper." On the following page he says : "When I decided to give the simple name Spark to my paper, I never dreamt that such a terrible hullabaloo would be made about the same." He goes on to say that the name was selected as one which news-boys could not easily twist out of shape, and that the name is one of those which journalists all over the world favour. He went on : "When I chose that name I for one did not know that the word "Spark" when translated into Russian meant "Iskra", and Iskra was the name of one of the numerous papers with which Lenin in his chequered career seems to have been connected." Further on he referred to the evidence of Mr. Brailsford : "that a socialist journalist might call his paper Spark without reference to Iskra. He might hit on the name by entire accident", but he of course said nothing about Mr. Brailsford's further answer a couple of sentences later when he said : "To me the probability of the accident would be diminished by a reference to Marxian oil in the editorial in the 1st number." It seems to me that this last answer entirely gives away what he had said originally, for I do not think a reference to Marxian oil would really take a socialist journalist much further. Any socialist journalist, who claimed as Desai does to have studied Socialism, must be expected to be acquainted with the history of Socialism and Communism and the three Internationals, and therefore with, as Desai himself put it, Lenin's chequered career, and no one who has studied Lenin's chequered career could possibly be ignorant of his connection with the Iskra or of the fact that Iskra means the Spark. I do not suppose that there is a single English book on Lenin which mentions the Iskra at all which does not also give a translation of the word. In this connection Crown Counsel drew attention to a number of books and other documents which are in evidence in this particular case and therefore easily available for reference to show the manner in which Iskra (Spark) is referred to in connection with Lenin. The first of these is D 3 "Lenin and Gandhi" by René Fulop-Miller which defence counsel himself on one occasion (objecting to its being put on the record as an exhibit) said was a book of reference which could always be referred to. In this book at page 64 the author says : "At the beginning of 1900 Lenin returned to European Russia, resumed his propagandist tours and collected men everywhere who like himself were working for revolution. In 1901, along with Martov and Potresov, he founded the journal Iskra (the Spark) which was to play such a great part in the future of the revolutionary movement in Russia. The motto of this paper was Pushkin's utterance on the Decabrist rising ; "From sparks will burst forth flame. In Iskra Lenin obstinately championed his radical point of view and defended the necessity of creating an organisation of "professional revolutionaries" on the ground that the fight for freedom required not amateurs at this craft but professionals, technicians." At this stage in the arguments defence counsel suggested that Lenin was associated with Iskra rather by reason of his criticising it at a later date than by reason of his having founded it and been associated with it, and therefore anyone wanting to select a paper with which Lenin was associated would not pick out Iskra. This was a reference to the occasion on which Lenin criticised Iskra in the "Wperjod" in February 1905 in the article "Two Tactics" and was referring to the new Iskra and not to the old one, that is the original Iskra. In this connection we may turn next to Lenin's own book "Left Wing Communism, an Infantile Disorder", P. 975, at page 8 where he speaks of Kautsky writing an article in 1902 in "the revolutionary organ Iskra". Another reference is to be found in "the history of the Russian Communist Party" published in serial form in the "Masses of India" during 1925. The interesting passage in this connection is in the December number at page 15 where, after talking

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O. P. 1569.

O. P. 1570.

about various matters in connection with Lenin, the writer (Zinoviev) comes to the Pskov Conference at which it was decided to create the paper Iskra. He goes on to say : " In December 1900 there appeared in Munich the first issue of Iskra, destined to play such a tremendous role in the history of revolution in general and the Communist Party in particular. It was not merely a paper, it was a printed weapon that succeeded in becoming the arbiter of thought of a whole generation, and in fulfilling a great literary-political task carrying on meanwhile organisational-political work of the first importance for uniting the forces of the Party." A little further on he writes that " Iskra appeared under the editorship of Plekhanov, Lenin, Martov, Axel-rod, Potresov and Zasulich. Among these 6 individuals was one future Bolshevik and 5 future Mensheviks. Comrade Lenin's role in connection with Iskra was so important that after a short time the paper was known as the Leninist paper, and such in truth it was." P. 506 " Lenin " by Marcu, apparently the property of Spratt accused, devotes a whole chapter to the Spark. Talking of the Pskov Conference it says : " The Conference met at Pskov and approved the purposes and the name of the paper." It was to be called Iskra, the " Spark ". Its motto was to be no secret, every number was to bear the line from Pushkin, " From the Spark shall spring the flame." There is a great deal more about the Spark in this chapter, but as regards its importance to Lenin Marcu says on the following page (88) : " To him the newspaper meant a political instrument, the head and centre of a movement in his homeland." Further on in the book we get an account of the disputes over the Iskra which culminated in the other members of the editorial board except Lenin and Plekhanov going out. This was followed by 6 numbers of the Iskra being issued by Lenin and Plekhanov after which Plekhanov wanted to get back the other members of the old board. Lenin rejected the proposal and resigned from the board. The result, as Marcu says, was that the Iskra became Menshivist, and it was this Iskra, the new Iskra, which Lenin subsequently attacked. But of course Lenin himself had nothing to do with this new Iskra. Then again in Stalin's " Leninism " P. 8 at page 96 we get a reference to " the campaign of the old Iskra. which not only smote the economists hip and thigh, but also provided a theoretical foundation for a truly revolutionary Russian working-class movement." The distinction between the old and the new Iskra is fully brought out in the article by Lenin himself " Two Tactics ", a copy of which was found in the Kranti office and is in evidence as P. 1207 (2). He begins by talking about the opportunists on the one hand and the revolutionary Communists (the " old Iskra ") on the other. Throughout the rest of the article he speaks frequently of the " new Iskra " which he criticises with great vigour. The " new Iskra " is mentioned almost on every page and in some cases more than once, and there is only one place where he speaks of ' Iskra ' without giving it the adjective " new " and that is where he is speaking of a particular issue the number of which he gives.

The only other evidence to which it is necessary to refer on this subject is the statement of the defence witness Mr. Brailsford who was called as a Court witness because, by a more or less lucky chance, he happened to be in India while the case was going on but a long time before the stage of calling defence witnesses was reached. This witness said among other things, " Iskra means " Spark ". I came to know that by my study of the history of the Russian Revolution. Any one studying Leninism would know it from their reading." Later on he said : " It would be wrong to call it Lenin's Iskra because it was run by a board, but the mention of Iskra makes the ordinary man think of Lenin." I think there can be no doubt on the whole of the evidence that the reason why the mention of Iskra makes the ordinary man who has read anything about the history of Socialism and Communism think of Lenin is because Lenin was the moving spirit in starting the famous revolutionary paper of that name, and not because several years later, after the Bolsheviks and the Mensheviks had parted company, he had criticised it in articles in other newspapers ; and in fact that is the obvious inference from another statement of this witness where he said that " that paper is recognised as a revolutionary paper ", to which however he added the gloss " under Czarist conditions, when even Liberal papers were revolutionary." This addition of a gloss is quite typical of the evidence of Mr. Brailsford as will be apparent from a very cursory study of the evidence given by him in his cross-examination by Crown Counsel. It would have been interesting to keep a record of the questions as distinguished from the record of the answers ; but of course one has really not got time to do anything of the kind. But a good instance of Mr. Brailsford's method is to be found in the

first seven lines of his cross-examination, the record of which is as follows: "I think the 2nd International view is that if constitutional methods fail they would be prepared to break the law to gain their ends. Volunteers: They would be slow to conclude that constitutional methods had failed. Volunteers in reading over: By constitutional methods failing I mean "if constitutional opportunity should be lacking" or "in the absence of opportunity to attain our ends by constitutional methods."

I may now take up Desai accused's statement to this Court. His contention of course is, as he states at the very beginning of his statement, that he is a socialist and not a Communist. At page 1607 he says: "I am a journalist by profession and an avowed and unrepentant socialist by conviction." He then proceeds to try hard to evade the issue, and that issue is whether the Spark was being conducted as part of an attempt to further the aims of this conspiracy. He says on page 1608: "I make bold to say that any competent journalist or anyone who has a first-hand acquaintance with modern politics would not take longer than a day to go through the file of the 'Spark' and come to a final conclusion whether the 'Spark' was really a Socialist weekly, as its sub-title proclaims, or a Communist organ." But that of course begs the question. The Spark might have been conducted nominally as a Socialist weekly and yet have been used to further the aims of this conspiracy. It would of course have had to sit on the fence to some extent, but I do not think that that would have caused any particular difficulty. In any case the idea that a newspaper newly started to assist the aims of this conspiracy would from the very start have gone "red" on the boldest lines is obviously ridiculous. It is a question of policy. If you want to assist a movement whose legal status is in doubt you do not immediately put yourself out of Court by stamping yourself as a revolutionary in such terms that the authorities are bound to take action against you. You will naturally go slow until you have tested the temper of the powers that be and seen how far it is possible to go without being in danger of having your whole venture brought to a sudden end.

From page 1609 to page 1625 Desai accused dealt with his stay in England quoting at length a whole series of letters which are quite useless for the decision of this case. Some of them are proved and some of them are not proved, but they only show the attitude he adopted in dealing with certain people, while as to his connection with the Independent Labour Party that seems to me to prove nothing except that he was trying to acquire a knowledge of the inner working of Parliamentary Parties in England possibly with a view to see what use could be made of them in future. It is also interesting to note in this connection that one of the documents found in Desai's search, P. 1254, purports to be a letter of recommendation in favour of Desai from William Paul, Editor of the Sunday Worker, dated the 30th June 1926, written on the notepaper of that newspaper.

At page 1628 Desai accused comes to a piece of evidence which I omitted to mention when I was dealing with Spratt accused's letter P. 1251 (2006 P.) (I. C. 363). That letter is the one in which Spratt sent Desai six addresses of persons to whom copies of the Spark might be sent, all of which were, as I pointed out, to be found in P. 2617. In the last sentence of this letter Spratt says: "I can think of no more addresses at the moment. Muzaffar will no doubt be writing to you regarding sales here." Desai's explanation of this seems to me to be painfully unconvincing. He argues that the Magistrate in the Committal Order picks up the last clause regarding sales and "quietly drops out" the first clause about addresses. He goes on: "The context before and after the statement about sales (I may note that there is no context after the statement about sales) makes it quite clear that the reference is to the suggested V. P. P.s." Spratt accused has made a feeble attempt to help Desai here by saying: "Actually I meant by this sentence that he (Muzaffar) would send the addresses that I could not remember and possibly other addresses." It is sufficient to say that the sentence has an obvious meaning, namely that the W. P. P. in Bengal would push the sales of the Spark there and that Muzaffar would write to Desai about it, and there is no reasonable alternative meaning. Desai goes on to say: "In fact not a single copy of the paper was sent to Mr. Muzaffar Ahmad and no member of the W. P. P. received a free copy of the paper, and, as is obvious from other exhibits, one or two W. P. P. members outside Bombay, who wanted to get a copy of the Spark, found it a little difficult to get any copy of the paper." But does that take the matter any further? I cannot see that it does. What we have from

this letter is that two members of the Bengal Party, Spratt and Muzaffar Ahmad, took or proposed to take an interest in pushing the sales of the Spark.

O. P. 1576. I come next to a very remarkable statement made by the accused which is unfortunately not in accordance with the facts. He says at page 1629 : " And in consequence no dumps of the copies of the " Spark " were found in any of the searches except of the Spark office. Hence to say that the members of the W. P. P. helped in the sale of the paper is an irresponsible statement. A single copy of a few issues of the paper was being sent for some time, and that too not regularly, to Mr. Spratt in ordinary courtesy in return for the article he had written for the paper in response to my invitation." This last admission was no doubt due to Desai's remembering Spratt's letter to Dutt of the 14th March P. 527 (1) (F. C. 846), but what are the facts ? An examination of the exhibits shows that no less than 129 copies of the Spark were found in the search of Mirajkar accused's house and are in evidence as P. 1225. For the rest we find copies of the Spark recovered and put in evidence as follows : P. 401 seven copies of the Spark found in room no. 1 at 2/1 European Asylum Lane, Calcutta, the headquarters of the Bengal Party, P. 542 five copies recovered in room no. 3 of the same office, P. 577 one copy found in the office of the Young Comrades League, P. 667 three copies found in Bradley accused's luggage, P. 987 and P. 989 five copies found in Dange accused's house, P. 1042 ten copies found in Hutchinson accused's house, P. 1105 two copies found in Joglekar accused's house, P. 1163 five copies found in Adhikari accused's house, P. 1205 six copies found in the Kranti office at Bombay in a file with the heading " Spark " on it, P. 1262 thirty-five copies found in Desai's own house, P. 1577 five copies found in Usmani accused's house and P. 1744 five copies found in Nimbkar accused's house. Then a reference to the search-lists shows that a few more copies were found in other searches. For example the search-list of the house of D. B. Kulkarni P. 872 shows two copies of the Spark under item 65 - the search-list of C. G. Shah's house P. 1279 shows five copies of the Spark under item 49 ; the search-list for the Kirti office, Amritsar, P. 1402 shows two copies under item 1, indicating the Spark was reaching Sohan Singh Joshi accused, and finally the search-list of the G. I. P. Railwaymen's Union office at Bombay P. 1444 shows that one copy was recovered under item 13. This is the office with which Jhabwala accused was associated. I do not know whether Desai accused would call a collection of 129 copies a dump or not. The question however is rather one of circulation and the above record shows that, considering the short time that the Spark was running, it had a pretty good circulation among the members of this conspiracy. In this connection I may further note here that there is also a mention of the Spark in Basak's letter to Muzaffar Ahmad of the 8th March 1929 P. 2159P (I. C. 390) where he says : " I am in regular receipt of Spark. Some dailies are enquiring of it whether they can get in exchange."

O. P. 1577. At page 1629 Desai accused tells us how he first met Spratt accused. He says he was introduced to him by Mr. L. G. Khare at the office of the Bombay Chronicle in December 1927 when he was working on that paper, and he gives some account of the conversation which is of no importance. On page 1630 however he makes a statement about which I feel grave doubts. He says : " The next time I saw Mr. Spratt was after more than a year in the grounds of the Indian National Congress during its annual session at Calcutta." In my opinion it is hard to believe that Desai did not meet Spratt at the time of the Bombay discussions in September 1928. It is possible that Spratt's notes about Spark in P. 526 (48) were based solely on what he was told by the members of the Bombay Party who took part in these discussions. But that would suggest that Spratt when talking about the arrangements for press telegrams in P. 527 (1) and his conversation with Desai on that subject was speaking of something which happened 15 months before, which seems at any rate unlikely, particularly in view of the fact that in what Desai says at the foot of page 1629 about the sending of news to the " Sunday Worker " he makes no mention of this matter of press telegrams.

O. P. 1578. Going on at the foot of this page 1630 to deal with P. 527 (1) Desai entirely omits to deal with the way in which Spratt speaks of him to C. P. Dutt as if he was a person with whom Dutt was already acquainted. It is to the occasion of this meeting at Calcutta that Desai assigns Spratt's request to him to write a pamphlet on " Class Struggle ". On page 1635 Desai explains P. C. Joshi's reference to the Spark in his postcard to Gauri Shankar (P. 195) as " an unwarranted inference on the part of Mr. Joshi " which he can only

ascribe to Joshi's immature ideas at that stage and his inability to distinguish between one school of socialism and another. The explanation is not very convincing. Next he comes to Bradley's letter to Potter Wilson P. 2417P in which Bradley says of the Spark: "It has got to be improved". He leaves the responsibility of this to Bradley with the remark that "Bradley never had anything to do with me or with my paper." Bradley accused has offered an explanation in which he has done his best for Desai at page 587 of the statements of the accused where he says: "I could never fancy such a far-fetched meaning could be read into my casual and impersonal remark "it has got to be improved". What was in any mind when this letter was written, was that the paper as such was absurdly small to be of much use to anybody, and of course being in English it did not get to the workers." He goes on to say that obviously the paper could not be expected to be of much use to "us, Communists." This attempt by Bradley to help Desai seems to me to be decidedly weak.

O. P. 1679. Next Desai comes to Adhikari accused's letter P. 1174 and accepts it as evidence that the Spark was not in any way financed by the W. P. P. or the C. P. L. He wants of course to "have it both ways" and while taking the benefit of that inference to deny the truth of Adhikari's assertion that "We control it to a certain extent". Then he goes on to make suggestions as to the meaning of Spratt's and Bradley's notes, a matter with which I have dealt before. At page 1638 he deals with Khardikar's letter and says: "I am not sure who this Khardikar is..... I knew nothing more about this gentleman and I was never in correspondence with him." It can only be said that this entirely fails to meet the point which I made earlier on. At page 1644 he deals with P. 146, the list of addresses found at the office of the B. J. W. A. in Calcutta, which contains among others the name "M. G. Desai c/o W. P. P., Dwarka Das Mansions, Bombay". He says he knows nothing about it and never gave such an address to anybody. It certainly indicates at least this much that Desai's name was known to someone connected with the B. J. W. A. an organisation very closely associated with the Bengal Party. Then he mentions the article P. 1250, bits of which appeared in the Spark.

O. P. 1680. Next he deals with P. 1253 an article entitled "On the eve of the Congress", which he says he did not send in to any paper because on second thoughts he did not like it. Next he comes to two articles P. 1255 and P. 1256 both by M. N. Roy, one of them typed on Roy's machine and the other bearing his signature, and says that they came to the Spark office through the inland post. He says that they were lying among the rejected material in his office, and rather suggests that there was something suspicious about the way they were sent to him. The interesting thing about these two articles is that they are both mentioned in Adhikari's letter to Roy P. 1174 in which he begins by saying: "Received the following things from you..... (2) art. about National Congress (3) about W. P. P." These two articles are entitled "The lessons of the 43rd National Congress" and the "Conference of the Workers' and Peasants' Party of India". It is fairly obvious therefore that both these articles came from Adhikari. In view of the fact that, as I have already indicated, Adhikari was plainly in close touch with Desai as he certainly contributed three articles to the Spark and was probably also responsible for the feature "Marxism for Everyman", Desai's story that he received these articles through the post does not look very plausible. Dealing with P. 1259 Bradley's article on the "Jharia Congress" he says he cut out some portions. I do not quite see what particular purpose that explanation is supposed to serve. As regards his possession of four copies of "Krantī" P. 1263 he says that these were sent to the "Spark" with a view that a copy of the Spark would be sent to the "Krantī" in exchange. Next he takes P. 1265 some copies of the "Masses", P. 1266 an issue of "Workers' Pictorial", P. 1267 three issues of "Sunday Worker", P. 1268 a number of issues of "Workers' Life", P. 1270 some copies of the "Communist" and P. 1274 a copy of the "Far Eastern Monthly" and says that these came irregularly to the "Indian National Herald" from whence he is supposed to have brought them home, while about P. 1269 12 issues of the "Labour Monthly" he says that he brought these with him from England when he came out, except 5 issues for 1928 which came irregularly to the office of the "Indian National Herald". Curiously enough P. 1274 has on it on the first page a signature of Mirajkar accused which very obviously suggests that this document did not come from the Indian National Herald office at all. The accused has not offered any explanation of this signature.

At page 1661 Desai accused came back to the "Spark", and it is a statement made by him in regard to the "Spark" in this part of his statement which brings me to consider the evidence of his defence witnesses. He mentions here the names of the friends with whom he discussed his ideas of starting a small independent weekly. These were Mr. Pothan Joseph, Mr. L. G. Khare, Mr. Khadilkar and Mr. L. K. Prabh, of whom Messrs. Khare and Khadilkar have been produced as defence witnesses no. 21 and 22. He gives rather a detailed account of his conversations with Mr. Khare and says: "It was during my talks with Mr. Khare that "we" hit upon the name "Spark" as a simple and striking title for the paper." Desai had been aware throughout, as indeed his statement in this Court indicates, that the title which he had given to his paper was regarded as significant, as he based his explanations in this Court very largely on the Committal Order, and the Magistrate had remarked in that Order: "The very title "Spark" is taken from Lenin's paper Iskra." The questions therefore as to where the name of the paper originated, and who had suggested it had always been in Desai's mind. His statement therefore on the 27th November 1931 at page 1661 that "we hit upon the name Spark" must be regarded as a considered statement. Indeed a study of what he says at the foot of the page 1662 about his decision to give the simple name "Spark" to his paper and his choice of the name would seem to take the matter rather further and put the burden on him personally. In the light of this it was somewhat surprising to find that when Mr. Khare came into the witness-box on the 15th February 1932 he deposed that when he and Desai were discussing possible names for the "Spark" it was he who suggested "Spark", the idea of which he got from the electric spark and therefore said to Desai when he made the suggestion that he hoped it would not be an intermittent sort of spark. Immediately after getting this suggestion Desai, according to the witness, went away. The statement is: "So I suggested Spark from the "electric spark" and said I hope it would not be an intermittent sort of spark, and then he went away." To say that this explanation was somewhat laboured would be an understatement. The defences which were offered on this point were two. One is that the first opportunity Desai had to tell anybody that it was Khare who had suggested the name of the Spark was when he stated his case as an accused in this Court. That of course is not true. He had the opportunity in the Lower Court and even when he had the opportunity in this Court he did not make use of it to tell the whole truth. The second defence was that if he did not disclose the fact it was because he did not want to disclose his case to the Court. I do not understand this defence at all. If you have a true case to disclose on a point like this what can be the objection to making it known to the Court? Mr. Khare is not the sort of witness who might be supposed to be liable to be persuaded by any third party not to say what he was wanting to say in favour of Desai. More particularly is that the case when we come to consider some of this witness's statements in cross-examination. He was asked a certain number of questions to elicit what talk there had been between him and Desai in regard to his evidence, it being a reasonable assumption that he could not have been called into the witness-box without Desai having first ascertained that he was in a position to give some evidence which would be helpful to Desai's case. On this point the witness has prevaricated quite shamelessly. He says: "Desai accused has never told me what the point was in this case about his editorship of the Spark and I don't know yet what the point is." Then again later on he says: "I saw Desai when he came to Bombay on bail. He said he wanted some files of the daily and Sunday Bombay Chronicle. . . . I did not ask him how he was getting on in his case. I did not see him again till I saw him here. I arrived here last Thursday and have seen him at my hotel. I did not talk to him about the case. I told him I was quite comfortable in the hotel and asked him to go away as I had a lot of work to do which I have brought with me. I am afraid I have not read any number of Desai's Spark." These answers to my mind speak for themselves. There are other points to which I might refer but it hardly seems worth while wasting time on this witness, particularly in view of the fact that he is careful to say that no one else was present at either of the two conversations he had with Desai when Desai's intention to bring out a weekly paper was discussed by them.

Desai's second witness in connection with the bringing out of the Spark was Mr. K. P. Khadilkar, D. W. 22. The only item of importance in his evidence is an attempt to influence the publicity given to the Workers' and Peasants' Party in the first number of the Spark. This the witness attributes to an

O. P. 1684. interview he himself had with Nimbkar accused whom he told that he could not give the labour candidates for the Municipal elections full support in his paper the "Nawa Kal" but he would give them second place. The witness says that he suggested to Nimbkar that if he approached Desai he would get proper support, as the new English weekly was a labour weekly. Thereupon Nimbkar said he was not acquainted with Mr. Desai and asked the witness to induce Desai to advocate their cause. Nimbkar left manifestoes and other literature with the witness for Desai's use which the witness gave to Desai. It is of course obvious, as pointed out in argument, that Nimbkar accused might quite well have told this witness that he did not know Desai even if, as one may well suspect, the statement was not true. So this evidence really goes for very little. It certainly does not prove that Desai was not acquainted with the members of the Workers' and Peasants' Party.

Another witness mentioned by Desai in his statement at page 1662 was Mr. Sadanand, manager of the Free Press of India who, it was said, offered to encourage Desai by giving his Saturday's news service to him at a concession rate. This Mr. Sadanand was ultimately produced as D. W. 34. He says that he first heard of Desai's paper, the Spark, in the latter half of 1928, some time before it was started. He further says that Desai consulted him on the business and financial aspect of the paper. Coming to the matter of the news service the witness says that he gave his news service for the night preceding publication (that would be Saturday) to Desai, the arrangement being that the service should be given free for some time and after that at concession rates. The evidence of this witness does not really help the case at all. No doubt the Free Press did supply a number of news items but the origin of those items has no particular importance. What is a little important is the nature of the items used and what is much more important is the way in which they were used.

O. P. 1685

Desai accused goes on at page 1665 to his explanation as to why the first number of the "Spark" was brought out early and gave its support to the Workers' and Peasants' Party. About this he says referring to the note on the front page of no. 1 explaining the change of plan about bringing out the "Spark": "We believed it would be obvious from this that we published their Election Manifesto not because we were in agreement with the policy and programme of the W. P. P. but because it was represented to us, and we believed it, that these workers' candidates had been suddenly deprived of the facilities for publicity which would have been available to them if they had stood as Congress candidates." That however does not explain the headline "Support Workers' Candidates", with which is to be read the article in issue no. 2, "Lessons of Defeat". Then he goes on to the policy of the "Spark" at page 1668 and I need not deal with what he has said here as I have already dealt with the point he makes about its preaching Socialism and not Communism. In continuation of this he deals with the contents of the "Spark" but with that subject again I have dealt already in considerable detail.

At page 1684 speaking of the reports of Trade Union activities received from Ghate and Nimbkar accused he says: "I never knew that the persons who sent these reports were members of what the prosecution call the C. P. I. I never knew that there was such a body in existence." This is at any rate surprising in the light of his statement at page 1645 when he was dealing with Roy's articles P. 1255 and P. 1256, since he said there that he remembered the matter of the receipt of these two articles because "it was shortly after a controversy had been raised in some of the well-known papers over the authenticity of a certain letter from one M. N. Roy which was read out in the Legislative Assembly during the debates on the Public Safety Bill." In this connection I may refer to Ghate's letter to Muzaffar Ahmad of the 27th August 1928, P. 549 (20), in which he wrote that he was enclosing cuttings from the papers of the statement on Roy's Letter and the Trade Disputes Bill for Muzaffar Ahmad's information. This letter was actually endorsed on a draft statement for the papers which contains the statement dated the 25th August of the C. P. I. on the Roy letter signed by Ghate as General Secretary of the Party. The cuttings include one which contains the first two paragraphs of this draft and contains a mention of the Communist Party of India. It seems unlikely therefore that, if Desai had taken an interest in this controversy, as he himself implies he did, he could have been ignorant of the existence of the C. P. I. That is of course on his own statement, but on the facts which I have brought out in the course of this chapter I think it is impossible to suppose for a moment that he was not fully informed about that Party as well as about the W. P. P.

O. P. 1686

Going on to page 1685, after calling his description of the capture of the Congress Pandit "metaphorical", which I suppose may be due to ignorance of the English language, he comes to the note (of which a copy was given to him) in which the prosecution stated what use they proposed to make of the contents of the "Spark". I suppose one must not expect too much from an accused person, but I must admit that Desai's attitude in regard to this generous act on the part of the prosecution quite amazed me. What I should have expected of him was that he would thank the prosecution and then proceed to endeavour to meet the suggestions contained in the note. Instead of this he speaks of it as a "belated document" and endeavours to ridicule it by talking about its "resounding generalisations". Then he suggests in reply that he has never criticised Mr. N. M. Joshi, easily the most prominent of the so-called reformist Labour leaders. That might have been supposed to be quite a good point, if it had not been for the fact that Mr. N. M. Joshi appeared in this Court as D. W. 29 and stated in the course of his evidence that at the end of 1928 and the beginning of 1929 he was ill and confined to bed and under medical advice not allowed to go out or to receive visitors. Mr. Joshi was in fact out of action and therefore opportunities for criticising him were lacking. Mr. Joshi had indeed been unable to go to the Jharia Congress and there are letters showing that he was still ill up to about the middle of February.

For the next 20 pages Desai analyses or quotes from the "Spark" with the object of showing that the suggestions contained in the prosecution note are unsound. It does not seem to me to be necessary to go into all this again. It all comes back really to the question what is the real issue, and if some of the things he says in the course of these explanations are carefully considered, especially what he has to say on the subject of Imperialisms at the top of page 1691 and on the subject of religion at the end of this section, it will be found that what he says really strengthens the prosecution case against him instead of weakening it.

Defence counsel summing up the case on behalf of Desai pointed to a large number of defence letters which I need not quote in detail as showing that Desai was in touch with Socialists in England, I suppose as distinguished from Communists. I cannot see in what way this fact would rebut the prosecution case against him. Counsel then proceeded to argue at some length about the L. R. D. I have already dealt with that organisation and need not go into the matter again. Then he made a long attack on the copy of P. 1872C. and on the other documents to which I referred in discussing Desai's interest in the Indian Seamen's Union. This is however only a small piece of the case against Desai and is rather suggestive than otherwise. I would not be inclined to take it as in any way conclusive in itself. He went on to lay great stress on the fact that there was no reference to Desai in the prosecution evidence throughout the period from the date of his arrival in India up to the end of 1928 and that he was never mentioned anywhere in the correspondence passing between conspirators in India. That of course is a point to be considered and I have kept it in mind throughout the whole of my consideration of Desai's case. Next he dealt with the "Spark" and in connection with the name he put forward that marvellous argument that the name "Iskra" was not associated with revolution. Next he urged that it was a point in favour of Desai that the W. P. P. papers "Kranti", "Ganavani", and "Kirti" never made any allusion to the "Spark" as a new recruit to the ranks of papers supporting the right cause. That may be so but the explanation of it is no doubt to be found in the mere instinct for self-preservation. I should perhaps note that in the course of his arguments on Desai's case defence counsel sought to tender a number of documents as evidence. I was of course quite prepared to consider any books of reference but it seemed to me that the time for tendering documents, whether requiring proof or not, as defence evidence came to an end the moment the summing up of the defence case was begun. Defence counsel in dealing with Desai's case also argued a large number of points which relate to the general case or to pieces of evidence with which I have dealt at an earlier stage. I do not think it is necessary to repeat all the discussions on these points.

As it seems to me it is impossible to reconcile the facts to which I have drawn attention in this lengthy discussion of Desai's case with his innocence. It is quite clear that prior to September 1928 he had been in touch with members of the Workers' and Peasants' Party of Bombay and had agreed with them to bring out a paper which was to be another of the non-official organs of the Party, that is to say it was to support the interests of the Party, that is, further

the interests of the conspiracy, without disclosing its position. When the paper does come out it is brought out sooner than intended specifically with the object of supporting the W. P. P. candidates for the Municipal elections. Then throughout its whole history of 7 issues the paper consistently, while posing as socialist, takes up a line which is consistent with the theory that it must not bring in anything which will be objectionable to the Party and must use all possible items of news in such a way as to further the interests of the conspiracy. Then we have it that the members of the Party are interested in furthering the interests of the paper by assisting in its distribution, vide Spratt's letter with its reference to Muzaffar Ahmad and the possession by Mirajkar accused of 129 copies of the first issue. Then again we have the various letters which indicate that members of the Party took an interest in the paper which is entirely understandable in the light of Spratt's and Bradley's notes of the Bombay discussions but not understandable if the "Spark" was an independent venture. Lastly there is the point of association, and in connection with the "Spark" there is clear evidence of Desai's association with Spratt, Bradley, Muzaffar Ahmad, Adhikari, Mirajkar, Nimbkar, Usmani, Hutchinson, Ghate and P. C. Joshi accused in addition to C. P. Dutt. Taking into consideration the whole of the evidence, coupled with the very unsatisfactory explanations given by Desai in his statement, I can come to no other conclusion than that Desai accused joined this conspiracy and brought out his newspaper the "Spark" in order to further its aims.

C. P. 1590.

Agreeing with one and disagreeing with the other four assessors I hold that Desai accused has taken part in a conspiracy to deprive the King-Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A, I. P. C. I convict him accordingly.

PART XLII.

- O. P. 1591. P. C. Joshi accused first appears in the evidence in this case as the writer of a letter P. 126 (I. C. 178), which was recovered in the search of the house of one Aftab Ali, a member of the Bengal W. P. P., at 7 Ikbalpur Lane, Calcutta, vide the evidence of P. W. 72, Sub-Inspector Badiuzzaman. This letter is undated but is at any rate earlier than the 7th August 1928. It was probably written in June or July. In it Joshi accused, who signs himself Puran, says: "When are you coming here? (2) What do you think of my joining the Party? (3) Of starting a study circle here immediately?..... If you approve of it could you instruct your Party office to send me the available literature soon for a small library..... It will serve as the basis of the Party library in U. P." A little further on in para. 5 he says: "Whence to get the Communist badge—hammer and sickle? Many boys are requesting me for them. If in the Party Office, you will ask them to send me some." Put shortly this letter shows Joshi accused trying his very best to get into touch with the Bengal Party. 5
- We next hear of him in P. 131 (I. C. 205), another undated letter also recovered in Aftab Ali's search. It may be noted here that this accused never seems to date any letter except by accident. P. 131 was evidently written about the end of September or early October. In this letter he says: "On 11, 12, and 13 October at Meerut they are going to have the Delhi Pol. Conf. under Jawahar Lalji's Presidentship and the U. P. Workers' and Peasants' Conf. At Jhansi on 27, 28 and 29 October U. P. Pol. Conf. again under Jawahar Lalji and Baghelkhand Workers' and Peasants' Conf. under Jhabwala. I wrote to you to come here immediately so that we may go to both together. We would have got an opportunity in the very beginning of our work to form a permanent organisation and see the workers what stuff they are made of. What is most important we would have got an opportunity to impress our views on the policy and programme to be laid down. It is easiest to capture an association when it is being formed." Further on he says: "I am trying my best to get accepted the Bengal Workers' and Peasants' programme and have a permanent organisation." He also says that he is leaving Allahabad for Meerut on the 9th and will leave Meerut for Cawnpore on the 15th. He gives his address at Meerut and also his address at Jhansi which will be c/o Mr. Dhulekar, "the Reception President, a labour worker, and a Congressman." 15
- O. P. 1592. P. 132 (I. C. 207) is another undated letter, which is evidently a reminder to Aftab Ali induced by the fact that he had received no reply to P. 131. In this he says, about the benefit to be derived from his and Aftab Ali's attending these Conferences, that "we would have been able to give a momentum to them and influence the organisations with extremist ideas in the very beginning—the best and surest way." These two letters show quite clearly with what ideas P. C. Joshi accused came to Meerut for the Workers' and Peasants' Conference. I think it is important to note that he evidently arrived at Meerut on the 10th October, while the Conference actually took place on the 13th, 14th and 15th. P. W.'s 126 P. S. I. Mangal Singh & 173 S. I. Mardan Singh prove that he attended the Conference but there is no evidence as to his taking any active part in it, though we may infer from his letters that he was active behind the scenes. The report printed in the second issue of the Krantikari dated 24th November however shows that he was elected Secretary. P. 1091, the report of the speech made by Muzaffar Ahmad, also shows that he was one of the five members selected as representatives to be sent to the Calcutta Conference. 20
- O. P. 1593. Joshi accused's own search shows numerous items resulting from this meeting. For example P. 310 is a pad of correspondence forms of the U. P. & Delhi Workers' and Peasants' Party, which mentions that the Weekly organ is Krantikari (Hindi) (Jhansi), that the President is Dr. Vishwa Nath Mukherji, Vice-President, Dharamvir Singh, and the General Secretary, Puran Chandra Joshi, M.A., of 34 Holland Hall, Allahabad, the address which we find on the letters from which I have just been quoting. P. 325 contains 19 printed forms of application for membership of the W. P. P. of Bengal, P. 331 is a bundle of enrolment forms in Hindi relating to the W. P. P. of U. P. and Delhi, and P. 333 consists of 20 blank receipt books for subscriptions to the W. P. P., U. P. and Delhi. 25
- Immediately after the Conference on the 18th October we find Joshi accused writing a letter P. 1619P (I. C. 249) from Meerut to Dange accused. In this he begins by saying: "You must have read from the papers the account of the Conference here. You will be glad to learn that a permanent organisation has been formed in U. P. and I am supposed to be its Secretary." Then he goes 30

on to mention the proposal to publish a number of pamphlets to popularise Party ideals and says that Comrades Spratt and Muzaffar have suggested that he (Dange) should be asked to write the pamphlet on Bardoli. He asks that this pamphlet should reach him at Allahabad by the 5th November. Then he gives Dange some suggestions as to the sort of ideas he wants to emphasize. After that he says that he is going to the Jhansi Conference and hopes to see at least Joglekar and Jhabwala there. He also asks for copies of the Bombay Party publications and pamphlets and constitution. Another letter on the same lines as this letter is the letter written by P. C. Joshi on the 5th November 1928 to R. Palme Dutt, editor of the "Labour Monthly", P. 2409P (F. C. 633). In this letter also he mentions the formation of the U. P. Party and says: "You will be glad to hear that an active and strong Workers' and Peasants' Party of U. P. and Delhi has been formed. We have already held two Conferences, one at Meerut and the other at Jhansi, to familiarise the people with the Party programme and ideals, and to organise the active workers." He goes on to mention the establishment of branches at Delhi, Meerut, Gorakhpur and Jhansi (the Party headquarters being at Allahabad), and a Young Comrades' League with branches at Delhi, Meerut, Jhansi, Allahabad and Gorakhpur. Then he goes on to say a good deal about the needs of the Party and speaks of the tracts, which I have mentioned elsewhere, and suggests that Palme Dutt might himself provide a pamphlet on the Workers' and Peasants' Swaraj. Then he speaks of the 'Krantikari' and says: "Could you afford to send for it a fortnightly review of the international affairs or write to Agnes Smedley (I have lost her address), or ask any nice comrade there to do it." At the end of this letter he says: "I am writing to Comrade Spratt to write to you about my credentials." It was presumably at much about the same time as this letter to Palme Dutt that Joshi accused wrote the letter P. 526 (6) (I. C. 313) to Spratt reminding him on the subject of the two pamphlets i.e. the two mentioned in the Krantikari, namely (1) on "What the labourers of the world are doing and what an Indians and peasants do", and (2) on "How to organise the Workers' and Peasants' Party". At the end of this letter he points to the necessity of his being helped by Spratt and other comrades saying: "I am absolutely raw. You comrades ought to make me ripe."

Next on the 19th November we come to a letter mis-dated the 19th October written by P. C. Joshi from Allahabad to Muzaffar Ahmad, P. 2069P (I. C. 253), with an enclosure evidently for Spratt which is in evidence in original as P. 526 (8). In this letter he justifies his own optimism remarking that "opportunism stands absolutely discredited. . . . Thus it is nothing surprising that we find comrades in the districts who were in the Congress fold the other day and today acutely feel its impotency though yet sentimentally attached to the institution. I would give as an example, Comrade Gauri Shankar, who since your visit to Meerut now feels himself stronger and bigger. So are the comrades at Jhansi." Then he goes on to mention the importance of books to enable organisational work to be carried on with the assistance of scientific propaganda. In the next paragraph he mentions that he has organised a league of young comrades at Allahabad, as also at Jhansi and Meerut and says: "I mean to begin by forming them into study circles." At the end of this paragraph he says: "It is disappointing that except Comrade Spratt nobody else has sent me down pamphlets, nay, has not even replied to my letters in spite of reminders." This remark in itself gives the clue in regard to the enclosure, in which P. C. Joshi thanks 'Dear Comrade' for the welcome tract. Going on with his letter to Muzaffar Ahmad he says: "You will have received the first number of the Krantikari." This mention of the Krantikari shows that the date at the beginning of the letter is a mistake, and should be 19th November instead of 19th October, since the first issue of the Krantikari is dated the 17th November 1928. In his letter to Spratt Joshi speaks of translating Spratt's tract into Hindustani in time for the Calcutta Conference and says that he is also translating the British Workers' Delegation Report on Soviet Russia. He expresses a hope that Spratt will have written to the Bombay Comrades about the tracts and articles for the Krantikari and that he will have sent one to the Krantikari himself.

Meanwhile on the 28th and 29th October the Bundelkhand Labour Conference was held at Jhansi, and we have it from P. W. 126, P. S. I. Mangal Singh Tewari, that Joshi accused was present at that Conference. On the same date, 29th October, we get a letter from Muzaffar Ahmad to Joshi, P. 317 (I. C. 262). In this letter Muzaffar Ahmad has a good deal to say about enlisting individual members for the Party from workers and peasants and from the intelligentsia,

and advises Joshi to be very careful with the latter and make certain first of all whether they really believe in the "Policy and Programme of our Party". He goes on: "I read the report which you gave to the press. You omitted the most important thing—that is the formation of the Workers' and Peasants' Party of U. P. and Delhi. I do not know why you did that."

Next on the 1st November we find Mukherji accused writing to Joshi the letter P. 321 (I. C. 267), in which he acknowledges receipt of Joshi's letter intimating that he had been elected President of the U. P. Peasants' and Workers' Party. He also mentions receipt of a letter from Muzaffar Ahmad. He goes on to allude to his ill-health, which was responsible for his failure to attend the Jhansi Conference. In this letter he says: "I am happy to learn that a party has been formed here in these provinces. It was a long felt and cherished desire of mine and I am glad through your noble efforts it has come to its fulfilment." Then he enquires when Joshi is expected to see him at Gorakhpur or when "we can conveniently commence our tour in the province for propaganda purposes."

Next on the 2nd November we find P. C. Joshi writing a letter P. 1875P (I. C. 271) to Feroz Din Mansur at Delhi. The most important passage in this letter relates to Jhansi. In this he says: "At Cawnpore I found Harihar Nath a rank opportunist, as you all said, and was disappointed, but at Jhansi I made up for all this. They have affiliated their org. with the Party. They are three absolutely sincere, whole-time workers, though not very intellectual, and have in their hands a Railway Union with 5 th. members. What is more they have started a Hindi Weekly Krantikari for Jhansi, that will be the Party organ." He goes on to ask Mansur to send them every week a translation of one of the articles on theory and strategy for († from) the "Labour Monthly". Then he enquires about the Study Circle and speaks of the League of Young Comrades of U. P. and Delhi. He goes on to send Mansur a list of suitable books for the Study Circle and to try to move him to activity in regard to the organisational work, as also in regard to getting purchasers for the Krantikari in Delhi. On the same day Joshi accused wrote another letter P. 209, (I. C. 274), in Hindi to Gauri Shankar. In this also he mentions Harihar Nath and goes on to say: "There was a far greater success at Jhansi as compared to the defeat at Cawnpore. Three brethren there are true and liberal just like you. They are whole-time workers. They have opened a branch and have promised to help as far as possible. There are two Parsi young men who will open a study circle. The greatest of all things is that they are to publish a Hindi weekly containing 16 pages, which would be the organ of the Party." He goes on to talk about Dr. Mukherji and about Study Circles and the League of Young Comrades, and at the end he says: "You shall have to get all the Urdu tracts printed, those of Hindi and English will be printed at Jhansi."

In connection with these two letters and particularly with regard to the remark about there being three whole-time workers at Jhansi, the prosecution have referred to Joshi accused's diary, P. 311. It will be noted that these three whole-time workers are said to have in their hands a Railway union of five thousand members. Against the date January the 20th we find in this diary an entry: "Railwaymen's Union: President, Dhulekar, Vice-President, Din Mohammad, Secretary, L. R. Kadam, Lakshmi Narain. Membership nearly 5 th." The witness Dhulekar, D. W. 11, was asked some questions about this Union and deposed as follows: "Apart from myself, Kadam and Lakshmi Narain the only other office-bearer in the Railwaymen's Union was one Din Mohammad, Vice Chairman, a railway employee." It is quite obvious therefore that Din Mohammad could not have been a whole-time worker, and therefore it would seem to follow naturally that by the "three absolutely sincere whole-time workers" Joshi accused was in his letter to Muzaffar Ahmad referring to Dhulekar, Kadam and Lakshmi Narain. I think that this reasoning is correct. In the same diary there is an entry on the 25th: "Jhansi Branch: President, Har Prashad Singh of Banda, M.L.C., Secretary, Krishan Gopal. Executive Committee: (1) Kadam. (2) Lakshmi Narain. (3) Rustamji. (4) Gangadhar Aushde." Dhulekar in cross-examination said he knew a Parsi called Rustamjee at Jhansi, and that he was a Congressman, a student and a young man. This gentleman might therefore well be one of the two Parsis referred to in Joshi's letter to Gauri Shankar.

On the same day as these two letters of Joshi we get a letter, P. 328 (I. C. 276) written by Kadam from Jhansi to the accused Joshi. In this he says: "The first issue of the Krantikari shall be sent to you within a day or

two as soon as it is published." A little further on he says : " Please send the resolutions etc. so that the work may begin." Next on the 4th November in P. 1621P (I. C. 277) Joshi accused reminds Dange on the subject of the Bardoli pamphlet and mentions the early publication of the Krantikari, which will be " our official organ ". He suggests that Dange might help in the matter of contributions and asks if he can manage to send a fortnightly letter reviewing the political and labour events of the Presidency or ask Comrade Mirajkar to do it. He also requests Dange to ask the Bombay Comrades to contribute to the Krantikari regularly and gives him the name and address of the editor. In a P. S. he remarks that they would themselves get the articles translated, but " they should be highly popular expositions of ideas and strategy." Another letter in which P. C. Joshi communicates the news of the formation of the U. P. Party and asks for a pamphlet is P. 1620P (I. C. 282) dated the 6th November addressed to C. G. Shah c/o the W. P. P. Bombay. In this he asks for regular contributions to the Krantikari as well as for a pamphlet on the " Workers' and Peasants' Swaraj, the True Swaraj "

O. P. 1599.

On the same date, 6th November, we get a letter from Muzaffar Ahmad to Joshi accused, P. 316 (I. C. 283), in which Muzaffar Ahmad complains of the silence of Joshi and Gauri Shankar, and asks for information about the members of the Party and what they are doing for the All-India Conference, mentioning that Gauri Shankar had promised at Meerut to collect up to Rs. 200/- for the A. I. W. P. P. Conference.

On the 17th November the first issue of the Krantikari was published. A few days later on the 20th Joshi accused sent a post card, P. 1433 (I. C. 289) o Mukherji accused apologising for having been unable to come to Gorakhpur when he had promised as he had been waiting for Comrade Muzaffar. Next on the 22nd we get a reference to Joshi in a letter from Mukherji accused to Muzaffar Ahmad, P. 468 (3), in which Mukherji says : " Mr. Joshi and myself will now tour throughout the whole province and bring into existence a strong party of the peasants and workers here."

It appears from P. 338 (I. C. 297) a letter from Taraporevala Sons & Co., found in Joshi's possession, that on the 20th November he wrote to this firm for a series of books suitable for study circles, as the list in this letter corresponds almost exactly with the one given in his letter to F. D. Mansur, P. 1875, (I. C. 272). Then on the 27th Muzaffar Ahmad wrote to Joshi mentioning Mukherji's letter P. 468 (3) and also the fact that Joshi had been sent a parcel of books V. P. P. for about Rs. 30. He suggests that Joshi should come to Calcutta in time for the Jharia Congress and that Mukherji should also come. Then he complains of the silence of Gauri Shankar and the Jhansi Comrades and the fact that he has not seen a single copy of the Krantikari.

O. P. 1600.

On the 29th November we come to an interesting letter from C. P. Dutt writing as acting editor of the " Labour Monthly " to Joshi in reply to the latter's letter of the 5th November, P. 2409, (F. C. 633), to which I have referred above. In this letter he asks for a copy, two or three copies if possible, of the new Hindi Weekly to be sent to the Labour Monthly office in exchange for the " Labour Monthly." Then dealing with organisation he says : " I hope that you are finding it possible to draw in actually proletarian workers into the W. P. P. The peasants of course should be organised in special peasant leagues with their own special programmes! of demands and not in the same branch as the industrial workers. Our strength will depend very largely on how far it is possible to attract actual workers engaged in industry, to help them to organise themselves, and to help them produce leaders of their struggle from their own ranks. The experience of China is of overwhelming importance for us just on this point, for the history of the Kuomintang has given a gigantic lesson of the dangers confronting any mass movement, which is led by the bourgeoisie, or even by the petty bourgeoisie, when the latter is left with sole control." There are two points here ; first the stress on leadership from the rank and file, and secondly the new idea of separate organisations of the workers and peasants as distinguished from the system being applied in India up to that time of Workers' and Peasants' Parties on a two-class basis.

O. P. 1601.

The next letter in evidence against Joshi accused is P. 2070P (I. C. 306) a letter from him to Muzaffar Ahmad accused which was intercepted on the 1st December. In this letter he gives an account of his visit to Mukherji accused at Gorakhpur and also talks enthusiastically about a new recruit to the Party who, he says, " believes in Direct Action. viz. of workers and peasants and is on the

O. P. 1602.

way to recognise the fact of class war." He goes on to mention the Jhansi comrades and says he is going to Moradabad to talk to the Railway Union people there. Then he says: "I have launched the Youth Movement here (Allahabad) and must be here for a week to organise it, and then I come straight to you. I too have not heard from comrade Gauri Shankar, except a postcard from Garhmuktesar fair. He is having a conference there without even caring to inform me of it. It must have been farcical." In a postscript he gives a long list of books to be sent by the book company to Ram Saran Vidyarthi at Meerut, Mukherji at Gorakhpur, The Manager Hindu Mitra Press, Gorakhpur, and the Secretary, Municipal Board, Jhansi. He also asks Muzaffar Ahmad to write to Gauri Shankar "whether our proceedings (i.e. at the Calcutta Conference) will be in English or vernacular". These V. P. P. parcels of books are mentioned later in a letter from Muzaffar Ahmad P. 1096 (I. C. 383) in which he says that Ram Saran Vidyarthi and the Hindu Mitra Press refused the V. P. P.'s.

Joshi accused wrote another postcard to Muzaffar Ahmad on the 11th December, which was intercepted in Calcutta on the 13th. This is P. 2071P (I. C. 326). Joshi mentions in this that he is leaving for Calcutta on the 16th or 17th. He also suggests that the Party Conference might be cinematographed at least by a Pathé Cinema, and that that would be useful in propaganda. A couple of days later Joshi wrote a letter to the Vice-President of the Party, Dharamvir Singh, which is in evidence as P. 1338, in which he speaks of the Calcutta Conference and says that "Party strategy and lines of immediate programme will be decided (at it) and enforce as Party discipline." He mentions that he is starting for Calcutta on the 17th and hopes that Dharamvir Singh has been receiving the Party weekly "Krantikari" from Jhansi regularly.

Another letter written by Joshi on the same day was P. 210 (I. C. 334), a Hindi letter to Gauri Shankar in which he asks that the business of the Party should be done in a businesslike manner. He also asks that the Party members should reach Calcutta in time and should write the time of their arrival to comrade Muzaffar Ahmad at Calcutta. He adds that "just after the session of the Congress there will be a sitting of the Executive Committee of the provincial Party at Calcutta." Joshi accused took part in the Calcutta Conference and is mentioned a few times in the official report P. 669. We find his name as a member of the Drafts Committee on the first day and as one of the U. P. members elected to the National Executive Committee. He also spoke on the Political Thesis.

Coming next to the meetings of the C. P. I. at Calcutta his name appears in Ghate's note P. 1310 as a proposed member of the Central Executive to represent the U. P. Nothing however came of that, as we find from P. 1303 that it was decided that P. C. Joshi should be left for the present. The note on the subject runs as follows: "Recruitment of members: Sohan Singh to be admitted. P. C. Joshi to be left for the present. Kulkarni to be admitted."

Joshi accused continued to be active during 1929. On the 10th January he received two letters both of which are included in P. 1095, one from Mukherji accused and the other from Krishna Gopal Sharma, editor of the "Krantikari". Mukherji writes that he has been ill and so was unable to attend the A. I. T. U. C. and the Indian National Congress. He goes on: "However I would like to start work in the Province. Please chalk out a programme of work and send it to me. Have you got the letter perhaps printed? As regards the collections we shall do it during our tour. I would like to see you at Allahabad. Will you kindly let me know when I could do it?" Krishna Gopal merely asks Joshi to try to increase the number of the subscribers of the Krantikari and to get articles for it from outside.

Next on the 15th January P. C. Joshi must have received Muzaffar Ahmad's circular letter in regard to the celebration of Lenin Day, P. 343, to which I have alluded in an earlier chapter. Then on the 26th January we find Joshi himself writing to Muzaffar Ahmad in P. 452 (I. C. 351). In this he begins by complaining that he has not received (1) the open letter to the Independence League; (2) the extracts from the thesis on India (which I take to be a reference to the Colonial Thesis); (3) the report of the Party Conference and (4) the Thesis on peasantry. Then, as so often, he asks to be sent books, what he describes as "first class stuff on agrarian movement and strategy". Then he goes on: "Will you please ask comrade Spratt to send my address to C. P. Dutt and the I. R. D. people. I will pay them in any form and whenever they please." Then he makes some excuses for the mistaken ideology of the "Krantikari" and asks

Muzaffar Ahmad to "own it and set it right". Finally he enquires about the tracts which it has been proposed to write for the U. P. Party. This reference to the mistakes in the "Krantikari" relates to an article on "Mahatma Lenin" in the "Krantikari" of the 21st January 1929, part of P. 431. This letter ends with a quite delightful little paragraph in which Joshi says: "You need not despair of me. I will always stick to my guns, nor lag behind in revolutionary discipline; or party loyalty. My silence was only personal indolence, say." 5

O. P. 1605. Much about the same date we find Joshi writing also to Ghate accused in P. 1304 (I. C. 353). This letter is undated but in the P.S. he says: "I do not know Shah's address, please give the accompanying letter to him." This letter to Ghate and the letter to Shah were intercepted at Bombay on the 30th January, vide P. 1854P (I. C. 354). P. 1854P (1) the interception copy of P. 1304 is of course not in evidence because the original was recovered in Ghate's search. In the letter to Ghate, P. 1304, Joshi asks Ghate to contribute to the "Krantikari". In this letter also he asks for the open letter to the Independence League and extracts from the thesis on India and asks Ghate to remind Nimbkar or to send them himself. There is another interesting remark in this where he says "Any hope of starting the Party weekly for Bombay" which shows that the expectation that a weekly English journal of the Party would soon be published had been mentioned in the conversations at Calcutta, an interesting point in connection with Desai's case which I do not remember to have noticed before. The letter to Shah is in the main merely a reminder about Shah's promises to write for the "Krantikari". 10 15 20

About the same date Joshi wrote a letter to Usmani accused, addressed to Kirti office, Amritsar which was intercepted on the 30th January (P. 1894C (I. C. 357)). In this letter he begins by saying: "I did not hear from you nor you from me," which seems to indicate that each was expecting the letter from the other. Then he asks for assistance in regard to books and contributions for the "Krantikari". He also speaks about some local recruits who are very keen to begin work. This letter must have actually crossed a letter from Usmani P. 337 (I. C. 358) written from Bombay on the 31st January, which is concerned mainly with the manuscript of some novel written by Usmani and his efforts to sell the copyright of "Peshawar to Moscow". 25 30

O. P. 1606. Joshi accused was very prolific of letters at this time. (I may perhaps note here that there are no less than 39 documents on the record in his handwriting.) P. 197 (I. C. 359) is a letter in Hindi (undated as usual) to Gauri Shankar. In this he says: "You did not tell me how you liked the policy of the Conference as also the articles. We shall have certainly to work according to that. You must have read (the article) in regard to the labour agitation in the "Krantikari"; the one regarding the peasants' agitation would be published next time. Write to me about that in detail. I have pointed out a programme of work also in that. Write to me how you like that. Write fully in detail on the points you differ. Read out that article in any meeting of the peasants and enquire of them how they like that. They shall have to start a campaign against zamindars, mahajans and the Government on one and the same time." Further on he says: "Write what are the works that you have been doing for organisation and propaganda? The best policy is to go to the villages and make friends with the young peasants and school teachers. Let you explain to them your policy well. Later on they themselves would do organisation works. Don't converse with the Babus, you should only plunder them; let the work centre round the labourers and the peasants." Then he urges Gauri Shankar to work much harder to get subscribers for the "Krantikari". He evidently sent some leaflets with this letter as he mentions them in a postscript. 35 40 45 50

Another letter which must have been written by Joshi in the first half of February is P. 2094 (I. C. 361), a message to the Naujawan Sabha Conference, Lahore, written on the Party letter-paper. In this he preaches the ideology of the red flag and the classless society. He quotes Lenin's demand for "a compact band of professional revolutionaries" and says he is sure that the Sabha will prepare whole-time workers. 55

O. P. 1607. On presumably the 12th or 13th February Joshi accused wrote a letter to Muzaffar Ahmad, intercepted on the 14th and printed as P. 2155P (I. C. 371) which was afterwards recovered in original at 21 European Asylum Lane, Calcutta, and is in evidence as P. 416 (16). This is as usual written on the letter-paper of the U. P. Party and contains, again as usual, a request for books. Joshi also asks Muzaffar Ahmad to get him "all the stuff on China, as much 60 65

as possible on ideology and strategy, on Lenin and Trotsky." Further on he says : " Is it not possible to get the annual reports of the Third International and the C. P. of G. B. as also of the Young Com. International ? When will you get me monthly and weeklies and fortnightlies ? They will train me in tactics. Will you please ask comrade Spratt to write to them so that they may send it on to me straight." He then discusses the unsatisfactory editing of the "Krantikari" and says something about Dharamvir Singh and Mukherji accused and about Desai's editing a weekly. He closes with some remarks on the subject of books, and also a long list of books wanted.

At the end of February we get the incident which I mentioned in the case of Sehgal accused in which Sehgal wired to Joshi, vide P. 765 and P. 340, for Rs. 200/-, in connection with which we have the draft money order for Rs. 60/-, P. 323. There is nothing to show whether Joshi actually sent the money or not.

On the 2nd March Muzaffar Ahmad replied to Joshi's letter P. 2155P in a letter P. 1096 (I. C. 383) in which he explains that he had expected to go to the Naujawan Bharat Sabha Conference at Lahore and to stop at Allahabad on the way for a day. In this letter he mentions that the booklet on organisation which Spratt accused was preparing for Joshi would be ready in a few days time and adds that if the Bill (Public Safety Bill) is passed into an act there is no chance of detaining comrade Spratt in India. He goes on to mention the matter of the V. P. P.s which had been refused and then refers to the letter to the League of Independence for India, which he says he has not read himself. He adds : " I believe you have gone through the other things very carefully ", which implies that the other things must have reached P. C. Joshi by this time. To this letter Joshi replied in P. 2148P (I. C. 379) (undated but intercepted on the 6th March 1929 by P. W. 89, Sub-Inspector P. N. Sen). In this letter Joshi acknowledges P. 1096 and refers to a whole series of items mentioned in that letter. For instance he speaks of the 'memoirs of a revolutionist' mentioned in it and the 'other things', that is the Colonial Thesis, etc. About this he says : " Yes I have read all the papers carefully. I got the Inprecorr thesis and discussions on international situation and colonial problem—it is so rich and complete." He goes on to say that "Krantikari is improving" and that Mukherji wanted a programme, so he (Joshi) has got the Peasants' Thesis published in the "Krantikari" "and the several issue gave plan of action". Further on he speaks of the activities of Kadam and Mukherji. Next he says : " I have got Spratt's former paper translated. A friend of mine is willing to get it published in May..... He wants me to start a Communist monthly—ideological for young comrades—and is willing to pay for it." He goes on to discuss some of the difficulties and says about this : " The one great problem will be getting suitable articles from abroad. It will be invaluable, since books are unprocureable and will become more so." In a postscript to this letter Joshi mentions that he had read a paper on the role of the Congress in the local Youth League at which Jawahar Lal Nehru was present. He goes on to mention a conversation with Jawahar Lal. As to this paper on the role of the Congress it may be noted that in Joshi's search there was found an article P. 346 entitled "The Role of the Congress" which is proved to be in his handwriting. This is an interesting article into which however I need not go in detail, and I will only quote one passage in which Joshi says that " any serious and uncompromising movement of liberation ought to provide and prepare for these successive stages—mass demonstrations, non-violent disciplined direct mass action e.g. strikes etc. and finally armed mass rising," and of course as the Congress certainly did not contemplate the last of these stages he suggested that young India should not give it their allegiance. With this letter Joshi accused enclosed a letter from Lakshmi Narain Sharma on the subject of the policy of the "Krantikari" in which the latter says that " it is necessary to advance slowly in order to avoid alienating sympathisers." Lakshmi Narain was running the "Krantikari" along with Krishna Gopal, and according to D. W. 11, R. V. Dhulekar, Lakshmi Narain was the proprietor and Krishna Gopal Sharma his partner. In the second paragraph of this letter Lakshmi Narain says : " Please do send articles in Hindi as it takes time in translating your horrible writing. Also guide us from time to time where we mistake. Also please send me amount of printing bill as the man is badly pressing for early payment."

On the 5th March we find Joshi writing again to Gauri Shankar in P. 195 (I. C. 386) a Hindi postcard. This is the letter, in the postscript to which he speaks of the Spark. In the course of the letter he complains of not having received any letter from Gauri Shankar and goes on : " What did you do for the

O. P. 1610. "Krantikari" ? Did you do anything towards organisation and propaganda ? In the last two issues of the "Krantikari" have appeared the demands of the peasants and the programme of work. What do you think of them ? Enquire of the villagers also and write to me in detail. Read out the two articles to them and explain to them." 5

On the 9th March Muzaffar Ahmad replied to Joshi's letter P. 2148P in P. 304 (I. C. 394). In this letter he begins by talking about the matter of books and his proposed visit to the Punjab. Then he discusses "comrade Lasmi Narain's letter" and says: "I am sorry that I cannot support his explanation at all. Is this a fact that the masses of the people have still got a blind faith in the bourgeois programme and policy ? Does he mean the Congress programme and policy by his terms ? If so where is the link between the masses and the Congress programme ? Our duty is to rouse the mass consciousness at any cost, but comrade Lasmi wants to keep them in darkness." Then he goes on to talk about the Bengal Peasants' League and finally comes to the proposed magazine in English, that is the magazine for which Joshi had said that he could get the money. He discusses this and mentions an announcement in a Punjab paper that Sohan Singh and Bhag Singh are going to start an English monthly under the name "Indian Worker". He goes on: "A central theoretical organ in English is more than necessary now. But I am not sure about the success of sporadic attempts like these. It is better that we shall discuss this matter in the meeting of the N. E. C. of the Party." He goes on to say that he himself would rather prefer a Hindi ideological monthly to be published at Allahabad. Then he goes on to criticise Jawahar Lal's remarks to Joshi with some vigour, alluding incidentally to the split in the Bengal Party. 10
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O. P. 1611. On the 14th March we come to a Hindi letter from Krishna Gopal Sharma P. 312 (I. C. 401) in which he asks for more material from Joshi and says "kindly let me know which of the articles published in my paper were against your Party. The Partywallas are not giving any help to the paper. Therefore I am compelled to make the policy of the paper a bit moderate in tone." Then he says "kindly send the account of the printing of forms. When will you come here ?" 30

On the 15th March we get a letter from Nimbkar, General Secretary of the W. P. P. of India, to Joshi, accused, P. 1098, asking for a report of activities in the U. P. since the Calcutta meeting and suggesting a new date for the meeting of the N. E. C. 35

Another letter of the same date addressed to Joshi is P. 1099 from Ghate accused in which he says: "I am telling the editor of Spark to send you a copy of the first number. As far as I know it was being sent to the editor of the "Krantikari" which was not sent to our Party any way." The manner in which Ghate speaks of "telling" the editor of the Spark to do something is rather suggestive. 40

The last letter in evidence written by Joshi accused is P. 1800 (I. C. 410) a letter bearing a postal stamp of Katra, Allahabad, dated the 19th March 1929 which was intercepted at Bombay on the 21st March by P. W. 271, Sub-Inspector Ketkar. This is a letter to Ghate with an enclosure addressed to Nimbkar and a second enclosure also evidently intended for Nimbkar which is marked "private". In the letter to Ghate Joshi writes about the "Spark": "I have not received the Spark no. 1 or any issue after 3—will you please ask them to send it to me regularly." The way in which Joshi associates "Spark" with the Bombay Party deserves to be noted. He goes on to say that he is writing to the "Krantikari" people and it (Krantikari) will be sent to Ghate regularly. In the letter to Nimbkar he speaks about the meeting of the N. E. C. and complains of getting no information about Bombay work or Party work in general. The second enclosure consists of notes on the progress of Party work at Gorakhpur, Meerut, Jhansi and Allahabad, evidently furnished in response to Nimbkar's letter to which I referred above, P. 1098 of the 15th March. 45
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Joshi's room in Holland Hall was searched on the 20th March 1929 by P. W. 131, Sub-Inspector Abdul Hadi, who prepared the search-list P. 295 and deposed that in this search exhibits P. 296 to P. 338 and P. 340 to P. 349 were recovered. The witness was not cross-examined at all. The search witness P. W. 132, Bishambar Nath, was examined at some length, but there is nothing in the cross-examination to create any doubt as to the ownership of the books and papers seized in this search. In addition to numerous letters to which I have referred already the following books and papers were seized: P. 296 a copy of Roy's 60
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- “India’s Problem and its Solution”, P. 297 a copy of Roy’s “Political Letters”, P. 298 a copy of the “Worker”, P. 299 a copy of the “Sunday Worker”, P. 300 a copy of “Workers’ Life”, P. 301 and P. 315 some issues of the “Krantikari”, P. 302 and P. 303 issues of “Payam-i-Mazdoor”, P. 305 containing 10 copies of Sohan Singh Josh’s Presidential Address at Calcutta, P. 306 containing 37 copies of the T. U. Movement Thesis, P. 307 containing 23 copies of the Political Resolution, P. 308 containing 109 copies of the same in Urdu, P. 309 containing 49 copies of the W. P. P. Principles and Policy Thesis, P. 311 a diary with a number of interesting entries in it, P. 314 “The Two Internationals” by R. P. Dutt, P. 318 a Hindi manuscript article on the organisation of peasants and workers, P. 319 some notes apparently from Trotsky’s book “towards Socialism or Capitalism”, P. 320 a Hindi manuscript article on the conditions of labourers and peasants in Russia, P. 322 a file of papers containing draft resolutions in the Meerut Conference, P. 324 containing 27 posters in Urdu, Hindi and Bengali in regard to the celebration of the fifth anniversary of Lenin’s death, P. 327 a constitution of the League of Young Comrades of the U. P., P. 329 a printed copy of Jhabwala’s Hindi address at the Jhansi Conference P. 330 a form of application for membership of the Young Comrades’ League, P. 334 a binder containing (1) extracts from the Colonial Thesis (2) a copy of the E. C. C. I. letter and (3) a copy of the report of the First A. I. W. P. P. Conference, P. 336 a copy of the short extract from P. 90 entitled “The immediate Tasks of the Communists”, and P. 342 a long list of books evidently considered by Joshi to be suitable for furthering the aims of the conspiracy.
- Coming back to Joshi’s diary P. 311 we find in it the address 17 Dwarka Das Mansions, Sandhurst Road, Bombay which was in fact the address of Gbate. Elsewhere we find the addresses of the Communist Bookshop in London and also the L. R. D., and the address of Jhabwala accused. Then on the pages for the 18th and 19th January there is a series of notes in regard to the “Krantikari.” Some of these I have mentioned before in dealing with the cases of other accused. We find under the head “International Contribution” the names of Miss Agnes Smedley, Palme Dutt, Sak., Shaukat and Sehgal. Then we have a note “Spratt on Nehru Report” and another “Provincial Letters, Muzaffar, Dange, Sohan Singh, P. C. Joshi,” and another “Nationalisation of Land”, Dange. Then there are the notes about Jhansi to which I have referred already and on the page for January 26th a note “Jhansi members of the E. C. U. P. Kadam, Krishna Gopal, Lakshmi Narain”, with the words “delegates to Calcutta” just underneath, and on another page we find the name “G. Adhikari” with the address “17 Dwarka Das Mansions”.
- Another piece of evidence in Joshi’s case is the group photograph P. 460 taken at the A. I. W. P. P. Conference to which I referred in the case of Ajodhya Prasad accused.
- P. C. Joshi accused is of course a signatory to the Joint Statement of the Communist accused. In his own statement he begins at page 226 of the statements of the accused by saying: “I was the Secretary of the Workers’ and Peasants’ Party of U. P. and a member of the National Executive Committee of the A. I. W. P. P. In briefest terms the aim of the W. P. P. was the achievement of independence from British Imperialism through a revolution for the establishment of a Workers’ and Peasants’ Republic.” He goes on to say that A Call to Action and the theses presented to the A. I. W. P. P. Conference “are the authoritative expositions of our programme and methods of work.” Then he goes into a long exposition of theory which, bearing in mind the number of such expositions which have already been considered, can safely be disregarded apart from a few of the more salient passages. One of these is to be found in the middle of page 227 where he says, speaking of a passage in the Political Resolution: “I would like to explain these sentences and lay down premises which will show how the only way to secure freedom from Imperialism is through a revolution.” Another such passage is at page 242 where he says: “Our thesis put briefly is that in India today national revolution means a workers’ and peasants’ revolution; we struggle against Indian landlords and capitalists because we stand for independence and these classes are against independence and further independence can only be achieved through a revolution, therefore we stand also for revolution and these classes are against revolution.” He goes on to explain that they are in fact counter-revolutionary and says at the foot of page 245: “The Indian bourgeoisie is fully conscious of this situation and is therefore opposed to national revolution, and when the revolution actually breaks out it will play a counter-revolutionary role and be on the other side of the barricades with the Imperialists.” On page 256 he

comes to a section headed "The Leader of the National Revolution", in which he says: "The Indian proletariat is the historic leader of the mighty anti-Imperialist struggle.....it will and it alone can lead the Indian toiling masses to victory against Imperialism.....". Next at page 260 he emphasises the necessity of a revolutionary struggle and says: "The anti-Imperialist front is a revolutionary front, it accepts the only possible way of overthrowing Imperialism, revolution; it systematically and consistently follows the strategy and tactics of the revolutionary struggle.....". A little further on he says: "The revolutionary tasks impose upon the front the further obligation of exposing the illusion of peaceful revolution spread by the bourgeoisie to cover its own treachery and retreat; revolutionary classes follow revolutionary methods and non-revolutionary classes the reformist ones.....". At page 262 in the section headed "Revolution" he says: "Revolution to Imperialism is dreadful, by us it is adored." And under this section again "Revolution is not to be justified according to the sections of the Imperialist Penal Code or defended before an Imperialist Court of law; the inevitable success of the revolution is its own justification, and it speaks through the voice of history." Then he goes on to a section headed "Violence versus Non-violence" in which at page 263 he says: "British Imperialism makes the national struggle a legalistic issue. National struggle is either legal or illegal, and it decrees that constitutional or harmless non-violent struggle is legal, and revolutionary, therefore necessarily violent, national struggle is illegal. The law is the law of Imperialism meant for its continued preservation.....". At the top of the next page he says: "Peaceful revolution is no revolution, it is ultimately peace with Imperialism", and again: "Non-violent revolution is at once the bourgeois vulgarisation of the national revolution and its virtual repudiation. The Indian workers and peasants are revolutionary classes, for them the destruction of British Imperialism is an imperative necessity, therefore they advocate and support violence." And little further on: "Revolutionaries are realists. Their task is to understand these real material factors (police, army and the paraphernalia of modern warfare) and not to escape or avoid them but to meet Imperialist violence by organised mass violence." A little further down he says: "A ruling class never voluntarily surrenders its power, only it is defeated in a bloody violent struggle. Political power is never transferred but only captured after an armed victory." And at the end of this section he says at page 265: "Bourgeois violence during bourgeois revolution succeeded, mass violence during mass revolution will likewise succeed." He then goes on to discuss the course of the national revolution which in the case of the peasants will begin with the negative stage of a no-tax no-rent campaign but will "advance to the positive and higher stage when the landlords' land is forcibly seized by the peasants and the moneylenders' papers burnt by them." In the case of workers "the workers' strike against the British Imperialism and Indian capitalism by going on strike." This movement begins with individual strikes and leads up to the general strike which he says at page 267 is the "heaviest frontal blow at British Imperialism". He concludes this section with two rather long paragraphs which are important. They run as follows: "British Imperialism meets this menace to itself and its allies by pitting its entire armed might against these revolutionary struggles to drown them in blood. The crucial problem then arises that the revolutionary mass movement has either to collapse before this show and use of Imperialist armed force or on the contrary meet and crush it and march forward to final victory. Armed mass insurrection is the highest stage of the upward growth of revolution. The prize of the victory is the capture of power, the destruction of the enemy and the liberation of the people. We, therefore, hail and salute the final armed mass uprising of those who are slaves today but will be free after it."

"The masses have not to decide whether armed insurrection is ethically or legally justifiable or not, it is forced upon them by British Imperialism which inevitably uses all methods of violence to crush the national movement. Mass insurrection is at once the defensive and the final offensive of the masses, it is in the end a simple equation of force versus force. The problem which has to be consciously decided, however, is the when and the how of the armed insurrection." He goes on to deal with the tasks of the revolution and so forth and at page 271 mentions the measures necessary for carrying out the tasks of the revolution, namely among others the destruction of the Imperialist State machine and the creation of the new State, the disarming of the exploiting classes and mass arming of the workers and peasants, and the creation of a

military revolutionary committee to deal with the enemies of revolution. At
 O. P. 1618. page 274 he claims that "the foremost amongst the international allies of the
 national revolution is the first workers' and peasants' republic in history,
 Soviet Russia." From this he goes on to the Communist International about
 which he says at page 276 : "The real Workers' International is the Com- .5
 munist International..." At page 280 he comes to the Workers' and Peasants'
 Party which he says was a mass anti-Imperialist party, a party of those classes
 whose interests are opposed to Imperialism in a revolutionary manner. In
 this connection he discusses the position of the Congress at some length and
 concludes on page 284 that "the entire Congress leadership stands, in their own 10
 words, between British Imperialism and revolution." On the other hand
 "the Workers' and Peasants' Party stood for the destruction of Imperialism
 by the revolutionary action of the organised masses". This is a fairly
 clear statement of the position of that Party. At page 285 he says : "The
 Workers' and Peasants' Party was a national revolutionary and not a Com- 15
 munist Party whether veiled or otherwise.....the Workers' and Peasants'
 Party was a coalition of the workers, peasants and revolutionary youth, that
 is, all the anti-Imperialist classes." In this section he also elaborates the
 distinction between the Workers' and Peasants' Party and the Communist
 O. P. 1619. Party. On page 286 he comes to his Conclusion, in the course of which he 20
 says : "National revolution, however, cannot be postponed by depriving a
 few revolutionaries of their personal freedom ; revolution is both inevitable
 and necessary, it will come. National revolution is the historical impeachment
 of British Imperialism by the Indian masses, and then bullets and not words
 will speak." So we are left in no doubt as to the nature of the revolution 25
 which this accused contemplates. On the following page he says in answer to
 a question about his membership of the C. P. I. : "I am a Communist by con-
 viction, but I was not a member of the Communist Party of India." For
 practical purposes he refused to answer questions in regard to the corres-
 pondence in evidence against him by merely saying that he refused to admit 30
 the documents. On page 289 he was questioned about the documents recovered
 in his search and replied : "The search-list is not signed by me. I did not
 carefully supervise my own search and so cannot say which documents are
 mine and which are not. It is significant that the search list was not signed
 by the Hostel Warden Professor Thompson or the University Proctor Profes- 35
 sor Rudra, though both were present and available on the spot. Moreover
 the University Proctor has magisterial powers. It is the usual practice to
 get the search list countersigned by the Hostel or University Authorities or
 their representatives present when students are arrested. My table was
 commonly used by several students whom I had to tutor..... My room 40
 was always kept open even when I was away and my friends, as is the general
 practice in our Hostel, often used to leave their things at my table and in my
 room just in the same way as I several times used to leave my papers or
 books on the tables or in the rooms of my other friends." In that case one
 can only wonder why he did not carefully supervise his search. This accused's 45
 case was argued by Mr. Pyare Lal Sharma, who laid stress on the fact that
 his client had no connection with the Communist International or the Com-
 munist Party of Great Britain or the C. P. I. The only other argument put
 forward seriously was that there are no letters in invisible ink or cryptic
 language against this accused, and therefore his correspondence cannot serve 50
 as proof of the existence of a conspiracy or of the part taken by him in it. I
 can only say that I do not find any force whatever in these arguments.

It appears to me that the case against this accused does not contain a
 single element of doubt. He has taken a keen interest in the organisation of
 the Workers' and Peasants' Party of the U. P. and Delhi and the running of 55
 its organ the Krantikari. He made a very thorough study of Communist litera-
 ture including the Colonial Thesis and it is quite evident from everything he
 has written and even more so from his own statement that he knew exactly
 what the object of forming the Workers' and Peasants' Party was, and that he
 made that object entirely his own and worked for it with the greatest enthu- 60
 siasm. It is in fact the things he has himself written and himself said which
 show most conclusively that he has been a member of this conspiracy.

Agreeing with four and disagreeing with one assessor I hold that P. C.
 Joshi accused has taken part in a conspiracy to deprive the King Emperor of
 his sovereignty of British India, and has thereby committed an offence under 65
 Section 121-A, I. P. C. I convict him accordingly.

PART XLIII.

O. P. 1621. The first mention of Gauri Shankar accused in the evidence is in connection with a conference held during the Nauchandi Fair at Meerut in March 1928, which was organised by him as Secretary of the Mazdur Kisan Sangh. About this Conference D. W. 8, Ram Chandra Sharma, stated that the organisers were Diwan Datt, Kamta Prasad, Balwant Singh and Gauri Shankar, and that the President was Diwan Datt, who was in place of Dewan Chaman Lal who could not come. The witness further said that he knew Shaukat Usmani accused and knew that he was present at the meeting. He was shown a document P. 187 D Gauri Shankar recovered in Gauri Shankar's search, which is a letter to the editor of the "Bir Hindu", a Meerut newspaper, sending an account of the proceedings of the Workers' and Peasants' Conference held on the 23rd and 24th March 1928 on the occasion of the Nauchandi Fair. This report opens with the following paragraph: "The Workers' and Peasants' Conference was held with great pomp and show on the occasion of the Nauchandi Fair, Meerut, on the 23rd and 24th March 1928 under the Presidentship of Shaukat Usmani." The witness said in regard to this document that he could neither assert nor deny the truth of the statement therein that Shaukat Usmani presided at this Conference. The matter is not of great importance, but the contradiction between this document and the witness's reply does not inspire one with much confidence in the statement of the witness.

It is obvious from all that has gone before in this case that one of the main points in the charge against Gauri Shankar lies in his participation in the Workers' and Peasants' Conference held at Meerut on the 13th, 14th and 15th October 1928. It will be remembered that the evidence suggests that P. C. Joshi accused must have reached Meerut on the 10th October. That may perhaps explain why it was that on that day Gauri Shankar accused sent a telegram to Muzaffar Ahmad, P. 2197 (I. C. 242) as follows: "Please come with Spratt 14th 15th October Meerut Majdoor Conference wire Expenses." This evidently meant that Gauri Shankar was wiring expenses himself, because we have in evidence P. 2039, P. 2088 and P. 414 (all on I. C. 243), which show that on the same day Gauri Shankar sent Rs. 35 to Muzaffar Ahmad by telegraphic money-order. This must have reached Muzaffar Ahmad without delay, because on the 12th he wrote a letter to Sircar in P. 272 (I. C. 245) in which he said: "In order to attend a workmen's conference at Meerut, Spratt and myself are going there today. There was nothing previously arranged about the visit. We are having to go, because suddenly a telegram and fare have been despatched. We go only because thereby party propaganda will be encouraged." Towards the end of this letter he says: "The Meerut Conference will meet on the 14th and 15th. We shall return to Calcutta by the 18th."

O. P. 1622. On the 11th Gauri Shankar sent Rs. 20 by telegraphic money-order to Sehgal accused at Lahore, vide P. 1466 and P. 1467 (I. C. 244). As we know this was to enable Sehgal accused to attend and preside over the Conference. Another accused, who was invited to the Conference but not by Gauri Shankar, was Sohan Singh Josh, who was sent for by Muzaffar Ahmad by means of a telegram, P. 2196 (I. C. 245), and there is also evidence to show that Joglekar and Dange accused were expected to attend this Conference, see the evidence of P. W. 173, Sub-Inspector Mardan Singh, who deposed that he remembered some announcements being made at the Conference, he thought by Sehgal accused, in regard to the absence of Joglekar and Dange. Another accused who actually did appear and take an active part was Abdul Majid.

O. P. 1623. In regard to this Conference we have the evidence of P. W. 126, P. S. I. Mangal Singh Tewari and P. W. 173, Sub-Inspector Mardan Singh. The first and an important item in the proceedings was of course Sehgal's Presidential speech, of which we have in evidence the printed report P. 198 (corresponding to P. 1456 and P. 172, the number under which it is actually printed), which was actually recovered in Gauri Shankar's own search. The other report is P. 1101 P. S. I. Mangal Singh's note. I have already dealt with this speech in some detail in dealing with the case of Sehgal accused. What is important to note about it is that *pace* Gauri Shankar the sentiments expressed in it are by no means wholly Congress; for example it contains some remarks about religion, about the Nehru Report, about Russia and the Bolshevik bugbear and the conditions of revolution in Russia, which are certainly not what one would expect to find in the speech of a Congressman. P. 186 is a Hindi list of resolutions prepared beforehand for consideration by this Conference, which was recovered in the search of the office of the Peasants' and Workers' Party at Meerut by

P. W. 124, Mr. Rafiq Ahmad Deputy Superintendent of Police. These are very ordinary resolutions, some of which relate to matters of purely local interest. P. 208 on the other hand (Note : this document will be found printed under P. 175), which was recovered in the search of Gauri Shankar's own house by P. W. 127, Chowdhri Badan Singh, Asstt. Superintendent of Police, contains a whole series of resolutions, which are described as political, monetary (economic), and social, which are those which are contained for the most part in the resolutions moved by Majid and Sohan Singh Josh accused and noted in P. S. I. Mangal Singh Tewari's reports, P. 1088 and P. 1090. This report of the resolutions purports to have been published by the Secretary Workers' and Peasants' Conference, Meerut, and we have it in the evidence of D. W. 4, Bishambar Sahai proprietor of the Premi Press that "there was a Mazdur Kisan Sangh in Meerut. Its notices etc. used to be printed in the Premi Press. P. 175" (which is the same as P. 208) "was printed in my press, after the Conference, perhaps 15 days later." So we may take it that P. 208 is an official report of the resolutions. It is of course to be noted that these resolutions do not include the resolution moved by Muzaffar Ahmad in regard to the formation of a Workers' and Peasants' Party, which was reported by P. S. I. Mangal Singh Tewari in P. 1091. On the other hand a copy of that resolution along with most of those which appear in P. 208 was found in P. C. Joshi accused's possession as part of P. 322. In that exhibit the resolution is in two parts : (1) This Conference directs the Subjects' Committee to establish one more U. P. Workers' and Peasants' Party. Delhi would form a part of this Party. (2) This Conference makes the U. P. Party a part of the All-India Workers' and Peasants' Party (which is to be) established ; and sends the following members to Calcutta as its delegates. These delegates shall have the power to take other members with them : (1) Dr. Vishwanath Mukherjee. (2) Puran Chandra Joshi. (3) Gauri Shankar. (4) Balwant Singh. (5) Feroz Din Mansur." Moreover P. 1091 and P. 322 are not the only evidence to prove that at this Conference such a resolution was passed. Another piece of evidence is the report in the Krantikari, shown by many letters and also by the Party letter-paper to be the organ of the U. P. Party, which gives an account of the formation of the U. P. Party at this Conference, and in addition there are numerous letters of P. C. Joshi, Spratt and Muzaffar Ahmad accused showing that the work after accomplishing which they went away from Meerut was the formation of the new party of the U. P. It must be taken that Gauri Shankar accused as the organiser of this Conference was present at it and heard the Presidential speech of Sehgal accused and the speeches of Josh, Majid and Muzaffar Ahmad moving these obviously very important resolutions, and indeed the evidence of P. W. 173 S. I. Mardan Singh proves that he was so.

It is the contention of Gauri Shankar that nothing new was created at this Conference to his knowledge. That is distinctly difficult to accept in the light of the great contrast between the resolutions found in P. 186 and those which Gauri Shankar himself presumably got printed up very soon after the Conference in P. 208. Another point in this connection is that in Joshi's search there were recovered forms of application for membership of the U. P. Party, P. 331, in which the object of the Party is stated to be "to secure complete independence from the British Empire (lit. Imperialism), to get economic and social liberation and to make India completely republican on the basis of the political freedom of men and women." This is to be contrasted with D. 732, the form of application for membership of Gauri Shankar's old Mazdur Kisan Party, in which the object is stated to be "having organised the workers and peasants by peaceful means to protect their rights."

* So much for the Conference itself. Coming now to the correspondence after the Conference the first letter of importance is Muzaffar Ahmad's letter of the 30th October to Gauri Shankar, P. 213, (I. C. 263) recovered in Gauri Shankar's search. In this letter Muzaffar Ahmad says : "I wrote to you one letter and also sent to you per registered post 100 membership forms of the Party, but unfortunately have not received any acknowledgment from you. Please let me know at once how the work is progressing there at Meerut and elsewhere. Comrade Joshi, I believe, has already left Meerut. Please go on enlisting individual members to the Party as much as you can. In case of the member being an intellectual you must be thoroughly satisfied that he is really ready to accept the Programme and Policy of the Party. In case of workers and peasants no such scrutiny of course is necessary." Then he goes on to the question of raising funds for the A. I. W. P. P. Conference and adds that he has written to Dr. Mukherji proposing to him to amalgamate his Gorakhpur

Divisional Mazdoor and Kisan Sabha with the newly formed "Workers' and Peasants' Party of U. P. and Delhi". The reference to membership forms is obviously to P. 199, membership forms of the W. P. P. of Bengal, of which 40 copies were found with Gauri Shankar accused, vide item 23 of the search list P. 193.

The next letter of importance is Joshi's letter to Muzaffar Ahmad of the 19th November (but misdated 19th October) written from Allahabad, P. 2069P (I. C. 253), in which he speaks of the bad odour into which opportunism has fallen and says: "The empty bourgeois catch phrases do not capture the mass mind or of the petty bourgeois. The mass mind is no longer concentrated, devoted, but indecisive, disillusioned and willing to act, to know—ready for a militant scientific lead. Thus it is nothing surprising that we find comrades in the districts, who were in the Congress fold the other day and today acutely feel its impotency though yet sentimentally attached to the institution. I would give as an example Comrade Gauri Shankar, who since your visit to Meerut now feels himself stronger and bigger." Further on however he says: "It is a pity I have not yet heard from Comrade Gauri Shankar. I have no idea of what he is doing. How indifferent."

Next on the 2nd November we come to a Hindi letter from Joshi to Gauri Shankar himself, P. 209 (I. C. 274) recovered in Gauri Shankar's search. In this he speaks about his success at Jhansi and about the Krantikari, in connection with which he says: "They will send 25 copies of the first issue." (I take it he means to Gauri Shankar.) "Please secure as many subscribers for this paper as you can, and try your best for it. Do not be disappointed after seeing the first issue; from the second everything will be all right. There was a great hurry..... The greatest thing to do at present is to secure as many subscribers to the paper as possible." Then he goes on to tell Gauri Shankar that Mukherji has accepted the Presidentship and has sent for him (Joshi) to come to Gorakhpur. Then he comes back to the jobs which had been left to Gauri Shankar and says: "I have not received the printed resolutions as yet. What is the matter? Try to send them as soon as possible. Many works are pending for want of them." Then he goes on: "I have been sending Party forms. Get 500 similar forms printed in Urdu and the same number in Hindi. Enrol members to the Party one after the other. Charge one rupee from the intellectuals and four annas from the labourers and peasants, which you can realise in two instalments even. If you like you may enlist, without charging anything, such brethren who are extremely poor. Keep half the amount of the subscription with you there and send the other half to the U. P. Party office..... Maintain a regular register and receipts. In a way you have been doing everything quite satisfactorily. But a work which is done methodically is right." Then he goes on to ask about Gauri Shankar's work in the villages and says: "Did you establish any panchayet? The best way to work in a village is to pick up acquaintance with any young and true man of a village and take work from him. Be sure to send Krantikari to some of the true masters." (I take it he means school masters.) Then he goes on to talk about the study circles and the Young Comrades' League and the decision about the Ganga Ashnan, that is the Garhmuktesar Fair.

On the 5th November we find Gauri Shankar writing a postcard P. 2061P (I. C. 280) to Muzaffar Ahmad in reply to the latter's letter, P. 213. In this letter Gauri Shankar says: "We are working enthusiastically. We have printed 1,000 copies in the form of pamphlets of the resolutions passed at the last Session of the Kisan and Mazdur Conference held at Meerut and are going out for their distribution in the villages..... Comrade Joshi left Meerut a week ago." He then goes on to confirm his promise about collections for the A. I. W. P. P. Conference and requests Muzaffar Ahmad to convey his greetings to the comrades at Calcutta, particularly Comrade Spratt. In a P. S. he asks Muzaffar Ahmad to despatch the Hindi and Urdu pamphlets promised by him as early as possible. No doubt P. 175 and P. 208 were copies of the pamphlets referred to in this letter. P. 208 actually consisted of 80 copies of it, which were found in Gauri Shankar's own house at the time of the search.

On the 6th November we find Muzaffar Ahmad writing to Joshi accused in P. 316 (I. C. 283) complaining that he and Gauri Shankar are keeping silence. He enquires as to what both of them are actually doing. Muzaffar Ahmad must of course have received Gauri Shankar's letter P. 2061P about the 7th of November. He acknowledged it in P. 211 (I. C. 286) on the 12th. In this letter he says: "When you pay your visits to villages on propaganda work please do

not forget to enlist as many members as you can. This is most important work. Without a regular registered membership a Party cannot hold any position. I sent to you 100 membership forms of the Bengal Party. Please do print some forms like that in Hindi, have them filled up when enlisting members. I am sorry that we have not as yet been able to publish manifestoes in Hindi and Urdu. O. P. 1629. I hope to get them ready in a week's time." Further on he says: "We shall require a report of your Party" (that is for the A. I. W. P. P. Conference). "A short history of formation and activities will be necessary. Please send the material to Comrade Joshi who will prepare the report."

These letters all show quite clearly that so far at any rate Gauri Shankar accused was cooperating with Muzaffar Ahmad and P. C. Joshi in trying to build up a new party, quite definitely different from the Peasants' and Workers' Sangh, with which he had previously been associated.

The next activity on the part of Gauri Shankar of which we hear is in connection with the Garhmuktesar Fair held from the 20th to the 23th November. P. W. 173, Sub-Inspector Mardan Singh states that he saw Gauri Shankar at this fair and that he had a small tent there with a signboard on it showing that it was the office of the Workers' and Peasants' Party. This witness got two pamphlets P. 1460 and P. 1461 purchased from Gauri Shankar by P. C. Kabul Singh. Of these P. 1460 is "A Call to Action" and P. 1461 is the same as P. 208. I do not think the cross-examination of this witness was calculated to detract from the value of his evidence. P. W. 174, P. C. Kabul Singh, deposed to purchasing P. 1460 and P. 1461 from Gauri Shankar at the fair. He paid eight annas for "A Call to Action" and 6 pies for the pamphlet containing the resolutions, and gave the books to Sub-Inspector Mardan Singh. In cross-examination this witness deposed that Gauri Shankar himself said that "these (these ?) were two books against the Government, and if I wanted them I should get the money from the Sub-Inspector."

In connection with Gauri Shankar's activities at the fair we have also in evidence a letter from P. C. Joshi to Muzaffar Ahmad, P. 2070P (I. C. 306), in which Joshi says: "I too have not heard from Comrade Gauri Shankar except a postcard from Garhmuktesar Fair. He is having a Conference there without even caring to inform me of it. It must have been farcical. I am writing to him again today. He is so unbusiness-like and self-centred." In a P. S. to this letter Joshi says: "Please write to Gauri Shankar whether our proceedings will be in English or in vernacular." This enquiry no doubt related to the proceedings of the All-India Workers' and Peasants' Conference at Calcutta. Next on the 15th December Joshi wrote a letter in Hindi to Gauri Shankar, P. 210, (I. C. 334). In this letter he asks that the work of the Party should be done in a business-like manner. In the next paragraph he writes on the subject of leadership and says: "There should be only one idea pervading a party—Comrades all—leadership should not be of any man but of the programme of the principles of the Party and of the Party discipline." He goes on to tell Gauri Shankar that he will be going to Calcutta the next day but one and to instruct him without fail to write the time of his arrival to Muzaffar Ahmad at Calcutta. He also mentions that there will be a meeting of the E. C. of the Provincial Party at Calcutta just after the Session of the Congress.

Gauri Shankar accused in due course went to Calcutta for the Party Conference and was seen there by P. W. 254, Rai Sahib Trivedi. The report of the Conference shows that he was elected to the Drafts Committee on the first day and also later on to the National Executive Committee.

The first document we come to in 1929 is Muzaffar Ahmad's circular letter in regard to the observance of the 21st January as the 5th Anniversary of the death of Lenin. A copy of this was found in Gauri Shankar's search and is in evidence as P. 212. There is nothing to show that Gauri Shankar accused took any notice of it. The next letter after this is Joshi's Hindi letter to Gauri Shankar P. 197 (I. C. 359), which is as usual undated, but would seem to have been written towards the end of January or the beginning of February. In this letter Joshi complains of not having met Gauri Shankar "last" at Calcutta. The actual wording is: "Neither did you meet me on the last occasion ("akhiri martaba") at Calcutta nor did you write to me." By "last occasion" I understand him to mean the last time they had arranged to meet. He goes on to say that he had gone to the place where Gauri Shankar was staying on the 3rd, but found that he had gone away. Then he says: "You did not tell me how you liked the policy of the Conference as also the articles. We shall have certainly to work according to that. You must have read the article in regard

to the labour agitation in the Krantikari; the one regarding the peasants' agitation will be published next time. Write to me about that in detail. I have pointed out a programme of work also in that; write to me how you like that. Write fully in detail on the points you differ. Read out that article in any meeting of the peasants and enquire of them how they like that, and so on. (I have quoted from this letter before). In the next paragraph he says: "There seems to be some ill-feeling in your mind (against me); Write to me clearly whatever that may be. Is this treatment proper between one comrade and another? Write everything that is in your mind. You appear to be indifferent from a long time." In the next paragraph he gives Gauri Shankar instructions about work in the villages, which I quoted in dealing with P. C. Joshi's case and then goes on to talk about the Krantikari. About this he says: "You have not so far made any subscriber to the Krantikari. You shall have to enlist 50 subscribers within 15 days. You sleep much, this is my martial order." At the end there is a postscript in which he says: "Distribute these leaflets in the villages. Do not spoil them in town. Do you need English ones also? How many? Do you want Lenin's photos also? How many? Did not Comrade Muzaffar send them to you?"

On the 5th March Joshi accused wrote again to Gauri Shankar, vide the postcard P. 195 (I. C. 386) recovered in Gauri Shankar's search. In this he says: "You have not responded to my letter even. What is the matter? Shouldn't you have written something? Why did you deny (me this privilege)? What did you do for the Krantikari? Did you do anything towards organisation and propaganda? In the last two issues of the Krantikari have appeared the demands of the peasants and the programme of work. What do you think of them? Enquire of the villagers also and write to me in detail. Read out the two articles to them and explain to them." Then he goes on to speak of the meeting of the National Executive Committee, which is to be held shortly and (in a postscript) of the publication of the Spark.

The last letter which affects Gauri Shankar's case is Joshi's letter to Nimbkar enclosed in his letter to Ghate, P. 1800 (I. C. 410) posted at Allahabad on the 19th March. In this letter there is a report described as enclosure no. 2 dealing with the work of the different branches of the U. P. Party. One section of this is headed 'Meerut' and runs as follows: "I have not heard from Comrade Gauri Shankar at all. If a proper exp. is not forthcoming I would plead its disaffiliation. He was murmuring something in Calcutta about our abusing the leaders. He is ideologically bunkum and is sentimental. The fault is ours. We have no literature in Hindi."

There are two searches which affect the case of Gauri Shankar accused. One is the search of the office of the W. P. P. at Meerut conducted by P. W. 124, Mr. Rafiq Ahmad, vide the search list P. 183, and the other is the search of Gauri Shankar's house by P. W. 127, Chaudhri Badan Singh, Asst. Superintendent of Police. Gauri Shankar was not present at the search of the W. P. P. office, in which there were found the following items: P. 186 consisting of 26 sheets containing resolutions in Hindi passed at the W. P. Conference at Meerut, P. 187 with which I have dealt earlier, P. 188 an announcement of the W. P. Conference to be held at the Nauchandi Fair in March 1928 (both of these are documents rejected by the prosecution but put in by Gauri Shankar as defence evidence), P. 190 consisting of three copies of "A Call to Action", P. 191 some membership forms of the Bengal W. P. P. and P. 192 a signboard with the following inscription on it "Bande Matram" in Urdu, "Office of Mazdur and Kisan Sangh, Meerut", in Urdu and Hindi. In the search of Gauri Shankar's house there were found besides the letters, to which I have drawn attention already, P. 196 a copy of the W. P. P. Manifesto to the Madras Session of the Indian National Congress, P. 199 40 copies of enrolment forms for the W. P. P. of Bengal, P. 202 three copies of the Krantikari, P. 203 a blank receipt book for subscriptions and donations for the First A. I. W. P. P. Conference at Calcutta, the first 8 receipts in which bear the signature of Muzaffar Ahmad accused, P. 204 a receipt book for subscriptions of members of the Reception Committee of the Workers' and Peasants' Conference, Meerut, P. 205 rules and regulations of the Naujawan Bharat Sabha, P. 206 a copy of "Inqilab-i-Roos", P. 207 copies of the issues of the Urdu Kirti for January and March 1929, P. 208 80 copies of the resolutions adopted at the Meerut Conference, and P. 214, 7 copies of "A Call to Action". It may be noted that the Urdu Kirti for March contained copies of the E. C. G. I. letter, of Roy's open letter to the Independence League and of the speech made by Sohan Singh Josh as President of the Naujawan Bharat Sabha Conference in February.

Coming next to Gauri Shankar's statement, his whole case is that he has always been a Congresswala and nothing else. I need not deal with his War service as a Hospital Store-keeper, which is not relevant to the case. He says he joined the Congress shortly before the Non-Cooperation Movement began, and in 1922 opened a society called the 'Khaddar Bhawan'. He goes on to say that as part of his Congress activities he opened a Mazdur Ashram in 1925, which was supported by the Congress workers and whose object was to propagate the Congress programme among the peasants and workers. The name of this organisation was changed into Mazdur Kisan Sangh at a Conference held on the occasion of the Garhmuktesar Fair towards the end of 1927. At the foot of page 503 of the statements of the accused Gauri Shankar comes to the Meerut Conference and says that to increase the popularity of the Mazdur Kisan Sangh, the Sangh decided to hold a Mazdur Kisan Sammelan along with the Delhi Provincial Political Conference, which was to be held on the 13th, 14th and 15th October 1928 and to be attended by a large number of leaders. He admits at the top of page 504 that he took a considerable part in making the Sammelan successful, although he had accepted no office on the Reception Committee. He says here : "No outside body or outside hand worked in this Sammelan other than the local Congress workers and the members of the Sammelan. At that time I had had no knowledge of the existence of any W. P. P. association at Calcutta, or of Messrs. Spratt and Muzaffar Ahmad's connection with it. But someone, whose name I can't recollect at this moment, had suggested that Mr. Muzaffar Ahmad and Mr. Spratt had started a Mazdur Kisan Sangh. Therefore they were invited on behalf of the Reception Committee. I do not know who had sent the telegrams in my name. It was settled in my presence that they should be invited. I do not know why the telegrams were sent in my name." I find it difficult to accept a good deal of this, but the matter will be dealt with further in connection with the defence evidence. He goes on to speak of Joshi accused and says : "I had had no acquaintance with Mr. Joshi for some days before the Conference." (I find that this translation "for some days" is a mistake on the part of the translator. What Gauri Shankar actually says was "until some days before the Conference"). "First of all I was introduced to him by Dr. Bhopal Singh. Even at that time Mr. Joshi was dressed in khaddar from head to foot." Then he goes on to suggest that most of the proceedings took place behind his back and says : "Owing to my engagement in the Mazdur Kisan Sammelan and the Provincial Political Conference I could not take much part in its proceedings at the time of the speeches ; yet so far as I know, neither any speech was made in this conference against the Congress, nor was any resolution passed against it." It seems incredible that Gauri Shankar should not at any rate have listened to Sehgal's Presidential speech. Then he goes on to the subsequent history of the Party and says : "Some time after the Conference some forms of membership, marked Exh. P. 191, and letters came to me from Messrs. Joshi and Muzaffar Ahmad. Efforts were being made to instruct and guide me to lead the Sangh, of which I had been the Secretary since 1925. I did not like to receive instructions and mandates from such students as had not even completed their studies, who lived at such a great distance, who had no information of the condition of the peasants, but through books, and who could not fathom the local state and condition. As I had been working from before under the supervision and help of the local Congress Committee I did not reply their letters more than once. In that letter also I had written to Mr. Joshi that I was working in the Municipal and District Board Elections along with the Congress, and had been elected as a member in the Selection Board." This is not apparently a reference to his (Gauri Shankar's) letter P. 2061P (I. C. 280) dated the 5th November 1928, which only mentions a proposal to set up candidates for the local Boards at the coming elections, so that it would appear that he must have written more than once. P. 2061P also makes no mention of the Congress. For myself I must confess to feeling considerable doubt whether any such letter as Gauri Shankar now mentions was ever written by him. It is I think further worth considering that the remark in P. 2061P "We contemplate setting up candidates", bearing in mind the context, evidently means that the new party contemplates this action. Another point about this letter is that whereas Gauri Shankar says now at the foot of page 504 that he did not like to receive instructions, he says in P. 2061P : "We are working enthusiastically", and thanks Muzaffar Ahmad for his communication. Gauri Shankar next refers to the election of Sehgal accused as President of the Conference and says : "I must say that he had been elected President of the Conference by the unanimous vote of the members of the Reception Committee, because they knew that he was a particular well-known and

one of the very old leaders of the Punjab. The Congressites of this place had very great respect for him. This was the reason that these men sent me to Lahore to request him on behalf of the Reception Committee to accept the Presidency of the Conference. Sehgal Ji refused because he had other engagements. But ultimately when I pressed him he agreed." Then he goes on to make some more remarks in regard to the respect felt for Sehgal by Meerut people.

Next he deals with the receipt book for collecting subscriptions for the A. I. W. P. P. Conference, P. 203, and says that people refused to subscribe, because they were willing to subscribe for a conference at Meerut, but not for one at Calcutta. He goes on to say: "Perhaps I might have tried further to raise subscriptions, but after reading the letters which came to me, and about which I have already made a statement, I did not try any more to raise the subscription." This again is a statement which I find it difficult to accept in the light of the correspondence with which I have dealt earlier, and in the light of his attendance at the Calcutta Conference. In connection with that Conference of course Gauri Shankar again attempts to minimise his association with the Party. He says about it at the foot of page 505: "I had gone to attend the Conference held at the Calcutta Albert Hall. But I could not stay there for more than one hour on the first day, because as would appear from letter P. 1800 I took no part in this Conference, for the reason that I did not like the proceedings of that place. On my return to Meerut I was informed by Mr. Ram Chandra Sharma that I had been elected a member of the All-India Executive Committee. But I received no formal information of my election till I received Mr. Joshi's letter, P. 195." The allusion to P. 1800 (Joshi's letter) of the 19th March (I. C. 410) is to the remark: "He was murmuring something in Calcutta about our abusing the leaders etc." I am afraid the reference to P. 195 is rather a mistaken one, because in that letter all that Joshi says about the N. E. C. is: "The meeting of the National Executive Committee will be held in this very month at Amritsar. The notices will be very few (in number). You must remain ready to come." This is certainly not a formal information of Gauri Shankar's election to the N. E. C., and in any case he would have received formal information not from Joshi but from Nimbkar accused. Another point in this connection is that this Mr. Ram Chandra Sharma was produced as D. W. 8, and deposed that he met Gauri Shankar accused at Calcutta in the Indian National Congress i.e. on the 29th to the 31st December. In cross-examination he said he thought he saw him every day there was a sitting of the Congress. In that case, as the elections to the N. E. C. of the W. P. P. had taken place on the 24th December (P. 669), it is very unlikely that he would not have informed Gauri Shankar of his election to it until after they returned to Meerut. Gauri Shankar went on to deal with individual documents. He said that he was sent a copy of Sehgal's Presidential address, P. 198, by the editor of the "Desh Bhagat". He also said that neither he nor the Mazdur Kisan Sangh purchased the Kirti or the Krantikari, which were received free, as often happens. Coming to "A Call to Action", P. 216, at page 507 he says that Muzaffar Ahmad left him half a dozen copies of the book. He went on to say: "I did not sell any of them in the Garhmuktesar Fair as has been stated by P. W. 174 (P. C. Kabul Singh) that he purchased it from me. Very few English-knowing people go to the Garhmuktesar Fair as has been proved by P. W. 80. How could this book be sold at a fair where English-knowing people did not go? Of course I had distributed free to the peasants at the fair the proposals passed by the Meerut Conference. They were in Hindi. The Secretary of the Reception Committee got them printed and gave them to me." Unfortunately I can find no good reason for rejecting the evidence of P. C. Kabul Singh and Sub-Inspector Mardan Singh as to the fact that Gauri Shankar was trying to sell "A Call to Action" and the printed resolutions at the Mela. As regards the statement that the resolutions were got printed by the Secretary of the Reception Committee, it is interesting to compare P. 208 and P. 176D; the latter, which is the report of the Delhi Provincial Political Conference purports to have been published by the General Secretary of the Reception Committee. On the other hand P. 208 is described as published by the Secretary, Workers' and Peasants' Conference, Meerut, and as I noted before the evidence of Bishambar Sahai shows that P. 175 (equals P. 208) was printed for the Mazdur Kisan Sangh, of which Gauri Shankar was the Secretary. We may take it therefore that it was he and not the Secretary of the Reception Committee, who was responsible for getting P. 1461, that is P. 208, printed. A little further on he referred to P. C. Joshi's statement in P. 2409 about the opening of a branch of the Young Comrades' League at Meerut and referred to the evidence of

P. W. 80, Mr. A. W. Robertson, Superintendent of Police of Meerut. But Mr. Robertson merely said that he did not know of any such society, and it may well be supposed that the local authorities would not have been likely to know very much about so small an affair in its earliest days. Referring next to the signboard P. 192 he pointed out that this had on it the Congress slogan "Bande Matram". There is however no evidence to show whether this signboard really belonged to the new organisation or to the old one, and indeed it is quite likely that Gauri Shankar would not have put up any new signboard.

At the top of page 508 Gauri Shankar dealt with P. 146, the list of addresses found in the Head Office of the B. J. W. A. at Harrison Road, Calcutta in which his name appears, and said that he knew nothing whatever about it. Next in regard to the money-orders and telegrams sent by him he said that he did not send any of them himself. Finally in answer to a general question he said: "I want to say that I have been following the Congress creed not only in thoughts, but in deed also. I prefer practical work to writing letters, as I have done practical work for 7 years as the Secretary of the Mazdur Kisan Sangh and the Congress. Up to the time of my arrest I have been a member of the Town Congress Committee, the District Congress Committee, and the Provincial Congress Committee."

Gauri Shankar accused who is a resident of Meerut called and produced a number of defence witnesses. The first of these was Pt. Indramani Vakil, a gentleman with apparently a certain amount of local standing. This witness mentioned the existence of a Kisan and Mazdur Sabha in Meerut in 1928 and 1929. Then he went on to speak of the Political Conference and the Mazdur Sabha Conference, which he calls the Congress Mazdur Kisan Sabha Conference, which were held side by side. He says that "to the Kisan Mazdur Conference Messrs. Sehgal, S. S. Josh, Spratt and Muzaffar Ahmad and Majid accused were invited. They were invited to educate the public, being known as best workers." The witness also stated about what was evidently the old Kisan Mazdur Sangh, that it was an independent organisation started under the auspices of the Congress workers, a district organisation, which may of course be a fact. Lastly he said that he talked with Gauri Shankar accused about his political ideas, and as long as they were working together, he never found anything (in Gauri Shankar) against the accepted Congress ideas. This witness's statement in cross-examination on almost all points was very unsatisfactory. He first said that the Mazdur Kisan Sabha started in 1928 and then said that it existed from about 1926. Then he could not say at whose suggestion these "best workers" were invited. He had himself apparently never heard of Spratt or Muzaffar Ahmad before. He also claimed never to have heard of the Cawnpore Conspiracy Case or of the Public Safety Bill prior to October 1928. Then he further claimed to have been present at the meeting and to have heard the speeches of Spratt, Muzaffar Ahmad and Majid, yet he could not remember Muzaffar Ahmad's moving the resolution in regard to the formation of a U. P. Mazdur Kisan Dal which was reported by P. S. I. Mangal Singh. Further on he said: "No party was formed at the Meerut Conference. If a Party was formed without my knowledge, what I said does not apply to it." At the end he said: "I heard Sehgal's Presidential speech at the Conference. I have heard of Bolshevism but what it is I did not and do not know. I do not remember whether he said anything about Bolshevism or Bolsheviks, but it was a very fine speech. I did not read it in the "Desh Bhagat". I do not remember if Sehgal said anything about Russia or the Russian Revolution. As I appreciated it I do not think there was anything against the Congress in it." The next five witnesses do not seem to me to benefit Gauri Shankar accused very much. D. W. 2, Chaudhri Sheonath Singh Vakil, says that Gauri Shankar used to work in the Congress up to the time of his arrest. D. W. 3, Lala Mahabir Prasad, says nothing at all except that he had heard the name of a Mazdur Kisan Sangh in Meerut some years ago, and paid a subscription to the Mazdur Kisan Sammelan, Meerut. I have dealt with the evidence of D. W. 4, Bishambar Sahai, already. D. W. 5, Dr. Ajudhia Prasad, deposed that he used to see Gauri Shankar at Congress work up to 1929 and that in the course of conversation he found Gauri Shankar's views in entire agreement with the Congress. D. W. 6, Ch. Raghuraj Narain Singh, deposed to Gauri Shankar's membership of various Congress Committees and said no one was elected to these Committees whose creed was against that of the Congress, a statement which it is difficult to reconcile with the fact that Muzaffar Ahmad, Nimbkar and Joglekar accused, for example, were quite important figures in Congress circles for a long time after they became members and very convinced members of the

Workers' and Peasants' Party. This witness also said that he had often discussed political matters with Gauri Shankar and found him a follower of Mahatma Gandhi and the Congress. He also deposed to being acquainted with the old Mazdur Sangh. D. W. 7, Ch. Vijaipal Singh, was another witness who had talked with Gauri Shankar and had never found his ideas and creeds clashing with the Congress creed. This witness also knew of the existence of the Kisan Mazdur Sangh at Meerut, which of course is not denied by anyone. D. W. 8 was one Ram Chandra Sharma to whom there are references in the letters received by Gauri Shankar, as for example Muzaffar Ahmad's letter P. 211 (I. C. 286) of the 12th November. Giving evidence on behalf of Gauri Shankar this witness deposed to the existence of a Mazdur Kisan Sangh at Meerut, which was a District organisation started by the Congress workers with aims based on the resolution for the betterment of the labourers and peasants proposed at the Gauhati Session of the Indian National Congress. He went on to say that that Sangh was never affiliated to any All-India or Provincial Mazdur Kisan Sabha, and that so far as he remembered no resolution was passed in the Meerut Conference of 1928 for its affiliation. But of course it is to be remembered that it is nobody's case that the old Mazdur Kisan Sangh or Sabha was affiliated to the A. I. W. P. P. He went on to say that he met Gauri Shankar at Calcutta in the Indian National Congress, but did not see him on any day at the A. I. W. P. P. Conference, which he himself claimed to have attended on the 22nd, 23rd and 24th December. This was the witness who said in regard to P. 187D that he could not either assert or deny the truth of the statement therein that Shaukat Usmani presided at the Mazdur Kisan Conference held at the Nauchandi Fair in March 1928. The witness proceeded in cross-examination to involve himself in great difficulties in connection with the question as to how Sehgal's name was suggested for the Presidentship and the names of Muzaffar Ahmad, Spratt, Sohan Singh Josh and Majid as persons who should be sent invitations. In this connection he said that someone in the Committee suggested Sehgal's name and that Muzaffar Ahmad's and Spratt's names were suggested by Thakur Moti Ram and that he did not know who suggested the names of Sohan Singh Josh and Majid accused. The witness also said: "Mr. Moti Ram is a witness summoned and present today." This arose from his having quoted something which Moti Ram was supposed to have said about Spratt accused. It was a little surprising in the light of this statement to find that Thakur Moti Ram who had been summoned and was present outside the Court waiting to be produced as a witness was exempted. This witness went on in answer to some question about what he was doing at Calcutta to say: "I went to Calcutta for the Indian National Congress. This Mazdur Kisan Conference was on, so I attended it too. The first day of the National Congress was on 26th, 27th or 28th December. I cannot deny that the sittings of the Congress began on the 29th. I went there beforehand, because it is a big city." Apparently the truth of the matter was that he went there in order to attend the A. I. W. P. P. Conference and did not like to admit it, and in order to make it appear that he had only reached Calcutta a few days before the sittings of the Indian National Congress began, he tried to bring forward the commencement of those sittings to the 26th December. But of course according to his statement his attendance at the workers' Conference was quite accidental. He met Sohan Singh Josh at Meerut, and went to see him at Calcutta and was given a ticket by him and so went to the Conference. Quite how all this came about is not apparent in the light of his statement: "I went to see him (Josh) in the house where he was staying perhaps in Circular Road. I had no correspondence with him after he left Meerut." Curiously enough this witness remembered who the people were who were elected to the National Executive Committee, no doubt because that was necessary in order to help Kadam accused, for whom he was also a witness. But it is not quite clear why he did remember all the names, because some of them he had not known before. About the last day's meeting at which the N. E. C. was elected he said: "I was interested in who was elected. I wanted to know who was elected. I had no connection with this Party. There was no reason for my interest. I remember who were selected from U. P. but not from Punjab. Puran Chand Joshi was elected and Dr. Vishwanath Mukherji and Gauri Shankar and Lakshmi Narain Sharma of Jhansi. Lakshmi Narain I met then for the first time. . . . I know P. C. Joshi since the Meerut Conference, I was not on the platform in the Calcutta Conference. I had not heard the name of Dr. Mukherji before this case. I did not see him in the Conference, or hear his name except at the time of the election." A little further on he went on to deal in connection with Kadam's case with an incident at Calcutta, with which the same Moti Ram was concerned, which renders it all the more surprising that Moti Ram was exempted. The obvious inference of course

is that Moti Ram, who was supposed to be able to give evidence on these matters, was not prepared to support Ram Chandra Sharma, which does not lead one to feel any particular confidence in Ram Chandra's evidence, not indeed that anybody, who had listened to and watched the demeanour of Ram Chandra Sharma in the witness-box, would ever be likely to attach the smallest weight to anything deposed by him. Then again there is another point about this witness's evidence. He says in the course of his cross-examination : " Gauri Shankar was in Calcutta before I arrived ", and again later on, " I went back to Meerut on the night of 31st. Gauri Shankar returned to Meerut after me. He stayed on in Calcutta. I know Gauri Shankar was Secretary of the Meerut Mazdur Kisan Sangh. I did not see him at all at the Calcutta Conference. I looked for him there. I was not surprised not to see him there, in spite of the fact that he was Secretary of the Meerut Sabha and present in Calcutta. I met Gauri Shankar in Calcutta at a house in the Bazar. I do not remember when. It was before the Congress. He had gone to Calcutta in order to go to the Congress. He did go to the Congress. I think I saw him every day there was a sitting of the Congress." It seems a little odd that he should not have been surprised not to see Gauri Shankar at the A. I. W. P. P. Conference, and this statement also shows that he had an opportunity to tell him about his election to the N. E. C. even before the sittings of the Indian National Congress began.

The last point to which I must draw attention in Gauri Shankar's case is his conduct in the Lower Court when examined under Section 342 of the Criminal Procedure Code. In this statement he reserved his statement for the Sessions in regard to the evidence relating to the property found in his possession and the letters written or signed by him. He further reserved for the Sessions his reply to the question whether he was a Communist, which is a little surprising in the light of the stand which he now takes. Next he reserved his reply to the question whether he was a member of the W. P. P. That is perhaps a little less surprising. But what appears to me perfectly amazing is that when the Magistrate put to him the question, " Have you conspired with any of the accused to deprive the King Emperor of his sovereignty in India ? " he replied to this question also : " I reserve my statement for the Sessions ". I do not suggest that these questions are necessarily the questions which the Magistrate ought to have put, but when he did put them, I am unable to understand how, if we are to accept that there is even a vestige of truth in the statement which Gauri Shankar now makes, he could have found any difficulty whatsoever in answering in the negative without hesitation the two questions ' whether he was a Communist ', and ' whether he had conspired to deprive the King Emperor of his sovereignty in India. ' In this connection I should further note that he was not the first accused to be examined by the Magistrate, and that the same question had been put already, though not always quite in the same form, to no less than 14 accused, so that Gauri Shankar was not unprepared for it.

It is in the light of all these facts that the case of Gauri Shankar is to be considered. What we have in evidence in regard to him is that he was originally a Congress worker interested to some extent in the uplift of labourers and peasants, so much so that he had organised a Mazdur Kisan Sangh or Sabha, that is a kind of Workers' and Peasants' Union. At a Conference organised by this Union in March 1928 we have it that Usmani accused presided. Then in October 1928 we find Gauri Shankar organising another Conference and to this Conference Spratt, Muzaffar Ahmad, Sohan Singh Josh, Majid, Joglekar and Dange accused were invited, while Sehgal was elected President. Not only were these people invited but Sehgal accused made a very significant speech, and Sohan Singh Josh and Majid moved resolutions introducing the social and economic demands of the Bengal Party, while someone else certainly moved resolutions which incorporate at least in part the political demands of the same party, vide P. 208, and finally Muzaffar Ahmad moved a resolution for the establishing of a new U. P. Workers' and Peasants' Party, which should be affiliated to the All-India Party. Curiously enough the invitation to Muzaffar Ahmad and Spratt is shown to have been sent after P. C. Joshi accused reached Meerut and had had an opportunity of talking to Gauri Shankar. P. C. Joshi at this time had been in close touch with the Bengal Party for several months at least. Then we have it from the evidence that after this Conference Gauri Shankar accused was regarded by members of the Party such as P. C. Joshi and Muzaffar Ahmad as Secretary of the Meerut Branch and was receiving letters in that capacity. He says now that he did not appreciate this, but at the time in the only letter we have of his he showed no such feeling. On the contrary he stated that he was working enthusiastically. There is of course no evidence on the record in regard to the signature of this letter, P. 2061P, and in all probability there could be

no proof of handwriting, because at this time in his history Gauri Shankar's knowledge of English was very slight, and I imagine that P. 2061P was probably written on his behalf by a scribe. But in view of the reference in this letter to Muzaffar Ahmad's letter, P. 213 (I. C. 263) of the 30th October 1928 (a letter which was not intercepted but was recovered only at the time of the search nearly 5 months later) it is impossible to doubt that Gauri Shankar himself was responsible for it. In this connection I should note that Gauri Shankar made no reference at all to either P. 213 or P. 2061P in his statement to this Court. In the light of the correspondence of November and December and the fact that he certainly went to Calcutta and attended the A. I. W. P. P. Conference, I think it is quite certain that Gauri Shankar originally began to work enthusiastically for the new organisation, as indeed he himself said and as we might infer from his selling "A Call to Action" and the printed resolutions at the Garhmuktesar Fair. I should judge from the evidence that before very long he began, in consequence of his old sentimental sympathy for the Congress and probably some dissatisfaction with the nature and the working of the new organisation, to gravitate once more towards the Congress, hence no doubt his murmuring at the attacks on Congress leaders in the Calcutta Conference and his subsequent lack of attention to P. C. Joshi accused's letters. It appears to me that the only reasonable inference from all the evidence in Gauri Shankar's case is that he was quite satisfied with the aims and objects of the Workers' and Peasants' Party as long he thought he was able to combine membership of that Party with not sacrificing entirely his allegiance to the Congress. The fact however that he retained a sentimental allegiance to the Congress cannot free him from the responsibility of having accepted the aims, objects and methods of the Workers' and Peasants' Party, and that he did so far a period of at least 2½ months, seems to me to be clearly proved. No intelligent man who was present at the Meerut Conference and joined the Workers' and Peasants' Party under the auspices, so to speak of Spratt, Muzaffar Ahmad, Sohan Singh Josh, Majid and P. C. Joshi after, as I must suppose, discussions on the three previous days with P. C. Joshi, could be ignorant that he was joining a Party whose object was to bring to an end by means of a revolution the existing form of Government in India. In my view Gauri Shankar accused did join this conspiracy at the Meerut Conference and did participate in it for several months, at first enthusiastically and gradually less and less so.

Disagreeing with all five assessors I hold that Gauri Shankar accused has taken part in a conspiracy to deprive the King Emperor of his sovereignty of British India and has thereby committed an offence under Section 121-A, I. P. C. I convict him accordingly.

PART XLI

G. P. 1650.
L. R.
KADAM.
29.

We first hear of Lakshman Rao Kadam accused alias Lakshmi Narain Kadam in September 1927 through a letter written by him to some member of the W. P. P. of Bombay P. 1350 (1) (L. C. 67) dated Jhansi the 28th September 1927. In this Kadam writes that he has received his correspondent's note of the 25th with a form of membership of the W. P. P. and some copies of "Kranti". He goes on to imply that he would like to join the W. P. P. but cannot afford the subscription, while as regards the "Kranti" he says: "I like it very much but I am unable to subscribe it." Crown Counsel has invited the attention of the Court to the copies of "Kranti" which might be supposed from the date to have accompanied the letter acknowledged by Kadam in this letter. They would be the issues presumably of the 10th, 17th and 24th September all of which form part of P. 1375. The first contains references to the Sacco-Vanzetti demonstration and an article entitled "Why is there so much fear of Communists?" The second contains a review of the prosecutions of Communists during the last seven years accompanied by a statement that "some men who have not been to Russia but have studied Communism in India are spreading it here." In the third there is an article on the coming great war with Russia. These may or may not have been the issues which Kadam saw. Some ten days later on the 9th October Kadam sent a reminder P. 1350 (8) (both these letters were of course found in the search of the W. P. P. office in Bombay). In this letter again he mentioned his inability to pay subscription but said that he wished to be the member of the W. P. P. He enclosed an enrolment form of the Bombay W. P. P. duly filled in with his signature and asked that the rules of the Party should be sent to him if they had been printed as he wished to open a branch at Jhansi. The membership form shows that the object of the Party is to establish Swaraj (complete national independence) wherein the means of production, distribution and exchange are publicly owned and socially controlled. It may be noted here that in his statement to this Court at page 210 of the statements of the accused Kadam said that he signed this form because he found that the object stated in it was not very different from that of the Congress as he understood it.

In November 1927 Kadam accused attended the Cawnpore Session of the T. U. C., vide the statement of P. W. 111, Sub-Inspector J. N. Sen Gupta and Kadam's own statement at page 212.

We next hear of him in February 1928 in P. 1441, a document recovered in the search of the office of the G. I. P. Railway Union at Jhansi. This is a note of a mass meeting of the G. I. P. Railwaymen at Jhansi held under the presidentship of E. V. Dhulekar Vakil on the 6th February 1928 which, the report states, was addressed by Mr. Jhabwala and at which certain resolutions were passed. The first of these was that the workmen of the G. I. P. Railway assembled in this meeting do form themselves into a centre of the G. I. P. Railway Union. By the second resolution Dhulekar was elected President and L. R. Kadam Secretary. There were to be nine other office-bearers elected later on in consultation with the employees. I should note here that in this same search there were recovered 18 copies of the "Kranti" of the 23rd February 1929 and a copy of the Urdu "Kirti" for the month of February 1929. On the 16th February Kadam accused wrote to Joglekar accused in P. 1110 (I. C. 111). This is one of a number of letters in which he has signed himself L. N. Kadam. In this letter he writes: "Some days ago, when I enquired regarding the list of books on communism, Mr. Mirajkar had sent me an address of an England firm but I could get no response from the firm though 15 (?) passed." I take it he means that he had written to some English firm in Bombay or Calcutta. He asked Joglekar therefore to get the books in that list and another list from local Bombay firms and send them to him. He also asked that a copy of the Soviet Year Book should be obtained locally for him. In a postscript he says: "Please let me know if any of you are going to attend the Labourers' and Farmers' Conference going to be held at Lahore on the 23rd instant under the presidentship of Diwan Chaman Lal." Kadam accused said in his statement that he got no reply to this letter from Joglekar. During this year he says he formed a Kisan Mazdur Sabha in spite of or rather as a result of the indifference shown by Mirajkar accused at Cawnpore. The result was that he wanted to further strengthen it by calling a conference. It is of course a fact which should be noted in this connection that in the letter-paper used by Kadam accused

O. P. 1651

O. P. 1662

in such letters as P. 1629P which was written on the 17th September 1928, nearly a month before the Meerut Conference, Kadam described himself in the letter-head as L. N. Kadam, Municipal Commissioner, Secretary G. I. P. Railwaymen's Union, Workers' and Peasants' Party, and District Congress Committee, which supports his contention that he had established some sort of Workers' and Peasants' association some time prior to coming into contact with P. C. Joshi and the U. P. Party. On the other hand it is to be remembered that the organisation was founded after he had come into contact with Jhabwala, Mirajkar and Joglekar accused, vide his own statement at page 213. This letter P. 1629P (I. C. 230) dated the 17th September 1928 from Kadam to Jhabwala is the next piece of evidence on the record in Kadam's case. In this letter he informs Jhabwala that "we are unanimously in favour of your being elected as President of the latter conference" and says: "I earnestly request you to accept the proposal and bestow the occasion with your gracious presence. I shall feel highly obliged if you would kindly favour me with the names and addresses of all the comrades to whom the invitation be issued."

O. P. 1653.

Kadam accused wrote again to Jhabwala on the 25th September on letter-paper headed "Reception Committee, Bundelkhand Peasants' and Workers' Conference." In this letter he again informs Jhabwala that he has been elected President of the Peasants' and Workers' Conference to be held on the 20th and 21st October and requests his acceptance of the proposal and he goes on to say: "I shall also feel obliged if you will kindly favour me with your Presidential Address as early as possible so that it may be translated and published in vernacular." Kadam's next letter is another letter written as General Secretary of the Reception Committee on the 17th October. This is the letter P. 289 (printed as P. 2073P (I. C. 251)) addressed to Muzaffar Ahmad asking him to attend the Conference.

This conference was duly held on the 28th and 29th October, vide the evidence of P. W. 126, P. S. I. Mangal Singh, who prepared a report P. 1093 of Jhabwala's speech which corresponds closely in essentials with the printed version of the same speech P. 292. I have given a full account of this speech in dealing with Jhabwala's case. It is to be remembered that a copy of this speech was in Kadam's possession prior to the actual conference and in fact he had time to read and translate it or get it translated. The report P. 1094 contains an account of the mottoes hung up in the Pandal which apparently was used by both the Workers' and Peasants' Conference and the Political Conference. But some of these clearly cannot have been Congress mottoes, as for example the one which states that "All the rich men and landlords are thieves, robbers or plunderers who have inherited their properties" and another which states that the "land belongs to the people". Besides Kadam and Jhabwala, P. C. Joshi also attended this Conference and it was after doing so that he wrote on the 2nd November to Mansur and Gauri Shankar accused in P. 1875P (I. C. 271) and P. 209 (I. C. 274). In both these letters Joshi speaks of three whole-time workers at Jhansi who, he says to comrade Mansur, have in their hands a Railway Union with 5,000 members and have started a Hindi weekly "Krantikari" for Jhansi which will be the Party organ. Joshi also made certain entries in his diary P. 311 about affairs at Jhansi. In one place he wrote down the names of the office-bearers of the G. I. P. Railwaymen's Union: President Dhulekar, Vice-President Din Mohammad, Secretary L. R. Kadam and Lakshmi Narain. Another entry also relating to Jhansi gives the names of Jhansi members to the E. C. U. P. (1) Kadam (2) Krishna Gopal (3) Lakshmi Narain. I have suggested in dealing with the case of P. C. Joshi that the three sincere whole-time workers from Jhansi must probably be Kadam, Lakshmi Narain and Dhulekar but apart from the reference to the G. I. P. Union they might also be Kadam, Krishna Gopal and Lakshmi Narain. That however obviously makes no difference in Kadam's case. As a matter of fact his name appears in connection with all the Jhansi organisations so far as they are mentioned in Joshi's diary.

O. P. 1654.

Another letter of the 2nd November is Kadam's own letter P. 328 (I. C. 276) to Joshi in which he says: "I hope you have reached safely and feeling well. There are only two books out of the list, please arrange to get the rest sent on the address already sent to you." He goes on: "The first issue of the Krantikari shall be sent to you within a day or two as soon as it is published. Some notices distributed by me regarding the conference are sent in a separate packet. Please let me know if you require some more copies of Mr. Jhabwala's address." This paragraph confirms the impression we get of Kadam's interest

O. P. 1655.

in the Krantikari from Joshi's letters. Next Kadam says: "The practical work will begin after December as nowadays we are busy in Congress, Municipal and District Board elections and as soon as the elections are over we shall have to go to Calcutta—in the meantime we shall try to do as much as we can. Please send the resolutions etc. so that the work may be begun." This reference to resolutions is explained by the portion of P. 209 which appears at the top of I. C. 176, where Joshi says: "Send at once 100 copies of the resolutions to me, 100 copies to L. N. Kadam, Gudri Bazar, Jhansi and 100 to Dr. Vishwanath Mukharji, President Workers' and Peasants' Party, Gorakhpur." Another passage worth noting in this letter is the one above quoted about "having to go to Calcutta", which must evidently in this context mean going there for the A. I. W. P. P. Conference and implies that Kadam realised the importance to the Party of that Conference, of which he must have been informed by P. C. Joshi at the time of the Jhansi Conference as the announcement of it did not appear in the Krantikari until the 17th November.

We get another letter from Kadam on the 25th November P. 2015P (I. C. 296) addressed to Muzaffar Ahmad, in which he suggests that the W. P. P. Conference should be fixed on the 25th or 26th December so as to save the pockets of those who go to Calcutta for the Indian National Congress. In a P. S. Kadam writes: "Please send me all the necessary information regarding Conference etc. for publication in the U. P. Workers' and Peasants' Party paper named "Krantikari", newly started here."

The next reference we find to Kadam accused is in Joshi's letter to Muzaffar Ahmad P. 2070P (I. C. 306). This letter was evidently written in the first week of December and contains the following remarks about Jhansi comrades: "I hope you must have heard from Jhansi comrades by now. Comrade Kadam writes to me to ask you to change the date. I think it is not desirable. We must meet before the Congress and must have an interval for the committees and must be fully consolidated to clarify the issue, especially so since our own Party members have no scientific idea of the programme. Please keep the whole time engaged and make it all a business affair."

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Kadam accused certainly went to Calcutta for the All India Workers' and Peasants' Party Conference. The official report P. 669 shows that he was elected a member of the Drafts Committee, that he seconded the Trade Union Movement Resolution on the second day and that he was elected a member of the National Executive Committee to represent the U. P. along with P. C. Joshi, Mukherji and Gauri Shankar accused. I notice that his name is given as L. N. Kadam in each of the three mentions of him in this report. Kadam has stated that the Trade Union Movement resolution was a long resolution which he had not read and that he failed to keep his attention on it while it was being read out by Goswami accused. He goes on to say (at the foot of page 219): "Just when he finished I was asked by Swami Kumara Nand, the member of the All India Congress Committee to second it. I agreed because I thought that it was a resolution laying down the programme and policy of the Conference with regard to the Trade Union Movement. What exactly the policy and programme was I did not know for reasons stated above so I seconded the resolution with a short speech in Hindi, which, curiously enough, the prosecution did not produce before the Court because that would have clearly shown what was at the back of my mind when I seconded it and how I regarded the whole programme." As regards the non-production of this speech it is to be noted that the evidence of P. W. 84 Abdul Lais Muhammad shows that the conveners of the Conference asked the reporters present not to take reports and threatened to take away their notes if they did so. There is this much support only for Kadam's contention that in P. 1764 against this resolution we find the name of the seconder given as Kumara Nand originally, but that name was crossed out and the name of L. N. Kadam put in its place. This exhibit P. 1764 consists of a number of sheets of paper mostly containing drafts of the resolutions with the name of the proposer and seconder below. Kadam also contested the fact of his election as a member of the Executive Committee and said at page 220: "It is not a fact that I was elected as a member of the Executive Committee. It was Mr. Lakshmi Narain, the proprietor of the "Krantikari", who was elected. It seems to be a mistake in the typing because in the original manuscript proceedings P. 1764 the correct name viz. that of Mr. Lakshmi Narain has been given and D. 618 is the delegation ticket of Mr. Lakshmi Narain which was recovered from his house, and also P. 432 which is a circular letter alleged to have been issued by Mr. Muzaffar Ahmad to the members of the Executive Committee about the observance of Lenin Day was found in the search of "Krantikari" office, P. 426,

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of which he was the proprietor. The letter was addressed to him." In this connection I may note that P. 432 is addressed simply to Lakshmi Narain, Jhansi, and there is nothing to show that it was addressed to him as a member of the Executive Committee. It would be in any case very natural for Muzaffar Ahmad to send a copy of this circular letter to Lakshmi Narain because of his connection with the "Krantikari". I am in some doubt as to the value to be attached to P. 1764 as evidence in support of Kadam's contention that he was asked to second the Trade Union Movement resolution at a moment's notice. The paper on which he is presumably relying is no. 16 of this exhibit and is headed "Second day of the Conference 22|12|28 Agenda". Against item no. 2 we find Mr. Hemanta Kumar Sircar "will" speak a few words in Bengali on the resolution. Then again the entry in item 4 is as follows: "Resolution on T. U. Movement. Proposed by Dharani Goswami, seconded by (Swami Kumara Nand scratched out) Lakshman Ram Kadam", and there is a note below "the resolution was left for discussion on the following day." But this note appears to have reference to the word "constitution" written in pencil on its left although the resolution on the constitution actually relates to the 23rd and not to the 22nd December, vide item 6 on page 21 of this exhibit. As regards the second point that it was Lakshmi Narain Sharma and not Kadam who was elected to the N. E. C., the entry in P. 1764 on which Kadam is apparently relying appears on the reverse of page 22 and we find in it a most extraordinary amount of confusion. For instance at the top there is a note "proposed by K. N. Joglekar, Bombay, Dange, Nimbkar, Ghate, Joglekar, carried." Then below there is an entry of three proposals for Bengal, the first by Naren Butta, presumably Narendra Bhattachariya, the second by Muzaffar Ahmad and the third by Balwant Singh. The first of these contains the names of Muzaffar Ahmad, Goswami, Chakravarty and Kali Kumar Sen, the first two of which are said to be carried. The second list has the names of Goswami, Sircar, Muzaffar Ahmad, Soumyendra Nath Thakur and Gopendra Chakravarty, Goswami's name being apparently scratched out while Soumyendra Nath's was withdrawn by the proposer. Then in the third list proposed by Balwant Singh we get the names of Muzaffar Ahmad, Goswami, H. K. Sircar and Genda Singh, against the last of which there is a note 'withdrawn by the mover.' The ultimate solution as we know was the election of Muzaffar Ahmad, Goswami, Sircar and Chakravarty. Then for the Punjab we find the names of Sohan Singh, Bhag Singh, Majid and Lala Ramchandra. But P. 669 shows that Lala Ramchandra was not elected and F. D. Mansur was elected. Then for the U. P. we find the names of Dr. Vishwa Nath Mukharji, P. C. Joshi, Gauri Shankar and Lakshmi Narain. This document seems to me to be very inadequate evidence to support the contention that the name L. N. Kadam in the list of the U. P. members of the N. E. C. is not correct.

O. P. 1658.

Coming to the year 1929 the first mention of Kadam is in the letter from Lakshmi Narain (Sharma) P. 2148P (1) (I. C. 381) dated the 25th February 1929. This is the letter which P. C. Joshi sent to Muzaffar Ahmad on or about the 4th March in P. 2148P which was intercepted in Calcutta on the 6th. In this letter Lakshmi Narain writes to P. C. Joshi: "Yours to hand through Mr. Kadam some 10 days ago" from which it is clear that some letter written by Joshi to Lakshmi Narain was sent through Kadam accused. There is also a reference to Kadam in Joshi's letter to Muzaffar Ahmad P. 2148P (L. C. 379) in which Joshi says: "Comrade Kadam had started a Municipal Employees' Union and comrade Mukherji has been holding some meetings of the peasantry."

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The last mention of Kadam in correspondence is in P. C. Joshi's letter to Nimbkar P. 1900 (I. C. 410) posted at Allahabad on the 19th March. In the report sent with this letter Joshi writes about Jhansi: "Comrade Kadam has started a new union of Municipal workers. I asked him to get the rules and regulations from you. The Jhansi Reg. Union seems to make some noise. They have arranged some meetings and processions too."

Kadam's house was searched on the 20th March 1929 by P. W. 123, Inspector Jagdish Shankar, who prepared a search-list P. 287. In this search the following interesting items were recovered: P. 290 a copy of Dutt's "Modern India", P. 291 a copy of Miss Agnes Smedley's "India and the Next War", the pamphlet published by the "Kirti" office, Amritsar, and P. 292 the advance copy of Jhabwala's Presidential Address at the Jhansi Conference. About "Modern India" Kadam stated at page 214 that he brought this home from Jhansi Public Library and on examination the book contains a number IIIB/82 which is not explained by anything in the evidence in this case. Kadam's explanation is

therefore probably correct. As to the other he said he did not remember anything about it. There were a very large number of books, he added, between 400 and 500, at his home. The witness however put the number at about 100. Another search which affects Kadam's case was the search of the Jhansi Union office and Workers' and Peasants' office conducted by P. W. 112, Sub-Inspector Th. Shankar Singh, who prepared a search list P. 1439. In this search the documents recovered which are in evidence are 13 copies of the "Kranti" of the 23rd February, a copy of the "Kirti" and the document P. 1441, to all of which I have referred earlier. I see from the search-list that the Jhansi Union office means the office of the G. I. P. Railwaymen's Union, Jhansi Branch.

In the course of his statement Kadam explained his letters P. 1350 (1) and P. 1350 (8) by saying that he wrote at this time both to Mr. N. M. Joshi expressing his readiness to work in the Trade Union Movement and to Mirajkar, because the name of the Party attracted him and he thought that it must have been formed with the object of organising the agricultural and industrial workers. I have already mentioned the reason he gives for having signed the membership form which he sent with P. 1350 (8), namely that he supposed the organisation was founded to further the Congress programme as laid down in the Gauhati Resolution. He went on to say further that he thought he ought to see what the Trade Union Congress was and how it worked so he wrote to Mr. N. M. Joshi who referred him to Mr. Jhabwala who was organising the G. I. P. Railway Union. He also wrote to Mr. Harihar Nath Shastri, Secretary of the Reception Committee of the A. I. T. U. C., and obtained an invitation to attend the Congress as a visitor. In consequence of this he went to the Congress where he met Mirajkar and Joglekar to whom he was introduced by the late Mr. Vidyarthi. He was not particularly pleased with Mirajkar, he says, because Mirajkar did not remember anything about his letters. However he had some conversation with Jhabwala at Cawnpore and got a promise from him which eventually resulted in Jhabwala's visit to Jhansi on the 6th February 1928 and the formation of the Jhansi Branch of the G. I. P. Railway Union recorded in P. 1441. At the top of page 213 Kadam stated that "with regard to the issue of "Kranti" referred to in my letter I must say that though I am a Maratha by birth but I know very little of this language, and with the limited knowledge of the language as far as I could understand the contents I considered it to be nothing but an ordinary labour paper with a striking name." Apart from his disappointment with Mirajkar on meeting him Kadam has a little more to say about him which shows how keen he was to learn all he could about Communism. He says: "I had also seen a report of the case (that is the Spratt-Mirajkar case) in the paper, so I thought that Mr. Mirajkar might help me in giving the names of some books on Communism because of his close connection with an Englishman like Mr. Spratt who had been for the first time in India prosecuted for a political offence. As I was not introduced to Mr. Spratt at Cawnpore nor was aware of his address so I wrote to Mr. Mirajkar who supplied me the address of a publishing firm in London named Allen Unwin. I wrote to the firm for a list of the books dealing with Communism and their price. I received no reply so I wrote to Mr. Joglekar (P. 1110) to whom as I have already said I was introduced at Cawnpore." This statement suggests that what Kadam really meant in P. 1110 by the words "some days ago" was "some time ago". On page 215 he comes to the Jhansi Conference and says about it: "It was quite natural that Mr. Jhabwala should be elected through my efforts as the President of the Conference particularly because of his being the General Secretary of the G. I. P. Railway Union of which I was the Branch Secretary, and moreover he was also the President of one of the Ward Congress Committees at Bombay." There is nothing of course to show how Kadam was aware of this latter fact. Then he goes on to explain his issuing of invitations to Mirajkar in P. 1631 and Muzaffar Ahmad in P. 2073 and says that in Mirajkar's case he wanted to show him that the Jhansi people were quite capable of building up an organisation on their own independent lines and that so far as Muzaffar Ahmad was concerned he did it out of sheer courtesy because he read in the paper that he was the Secretary of the Calcutta Party. Then as to P. C. Joshi he says a little lower down: "Mr. P. C. Joshi was not invited at all by me nor did I know him till on the day of the Conference. He was introduced to me by the nephew of Mr. B. V. Dhulekar who was the Chairman of the Reception Committee of the U. P. Provincial Political Conference." He laid stress on the fact that P. C. Joshi took no part in the actual proceedings of the Conference. Then he went on to deal with Jhabwala's Presidential Address and said that there was only one thing which he thought it necessary to get explained by Jhabwala. This was the reference in the concluding lines where Jhabwala had

written : " In these international connections, India is bound to emerge a most successful and competent revolutionary helping in the establishment of a happy millenium of Soviet Raj in the world." About this, he says : " Mr. Jhabwala's explanation was that by Soviet Raj he meant the system of rule by elected Panchayats, which at one time was the established form of rural government of India, and that the introduction of this form of rule with the necessary modifications required by modern conditions will bring about such a change of the existing social and political structures as would be revolutionary in character. In other words by revolution he meant the radical character and extent of the change. I must frankly confess that the explanation satisfied me and even now I see no reason to think otherwise than what he told me then."

In regard to the Pandal Kadam said that the W. P. Conference had no Pandal of its own but was held in the Pandal erected and decorated by the office-bearers of the U. P. Provincial Political Conference. In this connection he relied on the evidence of P. W. 126, P. S. I. Mangal Singh who however merely said that it was held in the same Pandal and of course could not say, as he had only come there a day before, who was responsible for putting it up and so on. Kadam went on to say that all the papers P. 428 and P. 1094 were found in possession of Pandit Krishna Gopal Sharma who was the Secretary of District Congress Committee as well as the General Secretary of the Reception Committee of the U. P. Provincial Political Conference. P. 428 which was recovered in the search of the " Krantikari " office was a bundle of posters of which two are translated. The relevant one is an advertisement of the 22nd Political Conference of the U. P. which has a note at the end, " A conference of the Bundelkhand Workers and Peasants, a conference of the Indian Sewa Dal, as also a national poetical symposium will be held on this occasion." I do not think that helps Kadam very much. As regards P. 1094 this was only P. W. 126's note in regard to the mottoes and would not have been found in the possession of any of the accused. It is difficult to understand what Kadam meant by his reference to it. Then he went on to deal with P. 1445 (1), an odd sort of report recovered in the G. I. P. Railwaymen's Union office at Bombay purporting to deal with the same Conference. The prosecution made no reference to this document in argument and I would not myself feel inclined to attach any weight to it.

At page 218 in reply to a question from the Court Kadam began to deal with the A. I. W. P. Conference, and said that he did not reach Calcutta until the morning of the 22nd which may of course be true. On the other hand, if he was not present at the Conference on the 21st, one wonders why he was elected a member of the Drafts Committee. About the 23rd he says that he had some urgent personal business to attend to and subsequently went to attend the All Parties Convention, and about the 24th that he did not know if there was any meeting. In this connection he relied on the evidence of Ram Chandra Sharma to which I shall come later on. He further says that he had absolutely no idea of the Presidential Address because when he asked for a copy he was told that the supply was exhausted. Here again is a statement which may be true but does not look true in the light of the fact that only 10 days later Sohan Singh had copies available to distribute at Jamshedpur. As regards the Drafts Committee Kadam says he was never told that he was elected to it and never knew of any meeting of it being held. Then he went on to deal with the Trade Union Movement Resolution and his election to the N. E. C., with both of which I have dealt already.

At page 221 he dealt with the letter P. 328 (I. C. 276) in which he had told P. C. Joshi that the Krantikari would be out shortly and the first issue would be sent to him. About this he says that the editor told him that in case he was writing to P. C. Joshi he should so inform him. I can only say that this explanation is very inadequate. It might have sufficed if the rest of P. 328 had not been so significant. I may refer to his remarks : " The practical work will begin after December..... In the meantime we shall try to do as much as we can ", and " Please send the resolutions etc. so that the work may be begun ". Moreover as was pointed out in argument there is not the smallest suggestion in P. 328 that this remark about the " Krantikari " is a message from a third person. Similarly in reference to the postscript in P. 2015P (I. C. 296) in which he asked Muzaffar Ahmad for all " the necessary information regarding Conference etc. for publication in the U. P. Workers' and Peasants' Party paper named " Krantikari " newly started here." He said that when he was writing this letter the editor of the " Krantikari " was present

at the Congress office and had asked him to request Muzaffar Ahmad to supply the news regarding the Conference. Of course there is no support in evidence for this statement. He said next : " I had no direct connection with the "Krantikari" except that I knew both its proprietor and the editor, the former as my colleague as General Secretary of the G. L.P. Railway Union and the latter as Secretary of the District Congress Committee." He went on to rely on the fact that he had not been either a contributor nor a subscriber to the "Krantikari" and that no copy of it was found in his possession. It can only be said about all this that if he had no direct connection with the "Krantikari" it is surprising how closely associated with it he is throughout the correspondence. He then went on to say in regard to the Municipal Employees' Union that P. C. Joshi must have read about it in the newspapers. Next in answer to a general question he said that he was never a member of the U. P. Party nor did he ever accept the aims of the Party. That statement has however to be weighed in the balance against the letters which he himself wrote and the letters which he received from other persons and the letters in which either directly or by implication he is mentioned. It is quite evident from P. C. Joshi's letters that he was regarded as a member of the Party working for the same aims and that no doubt on this point ever entered into P. C. Joshi's mind.

Bearing in mind the close connection which certainly did exist, whatever Kadam may say about it, between him and the "Krantikari" it is important to note the nature of that publication. First of all it should be noted that every copy of it has the heading "The chief national organ of the U. P. W. P. P.". In this connection also I should draw attention again to the letter-paper of the U. P. Party, in which it is mentioned as the Party organ. Then, taking the contents, the very first number contains an article entitled "Our Objects" which begins with the words : "We are revolutionaries. The banner of revolt is in our hands. We have sworn to revolt and cannot but revolt." This article includes an attack on religion, an attack on the capitalists, soldiers etc. and ends with a message of affection addressed to the workers and peasants alone. Then there is a notice of the coming Conference at Calcutta, followed by an article on "The Real Meaning of Non-Violence" which suggests that violence is power by which the innocent are unnecessarily put to trouble. The writer goes on : "But if the same power is used to help the poor and to do similar other good things that will be called virtue." Towards the end the writer tries to save his face a little by saying "It would be improper to take this article to mean that I am educating (the people) for an armed revolution or mutiny today. I shall not speak anything today whether to start an armed revolution or not. The support for protest against an armed revolution depends on the country, time and other different circumstances. Those men who at present consider armed revolution to be impossible or inadvisable, should not leave off the very thought of it under the plea of violence. With this object in view the word violence has been explained so that nobody might commit the same serious and improper mistake." In the next issue in the report of the foundation at Meerut of the U. P. and Delhi W. P. P. it is stated that "the object of the Party is attainment of complete independence from British Imperialism through democratisation of India based on economic and social emancipation and political freedom of men and women" and following this the method is given as "direct mass action" and the way as "by organised endeavours alone." Another very significant item in this report is the last which runs as follows : "The Provincial Secretary can be asked for the address from where books on Soviet Russia, Bolshevism, Worker and Peasant Party and other such subjects can be had." In the light of the interest which he had been taking in Communism etc. for at least a year Kadam could not possibly have misunderstood this paragraph. So far as I am aware Kadam does not deny having read the "Krantikari", as indeed in the circumstances he was bound to do. If he did read it, particularly these two numbers, and still maintained his connection with it and with the Party afterwards as he certainly did, then he must clearly have been throughout cognisant of what the aims and objects of the Party were and what the methods were which they proposed to employ.

In the last part of his statement Kadam dealt with his "associations, ideas and views" and endeavoured to identify himself entirely with the Indian National Congress, referring particularly to the mentions of Congress and other activities in which he participated which appear in his diary for 1929 D, 340. I have already however indicated that association with the Congress, continued after association with the Workers' and Peasants' Party has begun, is not really any defence to the charge. The one is compatible with the other. Lastly at the

top of page 225 he gave some sort of an explanation of his association with other accused and said : " In the course of my activities and in the pursuit of my ideal I came across some of the accused in the dock and others outside of it, and under the impression that they were also of my views I tried to cultivate their acquaintance and seek cooperation with them to the extent and in the way I stated above, that is (on) my own lines." 5

Kadam accused produced two defence witnesses Ram Chandra Sharma D. W. 8 and R. V. Dhulekar D. W. 11. Ram Chandra Sharma's evidence related to Kadam's participation in the A. I. W. P. P. Conference at Calcutta. He deposed that he met Kadam at Cawnpore on his way to Calcutta and that they reached Calcutta together on the 22nd December. The witness himself although in no way personally interested attended the A. I. W. P. P. Conference on the 22nd, 23rd and 24th. It will be remembered that Kadam has stated that the reason that he did not attend the Conference on the 23rd was that he had urgent personal business and also went to the All Parties Conference. His witness however says that he asked Kadam to come again on the 23rd but Kadam replied that he had thought that it was like the Conference held at Jhansi but he found the mottoes not to his liking and therefore he did not want to attend it any more. The witness asked him to come again but he refused. First this is a new story, and secondly there seems no reason why Kadam, who presumably had not objected to the mottoes posted up at Jhansi to which I have referred before, should have objected to those put up in the Albert Hall at Calcutta. In regard to the meeting of the 24th the witness stated that he was present at it and that Kadam accused did not attend. He said the name of Lakshmi Narain Pandit was selected for Jhansi. Curiously enough in examination-in-chief he made no mention of having seen this Lakshmi Narain Pandit, that is Lakshmi Narain Sharma. In cross-examination he said with reference to the occasion of this election that he met Lakshmi Narain then for the first time. In cross-examination, in support of his story that Kadam had not liked the mottoes, he fell back as in the case of the Meerut Conference on Moti Ram and said that before the second day's proceedings at the W. P. P. Conference, Calcutta, ended he, Moti Ram, Kadam and three others left the Conference together and were talking on the way back. He went on to say : " So far as I remember he (Kadam) said that some of the mottoes hung up were against the Congress and he did not like them. I also did not like them. There was other talk about the Conference." This is a remarkable statement. First the person who should have corroborated him, Moti Ram, was exempted in the circumstances to which I alluded in Gauri Shankar's case. Secondly, although this witness did not like the mottoes, nevertheless he went back to the Conference on the following day and even attended the meeting held at Lower Circular Road. The witness is stamped as a liar through and through, and the production of a witness like him is calculated rather to damage than benefit the case of this accused. 10
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Kadam's second witness R. V. Dhulekar, Advocate, of Jhansi really deposed very little that was of much assistance to Kadam's case. He had known Kadam since 1916 or 1917 as a Congress worker and in some other capacities also. He gave a very vague account of the subjects discussed at the Jhansi Kisan Mazdur Conference in 1928 and said that political subjects were not discussed at it. Then he had something to say about the " Krantikari " with which he said that Kadam accused had no connection. In cross-examination however he had to say that there were some political subjects discussed from the economic point of view, and to admit that there were mentions of Russia. His statement in regard to Jhabwala's speech and its contents was decidedly unsatisfactory. But he really gave himself away worst by first claiming to be entitled to give evidence as to the correctness of the official report of the Gauhati Session of the Indian National Congress by saying that he saw it within 4 or 5 months after the Congress at a time when he was able to remember what had happened at that session, whereas unfortunately it was found only a minute or two later that the report of this session was not published until 1928 more than a year after the session took place. Then again his cross-examination on the subject of having seen a copy of Kadam's statement as an accused in this Court is most illuminating. He said about this : " I have seen a copy of Kadam's statement to the Court outside the Court. I knew it was his statement because it was his statement. I do not remember who showed it to me. There were several witnesses present but I do not know their names. I saw it but I did not read it. I saw the beginning and so I learned it was his statement. Learning it was his I dropped it because I thought that I should not read it. I did not want to prejudice my mind in anyone's favour. Kadam and I did not discuss the evidence." 45
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O. P. 1670.

(I was going to give before I came into the witness box. He knew that I knew all about him. He said I was President of the Union and a Congress worker and I should say all I knew about him." This gentleman is a lawyer and no comment by the Court on a statement of this kind is necessary. Another answer given by this witness in regard to the mottoes put up in the Pandal is also worth reproducing. He said: "The mottoes of this Conference were put up by Congress purely. Motto no. 4 in P. 1094 is not representative of all sections of the Congress. It represents the view of that section which thinks there should be no landlords and no rich people." The witness had also something to say about "Krantikari" which I may quote. He says: "I used to get "Krantikari" regularly. It does not purport to be the prominent national weekly paper of the W. P. P. but the paper of the Peasants' and Workers' organisation. I read the article on page 10 of no. 2 of "Krantikari" dated 24-11-28 P. 431 entitled "U. P. and Delhi Mazdur Kisan Dal" or Workers' and Peasants' Party when I received the paper. I know both Krishna Gopal and Lakshmi Narain Sharma well. I talked to Krishna Gopal about this." This witness did, I may note, support the theory that Lakshmi Narain Sharma did attend the A. I. W. P. P. Conference by the evidence he gave in regard to P. 460, one of those 4 group photographs which I have mentioned before, by stating that in this photograph he recognised Ajodhya Prasad, on his left a man from Jhansi whose face only he knew, then Kadam, then Lakshmi Narain Sharma, and then Joshi accused. In this connection it is however worth consideration that group photographs such as these are commonly taken at the end of a conference and not at the beginning, which would suggest that Kadam accused was present at the end of the A. I. W. P. P. Conference.

The case against Kadam accused rests, it will have been seen, largely on association and on the evidence as to how other members of the conspiracy regarded him. First of all we have it that he got into touch at an early stage with the Bombay Party. There is nothing to show that he pursued this very far or that he was ever actually accepted as a member, but the letters and his own statement show that after he got into touch with the Bombay Party he took during 1928 a very keen interest in the subject of Communism. He had got into touch by this time with Jhabwala, Mirajkar, and Joglekar accused, and on the occasion of his visit to Cawnpore must also have met a number of other members of the conspiracy. In association with Jhabwala accused he proceeded to organise a branch of the G. I. P. Railwaymen's Union at Jhansi, and very shortly afterwards he started a Kisan Mazdur Sabha. This Sabha was not of course organised in association with members of the Workers' and Peasants' Party, but it does not look as if it was a case of pure coincidence that within six months of his making enquiries from the Bombay Party and within a few months of coming into contact with members of that Party he should have started a Workers' and Peasants' organisation of his own. Next we find Kadam organising a conference of workers and peasants at Jhansi to which Jhabwala, Muzaffar Ahmad and Mirajkar were invited and in which Spratt accused also took an interest, vide his letter P. 1116 to the Organising Secretary of the G. I. P. Railwaymen's Union (Joglekar) of the 20th October 1928, which shows that Spratt attached more significance to Kadam's invitation letter to Muzaffar Ahmad P. 2073P (= P. 289) (I. C. 251) than Kadam has very naturally done. Then as to the nature of this conference we have to take into consideration the mottoes posted up (rather a small matter perhaps) and what is much more important, the advance copy of the Presidential speech P. 292. Kadam no doubt says that he obtained an explanation of this from Jhabwala, but as, at this date, Kadam had been taking an interest in Communism for about a year I do not find his statement very convincing. Then we have to take into consideration Joshi's letters written immediately after this conference showing that he took Kadam to be a very sincere whole-time worker. That position, as I see it, was accepted by Kadam in the only letter which he wrote to Joshi after the conference, namely P. 328 of the 2nd November. Next we have to consider Kadam's connection with the "Krantikari", of which there is some suggestion in Joshi's letters to Mansur and Gauri Shankar P. 209 (I. C. 274) and P. 1875P (I. C. 271), and a clear indication in Kadam's own letter to Joshi P. 328 (I. C. 276). This connection is further confirmed by the reference in Kadam's letter to Muzaffar Ahmad P. 2015P (I. C. 296) dated the 25th November 1928 in which he asks for information regarding the conference etc. for publication in the "Krantikari" to be sent to him, making no mention whatever of the proprietors or managers of the paper. There is further confirmation of this connection in Lakshmi Narain's letter P. 2148P (1) (I. C. 381) of the 25th February to Muzaffar Ahmad mentioning that he had received a letter from Joshi through Mr. Kadam. Incidentally

I might also refer here to Joshi's letter P. 2155P (= P. 416 (16) (I. C. 371)) intercepted on the 14th February. In this letter Joshi had a good deal to say about "Krantikari", about the position of which he was evidently very doubtful and said he was writing very frankly to Lakshmi Narain, adding "let me see what he writes back". But along with this mention of doubts about Krantikari and Lakshmi Narain there was not even a mention of Kadam accused or suggestion of doubt about him. This letter does not of course support the connection of Kadam with the Krantikari but it does not seem to me to detract seriously from it. Finally in regard to this connection we have to bear in mind the fact that the "Krantikari" always described itself and was described in the Party letter-paper as the organ of the Party and did, as far as its owners thought safe, put forward the Party ideas. Then we have it that from the time of the Jhansi Conference onwards Kadam acted definitely as a member of the U. P. Party. I have drawn attention to his letter P. 328 and his conduct in connection with the A. L. W. P. P. Conference illustrated by the letter of Muzaffar Ahmad P. 2015P. He attended the Conference as a member of the Party and I am quite satisfied on the evidence that not only was he elected to the Drafts Committee but he also actively participated in the Conference by seconding the T. U. Movement Resolution, and that it was he and not Lakshmi Narain Sharma who was elected to the National Executive Committee. Subsequently he continued to act the part of a member of the Party and it was as such that Joshi mentioned him in P. 2148P as having started a Municipal Employees' Union and in P. 1800 again in the same connection; and in referring to P. 1800 I think it is necessary to draw particular attention to the names mentioned in connection with each centre. In connection with Gorakhpur Joshi mentions Dr. Mukharji, in connection with Meerut Gauri Shankar, and in connection with Jhansi Kadam. The conclusion is inevitable that these persons were the local leaders or representatives of the Provincial Party in each place, and it will be noted that there is no suggestion in the case of Kadam as there was in the case of Gauri Shankar that he was a backslider. It appears to me bearing in mind all these facts that the inference that Kadam accused did join this conspiracy and take an active part in it from the end of October 1928 up to the time of his arrest is irresistible and I find nothing in his statement or in the evidence given by defence witnesses on his behalf which leads me to a different conclusion.

O. P. 1673. Disagreeing with all five assessors I hold that Kadam accused has taken part in a conspiracy to deprive the King-Emperor of his sovereignty of British India and has thereby committed an offence under section 121-A, I. P. C. I convict him accordingly.

O. P. 1674.

PART XLV

- O. P. 1676. We first hear of Vishwa Nath Mukharji, or Biswanath Mukerjee as he usually signs himself, on the 2nd June 1927, when he made a speech at a meeting of Railway Employees at Gorakhpur (Mukharji is of course a resident of Gorakhpur), the gist of which was reported by P. W. 110, Sub-Inspector Ram Surat, in P. 2205. In this speech Mukharji said: "Nowdays we are displeased with this system of Government and are trying to change it..... Why these few Englishmen are governing you? The chief causes of this are internal feuds. As we dislike the present system of Government, we are absorbed in other ideas and you cause obstructions." So he advised unity among the workmen in order apparently to facilitate progress with the new ideas. In cross-examination this witness deposed that Mukharji was the moving spirit of the Railwaymen's Union at Gorakhpur at that time. 5
- We next hear of Mukharji at the Cawnpore Session of the A. I. T. U. C., in connection with which he was a Vice-President of the Reception Committee, vide the correspondence between him and Mr. N. M. Joshi, D. 190(89) & D. 190(81). His name is not mentioned in Dange's T. U. C. Left report, but he appears in the group photograph taken at Mr. Vidhyarthi's tea party, of which a copy was found in his possession and is in evidence as P. 1333 with an inscription underneath it in Mukharji's own handwriting, "Group of Trade Unionists". It will be remembered that in this group there were besides Mukharji himself, Muzaffar Ahmad, Ghate, Dange, Usmani, Majid, Mirajkar and Goswami accused and a number of others. In regard to the nature of his participation in this meeting of the A. I. T. U. C., P. W. 119, Inspector Jagannath Sarin, deposes that Mukharji in seconding a resolution on the 27th November about the lockout on the Bengal Nagpur Railway said that "the present Government wanted to suck the Indians, and the Agent Bengal Nagpur Railway was its integral part. So long as the present system of Government would last they or the workers could never get any comfort." In cross-examination the witness substituted "supported" for "seconded". He also deposed that Mukharji was elected as Vice-President of the A. I. T. U. C. for the ensuing year. 10 15 20 25 30
- O. P. 1676. Having thus come in contact with a number of the accused Mukharji wrote on the 25th January 1928 to Muzaffar Ahmad accused the letter P. 1413 (I. C. 89). This letter begins with a reference to Muzaffar Ahmad's intention to hold a Workers' and Peasants' Conference on the 3rd and 4th March 1928, which seems to imply that the decision arrived at by the meeting of members of the Workers' and Peasants' Parties of Bengal and Bombay at Madras at the time of the Indian National Congress and recorded in P. 1373 (2) had by this time become public property. That decision was that the formation of an All-India Party was desirable in the near future and that a Congress should be held for the purpose at Calcutta within the period February 10th to March 10th 1928. Mukharji went on to say: "You know that I have organised here at Gorakhpur a Divisional Workers' and Peasants' Sabha. It has been working for the good of these classes of people for the last three years. I am sorry your conference does not extend any invitation to this body. I shall be glad if you do it after hearing it from me. We shall be too glad to join you to strengthen your cause." Perhaps I should note here that P. 1413 is Mukharji's office copy of this letter, which was intercepted in the post and copied and is printed as P. 2100C (I. C. 89). Muzaffar Ahmad replied to this letter in P. 1414 (I. C. 98) on the 9th February and informed Mukharji that the proposed All-India "Workers' and Peasants' Party" Conference had been postponed till December next, but that in the meantime a provisional committee of the W. P. P. of India would be elected and would be making propaganda during the remainder of the year. He goes on: "At present we have got Workers' and Peasants' Parties in Bengal and Bombay. We have also got our groups in the Punjab. We shall be really very glad if the "Gorakhpur Kisan and Mazdur Sabha" join us. We are soon going to hold our annual meetings in all the places for which resolutions have already been drafted on different subjects. They are as good as so many theses and will be the basis of our propaganda work. I shall send you the copies of those resolutions by the end of March next, by which time our Provincial Annual meetings will be over." These of course were the resolutions ultimately incorporated in "A. Call to Action". Muzaffar Ahmad then went on to say: "I am sending herewith a copy of our present programme from which you will be able to understand our line of action. Please let me know by return of post if you are agreed to our programme. In that case we shall propose your name 35 40 45 50 55 60
- O. P. 1677.

to the proposed Provisional Committee as we have none in our groups from U. P. till now. At least we have got no active comrade amongst us from U. P."

The two documents which Muzaffar Ahmad enclosed with this letter to Mukharji accused, deserve careful consideration. They are P. 1414A & P. 1414B, of which P. 1414A is a copy of the Manifesto of the W. P. P. to the Indian National Congress and is the same as P. 23; and P. 1414B is a Bengali leaflet entitled "The Programme of the Bengal Peasants' and Workers' Party," which is very nearly though not quite identical with P. 1017, the "Whereas" document of the Bombay Party. P. 23 is a document which discusses the position of the Congress in regard to the Simon Commission and suggests the dangers of the present Congress standpoint. It then comes to the question of a Constitution for India and says that the broad principles of such a constitution are clear, namely that it must declare for complete independence. It then proceeds to put forward the slogan of a National Constituent Assembly, elected by universal adult suffrage, and to set out a series of demands, the satisfaction of which must be guaranteed to the peasants and industrial workers. Towards the end of this Manifesto we get the usual criticism of the bourgeois attitude in the following passage: "The programme of bourgeois nationalism (defence of the interests of, the landowning and capitalist classes) has failed to stir the enthusiasm of the nation. The people must assert itself and move towards freedom in spite of the timidity of the bourgeoisie. . . . The National Congress, if it wishes to conduct the struggle for national liberation, must become the party of the people, representing not the fortunate few of the electorate, but the unfranchised majority." As regards P. 1414B the demands contained in this document are those which are found in the appendix to "A Call to Action", in fact the whole of the second half of this document beginning from the words "Immediate Demands" is quite evidently the Bengali translation of that appendix. As regards the first half it ends with the following passage: "There can be no final remedy for the exploitation and subjection of peasants and workers and the lower middle class until all forms of authority to rule the country come into their hands. The supreme aim of the Peasants' and Workers' Party is to establish a Federated Republic in India; in which all means of production, distribution and exchange will be under the control of the masses and will be regulated by the community."

O. P. 1678

O. P. 1679

O. P. 1680

The next letter of importance received by Mukharji accused was P. 1384 (3), a letter from Dange dated the 14th February 1928 not quite a fortnight before the meeting of the Executive Committee of the A. I. T. U. C. at Delhi. In this letter there were contained a circular letter from Dange, some resolutions and a personal letter. In the circular letter Dange wrote: "You must have received the agenda for the meeting of the E. C. of the T. U. C. to be held at Delhi this month, when an important question of our affiliation to the I. F. T. U. is being brought forward. As you know, the Cawnpore Congress has already decided upon this question for at least one year to come, and as such, the re-opening of this question is ultra vires. If you are attending this meeting, will you please raise this point of order?" At the end of this letter there is a personal letter from Dange to Mukharji, in which he says: "I presume you are attending Delhi meeting. You must be aware of the grave implications of our affiliation to the I. F. T. U." In this connection it is to be remembered that Mukharji accused had presumably met Dange at Cawnpore, and that at that Session, as appears from the T. U. C. Left report, P. 1878C (I. C. 74), the capitalist character of the Second International had been discussed and stigmatised by the members of the T. U. C. Left. This letter P. 1384 (3) was however received by Mukharji too late, as it appears from D. 190 (50) and D. 190 (50A) that the Committee of the B. N. W. Railwaymen's Association had passed a resolution on the 8th February to the effect that the affiliation of the A. I. T. U. C. to the I. F. T. U. was advisable, and had on the 11th February sent a copy of an extract of their proceedings to the Secretary of the A. I. T. U. C. It was not however till after the receipt of this letter that Mukharji replied to Muzaffar Ahmad on the 22nd February in P. 2007C (I. C. 116), the office copy of which was recovered in Mukharji's search and is in evidence as P. 1415. In this letter Mukharji wrote: "Dear Muzaffar Ahmad—Received your letter dated 9-2-28. I have gone through your programme and I am agreed. You can have me as your representative from U. P. I shall also open a branch here in the Province as soon as possible, and then inform you accordingly. When the branch is organised I shall try to get it affiliated to the All-India Party. You can propose my name to the Provisional Committee if you think I shall prove useful."

We come next to a document P. 1380 recovered in the search of the Labour Union, one of Mukharji's unions at Gorakhpur, see the evidence of P. W. 105, Mr. Hemendra Shankar, who deposes that at the time of the search Dr. Mukharji was sent for and asked for the key, but was unable to produce it and said it was with the Secretary. This is a notice of a May Day meeting which would be held by the B. & N. W. Railwaymen's Association. The notice is dated the 26th April 1928 and purports to be issued by Biswanath Mukharji, General Secretary B. & N. W. Railwaymen's Association. In the same office there was also found a file P. 1384 containing miscellaneous correspondence in connection with Trade Unions and Railway Associations. This is the file from which P. 1384 (3) came. It also contained a document P. 1384 (2) headed "Pan-Pacific Worker," Australian Edition. This is a letter to Dr. Biswanath Mukharji, Vice-Chairman of the A. I. T. U. C., purporting to be written by J. S. Garden for the Pan-Pacific Relations Committee of the Australasian Council of Trade Unions, but is really a letter written on behalf of the P. P. T. U. S. as can easily be inferred from its contents. This letter contains a fairly full account of the P. P. T. U. S. and states its objects etc. It also mentions that the organisation comprises "the T. U. Movements of China, Australia, Philippines, Korea, Dutch East Indies, the Militant Section of the Japanese and American Trade Unions, and last, but certainly not least, the whole of the Trade Union Movement of the First Workers' Republic, Soviet Russia, with ten million organised workers." Among the subjects of the organisation we may note item 3: "to help all the oppressed people of the Pacific to liberate themselves from the yoke of Imperialism." Towards the end this document discusses the question of International Trade Union unity and attacks the I. F. T. U. The importance of this document is of course not so much its authenticity as the fact that Mukharji accused should have kept it with him. But I do not think it would be safe to attach very much importance even to that, as the paper has been simply filed among a large number of miscellaneous papers relating to the B. & N. W. Railwaymen's Association.

The next piece of evidence in Mukharji's case is his election at Meerut as President of the U. P. Party, although he was not present at that Conference. The prosecution have urged that the members of the W. P. P. and of this conspiracy, who took part in the Meerut Conference, would not have elected Mukharji accused as President of the new Party, if they had not been convinced from their experience of him at Cawnpore, where they had nearly all met him, that he would be of some use to the Party. We have it also from the report of the meeting published in the Krantikari of the 24th November, part of P. 431, that Mukharji was appointed Secretary of the Gorakhpur Branch. In this connection it is important to remember that in the search of Mukharji's house conducted by P. W. 107, K. S. Intiaz Mohd. Khan, who prepared the search list P. 1419, there were recovered a large number of copies of the Krantikari including four copies of the issue of the 24th November 1928. Mukharji accused did not deny his possession of these copies of the Krantikari (vide his statement at page 185 of the statements of the accused), but he said that he never subscribed to them nor could he ever read them as he was unable to do so owing to ill health. Frankly I do not believe that statement for a moment. It seems at any rate highly unlikely that he would not have taken an interest in the report in the issue of the 24th November in regard to the formation of the W. P. P. of the U. P. and Delhi, and if he had done so, he must have read the short paragraph at the end of this report which states that "the Provincial Secretary can be asked for the address from where hooks on Soviet Russia, Bolshevism, Workers' and Peasants' Party and other such subjects can be had." This is a passage which has to be borne in mind in the case of other U. P. accused, and a passage which conveys very clearly the fact that the new Party was certainly not a Congress Party. Mukharji accused also had in his possession two copies of the first issue of the Krantikari dated the 17th November, to which I drew attention in the case of Kadam accused.

In point of date the next piece of evidence in Mukharji's case is P. 1432, a letter to Mukharji written by Dharamvir Singh, Vice-President of the new Party, at Meerut on the 18th October in order to introduce P. C. Joshi accused to him. In this letter Dharamvir Singh mentioned that Joshi had been elected Secretary of the U. P. Peasants' and Workers' Party and that Mukharji had been elected President. He said further that it was hoped that he would accept the post and by cooperating with Joshi help the Peasants' and Workers' Organisation. This document was of course recovered in Mukharji's search, and was probably given to him by Joshi, when he came to Gorakhpur.

We come next to a letter from Mukharji to Krishna Gopal Sharma, Editor of the Krantikari, P. 434 (I. C. 259) dated the 22nd October. This letter speaks for itself. In it he says: "Thanks for your letter dated 8th October 1928" (the letter referred to was put in by the defence as D. 202 (57)) "asking me to contribute to your paper, the Krantikari. I congratulate you upon your excellent choice of its name. I hope it will fulfil its mission. I am sorry I could not comply with your request this time, but hope to do so in future." I note that, although this letter was written only some five weeks after the assault which caused this accused so much ill health in the next few months, there is no mention of it or of his ill health in this letter. The assault according to Mukharji's statement on page 165 took place on the 15th September. This letter of course also shows that at the time when it was written Mukharji was certainly able to write, and there seems no reason why, if he was able to write letters on the 21st October, he should not a month later have been able to read the Krantikari.

The next letter written by Mukharji accused is P. 321 (I. C. 267), dated the 1st November 1928, subsequently recovered in P. C. Joshi's search. In this he says: "Your letter intimating me that I have been elected President of the U. P. Peasants' and Workers' Party duly reached me. I have also received a letter from Comrade Muzaffar Ahmad." This same letter from Muzaffar Ahmad is mentioned by him in his letter of the 30th October to Gauri Shankar, P. 213 (I. C. 263) in which he says: "I wrote a letter to Dr. Vishwanath Mukharji proposing to him to amalgamate his Gorakhpur Divisional Mazdur and Kisan Sabha with the newly-formed "Workers' and Peasants' Party of U. P. and Delhi"." Mukharji goes on to refer to the brutal assault which had been committed on him some six weeks earlier. Towards the end he says: "I want to know from you as to when you are expected to see me at Gorakhpur or when we can conveniently commence our tour in the province for propaganda purposes. I regret I could not attend the Jhansi Conference owing to ill health." The fact that Mukharji had accepted the Presidency in this letter was communicated at once to Gauri Shankar by P. C. Joshi in his letter, P. 209 (I. C. 274) dated the 2nd November, in which he also said that Dr. Mukharji had called him (Joshi) to Gorakhpur and that perhaps brother Muzaffar might come. Mukharji himself also passed on the news of his election as President of the U. P. Peasants' and Workers' Party to Harihar Nath Shastri, General Secretary of the Cawnpore Mazdur Sabha in P. 1384 (1) dated the 6th November, a letter which does not seem to have ever been printed probably because it has no other importance.

The next mention of Mukharji is in Joshi's letter to Muzaffar Ahmad of the 19th November 1928, misdated 19th October, P. 2069P (I. C. 253), in which he says: "I am going to Gorakhpur day after Thursday night. I waited for you that week, and the next week the Convocation and its activities detained me here. I will write to you all I see at Dr. Mukharji's and speak to him about the Conference finances." On the 20th November Joshi wrote a postcard to Mukharji accused, which is in evidence as P. 1433 (I. C. 289). In this he says: "I am sorry I could not come to you as promised. I waited and waited for Comrade Muzaffar. Last week was the convocation week and my friends would not let me go out. I am leaving this place for Gorakhpur on 22nd November, Thursday night. I am sure I will not miss you. Anyhow I will follow you to the interior, if you are there. I will tell you everything personally. Could you manage to show me the work done by the party among the peasantry and Railwaymen and also introduce me to the local workers there? I will stay there till Sunday."

Next on the 22nd November, presumably a day before Joshi came to Gorakhpur, Mukharji himself wrote to Muzaffar Ahmad in P. 468 (3) (I. C. 290) in the following terms: "Dear Comrade Muzaffar," (Crown Counsel drew attention to the fact that in all previous letters Mukharji began "Dear Muzaffar Ahmad") "I duly received all your letters and pamphlets that you were so kind to send me. Mr. Joshi and myself will now tour throughout the whole province and bring into existence a strong party of the peasants and workers here. I regret I could not reply to some of your letters and acknowledge receipt of booklets that you have sent to me. I am trying to reach Calcutta by the first week of December and want to stay with you in order to have an idea of the method of work that you have adopted. Will you not move a resolution about my assault in your All-India Session at Calcutta?" A little further on he says: "Today I have received certain copies of Urdu pamphlets from your place which I have got stuck to the walls of buildings standing in the

prominent parts of the town." This letter clearly indicates that Mukharji had received a very considerable amount of literature from Muzaffar Ahmad from time to time. Muzaffar Ahmad mentions the receipt of this letter in his letter to Joshi of the 27th November, P. 341 (I. C. 301), in which he also asks Joshi to come to Calcutta earlier and mentions that "Dr. Mukharji will also come here earlier", as of course Mukharji had promised.

We get an account of Joshi's visit to Gorakhpur in his letter to Muzaffar Ahmad, P. 2070P, (I. C. 306) evidently dated about the end of November. In this he says: "Dr. Mukharji is a man of very sincere and serious type. Has immense practical experience, but as it seems to me lacks breadth of outlook. He has, however, a real hold over the Railwaymen and peasantry." He goes on to praise the business-like manner, in which Mukharji's office and Union are conducted, and a little further on says: "The membership of the Railway Union is 7 th. he said, and of peasants' unions 4 th."

Mukharji did not attend any of the Conferences held in December. He was reelected Vice-President of the A. I. R. F. at Jharia, while at the A. I. W. P. P. Conference a resolution of sympathy with him was adopted and he was elected to the National Executive Committee as one of the representatives of the U. P., vide P. 669. Mukharji accused was, however, evidently not aware of the resolution of sympathy, which presumably was not mentioned in the newspaper reports, as he wrote to Muzaffar Ahmad on the 30th December in P. 416 (10) (I. C. 337) saying that he was sorry he could not attend the Conference at Calcutta owing to ill health and other domestic trouble. He went on to say: "I regret your Conference did not care to move a resolution condemning the brutal assault upon me on the occasion of a workers' meeting during September last." Towards the end of this letter he says: "I have taken the delivery of the books that you have sent me through a Calcutta Bookseller", which is doubtless a reference to the list of books mentioned in Joshi's letter to Muzaffar Ahmad, P. 2070P (I. C. 306).

On the 9th January 1929 Mukharji wrote a letter to P. C. Joshi, which was intercepted and copied by P. W. 126, P. S. I. Mangal Singh Tewari, in P. 1095. In this he alludes as usual to his ill health and goes on: "However I would like to start work in the Province. Please chalk out a programme of work and send it to me. Have you got the letter perhaps printed? As regards the collections we shall do it during our tour. I would like to see you at Allahabad. Will you kindly let me know when I could do it." According to the Krantikari of the 4th February 1929 Mukharji held a Lenin Day meeting at Gorakhpur on the 21st January. The report states that "at Gorakhpur the 5th Anniversary of Lenin was celebrated with great pomp and éclat on the 21st ultimo under the Presidentship of Dr. Mukharji. Peasants and labourers in thousands attended the meeting." The Krantikari of the 25th February 1929 also mentions a Kisan Sabha meeting held at the village of Patra in the Gorakhpur district on the 6th February 1929 under the Presidentship of Dr. Vishwa Nath Mukharji, at which it was resolved that Dr. Mukharji and Puran Chandra Joshi should make a tour in the whole district and know what is the condition of every place, and by collecting funds according to the requirements the poor peasants should be helped as far as practical.

The next mention of Mukharji accused in the prosecution evidence is in Muzaffar Ahmad's letter to Joshi, P. 1096 (I. C. 383) dated the 2nd March in which he says: "I am not getting 'Krantikari'. What is about Dr. Mukharji? Does he mean to do anything?" To this enquiry Joshi replied in P. 2148P (I. C. 379), a letter which was intercepted on the 6th March, saying: "Dr. Mukharji wanted a programme, I got the peasants' thesis published in the 'Krantikari' and the several issues gave plan of action. I have not heard from him as to what he thinks about it."

The last reference we get to Mukharji in the correspondence is in Joshi's letter to Nimbkar of the 19th March, P. 1800 (I. C. 410), in which he says in regard to Gorakhpur: "Dr. Mukharji is mostly silent. He has not expressed any opinion on the party thesis, though I requested him to do it. From the press it appears he held some Kisan meetings. Another press report—he presided over the Swaraj meeting on 10th March! the meeting adopting the Congress Working Committee resolution. He requires very careful handling. He wanted a plan of work. I sent him the party thesis on Peasantry, with a sketch of a plan of action. He is silent over it."

Coming now to the documents recovered in Mukharji's search, the first search was that of the office of the B. and N. W. Railwaymen's Association. In this the first item is P. 1378, which is part of a series of theses on the present world-wide Labour unrest, which Mukharji accused says he was writing.

O. P. 1688.

In connection with this article it is of importance to note that another article on China was recovered in Mukharji's house and is in evidence as P. 1421, headed "Modern China III". In the first of these two articles he speaks of the labour strike all over China today as the most vehement sort of protest against the cruel treatment of the Municipal Council at Shanghai directly and the Japanese capitalists and other classes indirectly, and also speaks of the present Chinese labour unrest as the direct outcome of foreign capitalistic excesses. Further on in this article he quotes the remark of the American Minister in China that "Communism has no chance to get a foothold in China or to ultimately control the Government." Further on he says: "It is a matter of congratulation that the labourers of China are made of more lasting stuff than those of India."

In the second article, P. 1421, which is headed "The Western conspiracy and the Chinese struggle for freedom" he speaks of the Chinese renaissance as a thing of recent date, and goes on to speak with admiration of Dr. Sun Yat Sen as the first and foremost amongst the pioneers of the nationalist evolution in China and the nationalist agitation against foreign aggression. Then he goes on to talk about Russia, and Russia's interest in China and to suggest that the Kuo Ming Tang founded by Dr. Sun Yat Sen preached very much the same thing to help people, which Soviet Russia is preaching to the world today. Then he goes on to contradict his first article by saying: "Therefore China has proved the best congenial soil for the spread of the doctrine of Communism and there is no doubt that in the very immediate future Russia in strong combination with China will constitute the strongest weapon with which to root out Imperialism root and branch from the entire universe."

O. P. 1689.

P. 1379 is an English magazine entitled "Trade Unions Information" issued by the R. I. L. U. The next item P. 1382 is a copy of Miss Agnes Smedley's "India and the Next War". P. 1383 is the group photograph taken at the Cawnpore Trade Union Congress, and P. 1384 is a file to which I have referred before.

The next search which affects the case of Mukharji accused is that of the office of the Kisan Sabha close to Mukharji accused's house. This search was carried out by P. W. 126, Inspector Nand Kishore Soti, who says he asked Mukharji for the key but failed to get it from him and had the door forced. This witness prepared the search-list P. 1412. In this search were recovered the letters P. 1413, P. 1414 and P. 1415 with which I have dealt already and also P. 1416 a copy of the E. C. report for the year 1927-28 presented to the Annual Meeting held at Bhatpara. This is the same as P. 52 and is printed in "A Call to Action" at pages 45 following.

Lastly we come to the search of Mukharji's own house by P. W. 107, K. S. Intiaz Mohammad Khan, who prepared the search list P. 1419. In this search the following items were recovered: P. 1420 63 copies of different issues of the "Krantikari", P. 1421 to which I have just referred, P. 1424 an incomplete Hindi manuscript of a book entitled "Life of Mahatma Lenin or The Life of the Revolutionary of Russia", the last chapter of which appears from Mukharji's statement, with which the Hindi translator agreed, to be more or less a translation of a portion of René Fullop-Miller's book "Lenin and Gandhi" D. 302 (In connection with this it is interesting to note that Mukharji also had in his possession a framed drawing of Lenin P. 1435); P. 1426 is a Hindi book entitled "Communism Kya Hai?"; P. 1427 is another copy of the same E. C. report of the Bengal W. P. P.; P. 1430 is a copy of Stalin's "Leninism" which appeared so far not to have been studied as it was in clean condition and P. 1431 is a copy of the Meerut Resolutions corresponding to P. 208.

O. P. 1690.

Mukharji accused put in in his defence a very large number of documents, nearly all of them being letters which were found in the files in his possession recovered in one or the other of the above searches. He called a number of witnesses mainly with the object of proving these documents. I do not think that apart from the evidence they have given with the object of authenticating documents, these witnesses prove anything which can affect Mukharji's case. It is of course a fact that Mukharji has been closely connected with the A. I. T. U. C. and has been a Congressman and was still working in cooperation with the Congress almost up to the time of his arrest. The evidence, including that for the prosecution, would strongly suggest that like Gauri Shankar he was inclined

to revert to his former allegiance, but that does not affect the real issue, namely whether he ever joined the conspiracy. As regards the A. I. T. U. C. we have however to bear in mind the position which the B. & N. W. Railwaymen's Association, an association of which he was definitely the live wire in so far as it is possible for Mukharji accused to be the live wire of anything, took up in connection with the affiliation of the A. I. T. U. C. to the I. F. T. U. in February 1928. But that again is rather ancient history and a great deal happened between then and the end of the year.

Coming now to Mukharji's statement it is rather lengthy but is largely devoted to the A. I. T. U. C. and the Congress and so forth, matters which can be to a large extent neglected, as they scarcely affect the real issue. He came, however, at the start to one of the most important points in his case. This was the document P. 1414B the Programme of the Bengal Party. About this he said on page 156 of the statements of the accused : " When I received this programme some time in February 1928 I carefully read it especially this thing, namely the second paragraph of item 5, which is the ultimate goal of the programme as I took it." (It is really the second paragraph of item 6 and is the passage which states that " there can be no final remedy for the exploitation and subjection of peasants and workers and lower middle class until all forms of authority to rule the country come into their hands. The supreme aim of the peasants and workers is to establish a Federated Republic in India, in which all means of production, distribution and exchange will be under the control of the masses and will be regulated by the community.") " This programme struck me as a Socialist programme of the Second International type." He went on to say : " I would emphasise that if I agreed to the programme of the W. P. P. of Bengal at all my agreement was confined to this programme P. 1414B." There was a time in this case in which reliance on the Second International was regarded by the Defence as a kind of magic password certain to secure the acquittal of those who could prove or thought they could prove their allegiance to that International. But it is to be remembered that we have it in the evidence of Mr. Brailsford, Court Witness no. 1 (whose evidence appears in the printed record after the evidence of P. W. 281 and P. W. 272 on recall) that even the Second International would consider revolution to be justified in a Colonial country, where there is no universal suffrage. On this point he said in cross-examination : " I think the Second International view is that if constitutional methods fail, they would be prepared to break the law to gain their ends." In reading over this passage he added that by constitutional methods failing he meant ' if constitutional opportunity should be lacking ' or ' in the absence of opportunity to attain our ends by constitutional methods '. He also said elsewhere that the Second International would refuse to contemplate taking up arms to win power for the working class so long as they enjoyed the benefits of a democratic constitution. Then he went on to say : " In Great Britain we do enjoy those benefits. By what I said about Great Britain I mean that so long as the working class has under universal franchise and a democratic constitution the opportunity of winning power by constitutional means, it ought not to resort to violence. I do not contemplate it applying to countries where there is not universal suffrage." It must certainly be noted in this connection that if Mukharji accused claims that this programme struck him as a Socialist programme of the Second International type, that is also a claim that he had studied both Socialism and Communism, so that he was in a position to distinguish between the programmes of the two Internationals. After some intervening discussion Mukharji came to his letter to Muzaffar Ahmad, P. 1415, in which he accepted the programme of the Bengal Party and said : " It has been seen that if I agreed to this programme of the Workers' and Peasants' Party of Bengal and even if I promised to try to organise a Provincial Branch and affiliate it to All-India Party, it was not with the conscious knowledge that it was a revolutionary programme and that the party was a revolutionary one, but because I took the programme as a constructive socialist one." It might perhaps be possible for Mukharji to put forward this claim without too much exaggeration so far as relates to his position in February 1928 (P. 1415 is dated the 22nd February), but it is difficult to reconcile the statement with the knowledge, which he must be presumed to have had in December. He went on to say at page 163 : " My idea was to legislate capitalism out of existence ", hence he says he advocated the capturing of the largest number of seats in the District and Municipal Boards and the Legislatures. But the occasion of this advocacy goes back prior to February 1928. At the top of page 167 he relied on his correspondence with P. C. Joshi early in 1929 which, he says, shows that he had not yet got any idea of the method of work. Particularly he relied on

- P. C. Joshi's letter P. 1800 as showing that he had not accepted the Party methods, and that up to the day of his arrest he was working with the impression that the W. P. P. was just what he took it to be (or rather what he now says he took it to be), that is a Party with a programme of work which though socialistic in nature was peaceful and constructive in its methods and therefore not at all inconsistent with his Congress activities. At page 171 he came back to his attachment to the Congress, and quoted in support of it the fact that he was carrying on propaganda on behalf of Congress so far as the Nehru Committee report was concerned. The same point was again emphasised at page 174 where he said that it should be noted that he was carrying out the Congress programme passed at Calcutta at the time he was arrested, and the chief feature of this programme was to popularise the Nehru Committee Report. That however, even if true, does not rebut the prosecution case, although it may indicate that like Gauri Shankar he was fast becoming a backslider. In the middle of page 174 Mukharji said : " Besides this it must be remembered that I had no opportunity to read the revolutionary literature of the party, if there were any, and had really not been able to attend any of its meetings." As regards this there is certainly no proof on the record that he had no opportunity to read the revolutionary literature of the Party. On the contrary we have it from his own letters that he was getting literature and pamphlets and was putting them up on the walls in the town of Gorakhpur. He went on to say : " I could not attend the meetings at Meerut, Jhansi, Jharia and Calcutta so my knowledge about the inner tactics and the policy of the Party was nil." It is certainly a fact that he did not attend any of the meetings, but his letter to Muzaffar Ahmad after the Calcutta meeting rather suggests that if ill health had been the only obstacle, he would probably have been able to overcome it and come to Calcutta. In any case it is not a fact that he was completely hors de combat, because we have on the record his own letters, P. 434 (I. C. 259) of the 22nd October, P. 321, (I. C. 267) dated the 1st November, P. 1384 (1) of the 6th November and P. 468 (3) (I. C. 290) of the 22nd November.
- O. P. 1694. Mukharji went on to deal with the Cawnpore group-photograph, May Day, his correspondence with Harihar Nath Shastri and matters in connection with the A. I. T. U. C. and the proposal to form a Provincial Branch. It certainly is a fact that as late as the 6th November 1928 he was writing to P. C. Joshi's " opportunist and reactionary " Harihar Nath Shastri about work in the Provincial Branch of the T. U. C. and touring in connection with it, and telling him at the same time that he had been elected President of the W. P. P. But the question is, what is its effect ? At page 184 he came to the " Krantikari " and referred to his letter to Krishna Gopal Sharma P. 434 in which he congratulated Sharma on the excellent choice of the name. About this he says : " That does not mean that I congratulated him on the real meaning of that word ", and he goes on to suggest that he thought the mission of the " Krantikari " was something humanitarian. A little further on he said : " I have already said that the name Revolutionary is a fascinating one. This necessarily does not mean that the picture of a revolutionary which I had in mind was the one which the prosecution had held up before the Court for the purpose of this case." On the following page I understand him to imply that he was thinking of a revolution in the sense of a revolution in the political atmosphere of the country and nothing more. The explanation is not very convincing. In the same connection Mukharji said on page 185 that he knew Pt. Krishna Gopal as a Congressman. Further on he came to the passage in which he said that he was unable to read the " Krantikari " owing to ill-health. He also said : " I was never consulted for this paper being made a Party paper, like so many other things, as is clear from so many other prosecution exhibits or documents which consist of letters written by Mr. Joshi to Muzaffar Ahmad, Ghate and Nimbkar about me without my previous knowledge and consent ", and he proceeded to deny that Lenin Day was ever observed in Gorakhpur. Next on page 186 he dealt with his literary activities, his books or articles on Lenin and China. He says he wrote the book on Lenin because his working-class friends wanted him to do it, and this apparently because the Public Safety Bill commonly known as the Boshevik Bill and its discussions in the Legislative Assembly " had created a curiosity and eagerness in the public mind to know what was Bolshevism." Coming to the articles on China he made no attempt to explain the contradiction between the two articles, or the passage which I have referred in P. 1341. In connection with his article on Lenin he went into a brief description of the history of International Labour Organisation which does not seem to be very helpful to the case. Next he was asked about Stalin's " Leninism " P. 1340 and the pamphlet " What is Communism "
- O. P. 1695.

P. 1426 and "India and the next War" P. 1382 to which he gave a rather surprising reply: "These books were found in searches as mentioned. I don't want to say anything about them." I can only suppose that if he had said anything about them he would have had to say that they came from Calcutta from Muzaffar Ahmad as suggested by the prosecution. Then he came back again to his Congress activities and dealt with these at considerable length. Then coming back to some of the letters which had been put to him earlier, in his explanation of P. 2069 he stated, relying upon Joshi's remark in that letter: "I will write to you all I see at Mukharji's and speak to him about the Conference finance", that this letter shows that up to the 19th October 1928 (actually 19th November) both Messrs. Joshi and Muzaffar Ahmad did not consider him as a Party man. At the foot of page 205 Mukharji gave a summary of his case consisting of no less than ten paragraphs. The most important of these are as follows: "(1) I have been connected with the Indian National Congress for many years. (2) I was anxious to form a Labour Party in India on the lines of the British Party. (3) The inspiration of bringing a Labour Party into existence in India was not from Peasants' and Workers' Party or from the 3rd International but was from the Labour and Socialist (International) or its affiliated body of the Independent Labour Party of Great Britain (vide D. 190 (50A), and (51) and D. 198 (7))." It may be noted that D. 190 (50A) and (51) are the resolution adopted by the B. N. W. Railwaymen's Association regarding the affiliation of the A. I. T. U. C. to the I. F. T. U. and its forwarding letter, while D. 198 (7) is a typed article on the need of a Labour Party in India. It does not appear to me that the last named document is of much assistance to this plea. "(4) I accepted P. 1414B under the impression that it was a socialist programme of the I. L. P. type. My acceptance of the Presidentship and my correspondence in this connection was due to the same impression. (6 & 7) My articles on China and Lenin were not Communistic at all and were not at all written from the Communistic standpoint. My Cawnpore speech had no Communistic tinge. (9) There is no truth in the allegation that my views are towards Communism and that I joined the W. P. P. with full knowledge of its aims."

Perhaps the strongest point in favour of Mukharji accused is that I have formed in the course of the last three years the very lowest possible opinion of his intelligence and I conceive that if he read P. 1414B as unintelligently as he conducted his own case he might quite well have failed to realise that the underlying meaning of that programme was a mass movement of the workers, peasants and lower middle classes aiming at securing complete control of the State power for those classes only by revolutionary action. The Manifesto to the Madras Session of the Indian National Congress would not make him understand the position any better. Then as regards the documents and Party literature which he evidently received before the end of the year we unfortunately do not know what that literature was and therefore how far it was calculated to lighten his darkness. On the other hand we do know that he was in receipt of the "Krantikari", and it is impossible to believe his statement when he says he did not read it, and I do not think it would be possible for any one to have read the first two issues of the "Krantikari" without realising that the new Party was something definitely different from the Congress. There are many allusions to revolution and violence in both these issues and when we come to the method prescribed it is direct mass action. I suppose that Mukharji would say that he understood that to mean non-cooperation or civil disobedience, and again I have to make some allowance for Mukharji's intelligence. Up to the end of the year 1928 and indeed until the 9th January 1929 Mukharji was evidently continuing to be interested in the new Party and was talking about starting work and having a programme of work chalked out. It will be remembered in this connection that he had had the idea earlier of touring throughout the Province and bringing into existence a strong Party of the peasants and workers, which looks very much as if he thought that a strong revolutionary party could really be created by a series of public meetings and not, as is so clearly implied in the correspondence with Gauri Shankar, by patient recruiting work in the villages.

As it appears to me the strongest points against Mukharji are: (1) his acceptance of the Party programme P. 1414B in which however the ultimate intention to bring about a violent revolution is not clearly indicated, (2) his election as President of the U. P. Party at the instance of members of this conspiracy who had been acquainted with him for nearly a year, (3) his letter to the editor of the "Krantikari" expressing his appreciation of the name selected for

that paper, (4) his letter P. 468 (3) to Muzaffar Ahmad beginning "Dear Comrade Muzaffar" which conveys the impression that he had joined the same gang and in which he also acknowledges receipts of pamphlets and literature, and (5) his possession of the "Krantikari" which he must be assumed to have read. With these is to be considered also the fact that he evidently would have gone to the A. I. W. P. Conference if he had been able and that even in the last letter written by him he was apparently proposing to cooperate with the Party. On the other hand he is a man of a peculiar type with a peculiar mentality and I am inclined to doubt whether much weight can really be attached to his acceptance of the programme. For the rest the absence from his possession of such documents as "A Call to Action" (the only document which he had in his possession was the E. C. report (P. 52) which was not really calculated to make him understand that the methods contemplated by the Party were revolutionary and unconstitutional) and the fact that he is not proved to have actually done anything which could be described as an act in furtherance of the conspiracy leave me in considerable doubt as to whether Mukharji really entered into and participated in this conspiracy. I think the evidence is capable of that interpretation, but bearing in mind Mukharji's astonishing stupidity I do not feel that it would be safe so to interpret it against him especially in the light of the close association which he continued to maintain with reactionaries such as Harihar Nath Shastri and with the Congress movement generally.

O. P. 1700. Taking the case as a whole I think that Mukharji accused is entitled to the benefit of the doubt.

Agreeing with four assessors and disagreeing with one I hold that Mukharji accused is not satisfactorily proved to have participated in this conspiracy and I accordingly acquit him.

PART XLVI.

O. P. 1701. Before I come to the question of sentences, there are some miscellaneous matters to be considered, some of which may perhaps have a bearing on that question. Others are points which have been lost sight of in the process of writing this almost interminable judgment. A point of this latter kind is the position of such persons as M. N. Roy, C. P. Dutt, Sepassi, Iyengar, Begerhotta, R. P. Dutt, Donald Campbell, R. Page Arnot, T. Bell, Chattopadhyaya, N. J. Upadhyaya, A. C. N. Nambiar, William Paul, Graham Pollard, Harry Pollitt, Potter Wilson, Rathbone, Robson, Ryan, Saklatwala, the late R. C. L. Sharma, Agnes Smedley, Soumyendra Nath Tagore, Max Ziesse, Fazl Elahi, Glyn Evans, Lozovsky etc. I am quite satisfied that all these persons are in one way or another linked with this conspiracy along with many other persons whose names will be found scattered here and there through the record and through this judgment. These persons were all rightly described by the prosecution at an early stage in this case as co-conspirators, and there can be no doubt that the same description can very correctly be applied to the absconding accused Amir Haidar Khan and the late D. R. Thengdi accused who has died during the period of five months which the writing of this judgment has taken. In addition to these individuals there are also certain organisations, in regard to which it is proved either that they have taken part in this conspiracy as organisations, or that the persons who controlled them have used them for conspiratorial purposes. Such organisations are the Communist International and its affiliated bodies, the Krestintern or Peasants' International, the Red International of Labour Unions or R. I. L. U., the Communist Party of Great Britain, the National Minority Movement, the Workers' Welfare League of India, the Labour Research Department, the Young Communist League of Great Britain, the Indian Seamen's Union, the Pan-Pacific Trade Union Secretariat and last but by no means least the League against Imperialism.

O. P. 1702. Another point which I think I should mention here is with reference to the proof of the colossal number of documents in this case which depends on handwriting or on connections, that is to say references in other letters and the like. So far as was possible without burdening this judgment with innumerable cross-references I have endeavoured in the case of all the more important exhibits and letters to indicate the nature of the proof. In the case of a great many this was purely a question of handwriting and nothing more is necessary than a reference to the evidence of P. W. 133, Colonel Rahman, or the comparatively small group of other witnesses who identified handwriting of the accused or of their correspondents by reason of previous acquaintance with it. In other cases a reference may be made to the evidence of P. W. 277, Mr. Stott, the Government Handwriting Expert. I think that in practically every case the opinion given by him has been checked by the Court and the Assessors together, and I have mentioned earlier that there is really only one document which I can recall, in regard to which I felt some doubt as to whether the opinion given by Mr. Stott was correct. There are of course a few documents to which I have referred which were not put to Mr. Stott or to any witness, but those few were examined by the Court and the Assessors together, and there was not one of them about which there was the smallest room for doubt. I may remark in this connection that there is not in this case any instance of disguised handwriting to be considered. In the case of documents of which the copies were photographic, the above remarks equally apply. In cases, on the other hand, where there is on the record nothing but a manuscript or typed copy of a document, which was in manuscript or typescript, the proof of authenticity is in nearly all cases indirect and in the general part of the case I endeavoured to set out in every instance what that proof was. I have not done that at all consistently in dealing with the individual cases, but it will be found that in the case of I think all such letters there is proof either by means of cross-references or by what I might describe as the "alternative to forgery" method. That is to say the evidence discloses that a letter purporting to be from A to B was intercepted and copied. In 99 cases out of 100 the interception took place at the Post Office of destination. Assuming that none of these letters are forgeries prepared by the intercepting staff (and the proof of fraud would be definitely on the person making such an allegation) we have it in all these cases that a letter came to a certain place addressed to a certain accused and presumably intended for that accused, which purported to be written by a certain other accused. If it was not written by the person whose name appears on it, it must either have been a forgery prepared by the writer or it must have been written by another person of the

same name living at the same place as the person who purports to have written it. This in many instances acts as a 'reductio ad absurdum'. In many cases again such letters are individuals in a series of which other individuals are admitted, so that it is impossible to doubt that these also are genuine letters emanating from the person from whom they purport to emanate. I think it would be safe to say that there is not a single document on which reliance has been placed throughout this case, about the authenticity of which it is not possible to feel fully satisfied, and the only reason that I have not dealt with this point in every case is that there is a limit even to my patience. There are 2 points to which I may draw attention before I leave this subject, namely, (1) that the only letter seriously challenged throughout the trial was the Assembly letter of M. N. Roy and (2) that in their statements to this Court the accused in the vast majority of cases did not deny letters alleged to be theirs but merely said they did not admit, meaning thereby that they put the prosecution to proof of the document cited.

Another point to which I think it is necessary to draw attention particularly in connection with the individual cases, which I have just been discussing, is that over and above the documents quoted in each of these short chapters there is also in the case of some accused a very considerable number of documents to which I have not specifically drawn attention. In the cases of Spratt, Muzaffar Ahmad and some others however I have noted that there was a very large number of additional documents. It must not of course be supposed that the documents which I have not mentioned in connection with individual cases, were left out of consideration, because I attached no value to them. The explanation actually is that one can have an 'embarras de richesse', and that in such cases the inclusion in the discussion of an individual case of more documents than are actually necessary only results in confusion. The same of course applies to cases where there are numerous pieces of evidence to prove a particular fact.

Another point about which some remarks appear to be called for is the length of the trial. The searches and arrests of the accused in this case took place on the 20th March 1929 and the preliminary inquiry in the Magistrate's Court began on the 12th June. There were considerable delays in the Magistrate's Court owing to applications for transfer and declarations of an intention to apply for transfer. I find that the adjournments in the Lower Court by reason of such applications and in order to give the accused time to examine the exhibited documents before arguments totalled up to no less than 52 days in an inquiry which apart from the time occupied in writing the order lasted almost exactly 6 months.

In the Sessions Court the trial has lasted not quite 3 years, of which exactly 2 years and 6½ months were taken up by the hearing in Court. It is of course to be borne in mind that the case really is on a very large scale. There were 31 accused persons on trial each with his own individual interests to consider. The prosecution actually produced 281 witnesses, a very large proportion of whom were really formal witnesses but very few of whom were so treated by the defence. The prosecution exhibits total 2617 excluding subnumbers which bring the total up to approximately 3,000, and the defence put in 785 documents (excluding subnumbers) only a small proportion of which however were rendered admissible by the production of the necessary proof. But in the course of these 2½ years time was lost in a number of different ways for many of which the accused themselves were in the first instance responsible. For example 9 days were lost by a transfer application to the High Court, roughly 10 days were occupied in the hearing and decision of bail applications, 9 days were lost owing to the absence or illness of defence counsel and 11 days were lost owing to the quite unnecessary withdrawal of representation by accused who were absent ill. In addition to the above the Court was closed for 12 days in the course of these 2½ years because I was ill myself and for 5 days owing to the illness of assessors. I might perhaps remark here that I consider that the assessors deserve the greatest credit for their very regular and punctual attendance throughout the prolonged hearing of this case.

Coming back to time lost during the hearing of the case for which the accused were responsible, for the first six months of the trial one day in every week and frequently an extra half day were given at the urgent request of the accused for the inspection of exhibits, in addition to a period of 10 days at the very beginning. How far this was really necessary it was impossible for the

Court at that stage to judge but I am inclined to think that the bulk of this time was really required by the accused and I must admit that for my own study of the immense volume of exhibits it was almost essential. On the other hand a great deal of time (and this it is impossible to estimate accurately) was taken up in entirely unnecessary cross-examination of prosecution witnesses, of which in the vast majority of cases no use whatever was made subsequently. It was for this reason that the evidence of the 281 prosecution witnesses lasted from the 11th February 1930 to the 17th March 1931. The time spent in examining the prosecution witnesses could certainly have been reduced by from 2 to 3 months, had not the right of cross-examination been so abused. In this connection I must note that it was only with the greatest difficulty that I was able to keep cross-examination within bounds at all, and it will be found from the record of evidence of prosecution witnesses that in some cases I have summarised in a few lines the nature of a whole series of questions disallowed, the putting of which occupied as much as half an hour. Had I recorded each question in these cases the record would have been enormously enlarged and the amount of time wasted would have been nearly doubled. Another method by which much time was wasted was the making of objections to the relevance of documents tendered in evidence. Many of these were documents about whose relevance the defence could have felt no doubt, but they had all to be considered with care, arguments heard and orders written; there is a whole volume of such orders passed by me on the file and a cursory examination of these will make clear how much expenditure of time was entailed. But the stage of the case in which the time really necessary was most grossly exceeded was the period occupied by the statements of the accused taken under section 342 C. P. C. That section provides that "for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him the Court . . . shall for the purposes aforesaid question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence." The statements of almost all the accused in this case contain a certain amount of material which is more or less irrelevant. That I take to be almost unavoidable in a case of this kind in which there is a mass of evidence and it is very difficult to be quite sure of the bearing of some of it. In such cases a Court will naturally prefer so far as possible and reasonable to let the accused give his explanation in the form in which he wishes to give it. The Communist accused in the present case however really sought to use their statements for the purposes of propaganda in answer to what they conceived to be the propaganda done against them by the prosecution in the opening statement of Crown Counsel in the Lower Court. They, or rather I should say some of them, therefore devoted a great deal of time and space to the explanation of documents in evidence against them or of the ideas they had preached in, for example, strike speeches from a Communist point of view and not from a legal point of view, that is to say not with the object of satisfying the Court that there was nothing wrong, in the sense of being against the law, in what they had done or that a particular item of evidence did not support the prosecution case against them, but rather with the object of showing that there was some sort of ethical or philosophical or perhaps I should really say political justification for their conduct. This kind of reply was certainly not of much service as an answer to the charge and I was inclined at first to question its relevancy and to endeavour to curb it. A little consideration of the nature of these statements however made the problem distinctly more difficult. Subsection 3 of section 342 lays it down that "the answers given by the accused may be taken into consideration in such inquiry or trial" and it became clear at a very early stage that the statements which were being made by the Communist accused were very relevant in the sense that they bore out in the most direct manner many of the contentions put forward in the prosecution case. In these circumstances it seemed to me that the proper course was to receive them as statements under section 342. In this connection it will be remembered that in the cases of all the Communist accused whose individual cases I have discussed above, their own statements and the statement made by Nimbkar accused and adopted by all the Communist accused are almost as valuable support for the prosecution case as are the documents tendered by the prosecution. But even taking this fact into consideration I consider that the period of 9 months from the 18th March 1931 to the 21st January 1932 occupied by the statements of the accused was far longer than should have been necessary to enable the accused to put their cases properly before the Court, and that about half that period should have been quite sufficient.

Coming to the arguments the Senior Counsel for the Crown, Mr. Kemp, occupied exactly 2 months in a very careful and moderate treatment of the whole

case; that is the general case first and the cases of 31 individual accused afterwards. For the defence, I find that the cases of no less than 15 accused were argued in the space of 7 days, while one accused preferred not to argue his case at all. It seems astonishing in the circumstances that the argument of the cases of the remaining 15 accused occupied nearly 2 months. There is however some excuse for that in the nature of the case and the difficulty felt by defence counsel in arguing the negative on points which had been for all practical purposes conceded in the statements of the accused. But the upshot of the whole matter is that out of the period of 3 years and 10 months during which the accused in this case have been either detained in jail or out on bail as undertrial prisoners, a period of at least a year could certainly have been cut off had the accused not definitely laid themselves out to delay the case whenever they thought it safe to do so. In this connection it will be noted that the majority of the delays are due partly to the nature of the case and partly to the use made by the accused of the ordinary rights given by the C. P. C. to an accused person. And I may note further that when on some occasion towards the end of the case the question of delays was mentioned in Court in connection with a protest against some reply given by the Secretary of State for India in Parliament in answer to a question in regard to the duration of this case, one of the Communist accused said to the Court that had he and his friends made a full use of their opportunities (I do not profess to be quoting his exact words as I do not now remember them) they could have made the trial last at least a year longer, and it is certainly a fact that had the Communist accused not desired to make a gesture by refusing to produce their witness and had they produced all of them the case would have lasted for at least several months longer than it has.

Coming now to the question of sentences it will be obvious that there are a number of points to be taken into consideration. The most important of these is the nature and extent of this conspiracy, and it is so long now since I left the general part of the case that there is a danger of overlooking the conclusions at which I arrived in that part of the case. The evidence has shown with the utmost clearness that there has been in existence a conspiracy the leading mover in which is the Communist International, whose aim and object is to destroy the existing forms of Government throughout the world and substitute for them Soviet Governments on the lines of that now in existence in Russia. Specifically with reference to India there has existed a conspiracy to deprive the King-Emperor of his sovereignty of British India in which the participants are the Communist International and a whole series of organisations connected with it in one way or another, the most important of which perhaps are the Red International of Labour Unions, the Communist Party of Great Britain and the League Against Imperialism. Among the lesser organisations the live wires of which have been taking an active part are the Workers' Welfare League of India and the Labour Research Department. It was in association with these organisations and with certain individuals in Europe of whom the most important perhaps were M. N. Roy, C. P. Dutt and Sepassi, that the Indian accused in this case organised the Communist Party of India and the Workers' and Peasants' Parties with the object of furthering the aims of this conspiracy, and it was specifically in furtherance of this conspiracy that first Spratt accused and subsequently Bradley accused were sent out from England to work in association with the conspirators in India and that later Hutchinson and Adhikari accused were sent out by conspirators abroad. As to the progress made by this conspiracy its main achievements have been the establishment of Workers' and Peasants' Parties in Bengal, Bombay, the Punjab and the U. P. but perhaps of deeper gravity was the hold that the members of the Bombay Party acquired over the workers in the Textile Industry in Bombay as shown by the extent of the control which they exercised during the strike of 1928 and the success they were achieving in pushing forward a thoroughly revolutionary policy in the Girmi Kaingari Union after the strike came to an end. As regards individuals I think that in the discussion of the individual cases the relative importance of the parts taken by the different accused has been fairly clearly shown. But it is to be noted in addition (though I do not of course lose sight of the fact that section 75 I. P. C. does not apply to cases which fall under chapter 6 of the Code) that Muzaffar Ahmad, Dange and Usmani accused did not take part in a Communist conspiracy for the first time when they entered into association with other conspirators in this case. What is important about this fact is that (1) it emphasises how much of a danger to the State these men are and (2) it means, even more so than in the case of other accused, that they fully understood from the very beginning of their participation exactly what the objects

of this conspiracy were and that they were illegal. This is particularly the case with Muzaffar Ahmad who after his conviction in the Cawnpore case succeeded in obtaining his release on medical grounds within a very short time and at once proceeded to resume the role of a conspirator as appears from the evidence in this case. As regards the English accused more particularly Spratt and Bradley I take a very serious view of the offence committed by them. Spratt particularly is an educated man and yet he deliberately came out to India with the object of assisting to further a conspiracy the object of which he knew to be to bring about a violent revolution. The fact that that revolution was not expected actually to come to pass for some years to come seems to me to be no defence whatever. No one expects to bring about a revolution in a day. It is in the light of all the above facts that I have endeavoured to assess the relative guilt of the different accused in this case and to make the punishment to fit the crime. Convicting these 27 accused as stated in each of the individual chapters I sentence them as follows :-

Muzaffar Ahmad accused Transportation for life.

Dange, Spratt, Ghate, Joglekar and Nimbkar accused each to transportation for a period of 12 (twelve) years.

Bradley, Mirajkar and Usmani accused each to transportation for a period of 10 (ten) years.

Sohan Singh Josh, Majid and Goswami accused each to transportation for a period of 7 (seven) years.

Ajodhya Prasad, Adhikari, P. C. Joshi and Desai accused each to transportation for a period of 5 (five) years.

O. P. 1712. Chakravarty, Basak, Hutchinson, Mitra, Jhabwala, and Sehgal accused each to 4 (four) years Rigorous Imprisonment.

Shamsul Huda, Alve, Kasle, Gauri Shankar and Kadam accused each to 3 (three) years Rigorous Imprisonment.

In concluding this judgment I think it is my duty to call attention to the very careful and thorough work done by the Investigation officers Mr. R. H. Horton, Special D. I. G. of Police and his assistants Khan Bahadur Tasadduq Husain and Mr. Khairat Nabi who must have put in an immense amount of painstaking labour in the period between September 1928 and the searches of March 1929. It was their careful study of intercepted documents which led to the very comprehensive search operations which were carried out simultaneously all over India on the 20th March, and entailed for them and the late Mr. Langford James with Mr. J. P. Mitra a further three months' work at the highest pressure. I have further to thank Senior Crown Counsel Mr. Kemp (with his assistants Mr. J. P. Mitra and Mr. Khairat Nabi) for the very complete yet restrained and moderate manner in which the case was put before the Court and every allowance made in favour of the accused. On no point that I can recall was any obstacle put by the prosecution in the way of the accused having every reasonable facility for the conduct of their case. I must also thank defence counsel for the efforts which they made on behalf of the accused in spite of the fact that they were getting little or no assistance from them; in fact rather the reverse, for on at least one occasion an accused who had himself cross-examined a witness with disastrous results to himself subsequently called upon defence counsel to cross-examine again, with the object of undoing the harm already done.

Secondly I cannot conclude this judgment without paying a tribute to the staff of my Court for their consistent and loyal work in the past 3 years. I must make particular mention of my 2 stenographers Iffat Husain Khan and Abdul Ghafur for their work in the last 5 months. They have worked day in day out, holidays included, without a word of complaint in spite of being very severely taxed, so much so that they have often been unable to finish their transcriptions until as late as 10 o'clock at night.

Last but by no means least I owe a very real debt of gratitude to Mr. J. H. Golder, Manager of the Government of India Press, Simla. It is due entirely to his energy, personal interest and attention that it has been found possible to have the whole of this very lengthy judgment printed up and ready for distribution at the time of the delivery of the judgment within only a few days of the actual writing of these last lines.

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16th
January 1933.

Sd. R. L. Yorke
Additional Sessions Judge.

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H. C.