

JUDGMENT

delivered by

R. L. YORKE, Esqr., I.C.S.

Additional Sessions Judge

MEERUT

on

16th Jan. 1933

in the

MEERUT COMMUNIST CONSPIRACY CASE

(Sessions Trial No. 2 of 1930)

KING-EMPEROR

versus

P. SPRATT & OTHERS

Charge under Section 121-A, I. P. C.

I

VOLUME I

SIMLA

GOVERNMENT OF INDIA PRESS

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- | | | |
|----------------|---|--|
| For Crown .. | { | 1. Mr. K. Mc. I. Kemp,
Barrister-at-Law. |
| | | 2. Mr. J. P. Mitter,
Barrister-at-Law. |
| | | 3. Mr. Khairat Nabi,
Special Public Prosecutor. |
| For Defence .. | { | 1. Mr. D. P. Sinha,
Advocate. |
| | | 2. Mr. Pyare Lal Sharma,
Advocate. |
| | | 3. Mr. Sheo Prasada,
Pleader. |

VOLUME I

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CORRIGENDA.

(VOLUME I).

- Page 19. Line 22 Put closing inverted commas after " revolution ".
- Page 28. Lines 38 & 39 Delete the brackets beginning with " and that " and ending with " the former ".
- Page 52. Line 41 Change comma into full stop after " William Paul ".
- Page 73. Line 39 Put comma after " Nasim ".
- Page 73. Line 43 Put comma after " Nasim ".
- Page 74. Line 21 Read " Muzaffar " for " Muzacar ".
- Page 75. Line 15 Read " was " for " wash ".
- Page 87. Line 35 Read " had " for " he ".
- Page 102. Line 19 Read " following " for " follownig ".
- Page 138. Line 66 Read " you " for " wou ".
- Page 139. Line 37 Read " given " for " giving ".
- Page 139. Line 50 Read " revival " for " rivival ".
- Page 158. Line 36 Read " friend " for " riend ".
- Page 159. Line 64 Put a full stop after " paper ".
- Page 161. Line 54 Read " had " for " has ".
- Page 180. Line 12 Add " from " after " release ".
- Page 203. Line 63 Read " envelope " for " envelop ".
- Page 206. Line 62 Read " Joglekar " for " Jolekar ".
- Page 225. Line 62 Change comma into full stop after " Imperialism ".
- Page 233. Line 6 Read " party " for " paty ".
- Page 252. Line 32 Read " join " for " joint ".
- Page 256. Line 13 Read " P. 955 " for " P. 955 (1) ".
- Page 260. Line 15 Put closing inverted commas after " front " and delete those before " He ".
- Page 261. Line 9 Read " a " for " of ".
- Page 261. Line 22 Put the marginal heading " Application of Instructions ", against line 24 instead of line 22.
- Page 267. Line 45 Put closing inverted commas after " India ".
- Page 279. Line 29 Put " O. P. 705 " against line 40 instead of line 29.
- Page 284. Line 1 Read " to " for " ot ".
- Page 290. Line 13 Start a new paragraph with " I alluded a little way back.....".
- Page 292. Line 38 Put " O. P. 741 " against line 35 instead of line 38.
- Page 292. Line 44 Read " arrangement " for " arrangements ".
- Page 294. Line 33 Put " O. P. 747 " against line 40 instead of line 33.
- Page 306. Line 63 Read " P. 1207 (1) " for " P. 2071 ".

Judgment

PART I.

- (1) Philip Spratt.
 - (2) Benjamin Francis Bradley.
 - (3) Ajodhya Prasad.
 - (4) Shaukat Usmani.
 - (5) Puran Chandra Joshi.
 - (6) Gauri Shankar.
 - (7) Lakshman Rao Kadam (*alias* Lakshmi Narain Kadam).
 - (8) Vishwa Nath Mukharji.
 - (9) Dharani Kanta Goswami.
 - (10) Shib Nath Banerji. 10
 - (11) Muzaffar Ahmad.
 - (12) Gopal Chandra Basak.
 - (13) Shamsul Huda.
 - (14) Kishori Lal Ghosh.
 - (15) Gopendra Chakravarty. 15
 - (16) Radha Raman Mittra.
 - (17) Sripad Amrit Dange.
 - (18) Sachhidanand Vishnu Ghate.
 - (19) Shiavaksh Hormasji Jhabwala.
 - (20) Dhondi Raj Thengdi. 20
 - (21) Keshav Nilkanth Joglekar.
 - (22) Shanta Ram Suvlaram Mirajkar.
 - (23) Raghunath Shivaram Nimbkar.
 - (24) Gangadhar Adhikari.
 - (25) Motiram Gajanan Desai. 25
 - (26) Arjun Atmaram Alve.
 - (27) Gobind Ramchandra Kasle.
 - (28) Sohan Singh Josh.
 - (29) Mir Abdul Majid.
 - (30) Kedar Nath Sehgal and 30
 - (31) Hugh Lester Hutchinson.
- Q. P. 2.** have been committed for trial by Mr. R. Milner-White, I.C.S., Additional District Magistrate, on a charge under Section 121-A I. P. C., namely, that they, in and between the years 1925 and 1929 within and without British India, agreed and conspired together with one another, and Amir Haidar Khan, absconding accused, and the persons and bodies mentioned in the list attached (Appendix) and other persons known or unknown and not before the Court, to deprive the King Emperor of the Sovereignty of British India. The appendix attached to the charge contains the following names of organisations and persons :—
1. The Third International or Comintern and affiliated bodies. 40
 2. The Krestintern.
 3. The Red International of Labour Unions.
 4. The U. S. S. R. Society for Cultural Relations with Foreign Countries.
 5. The Communist Party of Great Britain.
 6. The National Minority Movement. 45
 7. The Workers' Welfare League of India.

	8. The Labour Research Department.	
	9. The Young Communist League of Great Britain.	
	10. The India Seamen's Union.	
	11. The Pan-Pacific Trade Union Secretariat.	
	12. The League Against Imperialism.	5
	13. George Allison (<i>alias</i> Donald Campbell).	
	14. R. P. Arnot.	
	15. T. Bell.	
	16. Bhaduri.	
	17. R. Bishop.	10
	18. L. C. Bradley.	
	19. E. H. Brown.	
	20. H. R. Brown.	
	21. V. Chattopadhyaya.	
O. P. 3.	22. Dombal.	15
	23. C. P. Dutt.	
	24. R. P. Dutt.	
	25. A. Glyn Evans.	
	26. Fazl Elahi.	
	27. Arthur Field.	20
	28. Percy Glading.	
	29. J. S. Garden.	
	30. E. J. Horsman.	
	31. Harry Howell.	
	32. A. Inkpin.	25
	33. I. Jusefowitsch.	
	34. J. W. Johnstone.	
	35. C. L. Leese.	
	36. Karl Lesse.	
	37. Bob Lovell.	30
	38. A. Lozovsky.	
	39. Luhani.	
	40. L. C. Mellonie.	
	41. Willi Munzenberg.	
	42. A. C. N. Nambiar.	35
	43. Orloff.	
	44. W. Paul.	
	45. Graham Pollard.	
	46. H. Pollitt.	
	47. J. Potter Wilson.	40
	48. H. P. Rathbone.	
	49. R. W. Robson.	
	50. M. N. Roy.	
	51. William Rust.	
	52. J. Ryan.	45
	53. S. Saklatvala.	
	54. Khushi Muhammad <i>alias</i> Muhammad Ali <i>alias</i> Sepassi.	
	55. R. C. L. Sharma.	
O. P. 4.	56. Agnes Smedley.	
	57. S. V. Sovani.	50

58. S. N. Tagore.
59. Julius Trosin.
60. N. J. Upadhyaya.
61. Voronoff.
62. A. Vozneciensky.
63. Max Ziesse.

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The above charge was framed as the result of the inquiry into a complaint, (P 2485), filed on March 15, 1929, in the Court of the District Magistrate of Meerut by Mr. R. A. Horton, Officer on Special Duty, under the Director, Intelligence Bureau, Home Department, Government of India. It will be convenient, I think, to reproduce the complaint or rather the narrative part of the complaint in full. It runs as follows :—

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1. That there exists in Russia an organisation called the Communist International. The aim of this organisation is, by the creation of armed revolution, to overthrow all the existing forms of Government throughout the world and to replace them by Soviet Republics subordinate to, and controlled by the Central Soviet administration in Moscow.

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2. That the said Communist International carries on its work and propaganda through various committees, branches and organisations, controlled by and subject to itself, e.g., the Executive Committee of the Communist International (E. C. C. I.), and various sub-committees of the same, including a sub-committee concerned with Eastern and Colonial affairs (Colonial Bureau), the Communist Party of Great Britain (C. P. G. B.) which is a section of the Communist International ; the Red International of Labour Unions (R. I. L. U.), the Pan-Pacific Trade Union Secretariat, the League Against Imperialism, the Young Communist League (Y. C. L.) and various other bodies.

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O. P. 5.

3. That the ultimate objective of the said Communist International is the complete paralysis and overthrow of existing Governments in every country (including India), by means of a general strike and armed uprising. It has outlined a programme or plan of campaign which should be followed for the achievement of this ultimate objective. Among the methods so ordained are :—

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- a) The incitement of antagonism between Capital and Labour.
- b) The creation of Workers' and Peasants' Parties, Youth Leagues, Unions, etc., ostensibly for the benefit of the members thereof, but in fact for the purpose of propaganda: the domination of such parties by Communists pledged to support the aims of the Communist International, and the unification of such bodies under one control subservient to the Communist International.
- c) The introduction of fractions or nuclei of such communists with illegal objects as aforesaid into existing Trade Unions, Nationalist bodies and political and other organisations, with the object of capturing the same or obtaining their support in the interest of the Communist International.
- d) The encouragement of strikes, hartals, and agitations.
- e) Propaganda by speeches, literature, newspapers, the celebration of anniversaries connected with the Russian revolution etc. etc.
- f) The utilisation and encouragement of any movements hostile to the Government.

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4. That in the year 1921 the said Communist International determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaukat Usmani and Muzaffar Ahmad entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King-Emperor of his sovereignty of British India.

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O. P. 6.

5. That thereafter various persons, including the accused Philip Spratt and Benjamin Francis Bradley were sent to India by the Communist International through the medium of one of its branches or organisations, and with the object of furthering the aims of the Communist International.

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6. That the accused named in this complaint reside at different centres throughout British India. They have conspired with each other and with other persons known or unknown within or without British India, to deprive the King Emperor of the sovereignty of British India, and for such purpose to use the

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methods and carry out the programme and plan of campaign outlined and ordained by the Communist International, and in fact they used such methods and carried out such plan of campaign with the assistance of, and financial support from the Communist International.

7. That the accused have met and conspired together as aforesaid at various places within and without British India, and amongst others at Meerut, and in pursuance of such conspiracy as aforesaid, the accused formed a Workers' and Peasants' Party at Meerut and there held a conference thereof.

8. That the above-named accused have committed an offence under section 121-A of the Indian Penal Code and within the jurisdiction of this Court.

O. P. 7.

This complaint was filed by Mr. Horton under an order of sanction under Section 196 C. P. C. given by the Governor-General in Council and dated 14th March 1929 over the signature of the Secretary to the Government of India in the Home Department (P. 2485 (1)). The complaint against Hutchinson accused and Amir Haidar Khan, the absconding accused, is P. 2486. This complaint, which was filed by Mr. Horton on June 11, 1929, is not in detail, but refers to the first complaint which, it is asked, should be read as an annexure to the second complaint. It was authorised by the orders of sanction, (P 2486 (1) & (2)), which are signed by Mr. Woodhead, who was Secretary to the Government of India in another department. I mention this fact because Hutchinson accused based an objection to the legality of the sanction on that fact. As has, however, been pointed out, it is sufficient under the law that such a sanctioning order should be signed by any Secretary to Government. When all is said and done, the signature of any Secretary on the order represents the signature of the Governor-General in Council, and it is not possible to go behind that signature. In this connection I may refer to the Government of India Act, 1915, 9 & 10 George V, Chapter 101, Section 40. As to the propriety of the form of complaint, it appears to me that the complaint, filed as it was with the annexure attached, was entirely unobjectionable, and in any case the point is no longer of importance, as the case is not now proceeding on the complaint but on the order of the Magistrate committing the accused for trial to this Court. Hutchinson accused had some further grounds of objection, namely, first, in regard to his arrest which is obviously no longer of any importance, and secondly in regard to the fact that his case was consolidated with that of the other accused after the opening statement of the Prosecution case had begun in the Lower Court. It appears, however from his own statement (page 1330), that Hutchinson accused was present in the dock before the hearing of evidence in the Lower Court began. In these circumstances it is evident that there was no defect in the proceedings against him in the Lower Court.

O. P. 8.

The accused have from time to time raised numerous objections to the alleged vague nature of the complaint. It will perhaps be sufficient to say that a most cursory study of the complaint by persons as well read and well informed on Communist theory and practice as the bulk of the accused in this case admittedly are, could not have left them in any doubt as to the nature and meaning of the charge brought against them. As learned Crown Counsel pointed out in his summing up, there are numerous remarks contained in the statements of the accused made to this Court under Section 342 C.P.C. which show that they were not really in any doubt as to the meaning and scope of the Prosecution case.

If they were in any such doubt, the High Court, in dealing with one of the many applications made to it from time to time gave them some help in the matter. The Hon'ble Chief Justice in the order dated 24th July 1929 drafted a number of questions with the immediate object of testing whether the allegations made by a counsel before him as to the scope, which the enquiry in this case would cover, were well founded. The questions which were framed by the learned Chief Justice on that occasion were as follows :—

(1) Was there at all times material to this prosecution an organisation in Russia known as the Communist International ?

(2) If yes, are the objects of the organisation set out and described in its official publications and other relevant admissible documents ?

(3) Did that organisation, at all times material to this prosecution, have as one of its objects the overthrow of the Government of His Majesty the King-Emperor in India by armed revolution ?

O. P. 9.

(4) Are the successive steps by which the armed revolution was to be brought about, indicated, prescribed and advocated in the said official publications and other relevant admissible documents ?

I omit questions 5 to 9 at this stage and go on to question 10.

(10) Alternatively to questions 5 to 9, did all or any and which of the accused, whether members of the Communist International or not, conspire with each other at Meerut and elsewhere to carry out all or some of the successive steps aforesaid or steps similar thereto with the ultimate object of bringing about an armed revolution to destroy the sovereignty of His Majesty the King Emperor in India ?

Reverting to the omitted questions, question No. 5, relating to membership of the Communist International, is not really part of the Prosecution case against any of the accused ; the other questions were as follows :—

(6) Were the accused, or any and which of them, members of the Workers' and Peasants' Party ?

This would perhaps be better framed, as the case now appears, in the form :
Were the accused or any or which of them members of the Communist Party of India or of any of the Workers' and Peasants' Parties ?

(7) Was that association affiliated to or working in collaboration with the Communist International or any and which of its subsidiary organisations ?

Here again, as the case is now seen, for the words " was that association " the words " were the C. P. I. and the Workers' and Peasants' Parties " should be read.

O. P. 10. (8) Did the said Workers' and Peasants' Party (this would now be read better as " the said C. P. I. and Workers' and Peasants' Parties ") or all or any and which of the accused receive instructions, advice and money from the Communist International or from any of its subsidiary organisations for the support of its members or the accused and for the furtherance of the successive steps leading up to armed revolution ?

(9) Did the said Workers' and Peasants' Party (" C. P. I. and W. & P. Parties ") or all or any and which of the accused agree to carry out the successive steps indicated by the Communist International with the ultimate object of bringing about an armed revolution to destroy the sovereignty of His Majesty the King Emperor in India ?

In the remaining questions the learned Chief Justice distinguished between the evidence against individuals of entering into and participating in the conspiracy and the evidence against individuals admissible under Section 10 of the Evidence Act against co-accused.

(11) What is as regards each accused the evidence of his having entered into the alleged conspiracy ?

(12) What are, as regards each accused, the acts, speeches, writings and other conduct which as against him prove a *prima facie* case of participation in the said alleged conspiracy ? (The mention of a *prima facie* case is of course due to the fact that these were questions for the enquiring Court.)

(13) What are the acts, speeches, writings and other conduct of the individual accused which are receivable in evidence as against him and all the other accused in proof of the said alleged conspiracy ?

O. P. 11. I do not think that in the light of the above questions, of the wording of the complaint and of the opening speeches of the learned Counsel for the Crown in both courts, the accused could ever have been in any doubt as to the nature of the Prosecution case against them. The accused and their counsel in the course of their summing up of the Defence case put forward in a vague kind of way an argument to the effect that if there were any mistakes or any inaccuracy in the complaint the accused must be considered to have been misled and ought to be acquitted. It is possible that there may be inaccuracies in the complaint but, as Crown Counsel pointed out, the question whether accused will be convicted does not depend on the complaint, which is, at any rate, a substantially correct statement of the case which the Crown has sought to establish, but on the evidence.

Before going any further it will be convenient to dispose of one or two points of law which have been raised for the defence. The first of these is the question whether this Court has jurisdiction to try the case. The objection here is that the Court has no local jurisdiction in the sense that even if there is evidence of acts committed at Meerut it does not justify the holding of the trial there. This has been put in two ways. First, on the lines that the Government by instituting the complaint at Meerut has done something unfair in as much as the bulk of the evidence certainly relates to acts done, speeches made and so forth at either Calcutta or Bombay. Now there can be no question that there is ample evidence on the record of acts done, speeches made etc. at Calcutta or places outside Calcutta but near it, and at Bombay, Lahore, Amritsar, Lyallpur as well as at Meerut. It is also no doubt a fact that had the Government chosen to institute the complaint in a Court at either Bombay or Calcutta that would have suited the convenience of some of the accused, if at Bombay the Bombay group, if at Calcutta the Calcutta group, better than a trial at Meerut. It is also, I suppose, a fact that had the trial taken place at Bombay or at Calcutta the trial would have been by Jury. But I cannot see what ground of complaint the accused have on that score. If, as the evidence shows, they chose to extend their operations to places where, if the Government chose to take action (and the Bombay accused at any rate from the very first were aware of that risk), trial might not be by jury but by a judge with the aid of the assessors, that is a matter which they should have foreseen before they took those steps, and it is no use to complain about it now. If the accused themselves put the Government in a position to prosecute them at Meerut they cannot complain because the Government did not select a crowded presidential town with its innumerable possibilities of public excitement and influence on the jurors as the venue for the trial of a case like the present one.

O. P. 12.

The second aspect of this point is the legal aspect. It was at first sought to argue that no acts had been committed at Meerut which would give jurisdiction. That has not, I think, been pressed recently and to my mind at any rate it has no force whatsoever. It has, however, been sought to argue that even if acts have been committed at Meerut in furtherance of the conspiracy still there is a technical defect in respect of jurisdiction. This was merely based on the supposition that whatever did take place at Meerut did not result in the formation of a Workers' and Peasants' Party of the U. P. As Crown Counsel however has pointed out in the course of his argument, it does not in the least matter whether the formation of such a party did or did not actually result from what was done. There is conclusive evidence that efforts were made by a number of the conspirators at Meerut in furtherance of the conspiracy and that is sufficient for the purpose of settling the question of jurisdiction. There are a number of letters, telegrams, resolutions etc. etc. : but even a single letter from Meerut (and there are several from Gauri Shanker accused and one at least from Joshi accused), or a letter written by a conspirator outside to a conspirator at Meerut in furtherance of the conspiracy would be sufficient to confer jurisdiction.

O. P. 13.

In this connection Crown Counsel relied on the ruling *K. vs. Brissac*, reported in 4 East, page 164, *vide* 102 English Reports, page 793 and the passage at page 795. It will be useful to quote this and the other rulings mentioned in this connection as they are also valuable in connection with the legal question of "conspiracy". "Conspiracy", says Mr. Justice Grose, "is a matter of inference, deduced from certain criminal acts of the parties accused done in pursuance of an apparent criminal purpose in common between them, and which hardly ever are confined to one place; and that from analogy, there seems no reason why the crime of conspiracy, amounting only to a misdemeanor, may not be tried wherever one distinct overt act of conspiracy is in fact committed, In the case of *K. vs. Bowes and others* the trial proceeded upon this principle; where no proof of actual conspiracy embracing all the several conspirators was attempted to be given at Middlesex, where the trial took place, and where the individual actings of some of the conspirators were wholly confined to other counties than Middlesex: but still the conspiracy as against all having been proved from the community of criminal purpose, and by their joint co-operation in forwarding the objects of it, in different places and counties, the locality required for the purpose of trial was holden to be satisfied by overt acts done by some of them in prosecution of the conspiracy in the county where the trial was had."

Crown Counsel also referred to the ruling reported in 9 Bengal Law Reports, page 36, *Q. vs. Amir Khan*. He relied on two passages in the head note which run as follows :—

O. P. 14. “ Where the prisoner was charged with having, at Calcutta, abetted the waging of war against the Queen, and was tried at the Sessions Court of Patna, it was held that the Court of Sessions at Patna had jurisdiction to try him, because he was a member of a conspiracy, other members of which had done acts within the district of Patna in pursuance of the original concerted plan, and with reference to the common object.” 5

“ The Court of Patna had jurisdiction also, because the prisoner had sent money from Calcutta to Patna by hundis, and, until that money reached its destination, the sending continued on the part of the prisoner.” 10

He further relied on two passages in the judgment which appear at pages 62 and 63 and are as follows :—

“ Now, the rule of law is that, where several persons are proved to have combined together for the same illegal purpose, any act done by one of the parties in pursuance of the original concerted plan, and with reference to the common object, is, in the contemplation of law, the act of the whole. Each party is an agent of the others in carrying out the objects of the conspiracy and doing anything in furtherance of the common design. This was determined in England in the case of *Rex vs. Bowes*, cited by Grose, J. in the *K. vs. Brissac*, and cited to us by the learned Advocate General, and the law has, from the period when that case was decided, been the settled law in England. It rests upon a principle which is equally applicable in this country. There is not any peculiarity of English law in this matter, but it rests upon the general law which has been stated that, where parties concert together, and have a common object, the act of one of the parties done in furtherance of the common object in pursuance of the concerted plan, is the act of the whole of them.” 15 20 25

O. P. 15. “ Now the money was received at Patna, and sent by Amir Khan there through hundis, as proved by the evidence ; and until that money reached its destination, the sending, in point of law, continued on the part of Amir Khan ; the money was in the process of being sent to the persons by whom it was intended to be received until they received it at Patna, and there was, in that view of the case, a sending of the money by Amir Khan within the district of Patna, where he has been tried and convicted. It is on this principle that it has been held, and it is considered settled law, that an indictment for sending a threatening letter may be tried either in the country in which the offender sent the letter, or in the country in which the prosecutor received the letter.” 30 35

Crown Counsel also relied on the case *Q. vs. Rogers*, reported in 3 Q. B. D. 28, page 34, which also it may perhaps as well to quote in full. The passage runs as follows :— 40

“ There is a strong authority to be found, as to the effect to be given to the sending of the letter to Middlesex. In the case of *Evans vs. Nicholson*, the Court regarded a letter as speaking continuously from the moment of its being posted until its receipt by the addressee for the purpose of giving jurisdiction, and the reasoning is in this way : A letter is intended to act on the mind of the recipient ; its action upon his mind takes place when it is received. It is like the case of the firing of a shot, or the throwing of a spear. If a shot is fired, or a spear thrown, from a place outside the boundary of a county into another county with intent to injure a person in that country, the offence is committed in the country within which the blow is given. So with a letter.” 45 50

O. P. 16. I now come to consider the section under which the accused are charged, and in consequence a number of points which have been raised in connection with the interpretation of the section. One of the many difficulties in writing a judgment in this case is to decide what is the most appropriate place for discussion of the numerous points good and bad, mostly I regret to say the latter, which have been raised in this connection. Logically in the case of some of them it would seem best to deal with them in discussing the general defence at the appropriate point for that purpose. On the other hand if, as Crown Counsel suggested, all these points are more or less “ red herrings ” sought to be dragged across the trail, it would be better to do as Crown Counsel did in his argument and dispose of them before going on to set out the facts of the case in detail. I shall at any rate dispose of a number of these points at this stage, leaving for a later stage only those for which the present stage does not seem to be suitable. 55 60

The relevant portion of Section 121-A under which the accused are charged reads as follows :—“Whoever within or without British India conspires to deprive the King Emperor of the sovereignty of British India shall be punished Explanation :—To constitute a conspiracy under this section it is not necessary that any act or illegal omission shall take place in pursuance thereof.” A whole series of attempts has been made to show either that the facts proved do not bring the accused within the scope of this section or that the section should not be applied even if *prima facie* the facts do bring them within its scope. Before dealing with these it is necessary to consider what the plain meaning of the law is. Conspiracy is not defined in this section and so far as I can see there is no definition in the Code which is properly applicable. It was suggested that the definition contained in Section 120-A, I. P. C. applies to this Section 121-A, but that I think is clearly a wrong suggestion. Section 121-A became the law in 1870 ; Section 120-A was enacted some 40 years later, and they do not form part of the same chapter of the Code. It cannot therefore be said that Section 120-A governs Section 121-A.

We may however apply an analogy from the definition contained in Section 120-A, and the result, about which there is really no dispute, is that the essential ingredient in conspiracy, whether it is conspiracy under Chapter V A or conspiracy under Section 121-A, is agreement. An agreement the object of which is illegal or if not illegal is to be attained by illegal means is punishable under Section 120-B. But where the agreement has the specific object of depriving the King Emperor of his sovereignty of British India it is punishable under Section 121-A. The whole burden of the Prosecution case is devoted to proving that there was such an agreement between the accused, and between the accused and their co-conspirators in and outside India.

Taking the meaning of the words “whoever conspires” to be now clear we may go on to consider the meaning of the phrase “to deprive the King Emperor of his sovereignty of British India”. In this connection a suggestion was made that the King’s sovereignty does not really exist. I do not quite know why the accused wasted their time in putting forward an argument of this kind. For the purpose of the Indian Penal Code the King Emperor’s sovereignty might be presumed to exist but the law makes the matter clear. Section 1 of the Code prescribes that it (the Code) shall take effect throughout the whole of the territories which are or may become vested in His Majesty by the Statutes 21 and 22 Victoria Chapter 106. Further by Section 15 the words “British India” denote the territories which are or may become vested in His Majesty by the said Statute 21 and 22 Victoria, Chapter 106. Lastly under the provisions of Section 1 of Chapter 61 of the Government of India Act, 1915, 5 & 6 George V, “The territories for the time being vested in His Majesty in India are governed by and in the name of His Majesty the King Emperor of India”.

Deprivation of the King of his sovereignty of British India then plainly means the bringing about by methods other than constitutional of the cessation of the existing form of Government of British India. It makes no difference to the case to call that form of government the government of British Capitalism or British Imperialism. In fact a study of the statements of the accused and of numerous Communist writings will show that the two things, that is the Imperial Government or the King’s sovereignty and British Imperialism are from the Communist point of view practically the same thing.

In this connection Crown Counsel drew attention to another of the many subterfuges in the way of defence arguments put forward by or on behalf of the accused. This was a suggestion that the accused by whatever they did, although they certainly desired to overthrow British Imperialism, did not desire to deprive the King Emperor of his sovereignty. From the legal point of view that is obviously absurd, as I have shown already, but in fact the argument has also been contradicted by statements of the accused themselves which it may be as well to quote. For example in P. 904 (The Bengal Workers’ and Peasants’ Party’s statement on the Nehru Report), a considered statement, we find a remark “The presence of the King cannot but be repulsive to every Indian”. A similar remark is found in a document P. 545 (3) of which Spratt accused is the author. Further Sohan Singh Josh accused at page 352 of the statements of the accused makes the point clear that there is no room whatever for a king, in India or anywhere else, in his view of what he wants to bring about. The point is clinched by a reference made by Crown Counsel to a

leaderette in P. 534, a copy of a Communist newspaper the "Workers' Life" which makes it clear that the monarchy is a serious obstacle in the way of the workers, because it hides the reality of class relation and class exploitation under a mist of semi-divine and semi-personal sentiment, and has therefore obviously got to be abolished.

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As pointed out earlier one of the suggestions made is that even if the section is applicable it ought not be applied. This was put forward by Hutchinson accused, in this way: He said that this section was 60 years old and was obsolete and ought not to be applied in the changed conditions of modern society. The same argument might be put forward about any laws not recently promulgated and seems to me to have no inherent value. It was put forward by learned counsel for some of the Communist group of accused (By the "Communist group" I mean the 20 accused who claim to be Communists by conviction) in a different form. By him it was argued that Section 121-A was based on an English Act of 1848 and it was said that in spite of the existence of the English Act the Communist Party of Great Britain, whose aims and objects, methods etc. were and are exactly on the same lines as those of the Communist accused, exists legally in England at the present time, and therefore this Section 121-A should not be used against the accused. That is an extraordinary argument. That the Communist Party of Great Britain exists admits of no doubt. Whether it exists legally or not has never been decided so far as I am aware. Unless it could be said that the Act of 1848 had been interpreted in a particular way in England and therefore this Court should interpret Section 121-A in the same way, there could be no force in any argument based on an analogy between the English Act and Section 121-A.

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O. P. 20.

Another point raised by one accused was that there could not have been any conspiracy because, at any rate so far as relates to the public acts of the accused, there was no question of secrecy or concealment. He suggested that conspiracy involves in it elements of secrecy. That is of course often the case but it is not an essential ingredient. But his point, which he described as the layman's point of view, was that there were not in this case meetings in dark corners or underground dens, making of bombs or procuring of firearms. Possibly the accused was somewhat misled in this connection by my accepting at an early stage of the trial the evidence of invisible writings, cryptic correspondence, secret methods of communication and the like as evidence satisfying me of the existence of a conspiracy. But the fact is that these things are in themselves evidence of agreement and the question then was not of the interpretation of Section 121-A but of the applicability of Section 10 of the Indian Evidence Act. I need not however waste time over this layman's point of view as accused calls it, as it is not that which the Court has to consider but only what is the true interpretation of the law.

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Another point which should perhaps be mentioned before I go on to deal with the evidence was a suggestion not infrequently made that the Prosecution had changed their ground somewhat as the case went on. This was based on a supposed discrepancy between a remark made in the Opening Address to the effect that during the period 1927-29 the most important activities of the accused and those which were taking most of their time and attention and probably attracted most public notice were the strikes which raged in Calcutta and Bombay, and a statement made at a later stage that in the case of a number of accused, those most active in strike work, all the evidence of their strike activities was almost insignificant. This suggestion was however I think, like many others put forward by the accused, only made for propaganda purposes, for the greatest stress was laid in the same Opening Address (as Joglekar accused admitted in his arguments) on the claim that mere agreement to put into effect the programme of the Communist International was sufficient for the Prosecution and they could treat actual activities as of minor importance. On the other hand it suited the accused to lay the greatest stress on the public activities and the least possible on the other evidences of agreement, both from the point of view of propaganda and from the point of view of their defence to the charge.

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O. P. 21.

I may now leave these preliminary considerations and go on to the main facts of the case. In summing up his case Crown Counsel stated that he hoped to show that the following points had been definitely proved: (1) That a conspiracy existed at all material times to bring about a violent mass revolution

in British India with the object of overthrowing the Government by law established ; (2) that the main-spring or driving force of this conspiracy was an organisation known as the Communist International which describes itself in one place as ' the concentrated will ' and in another as ' the leader and organiser of the world revolutionary proletariat ' ; (3) that in pursuance of this conspiracy the Communist International had contrived first of all through its subordinate organisations as for example the C. P. G. B. (Communist Party of Great Britain), through its individual agents as for example M. N. Roy, and also through other subsidiary organisations working in sympathy with it and either controlled by it and or under its direct influence as for example the R. I. L. U. (Red International of Labour Unions), L. A. I. (League Against Imperialism) and so on, to propagate its doctrines in India and engage in India with parties and individuals to make preparations for the desired revolution. Lastly he said he would go into the cases of individual accused to see how far they were concerned. It will be noted how closely the above summary of what Crown Counsel said he would contend was proved by the evidence tallies with the allegations in the complaint and the items which the learned Chief Justice set out as required to be proved in the questions which I have already quoted.

O. P. 22.

Before I begin the examination of the Prosecution case as based on the documents and evidence on record in this case some remarks are necessary on a few points in regard to this evidence.

First of all in regard to the relevance of the evidence led by the Prosecution ; speaking generally all questions of the relevance of evidence, both oral and documentary, have been dealt with in separate orders passed from time to time in the course of trial after hearing the arguments of both sides. These orders, which have been printed and by themselves make up a small volume, will be found in the body of the judicial record. During the final arguments in the case only in a very few cases has any objection been raised to the relevancy of any piece of evidence.

O. P. 23.

The second point requiring notice is in regard to the proof of the documentary evidence on record. That evidence consists in the main, of books, letters, essays, newspaper cuttings and so on and so forth, recovered in the course of searches ; in the case of the conspirators in India the searches conducted on March 20, 1929, and in the case of the Communist Party of Great Britain the searches of the Party premises at 16 King Street, Covent Garden, and at some other places in London, on October 14, 1925. Secondly it consists of letters, pamphlets and the like, intercepted in the course of post and either withheld or reposted after photographing or copying. There is a mass of evidence on the record proving the searches and, save only in a very few cases, the evidence in regard to the recovery of documents etc. in these searches has scarcely been questioned in the final stages of the case. An enormous amount of time was however wasted during the hearing by lengthy cross-examination of the police officers who conducted these searches or of the search witnesses, but practically no reference has been made to all this cross-examination in the course of the arguments. Moreover, the accused themselves frequently destroyed the effect of a long cross-examination of a police officer by asking him to prove for their own benefit that certain other documents had been recovered in these searches in addition to those tendered by the Prosecution. A salient feature, moreover, of all this cross-examination was that the defence never once put their finger on a particular document or other article, and suggested that this document had not been honestly recovered in the place searched, but had been planted there. As regards the letters intercepted and withheld or photographed, there is in most cases evidence on the record in regard to the handwriting or facts proved which amount to circumstantial proof of the authenticity of those documents. In any case, where a document, on which I shall rely in the course of this judgment, has been questioned, I shall deal with the evidence in regard to it. In regard to the letters intercepted and copied this question is, of course, more difficult, as there can be no proof of handwriting. The Intercepting Officer did not, in any case that I can remember, claim to know the handwriting of the writer of the letter, nor was any such officer ever asked to give evidence of that kind. At the time of his summing up, therefore, Crown Counsel was asked in every case to show by what circumstantial evidence (*e.g.* a reference to the letter under discussion in another letter the handwriting of which is proved) each such letter was argued to be proved, and I shall endeavour in the course of this judgment to show the nature of the proof in each such case. In nearly every case the proof

O. P. 24.

has been most convincing since in all cases in which no convincing proof was forthcoming, Crown Counsel did not attempt to rely on the document.

In regard to the documentary evidence of the defence, a very large number of documents were tendered through the searching officers, and the only evidence on record in regard to most of them is the fact that they were recovered in searches. Their relevance was not seriously considered at the time when they were tendered and a good many of them would obviously have required further proof for the obvious reason that the possession of documents by a person may and often does amount to an admission on his part, but there is a vast difference between admissions damaging to a person's interest and admissions in his own favour. It was also anticipated at that date, and the anticipation was in due course realised, that the bulk of this material would not, when the time came, be used by the accused. As a matter of fact a few of the accused have proved through defence witnesses a small number of the documents which were tendered. The Communist group of accused have not sought to give any further proof of the documents tendered by them and at that time marked for purposes of identification, nor have they sought in the course of arguments to rely on more than a very few of those documents. I may mention here that the accused, mainly the Communist accused, asked the Court to have a very large number of passages in Prosecution documents, for example, the "Kranti", the Marathi organ of the Workers' and Peasants' Party of Bombay, translated, with the implied intention of using these passages in their defence. Here again I am unable to say with what object they really asked the Court to have these translated, as the number of such translations, of which use has been made subsequently by the defence, is only a minute fraction of those which were got translated. It was, however, impossible for the Court to avoid this waste of time and money, because these documents were in Marathi, with which I am not acquainted, and it would have taken an enormous amount of time to have them orally translated in order to test the genuineness of the necessity urged by the accused.

PART II.

O. P. 25. In the light of the statement already given of the points which had to be proved in this case I think it will be clear that the first point on which the Crown has to satisfy the Court is, put simply, what are the aims and what are the methods of the Communist International? If, having satisfied the court as to what those aims are and what those methods are, the Prosecution can also satisfy the Court that the accused had the same aims and applied the same methods, they will have gone a long way towards proving the case against the accused. In order to ascertain what these aims and what these methods are, it is necessary to consider as shortly as possible the history of the Communist International and of the doctrines and aims for which it stands. 5

As the Prosecution have pointed out, these doctrines and aims date back many years prior to the foundation of the International. The farthest we need go back is the year 1847, when Marx, who may be described as the father of modern Communism (and to a certain extent of modern Socialism), wrote a book called "The Poverty of Philosophy" in which according to Professor Harold J. Laski (P. 2515, Karl Marx, an Essay, by H. J. Laski) the revolutionary element was for the first time introduced, the main theme of the book being, according to Professor Laski, that social evolution involves economic revolution. In 1848 Marx and Engels produced the Communist Manifesto (P. 21), a short statement of Communist principles which is regarded by all Communists with the greatest possible reverence. P. 2515 already mentioned and P. 1776, "The Essentials of Marx" by Algernon Lee (recovered in the search of Nimbkar accused's room no. 19, Contractor Building no. 2, item no. 124 of search list P. 1739), explain the circumstances in which the Communist Manifesto was produced. An organisation of German working men called the "League of the Just", which had been in existence for some 10 or 11 years and originally had its headquarters abroad, but subsequently in 1840 moved them to London, and there gathered into its ranks a number of English working men and political refugees, thereby acquiring something of an International character, held its First Congress in London in the summer of 1847. Shortly before this date it had changed its name and begun to call itself the Communist League. At this First Congress Engels was present, and at the Second Congress in December 1847 Marx appeared, and he and Engels were commissioned to draw up a programme. For this they were already prepared, and the Communist Manifesto appeared shortly afterwards in 1848. 10 15 20 25 30 35

O. P. 26. There are a number of reasons why it is necessary to go into the Communist Manifesto in some detail. One is that it is the first clear statement of Communist aims and methods and of their attitude to certain aspects of social life, which affect the aims and more particularly the methods. It is, therefore, desirable to go into it first, instead of going direct to the modern expressions of policy contained in the theses etc. of the Communist International. Secondly it is a fact that any Marxist, who seeks to temper down the revolutionary element planted by Marx and Engels, is denounced by the true-blue Communists as reactionary, and this we shall in due course find to be the attitude of the accused in this case. 40 45

O. P. 27. The Communist Manifesto sets out both the final or ultimate aim and the immediate aim. The ultimate aim is the establishment of the true Communist society, sometimes described as the highest phase of Communism. With that aim I need not concern myself for the very good reason that it is more than doubtful whether it will ever arise, as has been admitted by Lenin himself at page 99 of "The State and Revolution", (P. 900), where he says that it has never entered the head of any Socialist "to promise" that the highest phase of Communism will actually arise. On page 100 he goes on as follows:— 50

"In reality when the learned professor etc.....talk of the impossibility of "bringing in" Socialism, it is the highest stage of Communism which they have in mind and which no one has not only not promised but never even thought of trying "to bring in", because, in any case, it is altogether impossible "to bring it in". In this highest phase of Communism mankind has to realise in life the formula "From each according to his ability; to each according to his need," but he goes on on page 102: "By what stages, by means of what practical methods humanity will proceed to this higher aim—this we do not and cannot know." 55 60

If the greatest exponent of Communism is unable to elucidate the question of the progress to the highest phase of Communism and has concentrated on the immediate aim, that is the Dictatorship of the Proletariat, we may well do likewise. Realisation of the highest phase of Communism is apparently reached by the famous process of "withering away" about which there has been in the past a considerable amount of dispute into which it is not necessary to go in this case. 5

O. P. 28. Before I go back to the Communist Manifesto (P. 21), I should perhaps remark that in summing up the prosecution case Crown Counsel relied on a very large number of quotations from the original documents and writings of Marx, Lenin, Stalin, etc. There has not been any attempt worth the name to argue that anything to be found in these original documents does not any longer hold good. The only attempt, and a feeble one at that, to detract from the effect of this method of argument (though it must be admitted that the accused were in this respect perhaps in some difficulty through having to put their case first) was to suggest that the passages quoted, for example, by Crown Counsel in the Opening Addresses in both courts were passages torn from their contexts. In the course of this judgment I shall inevitably make use of the same quotations which the prosecution has put before me, but I should point out, before I do so, that it would be possible to support these quotations with almost any number of parallel extracts leading to the same conclusions. There would, however, be no point in attempting to 'paint the lily', and I shall for the most part content myself with referring to the same passages and to the obvious inferences to be drawn from those passages. It is important to bear in mind that the points sought to be established are comparatively simple and that the passages on which reliance is placed, are not such as lead to any difficulty in the way of interpretation. 10
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O. P. 29. I may now turn back to P. 21, which is the Indian Edition of the Manifesto of the Communist Party by Karl Marx and Frederick Engels, commonly called the "Communist Manifesto". In this edition we find a preface written by Frederick Engels, dated the 30th of January, 1888, five years after the death of Karl Marx. On page 5 of this he points out that though the Manifesto was a joint production of his and Marx's, "the fundamental proposition which forms its nucleus, belongs to Marx." That fundamental proposition was the materialist conception of history, or, in the words of Engels, "That proposition is : that in every historical epoch, the prevailing mode of economic production and exchange and the social organisation necessarily following from it, form the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch ; that consequently the whole history of mankind (since the dissolution of primitive tribal society, holding land in common ownership) has been a history of class struggles, contests between exploiting and exploited, ruling and oppressed classes ; that the history of these class struggles forms a series of evolution in which, now-a-days, a stage has been reached where the exploited and oppressed class—the proletariat—cannot attain its emancipation from the sway of the exploiting and ruling class—the bourgeoisie—without, at the same time, and once and for all emancipating society at large from all exploitation, oppression, class distinctions and class struggles." 30
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Coming to the Manifesto itself we find on page 10 a definition of the bourgeoisie as "the class of modern capitalists, owners of the means of social production and employers of wage-labourers who, having no means of production of their own, are reduced to selling their labour-power in order to live." 50

On page 13 we find : "The bourgeoisie has at last, since the establishment of Modern Industry and of the world market, conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie." 55

Again on page 16 the authors say about the bourgeoisie : "It has centralised means of production and has concentrated property in a few hands."

O. P. 30. On page 18 we come to the weapons which the bourgeoisie has forged against itself, and the class which has to wield them. The passage runs as follows :—"The weapons with which the bourgeoisie felled feudalism to the ground are now turned against the bourgeoisie itself." 60

But not only has the bourgeoisie forged the weapons that bring death to itself ; it has also called into existence the men who are to wield those weapons—the modern working-class—the proletarians. ”

Dealing with the changed conditions of life arising from the development of industry and the growth of the proletariat the writers say on page 21 : “ The collisions between individual workmen and individual bourgeois take more and more the character of collisions between two classes. Thereupon the workers begin to form combinations (Trade Unions) against the bourgeois. ” Here then we have the class struggle growing sharper. At page 23 they remark : “ Of all the classes that stand face to face with the bourgeoisie today the proletariat alone is a really a revolutionary class. ”

On page 24 they go on : “ In the conditions of the proletariat, those of old society at large are already virtually swamped. The proletarian is without property ; his relation to his wife and children has no longer anything in common with the bourgeois family-relations ; modern industrial labour, modern subjection to capital, the same in England as in France, in America as in Germany, has stripped him of every trace of national character. Law, morality, religion, are to him so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests ” “ The mission of the proletariat is to destroy all previous securities for, and insurance of individual property. ”

O. P. 31.

“ All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air. ”

Just after this we find a passage indicating the inevitable results of the springing into the air, namely violent revolution. In this passage the writers say : “ In depicting the most general phases of the development of the proletariat, we traced the more or less veiled civil war, raging within the existing society, up to the point where that war breaks out into open revolution, and where the violent overthrow of the bourgeoisie lays the foundation for the sway of the proletariat. ”

In the next chapter the writers go on to deal with relations between the proletariat and the Communists and state that the Communists have no interests separate and apart from those of the proletariat as a whole.

On page 27 they point out : “ The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property. But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products, that is based on class antagonisms, on the exploitation of the many by the few. ”

In this sense, the theory of the Communists may be summed up in the single sentence : Abolition of private property. ”

Again on page 30 they point out : “ The middle-class owner of property must indeed be swept out of the way and made impossible. ”

O. P. 32.

After this on pages 32 to 36 the writers make some attempt to meet the charges made by critics of Communism that it destroys the family relations, marriage, nationality. They say on page 34 : “ The charges against Communism made from a religious, a philosophical, and, generally, from an ideological standpoint, are not deserving of serious examination. ”

Again at page 35 they refer to the allegation that Communism abolishes eternal truths, it abolishes all religion, and all morality, instead of constituting them on a new basis ; it therefore acts in contradiction to all past historical experience.

Their reply to this is on pages 35 and 36 :

“ The history of all past society has consisted in the development of class antagonisms, antagonisms that assumed different forms at different epochs. ”

But whatever form they may have taken, one fact is common to all past ages, *viz.*, the exploitation of one part of society by the other. No wonder, then, that the social consciousness of past ages, despite all the multiplicity and variety it displays, moves within certain common forms or general ideas, which cannot completely vanish except with the total disappearance of class antagonisms.

The Communist revolution is the most radical rupture with traditional property-relations ; no wonder that its development involves the most radical rupture with traditional ideas. ”

O. P. 33.

They then dismiss the bourgeois objections to Communism as unworthy of further discussion and go on to say that the first step in the revolution by the working class is to raise the proletariat to the position of ruling class. About this they say : “ The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeois, to centralise all instruments of production in the hands of the State, *i.e.*, of the proletariat organised as the ruling class.”

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From this they go on to measures which in the most advanced countries will be pretty generally applicable.

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Finally on page 37 we reach the conclusion of the whole matter in the following words :—

“ When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so-called, is merely the organised power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organise itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms, and of classes generally, and will thereby have abolished its own supremacy as a class.

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In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.”

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O. P. 34.

Omitting Chapter III with which we are not concerned, and coming to the last chapter we find at the conclusion some important passages.

On page 51 the writers say : “ The Communists fight for the attainment of the immediate aims, for the enforcement of the momentary interests of the working class ; but in the movement of the present, they also represent and take care of the future of that movement.” And again on page 52 with reference to the movement in Germany (but the passage is of general application), they say : “ But they (the Communists) never cease, for a single instant, to instil into the working class the clearest possible recognition of the hostile antagonism between bourgeoisie and proletariat.”

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Finally on the same page we find the following :—

“ In short, the Communists everywhere support every revolutionary movement against the existing social and political order of things..... The Communists disdain to conceal their views and aims. They openly declare that their aims can only be attained by the forcible overthrow of existing social conditions. Let the ruling classes tremble at a Communistic revolution.”

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These passages leave little room for doubt that the seizure of power by the proletariat, contemplated by Marx and Engels, involves violent, not to say armed revolution. In this connection it may be convenient to refer to a remark by accused Adhikari in his statement at page 1295, where he says : “ 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.”

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O. P. 35.

Referring to the passages in regard to religion and morality in the Communist Manifesto, Crown Counsel traced the further development of Communist ideas in regard to these two matters and quoted some passages showing how exactly the accused have adopted the ideas of the Manifesto on these subjects, and pointed out one or two important inferences to be drawn from that fact. First, in regard to religion ; P. 1220 is a file recovered from the office of the “ Kranti ” which contained typed copies of a number of articles, etc., relating to Russia. No. 8 of these is an article by Lenin on the relation of the Workers’ Party to religion. This same article was republished in the “ Labour Monthly ” for December 1926 (P. 976). The fundamental principle preached in this article is that “ Religion is the opium for the people. Marxism, therefore, regards all present day religion and churches.....as instruments of

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bourgeois reaction which serve as a shield for the exploitation and deception of the working class."

The fight against religion is necessary and Marxism says : " We must fight religion.....The fight must be brought into close connection with the concrete tasks and activity of the class struggle which is directed to the elimination of the social roots of religion." 5

Again the writer (Lenin) says : " The Marxists must take up the fight against religion correctly on the basis of class struggle ", that is on practical lines. The subject is dealt with in " The A. B. C. of Communism ", (P.-755), at pages 256 onwards. At the beginning of Section 89 the writers say : " It is the task of the Communist Party to make this truth (the truth of Karl Marx's saying ' Religion is the opium of the people ') comprehensible to the widest possible circles of the labouring masses. It is the task of the party to impress firmly upon the mind of the workers, even upon the most backward, that religion has been in the past and still is today one of the most powerful means at the disposal of the oppressors for the maintenance of inequality, exploitation, and slavish obedience on the part of the toilers." 10

O. P. 36.

A little further on they say : " Religion and Communism are incompatible, both theoretically and practically." 15

And again on page 257 stress is laid on the irreconcilable conflict between the principles of Communist tactics and the commandments of religion. We find a remark : " On the other hand, one who, while calling himself a communist, continues to cling to his religious faith, one who in the name of religious commandments infringes the prescriptions of the party, ceases thereby to be a communist." 20

Rene Fulop-Miller in his book " Lenin and Gandhi " (D. 302), which was put in as a Defence Exhibit by Counsel for Mukherji accused and has been taken on the record as a book of reference, though the writer is not suggested to be a communist, says at page 21 of his book, ' Again and again in his writing and in his speeches Lenin pointed out that the Communist proletariat and its leaders must work with might and main to overthrow God, " the arch-enemy of the Communist social order." ' 25

And with this point of view on the subject of religion those accused, who are responsible for the joint statement, are in entire agreement. (It may be as well to indicate here that by the joint statement is meant the statement made by R. S. Nimbkar accused under Section 342 C. P. C., at one stage of which he mentioned that this statement expressed the views of 18 Communist accused, and these same 18 subsequently made an application to the Court to that effect.) 30

O. P. 37.

At page 2943 of the statements of the accused we find Nimbkar accused saying : " I need not point out that religion is objectively a reactionary force ; it obscures class differences, it enjoins obedience and submission to the oppressor in this world as the price for emancipation in the next. It is the opium of the people." 40

At the bottom of the same page he concludes by saying " we do not disguise our opposition to all religions and we cannot allow religious propaganda or the open observance of religious practices by any communist " 45

The Party theoretician Adhikari accused at page 1288 of the statements states that the Party point of view in the matter of religion is as follows :— " As Marxists and materialists we are positively anti-religion and anti-God, but we know full well that religion cannot be abolished by merely carrying on an abstract and purely theoretical propaganda against it. Lenin emphasises that the fight against religion has to be carried out concretely on the basis of class struggle.....our attitude towards anti-religious propaganda is clearly defined in the decisions of the 5th Congress of the Communist International in the following words :—" Among the tasks of combatting bourgeois prejudices and superstitions the first place is taken by the fight against religion, a fight which must be carried on with all requisite tact and all caution especially among those sections of workers in whose daily life religion has hitherto been deeply rooted ". (P. 2398). 50

Turning now to morality we may note the further development of the view expressed in the " Communist Manifesto." At the foot of page 41, in D. 302 " Lenin and Gandhi " referred to above we find extracts from a speech by Lenin himself to young people. In this he says : " We repudiate all morality 55

which proceeds from supernatural ideas or ideas which are outside class conceptions. In our opinion, morality is entirely subordinate to the interests of the class war ; everything is moral which is necessary for the annihilation of the old exploiting social order and for the uniting of the proletariat..... 5
 Communist morality is identical with the fight for the strengthening of the dictatorship of the proletariat." On the following page there is reproduced a summary of Lenin's concept of morality derived from one of his pupils. In this it is stated " that the concept of morality, when " translated from the misty language of morals into that of ordinary life ", means what is advantageous, useful, and expedient for a definite group of people ; everything, on the other hand, is immoral which seems injurious and inexpedient to this group. 10
 There has never been a system of ethics whose claims were not based on the needs of definite social classes. What is necessary for a given society, class, or group is always regarded by it as moral, everything harmful to it as immoral." The writer of D. 302 remarks that the logical consequence of this was that no means, neither crime, lies, nor deceit, could in itself be reprehensible, if it was used for a useful purpose. Lenin's pupil went on to point out that " in the struggle of an exploited class against their enemies, lying and deceit are often very important weapons." The deductions from the principles laid down might be extended very much further. 20

The same principle is clearly expressed in the " A. B. C. of Communism ", P. 755, at pages 82-83, where criticism of this kind of moral judgment is met with the answer that it is justified by the fact that " the proletariat and the bourgeoisie are not on equal terms..... The proletariat is fighting for the liberation of all mankind ; but the bourgeoisie is fighting for the maintenance of oppression, wars, exploitation. The proletariat is fighting for communism, the bourgeoisie for the preservation of capitalism..... The proletariat is fighting solely on behalf of the new social order. Whatever helps in the struggle is good ; whatever hinders, is bad." That is to say that in the class struggle any means however immoral according to bourgeois ideas is right and proper from the point of view of a communist. This view is specifically accepted in the joint statement at page 2946 where however there is an attempt to justify it on the principle of the " war to end war ". One colossal immoral act is to produce a state of affairs in which there will be no more need for any immoral acts, or in which as everybody will be on equal terms immoral acts will no longer be justifiable. 30
 O. P. 39.

One very obvious inference from the above statement of Communist views on morality is that one will not be justified, in the absence of independent proof, in believing in the truth of anything which is said by a Communist if there can possibly be any motive for him to abstain from stating the truth. 40

Reverting now to the historical development of Marxism so far as it relates only to the two points of particular importance in this case, Crown Counsel referred to Marx's " 18th Brumaire," P. 1193, German Edition, D. 408 English Edition, the former of which was found with Adhikari accused. He also referred to Marx's book " The Civil War in France " (P. 1179, German Edition, D. 409 English Edition). The main theme here is the glorification of violent revolution and praise of the Paris working men who formed the famous Commune. It was during the time of the Commune that Marx wrote the well-known letter to Kugelmann in which he indicated that the Communards were attempting what he had declared in his book the " 18th Brumaire " to be the next attempt, namely, not merely to hand over, from one set of hands to another, the bureaucratic and military machine—as has occurred hitherto—but to shatter it. Subsequently in a preface to a new German Edition of the Communist Manifesto dated 24th June 1872 the authors wrote that the programme of the Communist Manifesto was now in places out of date. " Especially," they stated, " did the Commune demonstrate, that the working class cannot simply seize the available ready machinery of the State and set it going for its own ends." (See page 37 of P. 900). 45
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The next book relied upon by the Crown in reference to the aims and methods of Communism is Lenin's " State and Revolution ", P. 900, from which a number of passages have been quoted. As was said at one stage of the case, if Marx's writings are the Old Testament of Communism, no one doubts that those of Lenin constitute the New Testament, and the Crown has therefore in the main relied on that New Testament, thus going to the very fountain head. 60
 O. P. 40.

This book brings us to the doctrine of the Dictatorship of the Proletariat. As Lenin puts it "the doctrine of the class war as applied by Marx to the question of the State and Social revolution leads inevitably to the recognition of the political supremacy of the proletariat, if its dictatorship i.e. of an authority shared with none else and relying directly upon the armed force of the masses. The overthrow of the capitalist class is feasible only by the transformation of the proletariat into the ruling class, able to crush the inevitable and desperate resistance of the bourgeoisie and to organise, for the new settlement of economic order, all the toiling and exploited masses". (P. 900 at page 28.) Again on page 31 Lenin says "In the Communist Manifesto are set out the general lessons of history, which force us to see in the State the organ of class domination, and bring us to the necessary conclusion that the proletariat cannot overthrow the capitalist class without, as a preliminary step, winning political power, without obtaining political supremacy, without transforming the State into the "proletariat organised as the ruling class"; and that this proletarian state must begin to wither away immediately after its victory, because in a community without class antagonisms, the State is unnecessary and impossible". This passage shows clearly that the theory of withering away relates only to the proletarian state, and not to the capitalist state which can only be brought to an end by violent revolution, a point which is stressed very frequently in this book, see for instance the reference on page 24 to "the Communist Manifesto with its proud and open declaration of the inevitability of a violent revolution and the remark at the foot of the same page "that the substitution of a proletarian for the capitalist State is impossible without a violent revolution". On page 20 Lenin writes "The capitalist State does not wither away but is destroyed by the proletariat in the course of the revolution". On page 21 again he says "only a revolution can destroy the capitalist State". And again on page 10 "If the State is the product of the irreconcilable character of class antagonisms, if it is a force standing above society.....then it is clear that the liberation of the oppressed class is impossible without a violent revolution and without the destruction of the machinery of State power.....". Again on page 34 he refers to a course of events "which compels the revolution to concentrate all the forces of destruction against the State, and to regard the problem as one not of perfecting the machinery of the State, but of breaking up and annihilating it". On page 58 he speaks of the Commune as "the form 'discovered at last' by the proletarian revolution, under which the economic liberation of Labour can proceed. The Commune was the first attempt of a proletarian revolution to break up the bourgeois State, and constitutes the political form, 'discovered at last', which can and must take the place of the broken machine". Then on page 64 Lenin quotes, from an article by Engels but published only in 1913, a description of the nature of revolution which is most illuminating. It runs as follows: "Revolution is undoubtedly the most authoritative thing possible. Revolution is an act in which part of the population forces its will on the other parts by means of rifles, bayonets, cannon i.e. by most authoritative means. And the conquering party is inevitably forced to maintain its supremacy by means of that fear which its arms inspire in the reactionaries. Had the Paris Commune not relied on the authority of the armed people against the bourgeoisie, would it have lasted longer than a single day?" The last passage referred to in this connection is one at page 122 where Lenin writes: "But we shall go forward to a break with these traitors to Socialism. We are working for a complete destruction of the old machinery of government, in such a way that the armed workers themselves shall be the Government".

O. P. 41.

O. P. 42.

In connection with this question of the nature of revolution Crown Counsel also referred to another book by Lenin P. 865 (recovered in the search of the accused Thengdi's house) "Will the Bolsheviks maintain Power?" At page 81 of this book Lenin writes:—"Revolution is the sharpest, most furious, desperate class war and civil war. Not a single great revolution in history has escaped civil war".

In this connection I may also quote from D. 302 (page 43) Lenin's views of the practical necessities of the revolution which was then preparing in Russia just after the collapse of the rising in 1905. Disagreeing with Plekhanov he wrote: "At last, we must openly proclaim that political strikes are not sufficiently effective; it is necessary to agitate among the masses for an armed rising and make no concealment of the fact that the next revolution will resemble a desperate, bloody, and destructive war." Lastly in October 1917 in P. 979, "On the Road to Insurrection", (recovered in the search of the Kranti Office in

Bombay) at page 111 he preached armed insurrection in the greatest detail and remarked ; " To renounce armed insurrection now would mean giving up the chief watchword of Bolshevism (" All Power to the Soviets "), and also all revolutionary working-class internationalism."

O. P. 43. The next original document on which the Prosecution has based its case in regard to the aims and methods of Communism and the Communist International is P. 755, " The A B C of Communism ", described on the title page as " A popular explanation of the programme of the Communist Party of Russia by Bukharin and Preobrazhensky, first published in 1919, much about the time of the foundation of the Third or Communist International. The Communist Party of Russia of course represents the same people who from 1903 onwards (after the famous split over the question of the personnel of the editorial board of the " Iskra ") took the name of Bolsheviks in contrast to the other section or Mensheviks. This famous split related to the ideas and programme of the two sections and need not be discussed at any length. The Prosecution referred in this connection to an article on Russia by Page Arnot in P. 48, " The Indian Labour Handbook ", 1921 edition, and also to the " Masses of India " for August 1926, part of P. 2581, and the " Masses of India " for March 1926, part of D. 379 at page 7. It may perhaps be sufficient to say, in the terms used in the " Masses ", that the Bolsheviks stood for revolution and the Mensheviks for reform. Page Arnot puts the matter somewhat differently by saying that " the Mensheviks considered that a coalition with the bourgeois Liberal Party against the Czardom was a necessary stage in the liberation of Russia, while the Bolsheviks took their stand upon the strict interpretation of the class struggle and refused to have any truck with the bourgeoisie."

O. P. 44. In " The A. B. C. of Communism " the passages of interest from the point of view of this case are those in which the authors discuss the Dictatorship of the Proletariat, Imperialism, the Imperialist war, the setting in of the period of capitalist decay, civil war and world revolution. In regard to the Dictatorship of the Proletariat at page 80 they write : " For the realisation of the Communist system the proletariat must have all authority and all power in its hands Manifestly the bourgeoisie will not abandon its position without a fight.....Consequently the Communist revolution of the proletariat, the Communist transformation of society, is fiercely resisted by the exploiters. It follows that the principal task of the workers' government is to crush this opposition ruthlessly. Precisely because the opposition will inevitably be so embittered, it is necessary that the workers' authority, the proletarian rule, shall take the form of a dictatorship. Now " dictatorship " signifies very strict methods of Government and a resolute crushing of enemies. It is obvious that in such a state of affairs there can be no talk of " freedom " for everyone. The Dictatorship of the Proletariat is incompatible with freedom for the bourgeoisie "

In fact they go on to say : " This is the very reason why the Dictatorship of the Proletariat is needed : to bind the bourgeoisie hand and foot : to make it impossible for it to carry on a struggle against the revolutionary proletariat..... In extreme cases the Government must not hesitate to use the method of the terror."

In the succeeding pages they go on to explain the necessity for this dictatorship, as an instrument for the crushing of enemies and a lever for effecting the economic transformation from private ownership of the means of production to social ownership.

O. P. 45. On page 171 we find another definition of the Dictatorship of the Proletariat, which is intended to give some idea of its form. The writers say : " The Soviet Power is the realisation of the Dictatorship of the Proletariat, organised in its Soviets as the ruling class and, with the aid of the peasants, crushing the resistance of the bourgeoisie and the landlords." That is to say, the Dictatorship of the Proletariat is the realisation of the revolutionary slogan of November, 1917, " All power to the Soviets."

O. P. 45. On pages 100 onwards there is a discussion of Imperialism, and in regard to this it will be sufficient to quote a very few passages which the authors have themselves marked as especially important. On pages 100 to 101 they define " financial capital " as " banking capital, which has been grafted on industrial capital." Further on they say that " whereas ' financial capital ' puts an end

to competition within the individual countries, in due course, and when the time is ripe, it gives rise to a fierce and embittered competition between the various States."

At page 109 they speak of a struggle for new sources of raw material and summarise their conclusions in that connection in the following words :—

" Inevitably, therefore, concurrently with the growth of financial capital, there must occur a great intensification of the struggle for markets and raw materials, and this cannot fail to lead to violent collisions." Finally on page 111 they say : " The policy of conquest which financial capital pursues in the struggle for markets, for the sources of raw material, and for places in which capital can be invested, is known as Imperialism."

This is sometimes put in another form, namely that Imperialism is Capitalism in its operations abroad. The authors go on to the proposition that Imperialism naturally led to the Imperialist war of 1914, and that that war has led to the more rapid collapse of Capitalism.

The result of that collapse is discussed on pages 127 and 128 and the conclusion stated on page 128 in the following words :—

" Such a condition of affairs, in which the old order has been destroyed and the new order has not yet been created, can be ended in no other way than by the complete victory of the proletariat in the civil war." The authors go on to say in the next paragraph : " Civil war is an extremely intensified class war, and it occurs when the class war has led to revolution."

O. P. 46.

On the next page the inevitability of a revolution being attended by a civil war is stated in the following terms :—

" To think that the revolution can take place without civil war is equivalent to thinking that there can be a ' peaceful ' revolution. Anyone who believes this (as the Mensheviks who utter laments concerning the hurtfulness of civil war believe it) is turning away from Marx to those antediluvian socialists who imagine that the factory owners can be talked over. We might just as well hope by petting a tiger to persuade the animal to live upon grass and to leave cattle alone ! " Further down the same page (130) the writers refer to a passage, which I have quoted earlier, in which Engels defined the term ' revolution ' as an act in which one part of the population imposes its will upon the other part by means of rifles, bayonets, and artillery.

On page 132 the writers laugh to scorn those who think that revolution can be effected without a ferocious civil war, in the following terms :—

" Many persons have supposed that the ferocious character of our civil war is due to the backwardness of our country, or to some peculiar " Asiatic " traits. The opponents of revolution in western Europe are in the habit of saying that " Asiatic socialism " flourishes in Russia, and that in " civilised " lands a revolutionary change will be effected without atrocities. Obviously this is all nonsense."

On the contrary they go on to give reasons why in such countries (that is " civilised " countries) the civil war will inevitably assume a more savage form than in Russia.

These passages do not leave very much room for doubt as to what is contemplated by persons who work for revolution on Communist lines.

O. P. 47.

Lastly in the next chapter we come to the explanation of the efforts made by the Communist International to bring about a Communist revolution throughout the world. It is stated in a single sentence " The Communist revolution can be victorious only as a world revolution."

Some of the same points are again emphasised in Stalin's " Leninism ", P. 8, that interesting book which formed the subject of study of Hutchinson accused's Study Circle, the Circle of Progressive Youth (the evidence shows that the students began by reading and considering the chapter entitled " The International Situation " which begins at page 354 and went on to study the chapter entitled " Foundations of Leninism " which begins at page 77). Defining Leninism as the Marxism of the epoch of Imperialism and proletarian revolution Stalin says " To be more precise Leninism is the theory and tactic of the proletarian revolution in general and the theory and the tactic of the Dictatorship of the Proletariat in particular." He goes on to lay stress on the importance of theory and says on page 94, " But theory becomes the greatest force in

the working class movement when it is inseparably linked with revolutionary practice. Again and again, Lenin said : " Without a revolutionary theory, there cannot be a revolutionary movement." It would not be unfair to the accused, I think, in view of the bulk of the contents of the 3,000 odd pages of their statements to this Court to say that they have taken this precept to heart with the greatest enthusiasm. In this book also as in the last mentioned we get a discussion of Imperialism, see pages 81 and 82 where Stalin writes : " Lenin spoke of Imperialism as " capitalism on its death-bed " . Why ? Because Imperialism carries the conflicts inherent in capitalism to their farthest limits, beyond which the revolution begins." He then goes on to describe the contradictions of the capitalist system which according to the Marxist-Leninist theory lead to its destruction namely, (1) the conflict between labour and capital, (2) the conflict between the various financial groups and the different imperialist powers in their competition for control of sources of raw material, for foreign territory, (3) the conflict between the small group of dominant " civilised " nations, on the one hand, and the hundreds of millions of persons who make up the colonial and dependent peoples of the world, on the other. The work or policy of the Imperialists in exploiting the colonies leads inevitably in his view to the formation of a proletariat, to the appearance of a class of native intellectuals, to the awakening of national consciousness, to the strengthening of the movement for national independence. It is useful to compare this with the passages on the same subject in " The A B C of Communism " published 7 years earlier.

In the chapter " Problems of Leninism " at page 20 there is a discussion of the nature of the proletarian revolution and we get again the stress laid on the necessity of destroying the old State machine and replacing it by a new one, the proletarian revolution being contrasted with the bourgeois revolution which " being no more than the replacement of one group of exploiters by another in the seat of power has no need to destroy the old State machine." Here again we find stress once more laid on the necessity of the world revolution and a remark of Lenin is quoted : " The second crucial problem is that of the world revolution. . . . here is the greatest difficulty of the Russian revolution, its supreme historical problem—the need to solve the international problems, the need to promote the world revolution." In the " Foundations of Leninism " at page 100, the subject is further discussed and Stalin, after pointing out that in former days people used to think of the proletarian revolution in a particular country and the capitalist forces of the same country as two independent magnitudes facing one another upon an independent national front, goes on to say : " Nowadays we have to think in terms of the worldwide proletarian revolution, for the various national capitalist fronts, isolated of yore, have coalesced into a unified whole, the worldwide imperialist front, against which must be arrayed the unified front of the revolutionary movement in all lands." He concludes the chapter by saying on page 109 that for the final victory of Socialism " the victory of the revolution, if not everywhere, at least in several countries, will be requisite. That is why the fostering of revolution, the support of revolution, in other countries, is incumbent upon the country where the revolution has triumphed." He goes on to quote Lenin's ipsissima verba : " In any country the victorious revolution must do its utmost to develop, support, and awaken the revolution in all other countries." It is scarcely necessary to draw the obvious moral in regard to the fostering of revolution in British India.

Stalin also deals at some length with the dictatorship of the proletariat and begins by quoting at page 15 from his own booklet, " Foundations of Leninism ", the pronouncement that " the essential foundation of Leninism, its starting point, is the question of the dictatorship of the proletariat, the question how that dictatorship is to be established and strengthened." He goes on to say that this contention of his was sound : " For, if Leninism is the theory and tactic of the proletarian revolution, and if the dictatorship of the proletariat is the essence of the proletarian revolution, it obviously follows that the dictatorship of the proletariat—the working out of this problem, the rendering of it concrete—must form the very core of Leninism ". In the next chapter he deals with the special features distinguishing the proletarian revolution from the bourgeois revolution and on page 24 refutes the people who confused the dictatorship of the proletariat with a " popular " authority, " elected by universal suffrage ", and " standing above class ", by quoting the words of Lenin :

" The class which has seized political power has done so knowing that it has seized power for itself alone. This is implicit in the idea of the dictatorship of

- O. P. 50. the proletariat. When we speak of the "dictatorship" of a class, we do not mean anything at all unless we mean that this class consciously takes all political power into its own hands, and does not fool either itself or others by any verbiage about "a national authority, elected by universal suffrage, and consecrated by the will of the whole people". He goes on to quote Lenin again on page 26 as to the nature of dictatorship and its aim, the crushing of the exploiters: "Scientifically defined, a dictatorship is an authority based directly on force, an authority which is absolutely unrestricted by any laws or regulations. . . . The dictatorship means [let the cadets (i.e., the constitutional democrats) grasp the fact once for all] power, unlimited power, based on force and not on law. When civil war is raging, the authority of the victors cannot be anything but a dictatorship". There is more about the dictatorship of the proletariat in the "Foundations of Leninism" on pages 110 and following. On page 110 Stalin says that "the proletarian revolution, with its movement, its impetus, and its achievements, only becomes a reality through the dictatorship of the proletariat. This dictatorship is the chief fulcrum of the proletarian revolution, its main instrument". In regard to its nature he says at the bottom of page 113: "Enough has been said to show that the dictatorship of the proletariat does not mean a mere change of the personnel of the government, a change of cabinet as it were, while the old economic and political order persists unaltered". And again at the foot of page 114: "The dictatorship of the proletariat is not established upon the foundation of the bourgeois system of things; it is established in the course of the destruction of that system. . . . The dictatorship of the proletariat is a revolutionary authority forcibly imposed upon the bourgeoisie.
- O. P. 51. The State is an instrument in the hands of the dominant class, used to break the resistance of the adversaries of that class. In this respect, the dictatorship of the proletariat does not differ fundamentally from the dictatorship of any other class, seeing that the proletarian State is an instrument used to break the resistance of the bourgeoisie". Hence he draws the inference that the dictatorship of the proletariat cannot be "complete democracy" and proceeds to attack Kautsky and Co. as Lenin had done in "The Proletarian Revolution" (P. 898). He goes on to make another point of importance by saying on page 116: "The dictatorship of the proletariat cannot arise as the outcome of the peaceful development of bourgeois society and bourgeois democracy. It can only arise as the outcome of the destruction of the bourgeois State machine, the bourgeois army, the bourgeois bureaucracy, and the bourgeois police force", and in this connection he refers to the two pronouncements of Marx in the letter to Kugelmann and "The Civil War in France" to which I have referred already. On the next page he emphasises the point which we find invariably emphasised, namely, that the revolution will be a forcible one and says: "In other words, as far as the imperialist countries are concerned, we must regard it as a universally applicable law of the revolutionary movement that the proletarian revolution will be effected by force, that the bourgeois State machine will have to be smashed, as an indispensable preliminary to the revolution." And he goes on, after referring to the doubtful and distant possibility of a peaceful transition in the far distant future if the capitalist encirclement of the present socialist countries shall have given place to a socialist encirclement of the remaining capitalist countries, to quote (on page 115) and agree whole-heartedly with the view of Lenin that "the proletarian revolution cannot take place without the forcible destruction of the bourgeois State machine and its replacement by a new machine". Further on when dealing at pages 151 and 152 with strategy and tactics Stalin quotes with approval the same letter in Lenin's book, "On the Road to Insurrection", to which I have referred already, and lays the greatest possible stress on choosing the exactly right moment when the time is ripe for revolution.
- O. P. 52. In the same book Stalin deals to some extent with the peasant problem. In the same quotation at page 15 to which I have referred above he remarks that "the peasant problem, the question how the workers in their struggle for power are to secure the support of the peasants, is a subsidiary one." In the "Foundations of Leninism", Chapter V, he discusses the peasant problem at some length and repeats this statement of his views, at the same time emphasising that even though it is subsidiary, the peasant problem is of vital importance to the proletarian revolution. In view of the fact that the accused in this case, even those who are the keenest Communists, scarcely succeeded in doing more than touch the barest fringe of the peasant problem, it does not seem worth while to go at all deeply into the matter.

A more interesting question is the nationalist question. In this connection at page 259 Stalin says that "Lenin never had "constitutional" illusions . . . he did not seek a solution of the nationalist question along a constitutional road but along a revolutionary one." The subject is dealt with more fully in the "Foundations of Leninism", Chapter VI, which opens with the statement that the "national question" must be considered under two main departments : *a.* general statement of the question ; *b.* the movement of the oppressed peoples to secure liberation, and the relationship of that movement to the proletarian revolution." At page 137 he goes on to say that "the national question is part of the general question of the proletarian revolution, part of the question of the dictatorship of the proletariat."

O. P. 53. "The problem must be stated thus : Are the revolutionary possibilities of the revolutionary movement for the liberation of oppressed countries already exhausted ? If they are not exhausted, is there any chance of turning these possibilities to account on behalf of the proletarian revolution, is there any chance of transforming the colonial and dependent lands from reserves of force for the bourgeoisie into reserves of force for the proletariat ; can the colonial and dependent nationalities become the allies of the revolutionary proletariat ?

The Leninist answer to these questions is that the nationalist movements for the freeing of oppressed countries from the imperialist yoke certainly contain unexhausted revolutionary possibilities ; that these possibilities can be utilised for the overthrow of our common enemy, for the destruction of imperialism." This is a most illuminating pronouncement. On the following page he proceeds to point out that this does not mean that the proletariat should support any and every nationalist movement, but that it should support those nationalist movements which tend to weaken and subvert imperialism, not those which tend to strengthen and maintain it. The problem of the nationalist movement is in fact to be considered exactly from the same point of view as that in regard to morality, namely, does it or does it not help the proletarian revolution. Great emphasis is laid on this consideration, as for instance in a quotation from Lenin on the same page which is as follows : "The various demands of democracy, and among others the right of self-determination, have no absolute value, but are parts of the worldwide democratic (nowadays, socialist) movement. In concrete instances, the interests of the part may conflict with the interests of the whole. If that is so, we must repudiate the part." Stalin himself says at the bottom of the page : "Contemplated, not from the outlook of formal, abstract right, but realistically;" (that is I suppose judging it by Communist moral standards) "and with an eye to the interests of the revolutionary movement as a whole, a nationalist movement may be reactionary." On the other hand he says on the next page : "Under the imperialist yoke, a nationalist movement may have a revolutionary trend even though it does not embody any proletarian elements, even though its programme is neither revolutionary nor republican, and even though the movement lacks a democratic foundation", and he goes on to quote the case of Afghanistan. A little further on his remarks become more definitely apposite to the present case where he says : "I need merely allude in passing to the nationalist movement in much larger colonial and dependent countries, such as Hindostan and China, whose every step towards national liberation is revolutionary, even if it infringes the canons of formal democracy—for every such step on the part of one of these countries inflicts a smashing blow on imperialism."

O. P. 54. Before I leave this subject, it is of importance to note that this absence of absolute value in nationalist movements is clearly recognised in other Communist pronouncements, for example, in the Report of the Enlarged Executive Committee of the Communist International held from March 21st to April 14th, 1925, P.-2582, entitled "Bolshevising the Communist International", an official publication of the Communist International published for it by the Communist Party of Great Britain, we find at page 31 in the speech of Comrade Gallacher the following statement : "Then we must recognise the important part played by the Eastern peoples. The more we get them into the movement, the more we get them to make far-reaching demands, the more we break down capitalism. We are for concentrating on the Colonial problems, "not because we believe sentimentally in the freedom of peoples," but because we know that this is the keystone of capitalist economy. Without the cooperation of the Eastern peoples the victory of the revolutionary proletariat in Europe is impossible." This is very plain, if cynical, speaking and it is curious to note that in the issue of the Inprecorr. P.-2491-A., No. 31 dated 10th April 1925 at page 411, where this speech is reproduced, the clause "not because we believe sentimentally in the freedom of

O. P. 55.

peoples" does not appear. I have little doubt that it was purposely omitted in view of the fact that every effort is made to circulate *Inprecorr* in the Eastern countries, and it might well be supposed that this cynical remark might not create a good impression.

- So much for the general theory of the aims and methods of Communism, so far they are important in this case, as they are set out in Stalin's "Leninism". There is one other section of this book which has a more direct and practical bearing on the case. This is a speech addressed by Lenin to the students of the Communist University of the Peoples of the East on May 18th, 1925, reproduced under the heading "Political Tasks of the University of the Peoples of the East"; a typed copy of this same speech was found in the "Kranti" Office and is P. 1203. It was also reproduced in the "Masses of India." At page 267 Stalin divides the students into two groups, the second of which is composed of "those who have come to us from colonial and vassal lands, from lands where capitalism is king, where the yoke of imperialism is as strong as ever it was, where the peoples have still to win their independence and clear out the imperialists." At page 276 onwards he discusses the tasks of the University in the matter of colonies and dependencies in the East, that is the tasks of the second group. On the following page he lays it down that "the liberation of colonial and vassal lands from the yoke of imperialism is not possible save by victorious revolution." Going on he divides the colonial and vassal lands into three categories and places India in the third category, consisting of those countries which "are fairly well developed from the capitalist point of view and possess a proletariat which has attained noteworthy proportions", and he points out that each of the different categories of countries will need separate treatment. He deals with India in detail at the foot of page 278 and his preliminary statement of the situation is as follows :
 O. P. 56. "Here we find, not only that the native bourgeoisie is severed into a revolutionary fraction and a compromising or reformist fraction, but, in addition, that on all important issues the reformist fraction has already rallied to the side of imperialism." On the following page Stalin insists on the necessity of breaking up this alliance and therefore upon the necessity of attacking the reformist section of the native bourgeoisie, exposing its treachery, withdrawing the toiling masses from its influence and so systematically preparing the way for the leadership of the proletariat. "In other words", he says "the proletariat must be trained to become the leader in the movement for national emancipation, whilst the bourgeoisie and its spokesmen must gradually be dislodged from the leadership. The aim, therefore, must be to create a revolutionary, anti-imperialist coalition and to ensure that, within this coalition, the role of leader shall be played by the proletariat". Finally at the foot of the page 279 he sums up as follows : "To sum up. The immediate tasks confronting the revolutionary movement in colonial and vassal lands where capitalism is well developed are as follows :
- (1) To win over the best elements among the workers to the cause of communism and to form independent communist parties.
 - (2) To set up a nationalist and revolutionary coalition of workers, peasants, and revolutionary intellectuals, as a counterpoise to the coalition of the great bourgeoisie with the imperialists.
 - (3) To guarantee that the leadership of the revolutionary coalition shall be in the hands of the proletariat.
 - (4) To free the urban and rural petty bourgeoisie from the influence of the reformist native bourgeoisie.
 - (5) To secure the linking up of the national liberationist movement with the proletarian movement of advanced countries."
- O. P. 57. The speech closes with some words of warning to the students about possible deviations which are accompanied by grave dangers to the movement.
- Before going on to the next section of this case Crown Counsel summarised shortly the position in regard to the theory (so far as it is necessary), the aims and methods of Communism, and I think that in order to make it easier to understand the case it will be useful for me to do something of the same kind at this stage of the judgment. Not quite everything, which will be included in this summary, is to be found in the preceding pages; but to a very large extent the points summarised here have already been indicated though not perhaps clearly combined together.
- The Marxist-Leninist theory is that the history of mankind has always been the history of class struggle, the struggle between the exploiters and the
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exploited. The position in the modern state is that there stand now face to face two classes (1) the bourgeois who are owners of the means of production and (2) the proletariat who are wage-labourers with nothing but their labour to sell. Owing to the conditions of modern industry, it is suggested, exclusive political power has come into the hands of the bourgeois. Political power or, as it is commonly called in Communist writings the State, is regarded not as something impartial, capable of reconciling the antagonisms between the two classes mentioned above, but as an organ of repression, an instrument in the hands of the ruling class, which is in the present epoch the bourgeoisie, for crushing and keeping under its control the exploited class, which is in the present epoch the proletariat. In the words of the Communist Manifesto "the bourgeoisie has at last conquered for itself, in the modern representative state, exclusive political sway. The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie". The Communists are a small resolute section of the proletariat whose interests entirely coincide with those of the proletariat and whose first aim is always to indurate class-consciousness, that is to instil in the proletariat at every opportunity the clearest possible recognition of the class antagonisms. Their second aim is to overthrow the bourgeoisie and to acquire for the proletariat the exclusive political power of which bourgeoisie are now in possession. According to the Communist theory, in the earlier days collisions resulting from the antagonisms of the classes took the form of individual collisions between individual employers and individual workers, but during the present epoch combinations have grown up on each side. The workers have combined to form Trade Unions and the bourgeoisie to form capitalist combines. The Trade Unions and other organisations, such as parliamentary parties, of the proletariat are no longer able to contend effectively with the capitalist combines. According to the Communist view it is of no use for the proletariat to acquire political power by constitutional means, even if that could be supposed possible. A change by constitutional means was possible in the case of the former great political changes, because those were cases merely of changing the head of the Executive Government. But the epoch of the bourgeois system of society is now past, and what has to be secured is the abolition of classes, which can only be brought about by the majority class taking all political power and either getting rid of or bringing into their own ranks the members of all other classes. In order to do this the present State apparatus, police, judiciary etc. must be shattered to pieces. Obviously that end cannot be secured peaceably, because naturally the bourgeoisie will not give up what they have got without a struggle. Hence it can only be done by revolution, that is to say, by means of a desperate bloody civil war. The instrument for carrying out this revolution, they say, will be the dictatorship of the proletariat, which, as we have seen, is a "particular power of suppression", not limited by law but based purely on force, on the armed masses organised in Soviets as the ruling class.

Other points of theory very material to the present case relate to the way in which capitalism has developed or deteriorated into Imperialism on account of its inherent contradictions or sources of self-destruction. Of these the most important for this case is the national liberation movement, which is a movement for the liberation of subject nationalities, who have been and are now being oppressed in the course of Imperialist expansion, the struggle for markets and raw materials etc. This movement is regarded as a lever for the undermining and weakening of Imperialism. Another important point to which I have already drawn attention is that the victory of the proletarian revolution in one country (and the only country which has been victorious so far is Russia) can only be made safe by other countries following the same course. Hence it is that the organising and fostering of revolution in other countries is described by Stalin in "Leninism" as the supreme problem of the Russian revolution. Hence, say Lenin, Stalin & Co., we have now got a world struggle with the circle of Imperialist countries on the one hand facing on the world front the victorious proletarian revolution in Russia, allied with the proletarian revolutionary forces in other countries, that is to say, according to their theory and hope, allied with the national liberation movement in the colonial countries, i.e. in the subject and oppressed countries. Lastly the Communists theorise that the Imperialist circle or chain will certainly break somewhere and that will be at its weakest link, and they are inclined to think that, as in 1917 the weakest link in the chain was Russia, so now the weakest link may perhaps be in British India, where there is a young and combative revolutionary proletariat, allied to the champions of the movement for national liberation. ("Leninism" pages 101 & 102).

O. P. 58.

O. P. 59.

O. P. 60.

PART III.

- O. P. 60. In this chapter I shall have to go into the history and development of the Communist International and its relations with its subordinate or connected organisations such as the Communist Party of Great Britain (henceforth called the C. P. G. B.), the Red International of Labour Unions (R. I. L. U.), the National Minority Movement (N. M. M.), the Workers' Welfare League of India (W. W. L. I.), the League Against Imperialism and others. 5
- History of the Communist International. Only a very short account of the history of the Internationals is, I think, required. I have been referred in this connection to P. 755 "The A B C of Communism", P. 2395 "Theses and Statutes" adopted by the Communist International at its second Congress in July 1920, P. 2366 "Communist Party Training", P. 719 "Communism", a booklet by R. Palme Dutt, and P. 314 "The Two Internationals" by the same author. 10
- O. P. 61. The first International which, according to Dutt, was not a Marxian body, was founded in 1864 as the International Workingmen's Association. "Marx however", says Dutt "played a leading part in it and drafted its principal declarations including its programme." Its first proclamation is said in "Communist Party Training" (P. 2366) to have been "based on the Communist Manifesto interspersed with petty bourgeois phrases inserted by the representatives of the French workers." A short statement of the workers' "gospel" was printed on the back of every membership card and appears at page 67 of the same book. This International was behind the famous Paris Commune, there being 17 members of the International forming a minority group among its members. There is a short reference to this International to be found in D. 409 at page 47. After the defeat of the Commune the International gradually languished, and according to Dutt it ceased in 1873. Other authorities give the Philadelphia Conference of 1876 as the last expiring activity of this International. 15
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- The Second International. The Second International was founded in 1889. "This International", says Dutt in P. 314, "up to the war united in one organisation all the main Socialist and political Labour bodies in every country, from the Fabians to the Bolsheviks Differences between reformists and revolutionaries might run high, but they were still differences of theory. In practice a common opposition to the existing capitalist governments held loosely together the most diverse creeds Differences were again and again bridged over by long and ambiguous resolutions couched in a traditional revolutionary phraseology". Of this International Lenin was of course a member. Some attempt was made on behalf of the Defence to make use of that fact but bearing in mind the composition of the International it has really no importance whatsoever. Communist writers have no hesitation in criticising the Second International as a body in which opportunism was, though veiled, in actual fact dominant. Stalin observes at page 87 of "Leninism": "The leaders (of the Second International) had ceased to think seriously about revolution, about the Dictatorship of the Proletariat, about the revolutionary education of the masses To outward seeming the leaders (in Continental countries) conformed to Marxist doctrine, but they deprived Marxism of its revolutionary core". "Communist Party Training" puts it thus: "The Second International remained to the end in 1919 only a loose federation of national socialist political parties." The outbreak of war in 1914 resulted in a split in the International. In the words of "The A B C of Communism" (P. 755) at page 143: "The Socialist and Social Democratic parties of the various belligerent lands" (with some exceptions) "instead of declaring war upon the war and instead of inciting the workers to revolt, rallied to the side of their respective governments". In consequence, the writer says, "The Second International died an ignominious death". Quite what happened to the Second International in the course of the war is not very clear. Something at any rate of a very similar kind revived at the end of the war in the Labour and Socialist International with its headquarters at Amsterdam. According to "The Socialist Annual 1925" (D. 5 (a)) at pages 179 and 180, after a series of conferences in which representatives of the old Second International, the Third International and an organisation called the Vienna Union took part, the Second International and the Vienna Union dissolved in 1923 and their place was taken by the Labour and Socialist International. According to "Communist Party Training", which represents the 30
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- O. P. 62.

views of the Communist International, the Labour and Socialist International still carries on the traditions of the Second International with a policy more openly treacherous than its predecessor, with the adherents from the 2½ International providing the revolutionary phraseology. The attitude of the Third International to the Second International is even more clearly expressed in "The A B C of Communism" at page 153 where the writer says, "the remnants of the Second International, which the members of these parties have endeavoured to revive, form merely a branch office of the League of Nations. The Second International is now one of the weapons used by the bourgeoisie in its fight with the proletariat," and again on page 155 there is a similar remark: "the attempts to revive the Second International took place under the benevolent patronage of the robber League of Nations. For, in fact, the jingo socialists are faithful supporters of the decaying capitalist order, and are its very last props." The authors repeatedly lay stress on the alleged connection between the League of Nations and the revived Second International. Incidentally it may be convenient to note here that the Labour and Socialist International is frequently referred to in Communist writings as the Yellow International in contrast to the Red International.

O. P. 63.

The main theoretical differences between the creeds of the Second and Third Internationals are indicated in P. 898 "The Proletarian Revolution" whose complete title is "the Proletarian Revolution and Kautsky the renegade" in which a pamphlet "Dictatorship of the Proletariat" by Kautsky, formerly a Bolshevik but now one of the leading theoreticians of the Second International, is criticised by Lenin with great severity. At the top of page 8 Lenin quotes a former statement of his own about Kautskianism which is in the following terms: "By means of obvious sophisms the living revolutionary soul is ripped out of Marxism, in which everything is accepted except the revolutionary methods of struggle, their propaganda and preparation, and the education of the masses for that purpose," about which his view was expressed thus: "But the working class cannot attain its world-revolutionary object without waging a ruthless war against such subserviency to opportunism and such unparalleled theoretical vulgarisation of Marxism." And again on page 22 he says: "By Kautsky's interpretation of the idea of the revolutionary dictatorship of the proletariat, calculated to banish all revolutionary violence on the part of the oppressed class against the oppressors, the world record in the Liberal distortion of Marx has been beaten". In fact we may say that the fundamental theoretical difference between the creed of the Second International (or the Labour and Socialist International), (and that of the 3rd International, is that the former) with some reservations which will be found stated in the evidence of Mr. H. N. Brailsford, rejects the idea of violent revolution.

Third Inter-
nal.

O. P. 64.

The Third International has developed out of the minority groups in the Second International which drew together in opposition to the war. These groups held several conferences, namely at Zimmerwald in 1915, at Kienthal in 1916 and at Stockholm in 1917, and thus the ground was prepared for the foundation of the Third International. So far as relates to Russia itself we must go back to the revolutionary outbreak of 1905, which resulted in the subsequent establishment of the Duma. Its importance from the point of view of this case is that it was during this period that the Soviets or Councils of delegates of workers and soldiers came into existence. There was no further outbreak until, during the years of the Great War, the experience of 1905 was repeated and the inefficiency of the Government led to general distress and food shortage. The result of this was the February (or March) Revolution in 1917 when the Czar was forced to abdicate and the Provisional Government was set up under Kerensky. That Government achieved no very great success and its career was brought to an end by the October (or, according to the new calendar, November) Revolution in which the Provisional Government was overthrown and the Bolsheviks seized power. In the words of the "Programme of the Communist International," 1928, (P. 2339): "The imperialist front was broken at its weakest link, Tsarist Russia. The February revolution of 1917 overthrew the domination of the autocracy of the big land-owning class. The October revolution overthrew the rule of the bourgeoisie. This victorious proletarian revolution expropriated the expropriators, took the means of production from the landlords and the capitalists, and for the first

time in human history set up and consolidated the dictatorship of the proletariat in an enormous country, brought into being a new, Soviet type of State and laid the foundations for the international proletarian revolution."

- O. P. 65. By far the most important figure in the Russian revolution was Vladimir Ilyitch Lenin Ulianoff, better known as Lenin. I need not go into his life history in detail, but one important event in it was the foundation of the newspaper Iskra, "The Spark". Some account of this will be found in P. 506, "Lenin," by Marcu, recovered at the search of the office of the Workers' and Peasants' Party of Bengal at 2/1 European Asylum Lane, Calcutta, and bearing Spratt accused's signature on the first page inside the cover. A short account of the events in connection with the foundation of the Iskra and the quarrel over the Iskra will be found in Marcu's book at pages 86 to 90, 97 to 101 and 112 to 117, where the history of Lenin's connection closes with the Iskra becoming Menshevist. Marcu's life of Lenin may not be the work of a Communist writer, but no particular doubt has been cast on the facts related in the passages quoted, and they make it clear that the foundation of the Iskra was the work of Lenin and one of his most important achievements. (To say the Iskra is famous as the newspaper which Lenin attacked, as was done at one stage in the course of arguments, is an absurd distortion.) There is no doubt that Lenin took a most important part in bringing about the October revolution, and from that time on he became the central figure in Russia. Incidentally the early history of Lenin brings out the fact that Lenin himself was an expert in the use of secret codes, invisible ink and the like (See "The Communist Review" for January 1927, part of P.-1157, pages 418, 420 and 421 and also D. 302 "Lenin and Gandhi", at page 51). Under Lenin's guidance in July 1918 the Russian Socialist Federal Soviet Republic was set up. In 1922 this developed into the U. S. S. R. or Union of Socialist Republics. On January 24, 1919, a wireless appeal was sent out from Moscow to the revolutionary groups of other lands. It was issued in the name of the Russian Communist Party, which, as Dutt says in P. 314, was the name adopted by the Russian Bolsheviks or Majority Social Democrats after the revolution of 1917, supported by the Communist Parties of Poland, Hungary and certain other countries, and its object was to summon all the revolutionary Labour and Socialist organisations in sympathy with the aims of Communism to meet in conference and form a Communist International. This appeal, which is reproduced on pages 63 following of P.-314, recommends the acceptance of a platform drawn up in agreement with the programme of the Spartacist Union in Germany and the Communist Party (Bolshevik) in Russia, which is included in the appeal. Among the most important of the propositions stated in this platform are the following :—
- II. "The present task of the working class is the immediate seizure of State power. This seizure of power consists in the suppression of the bourgeois Governmental machine and the organisation of a proletarian Governmental machine.
- VII. The principal method of the struggle consists in the action of the proletarian masses, even to open armed conflict with the power of the capitalist State."
- This appeal was signed by representatives of the various Communist parties in whose name it was issued, and the signatories on behalf of the Central Committee of the Russian Communist Party were Lenin and Trotsky. The conference, which was thus called, issued on March 10, 1919, a manifesto, which appears on pages 68 to 83 of P. 314. It begins with a reference to the Communist Manifesto of 1848 and contains a number of passages which give a foretaste of the policy of the International in regard to revolution in other countries. For example at the foot of page 68, the writers speaking for the International say : "It is our task now to sum up the practical revolutionary experience of the working class, to cleanse the movement of its admixtures of opportunism and social patriotism, and to unite the forces of all the true revolutionary proletarian parties in order to further and hasten the complete victory of the Communist revolution."
- Again a page 73 we find the following :—
- "Colonial slaves of Africa and Asia ! The hour of Proletarian Dictatorship will also be the hour of your liberation !"
- And again at page 75 : "The outcry of the bourgeois world against civil war is the most colossal hypocrisy.....Civil war is "forced upon"
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the labouring classes by their arch-enemies. The working class must answer blow for blow, if it will not renounce its own object and its own future which is at the same time the future of humanity."

Again at page 77 : " The Third International is the International of open mass action, of the revolutionary realisation, the International of Deeds."

Again at page 78 in the paragraph headed, " The Conquest of Political Power ", there is a detailed account of what is meant by the seizure of political power by the proletariat. I need only quote a few sentences from this paragraph : " Conquest of political power means not merely a change in the personnel of ministries but annihilation of the enemy's machinery of Government..... The victory of the proletariat consists in shattering the enemy's organisation and organising the proletarian power ; in the destruction of the bourgeois and upbuilding of the proletarian State machine."

Lastly on page 82 we come to " The way of victory ", about which the Manifesto says :—" The Revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance." And the Manifesto ends with the slogans : " Down with the Imperialistic conspiracy of capital ! ", " Long live the International Republic of the workers' soviets ! "

O. P. 68.

The Second Conference.

So much for the First Congress of the Communist International. The Second Congress was held from July 17 to August 7, 1920, and the " Theses and Statutes " then adopted are on record as P. 2395, published by the Publishing Office of the Communist International, Moscow, 1920, and recovered in the search of the office of the Communist Party of Great Britain at 16, King Street, Covent Garden, in October 1925. The first chapter of this publication contains the Statutes of the Communist International, preceded by some historical account of its origin and some matter by way of preface. In this portion there is an account of statement of aims and views ; for example we find the following :—

" The Communist International makes it its aim to put up an armed struggle for the overthrow of the International bourgeoisie and the creation of an International Soviet Republic as a transition stage to the complete abolition of State. The C. I. considers the dictatorship of the proletariat as the only means for the liberation of humanity from the horrors of capitalism. The C. I. considers the Soviet form of government as the historically evolved form of this dictatorship of the proletariat.....The Imperialist war emphasises once more what is pointed out in the statute of the 1st International : that the emancipation of labour is neither a local, nor a national task, but one of a social and international character.....The C. I. makes it its task to emancipate the workers of the entire world.....The C. I. fully and unreservedly upholds the gains of the great proletarian revolution in Russia.....and calls upon all workers to follow the same road.....The organised apparatus of the C. I. is to secure to the toilers of every country the possibility at any given moment to obtain the maximum of aid from the organised workers of the other countries."

O. P. 69. Constitution of the International.

In order to follow out the aims and methods of the Communist International and also the working of that organisation through its own institutions and subordinate bodies, to which frequent references will have to be made from now on, it is necessary to have an idea of the constitution of the C. I. This is to be found in the 17th Statutes which follow, but as these relate to 1920 and have been modified from time to time it is preferable to turn to those which are more up to date and therefore applicable to the period covered by this case. The authoritative document on this subject is P. 2339, " The Programme of the Communist International together with the Statutes of the Communist International ", dated London, February 1929. In this book the first six chapters are devoted to the Programme and the last chapter contains the Constitution and Rules of the Communist International. A typewritten copy of this last chapter was found in the " Kranti " Office and is P. 1208 (3). The first paragraph in the

Constitution is of considerable importance and deserves to be set out in full ; it runs as follows :

" (1) 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 organiser of the world revolutionary movement of the proletariat and the upholder of the principles and aims of Communism, the C. I. 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 dictatorship of the proletariat, for the establishment of a World Union of Socialist Soviet Republics, for the complete abolition of classes, and for the achievement of Socialism the first stage of Communist society.

(2) The various parties affiliated to the Communist International are called the Communist Party of " the country concerned " (Section of the Communist International) ."

It may be noted here that the Communist Party of India probably never got further than the intention of affiliating itself to the Communist International.

O. P. 70. Then in para. 8 we come to the internal organisation of the C. I. and it is laid down that the supreme body of the C. I. is the World Congress of representatives of all Parties (Sections) and organisations affiliated to the C. I. This World Congress is to be convened once every two years. (P. 2395 shows that the original idea was to convene it once every six months. That however turned out to be too high an ideal.) The Congresses were actually held in 1919, 1920, 1921, 1922, 1924 and 1928.

It will be obvious that so large an organisation meeting only once in two years, required some subordinate institutions of varying powers to transact business between its meetings. Hence we find in para. 10 that " the World Congress elects the Executive Committee of the Communist International (E. C. C. I.) and the International Control Commission (I. C. C.) ". Their functions are set out in later paragraphs. And we find in para. 12, " in the period between Congresses the leading body of the C. I. is the E. C. C. I. which gives instructions to all the Sections of the C. I. and controls their activity ". It also publishes a central organ of the C. I. in not less than four languages. This, we shall find, is called " The Communist International ". The E. C. C. I.'s decisions are obligatory for all sections of the C. I. though there is a right of appeal to the World Congress, pending which however the decisions must be carried out. The E. C. C. I. itself again, it appears, is too large a body to transact ordinary business and in consequence under para. 18, " the E. C. C. I. elects a Presidium responsible to the E. C. C. I. which acts as the permanent body carrying out all the business of the E. C. C. I. in the interval between the meetings of the latter ". The E. C. C. I. is to meet not less than once every six months, but the Presidium meets not less than once a fortnight (see para. 24), and it elects under para. 25 " the Political Secretariat, which is empowered to take decisions and which also prepares questions for the meetings of the E. C. C. I. and of its Presidium, and acts as their Executant body " .

O. P. 71. An account of the working of the whole organisation will be found in the " Masses of India " for August 1926 (P. 2581) at page 10 of which there is a reference to the " Enlarged " Executive or E. C. C. I., a body which is not mentioned in the 1920 or 1928 Statutes. It is however mentioned in the Statutes adopted by the Fifth Congress in 1924 which are printed at pages 52—58 of the " Communist International ", described on the cover as Monthly Organ of the Executive Committee of the Communist International, New Series No. 7 for December 1924—January 1925, part of P. 1155, recovered in the search of the premises occupied by Joglekar accused. Para. 26 of these Statutes provides for the convening by the E. C. C. I. not less than twice a year of meetings of the Enlarged Executive of the Comintern, in order to decide important questions, the decision of which admits of no delay.

As regards the authority of this publication, the " Communist International ", it may be convenient to note here that it is mentioned in the section headed " Bibliography " in P. 2366 Communist Party Training at the top of page 128, where it appears under the heading of the " E. C. C. I." (see page 127) along with the " Labour Monthly ", the " Communist Review " and " Inprecorr ". On page 16 of the same book the Communist Party of Great

Britain recommends the use by training group leaders of the "Communist International" in the same breath with the "Workers' Life" and the "Communist". And again at page 19 it includes the same three papers in what it calls the "Literature for the Course". It is also mentioned in Lenin's book "Left Wing Communism" (P. 975) at page 37, where there is a reference in the footnote by Lenin himself to one of his own articles in the "Communist International". It also appears at the end of Chapter V of "The A B C of Communism" where on page 159 the File of the "Communist International" appears in the literature, which the reader may consult in connection with that chapter.

O. P. 72.

I may now turn back to the statements of policy or aim and method contained in the theses which follow after the Statutes in P. 2395. It is important to note that in the theses on the Communist Party and Parliamentarism at pages 42 following, stress is again laid, as in the Manifesto of 1919, on the necessity of destroying the bourgeois State apparatus; see for example the passage at page 43: "Therefore it is the immediate historical task of the working class to tear this apparatus out of the hands of the ruling classes, to break and destroy it, and to create in its place a new proletarian apparatus."

Again on page 45 the same thing is again emphasised:—"The task of the proletariat consists in blowing up the whole machine of the bourgeoisie, in destroying it, and all the parliamentary institutions with it, whether they be republican or constitutional—monarchical."

And this destruction can only be achieved by a violent revolution, see page 11:—

"To admit the idea of a voluntary submission of the capitalists to the will of the majority of the exploited—of a peaceful, reformist passage to Socialism—is.....a concealment of the truth..... Only a violent defeat of the bourgeoisie, the confiscation of its property..... only such measures will be able to guarantee the complete submission of the whole class of exploiters."

And again at page 12:—"Only the Communist Party, if, etc.—only such a party is capable of leading the proletariat in the most pitiless decisive last struggle against all the forces of capitalism."

And finally on pages 35 and 36:—"The working class cannot achieve the victory over the bourgeoisie by means of the general strike alone and by the policy of folded arms. The proletariat must resort to an armed uprising. Having understood this, one realises that an organised political party is absolutely essential, and that shapeless labour organisations will not suffice." This last passage seems to make the matter entirely clear.

O. P. 73.

At the end of this chapter the C. I. emphasises a number of points of which the most important are the first four:—

1. "The C. I. is the chief and essential instrument for the liberation of the working class. In each country there must now be not only Communist groups, or tendencies, but— a Communist Party.

2. In every country there must be only one Communist Party.

3. The Communist Party must be founded on the principle of the strictest centralisation, and during the period of civil war it must introduce military discipline in its ranks.

4. In every place where there are a dozen proletarians, the Communist Party must have an organised nucleus.

Discussing the nature of the struggle for the dictatorship of the proletariat on page 45 in para. 9, we find it stated: "The elementary means of the struggle of the proletariat against the rule of the bourgeoisie is first of all, the method of mass demonstrations. Such mass demonstrations are prepared and carried out by the organised masses of the proletariat under the direction of a united, disciplined centralised Communist Party. Civil war is war. (Note that in the original this is italicised.) In this war the proletariat must have its efficient political officers, its good political general staff, to conduct operations during all the stages of that fight."

Paragraph 10 explains the expected development of the struggle as follows :—

O. P. 74. "The mass struggle means a whole system of developing demonstrations growing ever more acute in form and logically leading to an uprising against the capitalist order of government. In this warfare of the masses developing into a civil war, the guiding party of the proletariat must, as a general rule, secure every and all lawful positions making them its auxiliaries in the revolutionary work, and subordinating such positions to the plans of the general campaign, that of the mass struggle." 5

P. 2395 also contains suggestions as to the methods, some of which are already suggested in the passages quoted above. In regard to the Trade Unions there is a passage on page 54 : " Bearing in mind the rush of the enormous working masses into the trade unions, and also the objective revolutionary character of the economic struggle which those masses are carrying on in spite of the trade union bureaucracy, the Communists must join such unions in all countries, in order to make of them efficient organs of the struggle for the suppression of capitalism and for Communism. They must initiate the forming of trade unions where these do not exist." 10 15

As regards mass demonstrations there is a passage on page 18 : " In particular it is necessary for the Communist Party in the whole advanced proletariat to give the most absolute and self-denying support to all the masses for a larger general strike movement, which is alone able under the yoke of capitalism to awaken properly, arouse, enlighten and organise the masses and develop in them a full confidence in the leading role of the revolutionary proletariat." 20

On the same page there is a passage on the subject of lawful and illegal work of organisation : " For all countries, even for most free and legal and peaceful ones in the sense of a lesser acuteness in the class struggle, the period has arrived, when it has become absolutely necessary for every Communist Party to join systematically all lawful and illegal work, lawful and illegal organisation." 25 30

O. P. 75. Then on the subject of the importance of Communists always being in the forefront, para. 6 at page 50 expresses this very clearly : " In the event of labour demonstrations in the streets or other revolutionary movements, the Communist members must occupy the most conspicuous place—at the head of the proletarian masses." 35

As might be expected, we find emphasis laid on the fight against the Amsterdam International and the " yellow " Trade Unions, see para. 10 on page 28 which runs as follows :—

" Any party belonging to the Communist International is bound to carry on a stubborn struggle against the Amsterdam " International " of the yellow Labour Unions. It should propagate insistently amongst the organised workers the necessity of a rupture with the yellow Amsterdam International. It should support by all means in its power the International Unification of Red Labour Unions, adhering to the Communist International, which is now beginning." 40

O. P. 76. The same idea of fighting the Amsterdam International also appears at the foot of page 40 in the passage " The Communist International invites to its Congress all labour unions, which recognise the principles of the Third International, and are ready to break with the yellow International." Then at the foot of page 26, we have an allusion to the necessity of " denouncing reformists ", on page 20 to the fact that a Communist press is an absolute essential for " the preparation for the dictatorship of the proletariat ", and on page 29 (in para. 14) to the duty of making war against the Soviet Republics impossible by inducing the workers to refuse to transport military equipment intended for that purpose. On page 68 we find a mention of the necessity for carrying on a struggle against religion and its reactionary mediæval influences. 45 50 55

On pages 64 to 73 we come to the " theses on the national and colonial questions " which, as stated in the first paragraph of the " Revolutionary Movement in the Colonies " (P. 90) (which is the thesis on the revolutionary movement in the colonies and semi-colonies adopted by the Sixth World Congress of the Communist International 1928), were drawn up by Lenin himself. In the supplementary thesis at page 70 we find it stated that one of the most important questions before this Second Congress of the International is " to determine more especially the relation of the C. I. to the revolutionary movements in the 60
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countries dominated by capitalistic imperialism, for instance China and India", and the object of working at the colonial problem is stated in paragraph 4 on page 71 as follows: "The breaking up of the colonial empire, together with the proletarian revolution in the home country, will overthrow the capitalist system in Europe. Consequently, the Communist International must widen the sphere of its activities. It must establish relations with those revolutionary forces that are working for the overthrow of imperialism in the countries subjected politically and economically. These two forces must be co-ordinated if the final success of the world revolution is to be guaranteed." On the following page (72) in para. 7, the thesis mentions the existence of two distinct movements in the dependent countries and observes that "for the overthrow of foreign capitalism which is the first step towards revolution in the colonies, the co-operation of the bourgeois nationalist revolutionary elements is useful. But the foremost and the necessary task is the formation of Communist Parties which will organise the peasants and workers and lead them to the revolution and to the establishment of Soviet Republics." As has been pointed out by the accused themselves in the joint statement, at page 2745, this thesis foreshadows the organisation of the League Against Imperialism, an idea which was, however, not realised until 1926 or 1927.

O. P. 77.

A reference to this famous thesis of Lenin will be found in the "Masses of India" for February 1926, part of D 379, at page 1, where the writer says: "Lenin is gone, but to liberate the subject nationalities remains one of the fundamental principles of the Communist International." It is indeed regarded as the fundamental point of distinction between the Third and the Second International. Much stress on this is to be found in P. 1294, an article headed "Communist International and the Subject Peoples", found with Ghate, where the same point to which I have drawn attention is brought out, namely that "the struggle of the subject peoples for national freedom is an attack upon capitalism as a world force. National revolution in spite of its bourgeois democratic character is a part of the proletarian world revolution."

(NOTE:—This statement seems to have been rather lost sight of in some of the defence statements and arguments.) "No International can deserve the name if it leaves out of its scope the major portion of the world (as, according to the Communist view, the Labour and Socialist International does).

O. P. 78.
The Third Congress.

The next Congress of the Communist International was the Third Congress, held at Moscow in July 1921. Its decisions are recorded in P 2396, a printed report, recovered in the search of the office of the Communist Party of Great Britain in 1925. The prosecution has relied only on a few extracts from this report. On page 12 in the chapter relating to Part Struggles and Part Demands, there is a passage in regard to the strategy and tactics of Trade Union activities: "The entire propaganda and agitation, as well as the other work of the Communist parties, must be based on the conception that no lasting betterment of the position of the proletariat is possible under capitalism." That is to say, that even if agitation is successful and results in getting the demands, no lasting betterment is possible. On page 14 it is stated that: "It is the task of the Communist parties to widen, to deepen and to co-ordinate these struggles which have been brought into being by the formulation of concrete demands."

The next chapter relates to propaganda and agitation, and in paragraph 23, we find the following:—

"Communist agitation among the proletarian masses must be conducted in such a way that our Communist organisation be recognised by the struggling proletarians as the courageous, intelligent, energetic and ever faithful leader of their own labour movement.

In order to achieve this, the Communists must take part in all the elementary struggles and movements of the workers, and must defend the workers' cause in all conflicts between them and the capitalists over hours and conditions of labour, wages, etc. The Communists must also pay great attention to the concrete questions of working-class life. They must help the workers to come to a right understanding of these questions. They must draw their attention to the most flagrant abuses and must help them to formulate their demands in a practical and concise form. In this way they will awaken in the workers the spirit of solidarity, the consciousness of community of interests among all the workers of the country as a united working class, which, in its turn, is a section of the world army of proletarians.

O. P. 79.

It is only through an everyday performance of such elementary duties, and through participation in all the struggles of the proletariat that the Communist Party can develop into a real communist party."

Paragraph 24 is almost equally important and runs as follows :—

"Communism must be mobilised in full force, especially in times of strikes, lock-outs and other mass dismissals of the workers, in order to take part in the workers' movement. 5

It would be a great mistake for Communists to treat with contempt the present struggles of the workers for slight improvements of their working conditions, even to maintain a passive attitude to them, on the plea of the Communist programme and the need of armed revolutionary struggle for final aims. No matter how small and modest the demands of the workers may be for which they are ready and willing to fight today with the capitalist, the Communists must never make the smallness of the demands an excuse for non-participation in the struggle. At the same time our agitational activity should not lay itself bare to the accusation of stirring up and inciting the workers to nonsensical strikes and other inconsiderate actions. The Communists must try to acquire the reputation among the struggling masses of being courageous and effective participators in their struggles." 10 15

It will be remembered that the Fourth Congress of the Communist International was held in 1922 and the Fifth Congress in 1924. The authoritative documents for the 1922 Congress and the period between it and the 1924 Congress are P. 2397, "Resolutions and Theses of the Fourth Congress of the Communist International", (held in Moscow, November 7 to December 3, 1922), recovered in the search of the London headquarters of the C. P. G. B. in 1925, and the newspaper or periodical called "International Press Correspondence", better known as Inprecorr, as it is commonly called in other Communist literature. Before I go into the theses of the Fourth Congress and the information to be found in Inprecorr relating to this period between the Fourth and Fifth Congresses, it will be as well to dispose of the question of the authority of Inprecorr. 20 25 30

O. P. 80.

Inprecorr.

I will take first the oral evidence. P. W. 3, Detective Sergeant Scutchey, has deposed that he knows the newspaper Inprecorr, of which a copy was shown to him, and that it is a part of his business to study this paper from time to time. He says that information is given through it by officials of the Communist International and most of the articles are on Communist matters. P. W. 4 Detective Sergeant Renshaw merely says that some 9,000 copies of Inprecorr were found at the search of the C. P. G. B. office at 16 King Street, and so far as he knows, that is the only place in London where it can be bought. This statement of his is corroborated by P. W. 5, Detective Inspector Foster. The statement of this witness in the Lower Court was also brought on record and in that statement he says about Inprecorr that he believes it is printed in Germany or abroad—not in England. It is circulated in England. About 9,000 copies were found at 16 King Street. In cross-examination he said : "I cannot say the exact meaning of the printer's endorsement on the last page of Inprecorr. I know it definitely as a Communist Journal. I know it is promoted and circulated by the Communist International. I cannot say by looking at it that it is described as the organ of any particular body." It is of course a fact that Inprecorr does not contain any statement that it is the organ of any particular body. P. W. 6, Detective Inspector Norwood, was also asked about Inprecorr and stated that he knew the newspaper called Inprecorr, which he had to read from time to time, that he regarded it as purely Communist literature and had never found any advertisements in it. 35 40 45 50

O. P. 81.

In addition to these statements there is the evidence of Mr. H. N. Brailsford, who was called as a Court witness at the instance of Desai and Ghosh accused. At page 10 of his evidence he says : "I think Inprecorr, which is also published in four languages, was sent to me gratis by the people who published the Communist International", (and we know that the 'Communist International' is the official organ of the E. C. C. I.). Then as I have stated before in another connection, there is a mention of the files of Inprecorr in connection with the E. C. C. I., at page 128 of P. 2366, Communist Party Training. Then there is another book published by the Communist Party of Great Britain entitled "The Communist International between the Fifth and the Sixth World Congresses 1924-8", P. 2365. This is a report on the activity of the Communist International during the period which elapsed between the 5th and the 6th International 55 60 65

Congress, covering the period up to the 1st of May, 1928. In this there are a number of mentions of Inprecorr ; for example at page 37 there is a paragraph which runs as follows :—

O. P. 82. " As to international guidance and support of the Party press, it has consisted mainly in supplying the press of the individual sections with information ; proper international guidance of this work is still conspicuous by its absence. It should be, however, pointed out that the " Inprecorr ", as the leading international press organ, is publishing valuable material on all international questions, and is supporting the press of the small Sections in its capacity of an officials' organ ; it is developing into a platform for the practical exchange of experiences in the sphere of agitation and propaganda work." 5 10

Next at page 40 there are two mentions, first : " For May Day (1927) material of an historical character was issued for utilisation in the press ; it was co-ordinated in a special number of the Inprecorr." Second : " In this campaign (that is the campaign for celebrating the Tenth Anniversary of the October Revolution) material was to be forwarded in two ways : through the " Inprecorr " and directly to the press." 15

Next at page 42 we find the following :—

" The supply of the Party press with useful material, which was done first and foremost through the " Inprecorr " proved to be the best way of influencing it. Although the " Inprecorr " is not a very adequate substitute for a press correspondence, it does serve as an information organ for the editorial boards of the provincial press and for the press of the smaller Parties, and facilitates their work." 20

And again on page 44 there is the following :—

" The agitation sub-department has endeavoured to influence this work (newspaper work in factories), not so much by circulars and letters as by criticism in the press, and particularly in the " Inprecorr ", as well as by direct contact with their places of origin." 25

O. P. 83. All these references come from the chapter dealing with the agitation and propaganda (Agit-Prop) Department of the E. C. C. I. I may refer next to P. 2367, " The Tasks of the International Trade Union Movement ", being the resolutions and decisions of the Third World Congress of the Red International of Labour Unions, Moscow, July, 1924, published by the National Minority Movement, which will be dealt with later, but may be described shortly as the Communist element in the British Trade Union Movement. At page 73 of this report there is a paragraph in the chapter, " The Tasks of the International Revolutionary Labour Press ", sub-section 1, " Central Press of the R. I. L. U.", which is most instructive. It runs as follows :— 30 35

" (d) It is necessary completely to reorganise the union section of the Inprecorr. Inasmuch as the Inprecorr feeds the entire Communist Press of the world, it is necessary for it to have a real union section, reflecting exactly the political line of the Comintern and of the R. I. L. U. and quickly responding to all the big events in the international Labour movement. For this purpose a chain of responsible correspondents should be set up by way of obligation, and a special responsible person should be appointed to the Inprecorr to engage exclusively in the work of the union section." 40 45

More light is thrown on the nature of Inprecorr by the remark of Mr. J. R. Campbell, a well-known Communist, at page viii of the foreword to P. 90, " The Revolutionary Movement in the Colonies ", which is the thesis on the revolutionary movement in the colonies and semi-colonies, adopted by the 6th World Congress of the Communist International, 1928, where he says : " In addition to this thesis the discussions contained in Nos. 72, 74, 76, 78 and 81 of the " International Press Correspondence " should be read. This thesis and the discussions which took place at the International Congress constitute an education in revolutionary tactics which no active worker can afford to neglect." 50 55

O. P. 84. If any room for doubt could possibly remain, I may refer to Inprecorr itself, Vol. 5, No. 43, dated 14th May 1925, part of P. 2491, at page 564, where there is an article headed " Concerning ourselves ", the opening sentences of which are interesting : " For weeks past there has been carried on a furious campaign against the Soviet Government. This has been mainly instigated from England. Quite recently we ourselves have been included in these attacks. This is perfectly understandable." 60

What is the "International Press Correspondence"? A press service which furnishes news from all countries, and before all brings authentic reports on the politics and the economic situation of the Soviet Union as well as on the activity of the Communist International. Our regular and authentic reports render extremely difficult the handiwork of those people who fabricate the so-called Zinoviev letters or spread lying reports regarding the Soviet Union".

The last quotation on this point to which I need refer is again from "Inprecorr" itself, an article included in the list of contents under the heading "Concerning Ourselves" and entitled "Five Years of the Inprecorr". It appears in Inprecorr Volume VI No. 63 dated 23rd September 1926, part of P. 2491 (a) at page 1077: this contains an important quotation from the first number of the paper which is as follows: "The 'International Press Correspondence' will publish the communications of the Executive Committee of the Communist International which are intended for the public." I will not quote further from this article but there is plenty of material in it leading to the conclusion that whatever appears in Inprecorr appears there with a purpose and is written from the Communist point of view.

O.P. 85. The prosecution has not quoted any passages from P. 2397, "The Resolutions and Theses of the Fourth Congress of the Communist International", and I need only remark that it would be possible to parallel from it many of the quotations which have been given earlier. Crown Counsel went on to lay before the Court a number of references from Inprecorr to the preparations for this Congress and the period between this Fourth Congress and the Fifth Congress. As he points out the agenda of the 4th Congress are given in Inprecorr, Vol. 2, No. 82, part of P. 2491 (a), where we find item No. 7, "Eastern and Colonial questions, sections to be formed", and this is followed by a mention of speakers Katayama (Japan) and Roy (India).

From the Fourth Congress to the 15th.

He next points out that in Inprecorr, Vol. 2, No. 97, dated 10-11-22, part of P. 2491, at page 751, in the article "Opening of the Enlarged Executive Session", there is a mention of the arrival of a delegate from India. Again in Inprecorr, Vol. 2, No. 99, dated 16th November 1922, part of P. 2491, at page 792, in his article or report headed "The Central Committee to the International Communist Party on the Fourth World Congress" Zinoviev writes: "With the co-operation of the E. C. organised political parties and groups have been formed within the last 15 months in such countries as India. These parties are still weak in numbers but the kernel is at least formed". There is a further reference to India in Inprecorr of the 2nd December 1922, Volume 2, No. 106, part of P. 2491 (a). At page 860 of this we find Comrade Zinoviev in the Report of the E. C. C. I. to the IV. World Congress saying: "We have had valuable results in India. I can communicate to the Congress that the work of our comrades during the past few months has been crowned with success. Comrade Roy, with a group of friends, is issuing a periodical, whose task it is to smoothen our way in India. Our comrades have been able to gather together the Communist elements in India. They have found entrance into the newspapers; they have entered the trade unions." Again on page 861 he says: "The great movements which we have been watching in India and in the colonial and semi-colonial countries are by no means communistic, but dispassionately considered, they rate as an important factor in the fight against capitalism."

O.P. 86.

In the issue of 30th December 1922, Vol. 2, No. 118, part of P. 2491 (a) the prosecution has referred to a number of references. The first is in a section headed "The International Political Situation" and is as follows: "The experiences of the movements for national liberation in India, Egypt, Ireland, and Turkey; show that the colonial and semi-colonial countries are hotbeds of a growing revolutionary movement against the imperialistic powers, and that inexhaustible reservoirs of revolutionary strength may there be found which, under the present circumstances, may be objectively directed against the entire bourgeois system of the world." At page 1003 there is a passage which also appears in P. 2397 in the shape of a reference to the "stormy growth of a nationalist-revolutionary movement in India, Mesopotamia, Egypt, Morocco, China and Korea", and to the "awakening of the labour movement in all countries of the East and the formation of Communist Parties almost in all parts of the East". Next at page 1009 in the "Resolution on the Russian Revolution", there is a passage reminiscent of some former pronouncements in the Communist literature which we have looked at already: "The IV. World

- Congress reminds the proletarians of all countries that the proletarian revolution can never be completely victorious within one single country, but that it must win the victory internationally as the world revolution". At the foot of this page there is a list of names of persons proposed for election to the E. C. C. I. In this list we find " England : 1 delegate ; MacManus ; 1 substitute, Newbold"; " The Orient : 2 delegates : Katayama, Safarov ; 1 substitute, Roy." 5
- O. P. 87.
- The Inprecorr Vol. 3, No. 45, Special Number, dated 22nd June 1923, part of P. 2491 (a), at page 438, contains the report of the first session of the Enlarged Executive which shows that among those elected to the Presidium was Roy, India. In the same report on page 439 we find Comrade Zinoviev criticising the British Party and saying that " still it does not understand the great significance of national emancipation. On this question it is radical in words, but cannot make up its mind to some bold action either in the case of Ireland or the Colonies." 10
- In the next Special number (No. 46), dated 28th June 1923, we find a further report of the Session of the Enlarged Executive and in this on page 451 there is a speech of Roy (India). In this speech we get the first suggestion of the theory of the " Decolonisation " of India which caused a great deal of excitement later on. Roy here speaks of a change of policy of British Imperialism in the colonial and semi-colonial countries, an agreement on its part with the bourgeoisies of these countries, and the commencement of a tremendous import of British capital into India. Then he says, " The plan of British Imperialism is to encourage the Indian bourgeoisie and to terrify them with the cry of Bolshevik propaganda ". He goes on " We must build big mass movements of workers and peasants against imperialism, and thus prove to the colonial bourgeoisie that they need not come to terms with imperialism and play the part of a secondary partner, but that with the help of the mass movement they can make a bid for power." After this speech we find the British delegates more or less excusing the failure of the British Party. Jackson (Great Britain) on page 452 said that " although recognising its obligations, the British Party was very small, and faced with an old, experienced and cunning bourgeoisie. A beginning had been made. The Oriental Seamen's Union had been formed to link together the sailors and port-workers of all the Oriental Colonies. Contact had been made with the Indian students in England." Both he and Newbold (Great Britain) stated that they looked for advice from the Congress. 15
- O. P. 88.
- In the following year Lenin died. In this year the first issue of Inprecorr quoted in this connection is that of the 10th of April, Vol. 4, No. 24, part of P. 2491. On the first page of this issue, actually page 217, appears the Agenda of the Vth World Congress of the Communist International. Under item 6 " The National Problems " we find " (b) The revolutionary movement in the East and in the Colonies, (India and other countries). Reporters : Katayama, Roy and others." I note also in this number an article by M. N. Roy, " The Labour Government in Action ", which is an article about the Cawnpore Conspiracy Case of 1924. 20
- In the next number referred to, Vol. 4, No. 34, dated 18th June 1924, part of P. 2491, in the report of the Session of the Enlarged Executive of the Communist International we find Roy's name as a speaker on " the basis and the propaganda of Leninism " and again proposed as a member of the Presidium of the Political Commission, and also of the Programme Commission and the Russian Commission. 25
- We come next to the issue of the 29th August 1924, a special number, Vol. 4, No. 62, part of P. 2491, containing the Theses and Resolutions adopted by the Vth World Congress. The Programme drafted by this Congress is to be found in P. 2338 and has been mentioned already. At page 653 of this number a chapter headed " The Concrete Tasks of the Important Sections of the Comintern " begins. The portion relating to the section, Great Britain, is important. Stress is laid on the training of the Communist Party of Great Britain to fulfil its duties, as being one of the most important tasks of the C. I., and the Thesis lays down that in the immediate future the C. P. G. B. must concentrate its strength on the following tasks..... " (e) To lay special emphasis on the relations with the colonies, on the support of the national-revolutionary movement of the colonial countries.....". In the " Propaganda Theses " on page 661 we find great emphasis laid on the necessity of bolshevising the Communist Party by " more deeply hammering Marxism and Leninism into the consciousness of the Communist Parties and the Party members." Lastly, at page 667 we come, in the chapter entitled " Our Tactics in the Trade Union Movement " (Theses by A. Lozovsky), to a section headed " Our Immediate 30
- O. P. 89.
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Tasks." In this Section para. 11 runs as follows : " The Communist Parties of countries whose bourgeoisie exploits colonial and semi-colonial peoples, must pay special attention to the growing trade union movement in the colonies, first of all, for the purpose of emancipating these young trade union organisations from nationalist ideology, and secondly, for the purpose of freeing them from the domination of the imperialist policy of the trade union bureaucracy of the fatherland." It is further pointed out in the concluding remarks that " capturing of trade unions is tantamount to capturing the masses." No wonder that contact with the trade union movement was felt to be the first duty of the new born Workers and Peasants Party of Bombay in 1927, as we shall find later.

O. P. 90.

I may now turn to P 2398, " Programme of the Communist International ", described as " Draft adopted at the Fifth Congress of the Communist International " and intended, as the foreword shows, for consideration and discussion between the Fifth and the Sixth Congresses. This booklet also was recovered at the search of the office of the C. P. G. B. in October 1925. The prosecution have referred to a few passages in this programme which are on the same lines as passages quoted from the earlier statutes and theses. On page 6 in the introduction we find the following passage :—

" The C. I., uniting all the Communist Parties and constituting in itself the militant world party of the proletariat, aims at the emancipation of labour from the yoke of capital ; it openly advocates the violent overthrow of the bourgeois order by means of the Communist revolution, and thus continues the revolutionary tradition of the Communist Association, and the First International, founded by Marx."

On page 22 we come to a section headed " The Dictatorship of the Proletariat as the Unavoidable Pre-requisite of the Struggle for Communism." It begins as follows :—

(A) Necessity of the Proletarian Dictatorship.

An unavoidable premise for the transition from capitalism to communism—the starting point without which the further evolution of mankind is entirely impossible, is thus the revolutionary overthrow of the bourgeois State, and the seizure of power by the working class, which has to set itself the first and most important task of suppressing the enemy and firmly establishing the new regime. The dictatorship of the proletariat—that is the most elementary pre-requisite for social evolution.

(B) Destruction of the Bourgeois State by the Organs of Proletarian Class War.

O. P. 91.

The seizure of power by the proletariat is nothing else than the destruction of the bourgeois State apparatus by the fighting organs of the proletarian class struggle, and the organisation of a new proletarian class power by those organs."

At page 24 in paras. (E & F) we get further enlightenment as to the nature of the seizure of power. The passage runs as follows :—

(E) Destruction of the Bourgeois Monopoly of Arms and the Concentration of these in the Hands of the Proletariat.

An essential part of the seizure of power by the working class is the destruction of the bourgeois monopoly of arms, and the concentration of arms in the hands of the proletariat. During the course of the struggle the main object in view must be the disarmament of the bourgeoisie and the arming of the proletariat.

(F) Organisation of Armed Forces.

The further organisation of armed forces, based on strictly revolutionary discipline, must be carried out on precisely the same fundamental class principle ; it must correspond with the structure of the proletarian dictatorship, and the principles assuring leadership to the proletariat."

There is another passage at the foot of page 26, which makes it quite clear that open civil war is contemplated : " At the close of the open civil war, that is, after the installation of the political rule of the working class, the interests and necessities of the rational economic policy will be determined, and the methods of war Communism are pushed aside and finally absolutely discontinued."

At page 31 we get again a reference to religion in the following paragraph:
 “ (D) The Fight against Religion, State and Church, Church and School.

O. P. 92. Amongst the tasks of combating bourgeois prejudices and superstitions, the first place is taken by the fight against religion, a fight which must be carried on with all requisite tact and all caution, especially among those sections of workers in whose daily life religion has hitherto been deeply rooted.” 5

On the following page we come to the problem of the colonies and semi-colonies. After stating that the colonial and national questions play an exceedingly important role, the programme goes on to make certain demands of which one is No. 2 ; “ The liberation of the colonies and the support of all colonial movements against Imperialism ”. In the following chapter, on “ The Road to the Dictatorship of the Proletariat,” we get at page 35 a reference to the need for utilising any war crisis and for “ discrediting, exposing and destroying the political influence of the social-democracy and of the yellow Trade Union bureaucrats.” 10 15

O. P. 93. We come now to the period from 1924 to 1928, and it is the prosecution case that during this period there was a marked effort on the part of the Communist Party of Great Britain (to which I have so far made little allusion) to carry out the policy of the Communist International in India, prescribed for it as mentioned earlier. 20

The first document on which the Prosecution has based its case here is P. 2582, “ Bolshevising the Communist International ”, which purports to be the report of the Enlarged Executive of the Communist International, March 21st to April 14th, 1925. This book was tendered by the Prosecution at the end of the evidence as a book of reference. One of the accused objected that it should have been tendered before and that there was a copy in one of the searches, and further search shows that this book was found in the search of one Begarhotta, formerly a member and Joint Secretary of the Communist Party of India and appears as item 141 in the relevant search-list, P. 779. It was not however noticed at the time when evidence was being given as to that search, or indeed until much later. It appears to be a book properly admissible as a book of reference in connection with the history of the Communist International (cf. Section 57, Indian Evidence Act). Secondly it appears to me that the presumption which arises under Section 87 of the Evidence Act may also reasonably be drawn. The book purports to be published for the Communist International by the Communist Party of Great Britain, 16, King Street, Covent Garden, W.C. 2 and the contents are such as we would expect such a report to contain. I propose therefore to accept it as a true account of the proceedings of this Conference. (It will be remembered that I have already referred to it in connection with Comrade Gallacher’s remarks about not having any sentimental belief in the freedom of peoples). The following items of interest, which appear from this report, have been referred to by the Prosecution :—First, on page 5, there is a list of members elected to the Presidium ; one of these is Roy for “ The Orient ”. Again on page 15, we find a list of the members elected to the Colonial Commission and under the head of India the name of Roy. Roy is also noted as the Secretary of this Commission. On page 125 at the end of the report of the Evening Session on April 4th, we find a short speech by Comrade Roy (India) reported. I do not think it is worth quoting at length and it will be sufficient to note that he expresses a confident hope that “ the revolutionary forces of the colonial and semi-colonial countries will be brought within the active ranks of revolutionary forces being organised under the banner of the Communist International ”. At page 136 we find that the Colonial Commission submitted four resolutions which were unanimously adopted and one of which related to India. At the top of the same page is set out the policy proposed by the Colonial Commission for India. It is as follows :—“ The Commission is of the opinion that it is now necessary for the Communists to continue work in the National Congress and in the Left wing of the Swaraj Party. All nationalist organisations should be formed into a mass revolutionary Party, an all-Indian anti-imperialist bloc. The slogan of the People’s Party, having for the main points in its programme : separation from the Empire, a democratic republic, universal suffrage and the abolition of feudalism—slogans put forward and popularised by the Indian Communists—is correct.” This is an important statement which should be borne in mind in considering the development of Communist policy in India during the period from 1925-1929 as it appears from the correspondence which passed between Europe and India. The resolution itself (the Report states) 25 30 35 40 45 50 55 60 65

O. P. 94.

From the Fifth Congress Onward.

- contains instructions from the Colonial Commission to the Indian Communists "to direct their efforts towards securing leadership over the masses of the peasantry, and to facilitate and encourage the organisation and amalgamation of trade unions, and take over the leadership of all their struggles".
- O.P. 95. The next historical event is the lecture given by Stalin (Lenin was now dead) to the students of the University of the Peoples of the East on 18th May 1925 and referred to earlier. It is a part of "Leninism" by Stalin (P. 8) and a typed copy was found in the "Krantī" Office, P. 1203. 5
- In the same month we get the Political Report of the Central Committee of the Fourteenth Congress of the Communist Party of the Soviet Union, which appears in "Leninism" at pages 351—457. The first chapter pages 351—381 is headed "International Situation" and was the portion of the book which was studied first by Hutchinson's Circle of Progressive Youth. The prosecution has referred to this document in connection with the question of individual terrorism about which there is a very firm declaration on page 378 where Stalin says : "Let me explain that communists never have had and never will have anything to do with the theory and the practice of individual outrages ; that communists never have and never will have anything to do with the theory and the practice of conspiracies against individual persons. The theory and the practice of the Comintern is based upon the idea of organising a revolutionary mass movement against capitalism. That is the true task of the communists. Only ignoramuses and idiots can confound conspiracies and individual acts of terrorisation with the policy of the Comintern, which is based upon the promotion of a mass movement." In this connection there is a remark by Lenin himself in P. 975, "Left Wing Communism, An Infantile Disorder" (recovered from the possession of Dange accused) which casts some light on the proper interpretation of this declaration of Stalin. At page 19 he says : "Secondly, in its individual terrorism and attempts at assassination, this party (the Socialist Revolutionaries) saw its peculiar claim to "revolutionism" and "leftness"—a thing which we Marxians rejected. It is, of course, self-evident that we rejected individual terror only from considerations of expediency ; for those who would "on principle" condemn terror generally on the part of a victorious revolutionary party, besieged by the bourgeoisie of the whole world, had been scorned and ridiculed by Plekhanov in 1900-1903, when he was a Marxist and revolutionary." This suggests, what one might be inclined in any case to suspect, that the rejection of individual terrorism is purely on the ground of expediency because individual terrorism is as often as not useless, and that view is fully supported by Trotsky in P. 1236, "The Defence of Terrorism" (Terrorism and Communism) published in 1921 and recovered from the possession of Mirajkar accused. At page 55 of this book Trotsky says : "But the revolution does require of the revolutionary class that it should attain its end by all methods at its disposal—if necessary, by an armed rising : if required by terrorism. The question of the form of repression, or of its degree, of course, is not one of "principle". It is a question of expediency. Terror can be very efficient against a reactionary class which does not want to leave the scene of operations. A victorious war, generally speaking, destroys only an insignificant part of the conquered army, intimidating the remainder and breaking their will. The revolution works in the same way : it kills individuals, and intimidates thousands." All this arises from the fact that, as stated on page 51, "the problem of revolution, as of war, consists in breaking the will of the foe, forcing him to capitulate and to accept the conditions of the conqueror".
- O.P. 96. It is interesting to observe that these views are fully accepted by the accused in this case. For example, Hutchinson accused objects to violence merely on the ground that the lives of the workers are very precious. At the same time he feels that the terrorist movement is as Lenin puts it "An Infantile Disorder" and an impediment to the growth and development of the Communist Movement in India. Individual terrorism in fact retards a mass movement which, when the time comes, will use terrorism just in so far as it is felt to be necessary. We shall find the same idea put forward in one of the speeches of Dange and a number of the statements made by other accused to this Court. 55
- O.P. 97. The next landmark to which we come is the "Resolution on the Situation in Great Britain", with a sub-heading "The Achievements of the Communist Party and their Lessons for the Sections of the Communist International" reported in "Inprecorr", Special Number, Volume VI, No. 40, dated 13th May 1926, part of P. 2491, at page 643. In this there appears at page 644 a section 60
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headed "The Tasks of the Communist Party" and sub-section 4 of this is important. It runs: "The British Party must take up actively the struggle of the oppressed peoples of the colonies and mobilise the British working-class in support of every revolt which develops against British Imperialism." That is to say, the Communist International calls upon its Section, the C. P. G. B., directly to show activity in regard to the movement in the colonies. 5

Before I go on to the next document in historical sequence, namely P. 2365, "The Communist International", which is a report of the position in all sections of the World Communist Party between the Fifth and Sixth World Congresses, that is between 1924 and 1928, it is necessary to give some account of the organisations to which we shall have frequent references in this period, namely the Red International of Labour Unions, its British section the National Minority Movement, and the Communist Party of Great Britain. The members of the N. M. M. are all naturally members of the C. P. G. B. so that this may appear rather like taking the part before the whole, but there is some convenience in dealing with them in this order, because the R. I. L. U. and N. M. M. can be more or less completely disposed of whereas the subject of the C. P. G. B. leads straight on to the general history of the conspiracy and the evidence in regard to it. 10 15

O. P. 98.

The Red International of Labour Unions.

P. 511 (recovered in the search of the office of the Bengal Workers' and Peasants' Party at 2|1 European Asylum Lane, Calcutta), is a small book issued by the Labour Research Department in 1920 entitled "Trade Unions in Soviet Russia", and contains a report of the Third General Congress of Russian Trade Unions, held in March 1920. Just preceding that report, in the thesis on Trade Unions in Soviet Russia by Lozovsky, which takes up the first 47 pages of the book, we find a chapter on International policy and on page 44 a section headed "Unity with the Third International". In this there is a passage which shows the position of the Russian Trade Unions relative to the Communist International. It is as follows:— 20 25

"The Third International is a fighting revolutionary class centre, which is accessible to all proletarian, political, trade union and co-operative organisations, which, not in words, but in deeds, fight for socialism. It would be a great crime on our part if we attempted to create a special trade union international. All the revolutionary class trade unions must enter the Third International in which they must organise trade union sections or secretariats. For that reason the Third Congress decided to join the Third International and to call upon the revolutionary class unions of all other countries to follow its example." Very much about the same date in the Theses and Statutes adopted by the Second Congress of the Communist International and reproduced in P. 2395 we find on page 41 a passage: "The Communist International intends to organise an international section composed of the red labour unions, which recognise the principles of Communism." So here we see the approaching birth of the Red International of Labour Unions from two sides. This is in 1920, and in a pamphlet, P. 1230, "Lenin and the Trade Union Movement", written by Lozovsky after Lenin's death (recovered from the search of the room of S. S. Mirajkar accused on 20th March 1929), the writer mentions that it fell to him with certain others to begin laying the foundation of the R. I. L. U. in Moscow in 1920. In the same year P. 1135, an I. L. P. pamphlet entitled "The Communist International" (recovered from the possession of Joglekar accused) was published. It contains two things, one, the conditions prescribed by the Second Congress of the Communist International for the admission of parties to it and, two, the text of the constitution of a "Red" Trade Union International by the Communists. Under the first head in para. 10 on page 6 we find the following:— 30 35 40 45 50

O. P. 99.

"It is the duty of every party belonging to the Communist International to fight vigorously and stubbornly the yellow Trade Union International founded at Amsterdam. It should, on the other hand, contribute to its utmost ability to the international union of the Red Trade Unions adhering to the Communist International." Under the second head on page 9 there appears a circular issued to Trade Unions by Zinoviev, President of the E. C. C. I., with a view to the formation of the Red Trade Union International. In the course of this we find what the Communist International's ideas are as to the duties of this Red Trade Union Movement stated in the following terms:— 55 60

"It must renounce all survivals of corporate narrowness. It must place on the order of the day—in agreement with the Communist Party—the immediate

struggle for the dictatorship of the proletariat and for Soviet rule. It must refuse to patch up the old garments of capitalism in the reformist fashion. The new trade union movement must place the general strike in the foreground and prepare a combination of general strike and armed insurrection.”

O.P. 100.

Going on to the foot of page 13 we find the following:

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“ The Communist International considers that the hour has come when the trade unions, freed from bourgeois and social-chauvinist influence, should, without delay, form their international organisation by industries and on a world-wide scale.

We must set up in opposition to the Yellow Trade Union International, which the agents of the bourgeoisie are endeavouring to re-establish at Amsterdam, Washington, and Paris, the Red, really proletarian, Trade Union International, which will work in agreement with the Third Communist International.”

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Then on page 15 there is another passage : “ The E. C. C. I. considers that not only the political Communist parties should take part in the Congresses of the C. I., but also those trade unions which adopt the revolutionary platform. The Red Trade Unions should unite internationally and become an integral part (section) of the Communist International..... Long live the Red Trade Union International ! ”

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These extracts make it quite clear what the intentions in regard to the Red Trade Unions were, namely that their aim like that of the Communist International should be armed insurrection.

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P. 48, “ The Labour International Handbook ” for 1921, edited by R. Palme Dutt, of whom more anon, gives some account on page 201 of the formation of this International, which shows that it was established under the name of the International Council of Trade and Industrial Unions on July 15, 1920, to act as “ a militant international committee for the re-organisation of the trade union movement ” working in conjunction with the E. C. of the Third International. In the Provisional Rules on the same page we find section II ‘ Aims and Objects ’, and nos. 1 and 2 among these are as follows :—

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O.P. 101.

(1) “ To carry on an insistent and continuous propaganda for the ideas of the revolutionary class struggle, social revolution, dictatorship of the proletariat and mass revolutionary action with the object of destroying the capitalists system and the bourgeois State.”

(2) “ To fight against the disease of class co-operation which is weakening the labour movement, and against the hope that a peaceful transition from capitalism is possible.”

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Section III deals with the composition of the organisation and mentions that the International Council also includes a representative of the E. C. C. I. Finally the book states : “ The Inaugural Congress of the new organisation was summoned for July 1st, 1921.”

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In the Third Congress of the Communist International, held at Moscow in July 1921, we find that the Trade Union question was exhaustively surveyed, the relations of the R. I. L. U. and I. F. T. U. (the Yellow Trade Union International) and a programme of action on the basis of factory committees agreed upon. (See P. 2366, “ Communist Party Training ”, at page 76, and also P. 2396, “ The Report of the Decisions of the Third Congress of the Communist International ”, mentioned already, at pages 69 following, the section headed “ The Programme of Action ”).

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P. 1136, “ The ‘ Reds ’ in Congress ”, recovered from the possession of Joglekar accused, is a report of the First International Congress of the Red Trade Union International by J. T. Murphy, a well-known British Communist. At page 16 of this we find certain speakers explaining that the intention was to establish a real working practical arrangement between the two organisations, that is the Communist International and the new Trade Union International, and it appears that the resolution in favour of a harmonious working arrangement between the two Internationals being established was carried by an overwhelming majority. After this we find that the Syndicalists, who had voted against co-operation of the two Internationals, issued a statement to the effect that nevertheless they would remain in the Red Trade Union International. One of the signatories to this was a British representative, Tom Mann. At

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O.P. 102.

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page 28 we come to the election of an Executive Bureau in which the representative for England is Tom Mann, and immediately afterwards there is a mention of the election of the Executive Council. The writer mentions that Comrades Tom Mann and N. Watkins were elected to represent the revolutionary industrialists of Britain on this Council, and it appears that the Executive Bureau was elected from the members of the Executive Council. The close connection between the R. I. L. U. or R. T. U. I., as it was called at this date, and the C. I. is shown by the fact that it was agreed that the Executive of the R. T. U. I. should have its representatives on the E. C. C. I. and that the latter should be represented on the E. C. of the R. T. U. I., that joint sessions of the Executives should be held at intervals, and that joint preparations and pronouncements should take place as the occasion demanded. All this leaves no room for doubt that whatever emanates from the R. I. L. U., may be taken as emanating equally from the Communist International.

The next document in connection with the R. I. L. U., to which I must refer, is P. 2367, "The Tasks of the International Trade Union Movement", being the resolutions and decisions of the Third World Congress of the Red International of Labour Unions, Moscow, July, 1924, published by the National Minority Movement, 38 Great Ormond Street, London, W. C. I. This Congress is referred to in "The Workers' Weekly", the official organ of the Communist Party of Great Britain for August 1, 1924, part of P. 1134, (recovered from the possession of Joglekar accused). In this paper in the right-hand column on page 3 there is a report of the Third Congress of the R. I. L. U. opening at Moscow on July 8. In this report it is stated that in opening the Congress Comrade Lozovsky, the General Secretary of the R. I. L. U., quoted with great effect the letter written by Lenin to the First Congress of the R. I. L. U. in 1921. That is the letter referred to at page 28 of "The 'Reds' in Congress", P. 1136. What is perhaps more important in this report is the quotation from Lozovsky's own speech in which he said that the strength of the revolutionary trade union movement lay in its close alliance with the Communist International, in the fact that its policy, programme and methods were those of Communism. It would be possible to quote and go on quoting from the official report, P. 2367, at some length, but I will only draw attention to a few points. For example we may note the great stress laid on the need for attention to the methods of the strike struggle (page 13); the importance of the revolutionary unions of the Metropolis giving the greatest support to the unions organising in the colonial and semi-colonial countries, and conducting the work among the colonial workers under the slogan of the independence of the colonies (page 19); on the C. I. and the R. I. L. U. continuing increasingly to co-operate (page 20); on the trade union movement in the colonies and the need that the adherents of the R. I. L. U. in the Metropolis should assist it with literature, organisers and agitators, and as a special means of assistance should form Labour Unions of colonial workers in the Metropolis, e.g. sailors' unions. Again on page 52 we find emphasis on the importance of obtaining the control of the spontaneous action of the working masses and assuming the leadership of these actions, of strengthening the forming of nuclei in all the establishments and labour organisations unaffiliated to the R. I. L. U. The work of these nuclei is to be co-ordinated with the respective revolutionary unions which should keep in close contact with the local Communist organisations.

O. P. 103. On page 53 we find a reference to the necessity for organising the workers into militant industrial unions, nationally and internationally.

On page 54 we find another reference to the revolutionary unions and Communist parties working together, in the following passage :—

"In order that our struggle may be successful, we must closely and openly link up the Communist Party, the vanguard of the Revolution. The revolutionary unions should carry on their activities together with the Communist Party."

Lastly on page 56 we find it stated that "It is time for the working masses to arm themselves and check the offensive of the brazen executioners of the working class."

The Third Congress of the R. I. L. U. calls upon all the workers and all the revolutionary unions to be ready to win, with arms in their hands, the fight for a better future."

Before I leave the R. I. L. U., I should perhaps refer, on the question of the relationship between the R. I. L. U. and the C. I., to the statement of Bradley accused at page 615, where he makes the following unequivocal admission :—

“The prosecution has taken much delight in proving that the R. I. L. U. was formed at the initiative of the Comintern, has essentially the same principles and policy and works in close co-ordination with it. This is admitted. I see nothing objectionable in it. It is in accordance with the practice of the International Labour Movement since its foundation. That movement has never recognised any fundamental distinction between the Trade Union and Socialist Wing.”

In the foreword to this report, P. 2367, we find the following :—

“The great driving force in the world’s Trade Union movement to-day is the Red International of Labour Unions and its adherents and supporters, and auxiliary organisations, like the Minority Movement in Great Britain and the Trade Union Educational League in America, which it has initiated and inspired.”

This is the first reference so far to the Minority Movement. There is another reference which is to be found in P. 2582, “Bolshevising the Communist International”, already referred to, at pages 55, 56 and 57.

On page 56 it is stated that “the opposition in the Amsterdam International consists of two groups, a crystallised one and an amorphous (loosely knit) one. The former has been organised by the Communist Parties on the platform of the R. I. L. U., and bears the name : Minority Movement etc.”

On page 57 it is laid down that in England the struggle for unity must be conducted on the following lines :—“(a) further consolidation of the Minority Movement.....”

It is the prosecution case that the National Minority Movement is the British section of the R. I. L. U. as is indeed suggested by the foreword to P. 2367, which I have quoted above, but there is plenty of other evidence. Taking the oral evidence first, Detective Inspector Foster, P. W. 5, in his statement in the Lower Court, which was brought on the record of this Court as P. 2499, deposed as follows :—

“The National Minority Movement is the Communist section of the Trade Union Movement. It is affiliated to the C. P. G. B. and the Communist International. I have heard of the R. I. L. U. The National Minority Movement is affiliated to the R. I. L. U.”

P. W. 6, Detective Inspector Norwood has deposed : “The National Minority Movement is the British section of the Red International of Labour Unions.”

The aims of the National Minority Movement are to be found on the last page of P. 1795, the official report of the Fourth Annual Conference, held on August 27 & 28, 1927, under the heading : “What we stand for”, and I may quote paragraphs 5 & 6 :—

“(5) To build up Minority Movement groups in every industrial country in order that, as a result of organised activities, the policy, direction and ideals of the Minority Movement shall be made the policy of the movement (that is the Trade Union Movement) as a whole.

(6) The Minority Movement itself is not a trade union ; it consists of militant members of existing trade unions who aim at making the trade unions real, militant organs in the class struggle.”

For further information about the Minority Movement we may refer to the speech of Comrade Gallacher reported in P. 2582 at pages 60 & 61, where he talks at some length about the Minority Movement, and we observe a distinction drawn between the left Trade Union leaders and Minority Movement, suggesting quite obviously that the Minority Movement is Communist and therefore to be distinguished from the Left Trade Union Movement. The same thing is indicated by the speech of Comrade Ferguson at the Session of the Enlarged E. C. C. I., reported in Inprecorr, Vol. 6, No. 20, dated 17th March 1929, part of P. 2491 (a), at page 328, where he says : “I think it will be agreed that the biggest thing we have achieved is the creation of the Minority Movement. We have by this movement been able to move the workers..... As regards the Minority Movement, I think the Communists are responsible more than anyone else for its organisation. At the same time the Minority Movement is making an appeal to ever wider masses of non-party Trade Unionists in Great Britain.” I note that Comrade Ferguson concluded his

O. P. 107. speech in the following terms : " Although we have much to look back upon with pride we have still greater tasks for the future. We have got to go forward without hesitation, without cessation or splits, and we shall be able to build up in Great Britain a solid, well disciplined Bolsheviki organisation, which shall not only be able to maintain contact with the working masses, but to get them into action for the establishment of Communism and the overthrow of capitalism in Great Britain. "

In connection with the Minority Movement we may also refer to that very valuable book, P 2365, which I have already referred to. This, it must be remembered, is a report on the position in all sections of the World Communist Party between the Fifth and Sixth World Congresses, and in it at pages 110 and 111 to 132 we find the report of the British section. In this report the Minority Movement is discussed on pages 120-122 and there are some other references. The important point is to note that whether or not all the members of it are Communists, and I think it is clear from the quotations given already that they are not, still its leadership and control rest with the Communists. It is stated that this movement came into existence in 1924 and since then has made considerable progress and is now recognised as the organised opposition to the existing trade union leadership. On page 121 we find the following :—

" The Minority Movement, guided by the Communist Party, played an extremely important part in the preparations for and the conduct of the General Strike.....It is no exaggeration to say that the fighting spirit of the masses of the workers in the localities during the general strike was due to the efforts of the Minority Movement under the political leadership of the Communist Party.

O. P. 108. On page 123 we find the Communist Party regretting that it has not yet succeeded in becoming a mass party from the point of view of numbers but congratulating itself on the fact that through its leadership of the minority movement and Left wing movement it exercises direct influence upon masses of militant workers far exceeding its own numerical strength.

P 2369, the official report of the Fourth Congress of the R. I. L. U., published in England for the R. I. L. U., by the National Minority Movement, 38, Great Ormond Street, London, in July 1928, contains a whole chapter, pages 99 to 103, on " The Tasks of the British Minority Movement. "

At page 48 of this book there is a repetition almost in the same terms of the passage already quoted above in an earlier report (P. 2367) in regard to assisting the Trade Union Movement in the colonies with literature, agitating and organising forces. The difference between the reference in P. 2367 and the reference in P. 2369 is that in the former the reference is only to the adherents of the R. I. L. U. in the Metropolis, whereas here the reference is to the R. I. L. U. adherents in the Imperialist country—to begin with, the National Minority Movement of Great Britain.

O. P. 109. On page 100 the objects of the N. M. M. are stated as follows : " The British Minority Movement exists to direct and participate in the ruthless struggle against capitalism, to awaken the entire trade union movement to the revolutionary political character of the struggle ahead, to expose the treacherous role of the reformists in the trade unions by persistent and merciless criticism, and to prevent the success of the attempts now being made to turn the trade unions into instruments of capitalist production. "

On page 102 we find that the first item in the " Programme of Action " is " to struggle against Industrial Peace, which is an attempt to transform the existing unions into mere instruments of capitalist rationalisation. " Under the heading " International ", the first item in the Programme is " popularisation of Programme of tactics of R. I. L. U., and exposure of the treacherous policy of the Amsterdam International ", and a little further on we find it laid down that the Minority Movement shall give " great attention to the task of maintaining contact with the Trade Unions of China, India and Egypt. " Incidentally stress is laid on " attendance at conferences through the R. I. L. U., as an affiliated section " ; which shows clearly, if there could have been any doubt, that the N. M. M. is an affiliated section of the R. I. L. U.

On pages 119-122 there is a chapter " On the Trade Union Movement in India ", in which that movement is discussed at some length, and we find a statement of concrete tasks, a suggested programme of immediate demands for

the general body of workers, and so on. In paragraph 10 on page 122 it is stated that the Left Wing in the Indian Trade Union Movement must "seek to bring that movement into close contact with the Left Wing of the trade union movement in England organised in the Minority Movement."

- O.P. 110. This Fourth Congress of the R. I. L. U. appears to have been held early in 1928, as the foreword by Lozovsky to P. 2369 is dated May 11, 1928. In August 1928 we get the Fifth Annual Conference of the N. M. M. held in London and the report is on the record as P. 2368. In this report at page 7 we find two paragraphs under the heading "The N. M. M. and the R. I. L. U.", in the second of which there is the following statement: "This can only be possible with an international organisation, therefore we are part of the Red International of Labour Unions. The headquarters of the R. I. L. U. are in Moscow. We are part of the great world-wide international with trade unionists in forty countries, totalling thirteen millions of organised workers, all aiming at the overthrow of capitalism and the establishing of a Workers' State." Then on page 24 we find "Resolution on the Colonial Question" which is supported by delegate N. Upadhyaya (Indian Seamen's Union). In this there is a passage as follows: "The N. M. M. in particular pledges itself actively to support such bodies as the Pan-Pacific Secretariat, the Indian Workers' Welfare League, the League against Imperialism, etc." These institutions will be dealt with at a later stage but it is useful to bring out the connection between them and the N. M. M. at once. Finally on page 47 there is a reference to the need for better organisation "in order to carry out the tasks 'laid down' by the Fourth World Congress of the R. I. L. U."
- So much for the National Minority Movement. Before I go on to deal with the history and working of the Communist Party of Great Britain, it will be as well to deal shortly with P. 2365, the report published by the C. P. G. B. which deals with the period between the Fifth and the Sixth World Congress of the C. I. In the beginning of this book we find statistics with regard to the activities of the different organs of the E. C. C. I. in this period. We then come to the Report of the Organisation Department and there is an interesting passage at page 11: "The same early Congress of the Comintern, which took place under the direct leadership of Comrade Lenin, pointed out in their principal resolutions that the victory of the proletariat in the capitalist countries is impossible unless the Communist Parties gain decisive influence in the trade unions, and that the conquest of the trade unions in its turn is impossible unless there are strong Communist fractions organised within them working under the systematic and skilful leadership of the respective Party committees." That is to say the trade unions are really the key to the whole matter.
- Turning next to the report of the Agitation and Propaganda (Agitprop) Department of the E. C. C. I. we find on page 37 the following: "Two measures were taken to improve the connections: first, the introduction of comrades engaged in agitprop work from the different countries to work for a time in the department, and secondly, the sending out of instructors." We shall see in stances of both these measures as we go on.
- Next on page 40 we find a list of campaigns said to have been carried out since 1927 with the support of the Agitation sub-Department and this is followed by a mention of campaign against Imperialist War and Intervention in China, against White terror and the execution of Sacco and Vanzetti. A number of these will be mentioned again when we come to the evidence of events in India during this period.
- Coming to the Propaganda sub-Department at page 44 we find stress laid on the propaganda of Leninism. Next on page 50 we come to the Information Department about which the report states that the main activities of the department had been the sending of information letters, reports and communications and the statement at the end of the chapter shows that India received 8 reports and 32 communications.
- O.P. 112. At page 75 we come to the report of the working of the International Control Commission which I mentioned earlier in connection with the Constitution. Its tasks are stated on page 75. In this chapter there is a reference to the Maslow case, in the course of the report of which on pages 84-85 we get a statement of what is becoming and what is unbecoming conduct for a Communist undergoing trial in a bourgeois class court. Crown Counsel referred to this ruling of the I. C. C. in connection with the line of defence and arguments taken up by the accused in the present case and pointed out how the ruling might

have affected the conduct of their case, while suggesting that the accused had not allowed themselves to be entirely guided by it. For instance on page 85 we find No. 8 : " It is unbecoming for a Communist to play in a bourgeois court, even if not seriously, with such phrases as : ' In this case the C. P. G. (Germany) must be also made illegal.' The outlawing of a Party is too serious a matter for anyone to take the liberty of using such expressions ", and yet Defence Counsel put forward the argument that if the accused in this case were to be convicted and the C. P. I. thereby declared illegal, the Communist Party of Great Britain must also be made illegal. Another ruling contained in the same..... Maslow Case (see page 84) is No. 3 : " It is unbecoming for a Communist to state, in order to obtain acquittal on the charge of high treason, that in 1923 he did not believe that an immediate insurrection was possible and that in his opinion the matter had to be protracted " and yet the Communist accused in this case have made considerable play with the question of the immediate and the ultimate aim of the conspiracy. On the other hand some of the rules have been followed so carefully that one cannot feel any doubt that the accused were aware of them. For example see No. 5 : " It is unbecoming for a Communist to admit facts before a bourgeois court ", and again No. (2) : " It is unbecoming for a Communist to refer in a bourgeois class court to dissensions in the Party ". The later rule particularly has been observed with great scrupulousness in the refusal to say anything about the Bengal split and other cases of friction within the Party of which there is evidence on the record.

O. P. 113.

On page 86 of this chapter we get a reference to India where it is stated that factional struggles assumed particularly sharp forms among the Hungarian, Spanish and Indian comrades. It is not possible to be certain whether the reference is to any of the matters covered by the evidence in this case.

I have already mentioned the chapter which deals with the C. P. G. B. which will be dealt with more conveniently when I come to the C. P. G. B. itself.

On page 127 there is a reference to " Comrade Saklatvala, who has voiced the workers' protest against the acts of oppression of the British Government, both at home and abroad, but not always in complete line with Communist policy." This is of interest in connection with other facts and evidence in this case, and so also is another passage on the same page where it is stated that the Party has " kept contact with the Communist Parties in these countries (that is the colonies) and has on various occasions sent its representatives to Ireland, China, India, Egypt and Palestine to obtain first-hand information and to render assistance ". We shall come to the evidence on this point in due course.

The Communist
Party of Great
Britain.

O. P. 114.

Coming now to the C. P. G. B. in " Communist Party Training ", P. 2366, (another copy found with Adhikari accused is P. 1167), we find an account of its development in the chapter on the history of the Socialist Movement. In this chapter under section 5 " The Socialist Movement in Britain " we come on page 62 to " the Communist Party " which is stated to have held its First Unity Congress in August 1920 when a programme was agreed upon which included " dictatorship of the proletariat ", " soviet as against bourgeois democracy " and " affiliation to the Third International ".

The official documents relating to the C. P. G. B. are P. 2365 already referred to, P. 2399 " Statutes and Rules 1922 ", and the official Reports of the Seventh Congress 1925 and the Ninth Congress 1927 (P. 2400 and P. 2364). So far as the first of these documents is concerned I will only refer to Rule I which states that " the Communist Party of Great Britain is a section of the Communist International and is bound by its decisions ". It follows of course that the C. P. G. B. and its members are bound by anything which appears in the Statutes and Theses to which I have referred earlier in dealing with the history of the Communist International, the R. I. L. U., etc.

As to the Constitution of the C. P. G. B., for practical purposes, as appears from " Communist Party Training " (P. 2366) page 103, its organisation is the same as that of the Communist International.

I come next to the question of the C. P. G. B.'s relations to the Communist International, which is one of the most important matters for consideration in the present case. As I have already pointed out in referring to P. 2399, the C. P. G. B. is bound by the decisions of the C. I. The position of the C. I. in

relation to its sections is however stated more fully and clearly in "Communist Party Training" (P. 2366) at page 104 in the section headed "International" which runs as follows: "The Communist International (called sometimes the "Comintern" for short) is really a world-wide Communist Party. It functions under a centralised direction and has sections in most countries throughout the world. The Comintern is the supreme authority over all national sections. The Executive Committee of the Comintern is elected at the World Congress which takes place once every two years and which consists of representatives from each of the national sections. All decisions of the Comintern are binding upon all national sections. It is this centralised direction that distinguishes the Communist International from the Socialist International (Second International) which is a loose organisation of federated national units. This makes the Comintern an International of action and not merely of words."

O. P. 115. There is a good deal of evidence on the record showing the manner in which the Communist International has exercised its control and power of direction over the C. P. G. B. Before I go on to deal with that evidence I should perhaps explain its source. There are two main sources, one is the books and letters recovered at the search of the head-quarters of the C. P. G. B. at 16 King Street, Covent Garden, London, on the 14th of October 1925, and the other is the interception of correspondence between the C. P. G. B. and comrades abroad in the post. So far as the English end of this case is concerned the witnesses in regard to the interception of letters are P. W. 1 Mr. Booth and P. W. 8 Mr. Burgess, the officer who photographed letters sent to him by Mr. Booth for that purpose. In some cases of course the fact of recovery is sufficient for the purposes of this case, in others where more is required evidence has been led by the prosecution in regard to handwriting and this will be referred to in due course as the documents come up for consideration. The cause and the result of the search of the C. P. G. B. Office are only distantly relevant in this case. It will be sufficient to say that this search was followed by the prosecution of 12 members of the Communist Party of Great Britain for a conspiracy to utter seditious libels, among these 12 being the following persons whose names will appear more or less frequently in this judgment namely H. Pollitt, A. Inkpin, A. MacManus and R. Page Arnot. There are articles on or references to this trial in a number of documents on record, for example in the "Labour Monthly" for January 1926 at page 1 (P. 1156), in the "Labour Monthly" for May 1926 at page 284 (P. 976) and in the "Labour Monthly" for October 1926 at page 605 (P. 1269) and also in P. 2365 at page 114.

O. P. 116. The first of the documents recovered from the C. P. G. B. Office to which the prosecution has referred in this connection is P. 2381 (F. C. 12), a circular addressed to British and Colonial workers by the C. P. G. B. It is really however addressed in the main to British workers with the idea of exciting an interest on their part in a revolution in India and suggesting that British labour must give its full support to Indian labour and that revolutionary methods even if, as Socialists often suggest, not justified in an enfranchised country like Britain are justified and necessary in countries like India. This document is of course comparatively unimportant compared with others to which I shall now draw attention.

O. P. 117. The next letter of interest in this connection is P. 2386 (F. C. 2), a letter from R. Page Arnot to A. Inkpin who is shown by other evidence to have been the General Secretary of the C. P. G. B. As Page Arnot asks for a credential and talks of looking into "L'Humanité", and the Party in Paris, it is obvious that he is going to Paris to get in touch with the Communist Party of France. As to the genuineness of this letter, in view of the fact that there is a number of letters from Page Arnot on the record on which reliance has been placed, it will be as well to dispose of the question of the proof of Page Arnot's signature at once. The standards for the signature of Page Arnot are those which appear on the Passport applications, etc., P. 2462 (1) to (6). As the regulations require that the signature on an application for a Passport should be made by the applicant himself we are entitled to presume that these signatures are Page Arnot's own (see the evidence of P. W. 7 Mr. O. J. Hubbart, Senior Examiner of the London Passport Office). Another standard is P. 2361, a receipt given by Page Arnot for personal property taken from him on the occasion of the search on October 14, 1925. This receipt, like the others taken from other persons in the same circumstances, is said by P. W. 6 Detective Inspector

H. Norwood to have been signed by the person concerned in the witness's presence. Apart from the appearance of the signature on P. 2386 and the other exhibits purporting to be written by Page Arnot (namely P. 1951, P. 1952, P. 2431 and P. 2382 P. (1)) all of which were examined by both the Court and the Assessors, there is also the evidence of P. W. 277 Mr. R. Stott, Government Examiner of Questioned Documents, who has deposed on page 6 of his evidence that in his opinion the person who signed the signature R. Page Arnot on P. 2361, P. 2426 (1), (3), (4), (5) and (6) and wrote the blue-enclosed part of P. 2462 (2) also wrote the signatures on P. 2386, P. 1951, P. 1952, P. 2431 (1) and the original of the signature on P. 2382 P. (1). In my opinion there is no room for doubt that the signature on P. 2386 is actually the signature of R. Page Arnot. P. 2386 purports to have been written on the 20th of March 1924.

In P. 2332 (F. C. 94) dated 10th October 1924, a document recovered in the search of the rooms of one Wintringham (one of the 12 accused in the trial which followed the search of the C. P. G. B. headquarters) at No. 1 Dr. Johnson's building, (*cf.* the statement of P. W. 5 Detective Inspector Foster) we find the E. C. C. I. addressing the Central Committee of the C. P. G. B. on the subject of the General Election of 1924 and also of converting their weekly paper into a daily newspaper. The letter purports to be signed by Kuusinen for the Secretariat of the E. C. C. I. The letter itself implies that these instructions (P. 2332 (1)) had already been sent to the C. P. G. B. by cable. These instructions are accompanied by copies of speeches made by Zinoviev, Bukharin and MacManus, names with which we are already familiar. In view of the place where they were found, that is in the possession of a leading member of the C. P. G. B., I think we are entitled to infer their genuineness and indeed that has not been questioned at any stage in the case. The occasion of this letter and instructions has been indicated above and there is more information available in the speeches attached, particularly that of MacManus, which is dated October 10, 1924, and explains why the instructions were sent by cable, namely that the Election was fixed for October 29, and therefore time was short. Apart from the general importance of this letter in regard to the relations between the C. I. and the C. P. G. B. there are points of special interest in relation to this case in the instructions. For example the E. C. C. I. says that a bitter fight should be carried on against MacDonald's policy in China, India and Egypt. Then among the slogans for the Election campaign we find "For the Anglo-Russian Treaty", "Soldiers should not shoot upon workers on strike." And in the instructions for conducting the campaign we find: "Roy should be put forward as candidate if possible. He should be brought into the Election campaign. Send him a telegram." In this connection I may note that P. 2400, the "Report of the Seventh Congress of the C. P. G. B." Appendix B, Organising Report of the C. E. C. at page 157 shows that "a proposal to put forward Comrade M. N. Roy for Halifax, was only defeated at a special meeting of the local Trades and Labour Council by one vote." It is interesting to find that in P. 2385 (F. C. 88), a letter from M. N. Roy, dated September 25, with no year given but apparently written in 1924, as he speaks of the coming General Election, recovered at the 16 King Street search (see the evidence of P. W. 4 Detective Sergeant Renshaw) the writer says: "In the resolution of the Indian Commission my parliamentary candidature was suggested."

The next point of interest in this document (P. 2332 (1)) is point (6) in the speech of Zinoviev (F. C. 101) where he says that the main slogans of the campaign and the election manifesto should be (a) for Soviet Russia and (b) Long live a real workers government. A further point of importance in a different connection is his point No. 10: "It is perhaps necessary for MacManus to go home" (that is back to England from Moscow where he was at the time), and in this connection we may note the P. S. to the letter P. 2332 itself which says: "Comrade MacManus leaves here for London in a few days." In the same connection we may refer again to P. 2400 the same report of the C. E. C. at page 142 where, speaking of delegates abroad, it is stated that "Comrade Stewart remained in Moscow in this capacity (Party representative at the Comintern) until the Fifth World Congress in August when Comrade MacManus remained over as a member of the C. E. C. of the Comintern. Comrade MacManus returned to this country at the time of the General Election and subsequently Comrade E. H. Brown was appointed to proceed to Moscow where he has since remained."

O. P. 120. P. 2345 is another document recovered at the search of the C. P. G. B.'s headquarters in London on October 14, 1925, *vide* the evidence of P. W. 3, Detective Sergeant Scutchey, who deposes that he was engaged with other officers in examining the documents recovered from those premises, that he recognises this document which he first saw at New Scotland Yard and that it is one of the papers brought from the search of those premises. This letter is addressed to the C. E. C. of the C. P. G. B., Agit-Prop Department, London, by the Chief of the Agit-Prop Department of the E. C. C. I. on 24th February 1925 and is a general report of the result of the examination, by the Agit-Prop Department of the E. C. C. I., of the C. P. G. B.'s theoretical monthly organ, the "Communist Review". It however also contains references to the C. P. G. B.'s other organs, "The Labour Monthly", "The Workers' Weekly" and the organ of the Minority Movement, "The Worker". The fact that the E. C. C. I. should criticise the C. P. G. B.'s organs in the manner in which it does in this letter, is a clear indication of the nature of the control exercised by the C. I. over the C. P. G. B. and the letter is interesting from that point of view. It also serves to introduce us to the different organs of the C. P. G. B. One of these is mentioned in P. 2366, "Communist Party Training", published by the C. P. G. B. at page 63, where we find that in 1923 "The Communist" was transformed into "The Workers' Weekly". P. 2365 shows that this paper had to go into bankruptcy in 1927 as a result of an unfavourable verdict in a libel action, and was replaced by "The Worker's Life". Mention is found in the letter-head on the Party's note-paper [see, for example, P. 2333 (1)] of two official organs, "The Workers' Weekly" and the "Communist Review", the very paper which is being reviewed in P. 2345.

O. P. 121. In this letter then we have no less than four organs of the Party mentioned. I will take first "The Worker", as there is little to be said about it except that one copy was found with P. C. Joshi accused, P. 298, and 11 copies were found with Joglekar accused, but have not been put in evidence separately (see his search-list P. 1104, item 74). It will be sufficient to note that it is the organ of the Minority Movement, and at page 17 we find the E. C. C. I. mentioning as one of the good points of the "Communist Review" that it (the Communist Review) was especially successful in representing the following: "(d) The role of the Minority Movement as the lever for revolutionising the Trade Unions."

O. P. 122. Turning now to "The Labour Monthly", which is not again mentioned in the letter, the editor of "The Labour Monthly" was R. Palme Dutt, as would appear from many copies of that Journal recovered in different searches and also from the letter P. 2319, written by R. P. Dutt himself to the editor of the "Ganavani" (Muzaffar Ahmad) on October 14, 1927, asking for financial assistance in order to meet the bare costs of production, all the services on the paper from the editor down to the last distributor being completely unpaid and done from a desire to help in a common work. This letter must have crossed the letter written by Muzaffar Ahmad to the National Minority Movement asking for financial help for the "Ganavani", which is mentioned in P. 2140, a letter from Nat Watkins, National Organising Secretary of the National Miners' Minority Movement, 38, Great Ormond Street, London. The letter-head of the paper on which this letter is written is that of the organisation named and mentions Nat Watkins as the Organising Secretary and "The Worker" as the official organ. There is not, so far as I have been able to trace, any direct evidence as to the genuineness of the signature of the writer, but I do not think it would be unreasonable to accept the document as genuine in view of the nature of the note-paper on which it is written and the enclosures which accompany it, namely, (1) the official report of the Fourth Annual Conference of the National Minority Movement, held on August 27-28, 1927, (2) the National Minority Movement 'Constitution and Structure', (3) a membership card of the National Minority Movement, Mine Workers' section. The reason for suggesting that this letter was written by Nat Watkins in response to a letter addressed to the National Minority Movement itself, is that he states that he is giving the requisite attention to Muzaffar Ahmad's letter because Comrade Pollitt is not in the country at the moment. On this point we have confirmation in the evidence of P. W.-7, Mr. Hubbart, who produced a surrendered passport of H. Pollitt, P. 2452, which shows, on page 8, a Russian Visa given at Berlin on November 11, 1927, and a Russian Frontier stamp, dated 12th November 1927. The same passport contains on page 12 a Russian Exit Visa, dated Moscow 6th December 1927. It is thus clear that Harry Pollitt was, as stated by Nat Watkins, out of England on the 10th November 1927 and this is a small corroboration of this letter.

It will be convenient to say a little more about H. Pollitt here. P. 2400 to which I have referred frequently, shows that he was the Chairman of the Seventh National Congress of the C. P. G. B. The organising report of the C. E. C. (Appendix B.) further shows that he was a member of the C. E. C. of the Party, and on page 142 we find it stated that at this Congress (the Fifth World Congress of the Comintern) Comrades McManus and Pollitt were elected members of the E. C. C. I. with Comrades Gallacher and Stewart as substitutes. The above fact no doubt explains the fact, proved by the entries in his passport, P. 2452, of his frequent visits to Russia in 1927 and 1928.

O. P. 123. We get further references to the Labour Monthly in the Bibliography in "Communist Party Training", P. 2366, under the heading E. C. C. I. at page 128, and also in the evidence of Mr. H. N. Brailsford, Court witness No. 1, whose statement about it is as follows: "I know the Labour Monthly. Before the matter came up for decision the Labour Monthly a recognised Communist paper commented on it. The comments at pages 203 to 207 (of the Labour Monthly for April 1926) represent a correct official statement of the views of the C. P. G. B. at that time on the question of united front between the two Internationals" (page 7 of his evidence). Again at page 10 of his evidence he says: "The Labour Monthly conveys the opinions of a hot communist paper". I may note that the Labour Monthly is prohibited from entering India, a fact which we get (there may be and I think is other evidence) from the issue of April 1928 at page 215, part of P. 2115, where there is a complaint that the Labour Monthly which has long been banned in India is now banned in Australia too. Nonetheless quite a number of copies of the Labour Monthly were recovered in the searches which took place on the 20th March 1929.

The next of these newspapers is the "Workers Weekly", mentioned in "Communist Party Training" and elsewhere. The editor of this, according to the Report of the C. E. C. at page 141 of P. 2400, for the greater part of the period under report was J. R. Campbell, but during some part of the time R. P. Dutt was acting in his place as appears from P. 1134 at page 2 of the issue of July 25, 1924, at the top of the lefthand column, where we find the heading "The Workers Weekly", Editorial and Publishing Office 16 King Street, W. C.-2, Editor R. P. Dutt, Business Manager A. H. Hawkins.

O. P. 124. Turning back to P. 2345 we find on page 19 (F. C. 19) mention of the fact that a Sunday paper is going to be started. This is no doubt a reference to the Sunday Worker. About this paper the oral evidence is somewhat contradictory. Mr. H. N. Brailsford says a good deal about this paper and I will quote the whole of his statements. They are as follows: "In the course of my duties (as a Socialist and journalist) I frequently received and read and even subscribed to papers such as the Communist International, Labour Monthly and the Sunday Worker." (Page 2). "The Sunday Worker was edited by William Paul, Personally he was a Communist. It was not the official organ of the Communist Party. Its editorial line was always that of a paper taking an independent left-wing view. I did not intend in my answer to Mr. Sinha (that is the statement on page 2 quoted above) to classify it as a communist paper." On the other hand P. W. 3 Detective Inspector Scutchey says: "I know this newspaper, the Sunday Worker. It is also an organ of the C. P. G. B." Detective Inspector Foster P. W.-5 says: "I know William Paul. He was then Editor of the Sunday Worker. P. 2342 is a copy of that paper, which is a Communist organ." In his statement to the Lower Court (P. 2499) this witness stated "the Sunday Worker is a Communist journal;" that is on page 42 of the printed record of his evidence. At page 50 he said: "The Sunday Worker is a Communist journal and is subsidised by the E. C. C. I. which dictates its policy. I have not seen any denial of this in the paper."

O. P. 125. Turning to the documentary evidence, in P. 2582 the report of the sessions of the Enlarged Executive of the C. I., at the morning session on April 1st, at a time when the Sunday Worker had only recently been started, we find Comrade Gallacher in a speech to which I have referred already speaking of the establishment of the Sunday Worker as "one of the most important recent happenings" by which of course he means most important from the point of view of a Communist. Again in P. 2400 the Report of the Seventh Congress of the C. P. G. B. held very soon after this Enlarged E. C. C. I., we find in the speech of a delegate F. Douglas the following reference: "Recently in connection with the fascist raid on the office of the Sunday Worker, the Communist Party, and National Minority Movement and Unemployed Movement—all these bodies claimed the office when the raid took place—it was suggested.". This statement requires no explanation.

- At page 121 of the same report we find an opportunity given to Comrade A. H. Hawkins to make a statement to the Congress on the Sunday Worker. In the course of this statement, which may be taken to be an official statement from the point of view of the Communist Party (since it is made by A. H. Hawkins who is shown on page 141 of the same report to have been acting as a member of the C. E. C. and to have been in charge of the Department of Publication (technically) and Distribution) A. H. Hawkins says: "Whilst the Sunday Worker is not a Party organ, it has for the Party a very considerable significance....." He proceeds to explain the great difficulties there have been in the way of the distribution of the paper owing to the hostility of capitalist newspapers and pressure put by them on the newsagents, and goes on to talk of the role of the paper and about its peculiar position as a non-party organ, but all he says goes really to show that its role is to preach Communism under the guise of not being a Communist paper and thereby to convert the left wing labour elements to Communism. This is a clear inference from his remark that "we are endeavouring to provide the left wing with a theoretical and organisational basis." Following a few remarks by M. Ferguson, no doubt the same gentleman whose speech was quoted in Inprecorr earlier on, we find J. D. McDougal saying that "the Sunday Worker represents the greatest achievement of Communism in Great Britain up to this present day." There is a reference to the Sunday Worker also in the report of the Agitprop Conference of the Enlarged E. C. C. I. reported in Inprecorr Vol. 5 No. 58, dated 23rd July 1925, part of P. 2491 (a), at page 800 where Comrade Bell (England) says, talking about "our press" (see the last paragraph on page 799): "Then we have in the Minority Movement on which the Party exercises influence, not only the central organ called "The Worker" but a number of other subsidiary papers which are controlled by the propaganda and agitation carried on through the "Workers Weekly" (described on page 799 as the central Party organ). Then recently the "Sunday Worker" appeared and this Sunday paper is very successful and of much service to our Party. Since its institution the last edition reaches a total number of 250,000, and this paper is distributed through the ordinary newspaper agencies.
- This is going to be a very important contribution to the building of a mass Party in Great Britain and is certainly going on the lines of preparing a mass press which it is absolutely necessary that every country should have if there is going to be a mass Party." There is a most illuminating attempt to water down this statement to be found at the end of Inprecorr Vol. 5 No. 64, part of P. 2491 (a), dated 13th August 1925, at page 926, where we find it stated: "Comrade Bell writes us that this (the statement about the total number of 250,000) is incorrect. What he said was "there had been a print of the first edition of 100,000 copies, but that from orders that were coming in it would appear that there would be a print of 250,000 copies next edition." The correction continues as follows: "The Sunday Worker" is, of course, not an organ of the Communist Party but represents a section of the Left Wing in the English Labour movement. The writer of course omits to remark that it represents the Communist section.
- The next reference of importance to the Sunday Worker is in P. 2377, a document recovered at the search of the C. P. G. B. headquarters (*cf.* statement of P. W. 4 Detective Sergeant Renshaw) which is a letter from the C. P. G. B. addressed to its own Colonial Department asking for a report on several matters including activities abroad. With this was found P. 2377 (1) (F. C. 79) which appears to be a report submitted in answer to this letter. At page 85 in this report we find the following remark: "The Colonial Department now has a definite arrangement with the Workers Weekly, Sunday Worker, Labour Monthly and Communist Review by means of which we are accorded a certain amount of space in each issue for outstanding colonial matters."
- P. 2347 (2) (F. C. 92) is another letter recovered in the search of the C. P. G. B. headquarters and in this letter we find Ralph Fox writing from the Comintern, Moscow, to some members of the Party and saying "Do you circularise the Egyptian correspondents in London when anything on Egypt appear in our own press (W. W. or Sunday Worker)?"
- The last document in regard to the Sunday Worker is P. 2370 (1) which is a transcript of some undated shorthand notes, being the draft or office copy of a letter, found at 16 King Street in the same search in October 1925 (*vide* the statement of P. W. 4 Detective Sergeant Renshaw). From the contents of

O. P. 128. this letter it appears that it was written about the end of September 1925. The writer addressing Comrade Bennett, who I think is obviously a member of the Party deputed at that time to Moscow, says that the Party decided to allot three thousand pounds, out of the fifteen thousand granted as Party allocation, to the Sunday Worker leaving twelve thousand pounds for Party purposes. He goes on to speak of a further one thousand pounds allocated to the Party which it was agreed on Bennett's recommendation should also go to the Sunday Worker. The writer then complains that when the money came through less than the proper instalment was received, and that on the matter being taken up with the Secretariat (obviously the Secretariat of the E. C. C. I. at Moscow) the explanation forthcoming was that a certain amount had been debited to Bennett under expenses that the Secretariat might be put to during the year in connection with the British Party. There is more in this letter but I think this is enough to make it clear that the Communist Party of Great Britain was expecting to receive that year sixteen thousand pounds from the Secretariat of the C. I., of which four thousand pounds were allotted to the Sunday Worker, that is the Sunday Worker was actually being subsidised to the extent of four thousand pounds by the Communist International itself. 5
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O. P. 129. If there could have been any doubt about the meaning of the term "the Secretariat" in P. 2370 (1), it would be disposed of by the letter P. 2394 P. (1), (F. C. 22), which is one of the series P. 2394 P. (1) to (4), a series of letters between R. P. Dutt, H. P. Rathbone and Albert Inkpin, General Secretary of the C. P. G. B. These documents are photostat copies of letters recovered in the search of the C. P. G. B. office on October 14, 1925, *vide* the statement of P. W. 4, Detective Sergeant Renshaw. Bearing in mind the place where these original letters were found, it is not necessary to go into the question of authenticity. But apart from the mere fact that the reference to the Secretariat means a reference to the Secretariat of the E. C. C. I. at Moscow, they are also evidence in regard to the control by the C. I. over the C. P. G. B. and to the way in which members of the sections were called to Moscow from time to time to work there in the E. C. C. I., as suggested in P. 2365, see page 47 *supra*. There is, however, something more than this in them. These letters bring out important facts in regard to the position of Page Arnot and H. P. Rathbone, two persons whom we shall find at a later date sending money to some of the accused in India. In the first of these letters, P. 2394 P. (1), we find that the Secretariat at Moscow wanted Page Arnot to be sent there for six months to work in the Information Department of the E. C. C. I. and suggested that, failing Arnot, Rathbone should be approached. The Political Bureau of the C. P. G. B., however, felt it impossible to release Arnot in view of the importance of the position occupied by him at the L. R. D. (Labour Research Department). They accordingly decided to approach Rathbone in the matter and wrote to R. P. Dutt on 22nd February 1925, asking him to do so. On the 16th of March Dutt replies in P. (2) saying that the Party's letter to him on the subject had been delayed, but that he had given the message to Rathbone. He had also received a letter from Comrade Pepper, apparently an American Comrade at Moscow, on the same subject. In P. (3), dated 19-3-25 Rathbone writes to Inkpin saying that he has received P. (1) through R. P. Dutt and giving reasons why he cannot do anything in the matter at present. Finally in P. (4) Inkpin (whose letters are not signed presumably because P. (1) and P. (4) are office copies) acknowledges Dutt's letter P. (2), and explains the delay. His explanation contains a point of interest in his statement that: "The nature of the letter (P. (1)) was one which it was undesirable, should be sent through the ordinary channel. So there was a further delay before I could arrange for it to be sent through you." So it is clear that the C. P. G. B. does not like sending through the post letters in regard to arrangements for sending members of the Party to Moscow. 20
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O. P. 130. Before I go further there are some points about Rathbone to be dealt with. First, we may note that in P. (3) Rathbone says: "When coming here (I note that there is no address on the letter) I gave my group leader my address and also the L. R. D.'s where of course I had been working until I came away." The second point is as to the authenticity of Rathbone's letter and some facts which appear from the proof in that connection. In the case of Rathbone again the standard signatures are his signatures on a passport application, P. 2438, and on the passport photograph, P. 2450. These are to be compared with the signature on the telegraphic Money-order P. 1505, and the photograph of the signature 60
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on this letter, P. 2394 P. (3). The comparison leaves no room for doubt that all the signatures are by the same person, and that is the opinion also expressed by Mr. Stott, P. W. 277. Rathbone's passport, P. 2450, does not give us any exact information as to where he was in March 1925. It shows that in September, 1924, he landed at Dieppe and in October, 1924, and September, 1925, visited a place called Gettesburg. Then in 1927 the passport shows that he visited Russia as his passport was renewed there on 1-6-27. His passport further bears a Russian Exit Visa, dated Moscow 29-9-27 and a Frontier stamp dated 3-10-27. He again re-entered Russia on 22-10-27 and left it on 21-12-27.

Another letter in which the Comintern issues directions to the C. P. G. B. is P. 2372 (1), (F. C. 25), dated 25-4-25 recovered in the search of the C. P. G. B. office (*cf.* the statement of P. W. 4, Detective Sergeant Renshaw), from E. H. Brown (to whose deputation to Moscow I have already referred in dealing with P. 2400) to Comrade Murphy, whose name has also appeared before and appears again in P. 2364, the official report of the Ninth Congress of the C. P. G. B. held in October 1927 at page 65, where as a Party's delegate to the E. C. C. I. he makes a report to the Party on the deliberations of that body. In this letter Brown writing for the Editorial Board of the Communist International asks the C. P. G. B. to arrange for the preparation of articles on certain subjects, and suggests that they may be prepared by Murphy himself, Dutt, Bennett or others. He goes on: "In the case of the Minority Movement perhaps Comrade Pollitt could do the trick." Then later on he says: "In addition a special article on the Minority Movement is required." Brown goes on to say: "It is essential that these articles should be prepared and despatched at the earliest moment", and in a P. S. he adds: "I am writing this letter to the dictation of an important member of the Editorial Board." It may perhaps be noted that one of the subjects on which an article was required was "The Colonial developments and their relations to the Empire; the forces operating in the colonies".

There is another letter from Brown to Murphy, [P. 2732 (2)], (F. C. 44), dated June 12. The only point to which I need draw attention is the mention of proposals by one Kripps, an officer on the C. I., for the circulation of the Communist International (from England) in India, and the printing and publication of a Lenin library in England, for the whole of the English-speaking countries and the East.

With the next letter, P. 2380 (1), (F. C. 61), we begin to come closer to the activities of the C. I. in India. This is a letter dated 3rd July, (other evidence shows the year to be 1925) from M. N. Roy to 'My Dear Com:', recovered in the search of the C. P. G. B. headquarters in London, (*cf.* again the statement of P. W. 4, Detective Sergeant Renshaw). The main object of this letter is to arrange a meeting at Amsterdam with 3 Comrades G., C. and Dutt (in this case C. P. Dutt). The prosecution suggests that G. means Glading. The reasons for Roy wishing to meet them are given in the last paragraph in which Roy says: "I have no desire to see or deal with any particular member of the Party. It has been decided in Moscow to employ Dutt in a certain work. (I may note here that this work was a visit to India, *vide* P. 2375 at F. C. 69 and P. 2387 (3) at F. C. 62). It is, therefore, natural that I should explain to him the work he will have to do. I will, of course, acquaint you of the plan when we meet. About G. and C. the Eastern Department of the C. I. charged me to see them in order to talk to them in detail about their trip. I do not think it will in any way violate the autonomy of the British Party. With C. I want particularly to speak, because he visited some comrades of ours who have sent some messages for me. These messages have never been delivered to me. For all these reasons, it is necessary that all the three comrades meet me at Amsterdam. If you prefer we can arrange their visit after we have talked. I expect to see some of you Monday or Tuesday. (Note: that would be the 6th or 7th July as this letter was written on Friday the 3rd.) I can be reached through the party—better through Sneevliet, 101, Nassankade."

I think there can be little doubt that G. represents Glading, since in P. 2375, (F. C. 62), the report of the Conference held in due course at Amsterdam on the 11th and 12th of July, one of the participators is Comrade Glading, who finds himself called upon to give a full report of his visit to India. Another participator is C. P. Dutt, but there is no one whose name begins with the letter C.

O. P. 133. Before I go on to deal with the visit of Glading to India and with this Amsterdam Conference, I will dispose of one or two other points of interest in this letter. (Incidentally I may note that the subject of M. N. Roy will be dealt with specifically at a somewhat later stage.) First of all in paragraph 1 of this letter Roy mentions that soon after his arrival in Europe he informed the addressee of this letter of his intention of meeting him and mentioned the place and he says : " I sent the same message in three ways expecting that it will reach you surely. I hope you have got it." So here we get a piece of evidence as to one of the methods adopted for securing that correspondence went through to its proper destination. Secondly in paragraph 3 we get a mention of a proposed visit to Moscow by Chaman Lal and (N. M.) Joshi which Roy wishes to discuss with his friend before it takes place. This desire of Chaman Lal to visit the U. S. S. R. is also mentioned in P. 2374 (at F. C. 58), and Dewan Chaman Lal himself as a witness (D. W. 33) stated in evidence referring to his visit to Europe in 1925 that they had hoped that they would go to Moscow. This letter, of course, contains a clear indication that in writing this and in whatever he proposed to do at Amsterdam Roy was representing the C. I. His remark about not violating the autonomy of the British Party, of course, refers to the decision already mentioned that the C. P. of the Imperialist country concerned would be responsible for the work in that country's colonies.

O. P. 134. We come next to P. 2375, (F. C. 62), a report of the Colonial Conference held at Amsterdam, July 11 and 12, 1925, bearing the signature of R. W. Robson and recovered at the search of the C. P. G. B. office in 1925 (cf. the statement of P. W. 4, Detective Sergeant Renshaw). In this report Robson mentions how he went over to Amsterdam, and on the morning of Saturday, July 11, tried to meet Glading and others at the Railway Station, but finally found them at the " contact " address. He then goes on to give a report of 2 meetings, the first held at Amsterdam on the afternoon of Saturday, July 11, and the other on Sunday afternoon at Bussum, a place a few miles out of Amsterdam. At these meetings it appears that Comrade Sneevliet, mentioned in P. 2380 (1), presided and there were also present, besides Sneevliet and Robson, Gertrude Hessler, Khan, (Ashcroft of the Indian Bureau in London), Roy, Glading, C. P. Dutt, and Upadhyaya. The report begins with the remark : " It was agreed that we should first hear Glading's report."

P. Glading. I think it will be necessary to make a digression at this point and set out what we know from the evidence on the record about Glading and the visit to India of which he was asked to give a report at this Conference. So far as oral evidence is concerned P. W. 4 Detective Sergeant Renshaw has deposed that he knows a man called Percy Glading by sight, and has seen him attending Communist meetings. This witness identified Glading as the man depicted in the " Sunday Worker ", P. 2342, and in the Passport P. 2384. His passport application is proved through a photograph P. 2454 by P. W. 7 Mr. Hubbart. P. W. 280 Inspector Bird of the Bombay City Police deposed that in 1925 he was attached to the Foreign Branch C. I. D. and in the course of his duties he used to go on board mail steamers on arrival to examine passports. He was shown the passenger list P. 1496 (C), which contains the name of No. 275 Mr. P. E. Glading with a tick mark against it, which the witness said showed that the passenger had arrived and his passport had been examined. This list also bore a stamp which the witness said was put on to it by the examining officers after the examination was finished. This passenger list P. 1496 (C) was the passenger list of S. S. Kaiser-i-Hind which arrived at Bombay on January 30, 1925.

O. P. 135. On the 31st January 1925 P. W. 248 Inspector Karnik intercepted in Bombay a letter purporting to be from one R. Cochrane, Bombay, to M. Hasfield, Librairie de Travail, 96 Quai de Jemappes, Paris, 10, France, dated 31st January 1925. He got this letter and its envelope photographed and reposed the originals. The photograph is P. 1871 (F. C. 348) and the letter runs as follows :

" Dear Richard,

After a terrible sea journey I have arrived. Bombay is stricken at present with small-pox, therefore I have been advised to get myself vaccinated as a precautionary measure. Apart from this I have experienced no trouble, and sincerely hope that my troubles will be no greater.

With best wishes

I am

R. COCHRANE."

This letter is evidently a letter written by some one who had arrived in Bombay by sea very recently indeed. The photograph was compared in Court by the Court and the Assessors with the writing proved to be that of P. Glading in P. 2454 and there is little room for doubt, although of course the amount of material available for use as a standard is not very great, that the letter is in the handwriting of P. Glading. The most remarkable coincidence is between the R in Richard and in the signature in P. 1871P and the R in the word Road in P. 2454. The question which remains is for whom was this letter intended, and in this connection there are a number of points to note. First of all the envelope has the same name and address as that of the Manager of the "Masses of India", as may be seen from D. 379. The "Masses of India" was however not started until 1925, but that does not actually affect the issue because before that M. N. Roy, who was the editor of the "Masses", was running the "Vanguard" from Zurich and using the same address in Paris. For this latter fact we have P. 1868 (F. C. 7), a letter from Roy to the Editor of the "Socialist", dated 6th November 1924 which was intercepted and withheld. At the end of this letter Roy writing to the Editor of the "Socialist", Bombay and sending an article for that paper asks for a copy of the paper to be sent regularly in exchange for the "Vanguard" and concludes: "In case you can spare more than one copy please send the second one to Librairie de Travail, 96 Quai de Jemappes, Paris, X." A copy of the enclosure to P. 1868 was sent to Begerhotta, a gentleman whose name will appear not infrequently later on, and was found in the possession of Joglekar accused and is P. 1138. In this same gentleman (Begerhotta)'s house, when searched on the 20th March 1929, there was found a letter D 374 bearing two signatures of the same M. N. Roy. That letter is dated 22nd October 1924. Possibly that is the letter referred to by Roy in P. 1138, dated November 6, when he says "Possibly you have already received my letter written last week". It does not much matter whether it is or not. What is important at the moment is the following sentence: "N.B.—It is not necessary to address my letters to Moscow, they can be addressed to the Zurich office of the Vanguard or to the Librairie de Travail, 96 Quai de Jemappes, Paris, 10, France". Strange to relate this is a letter which was put in from the search of Begerhotta's house by the defence. So the address to which this letter was written from Bombay by Glading on his arrival is an address which is proved to have been used by M. N. Roy. There remains the question why, if it was meant for Roy, was it addressed to "Dear Richard"? I do not however think that the fact that the letter is addressed to Richard gives rise to any difficulty, for there is evidence which leads to the conclusion that Roy is in the habit sometimes of signing himself Richard. For example there is a letter P. 2380 (3) (F. C. 73), dated 21st July 1925. The writer here is writing to the C. P. G. B. Colonial Commission and says: "The information about the trip of Chaman Lal, etc., to Moscow have so far failed to reach me. Comrade Robson promised to send it on immediately on his return. I have been anxiously waiting for the news, since my movements will have to be determined according to the particulars of their movement. . . . Letters can always reach me through the address where Comrade Robson met me. An immediate reply to this letter, whether or not you have definite news, is urgently requested." I have already referred on page 133 above to a mention of this visit of Chaman Lal and Joshi to Moscow in P. 2380(1) (F. C. 61) written on the 3rd of July just before the Amsterdam Conference dealt with in Robson's report (P. 2375) (F. C. 62). P. 2375 itself (at the top of F. C. 69) shows that Roy was taking an interest in this visit of Chaman Lal and others to Moscow and we find him saying "there was no objection to them going to Moscow but he would expect to be informed when they set off", and again at F. C. 71 we find Roy once more saying that he wished the C. P. G. B. to write him re. the movements of Chaman Lal, etc., under cover "Sneevliet" so that it is clear that Roy was very anxious to know about Chaman Lal & Co.'s movements, and further as the last few lines of P. 2375 show "was going to stay at Amsterdam for some little time." By the 21st he would have been waiting for more than a week and would have been getting impatient. In these circumstances I do not think there is much reason to doubt that the writer who signed himself Richard in P. 2380(3) was M. N. Roy, and that this letter written by Glading immediately on his arrival in India was meant for Roy also.

P. 2383P is a photograph of some notes found in the search of the C. P. G. B. office in October 1925, and bearing in mind the proof of dates of the arrival at and departure from Bombay of Glading and the nature of their contents I do not think there can be the least doubt that they are notes of the contents of letters

received by the C. P. G. B. from Glading and the letters written by them to him. Crown Counsel went through these notes at some length but on the whole I do not think I need spend much time over them. There is a reference to Chaman Lal's coming to London and the suggestion that he is not to be depended upon. There is also a reference to a letter from Delhi on the 25th of February in which Glading says "he thinks he should return at the end of April and go out again," and to another letter which speaks of Glading's waiting to see C. I. representative before making fresh arrangements. In 2 letters Glading refers to Indian organisations by numbers. Then in another letter (undated) there is apparently another reference probably to Chaman Lal, telling the C. P. G. B. to be very cautious with him, "nothing outside East-West Conference." In the same letter there is a suggestion of a new scheme—students to come to England and return after 3 months and work as "live wires." Glading thinks this can be accomplished in 12 months. They should have special facilities to study the C. P. G. B. programme and methods and that will create a very different atmosphere from what prevails today. Then there is a reference to a letter dated 11th March in which apparently it was suggested that a new party should be organised; "a very influential person has agreed to be Chairman." Before I leave this point I should note a remark in P. 908 "Future of Indian Politics" by M. N. Roy at page 105 where he says that "the project of forming an Indian Labour Party was again revived at the beginning of 1925."

O. P. 139.

I should perhaps also refer, in connection with another note in this exhibit which runs as follows: "Letter from Pollitt re. Comm. Sent a full report on sitn. to L. M.", to an article by C. P. Dutt which appeared in the Labour Monthly for July 1925, analysing the situation in India at the time.

The only direct evidence as to what Glading did in India, apart from these notes and what appears from P. 2375 and the report of the Colonial Bureau [P. 2377(1)] (F. C. 79) to which I shall refer later, is D 623 the group photograph taken at the All India Trade Union Congress of 1925, which took place, as is shown by D. 190 (99), on the 14th of February 1925, and at which it is also admitted by Mr. N. M. Joshi, D. W. 29, that Glading was present. Mr. Joshi was however unable to identify Glading in the group photograph. But a comparison of the photograph P. 2384 with the group photograph D. 623 is most convincing. There can be no possible doubt that the person depicted in P. 2384 is the same person who appears as no. 3 from the left in the line of persons sitting on the chairs in the group photograph D. 623.

Turning back to P. 2383 the last entries in these notes run as follows: "At Col. Com. M. (Colonial Committee Meeting) 6-4-25 extracts letter read by Pollitt. On 6-4-25 Mrs. G. arrived & stated she had a wire that G. was sailing on 10th April. Cabled 8th 'Imperative you.....10th G. replied by wire that it was too late to cancel. G. arrd.' Friday Apr. 24, 25, First saw him 27th at 7 p.m." It is obvious that extracts from a letter of Glading were read at the Colonial Committee Meeting on the 6th April and on the same date Mrs. Glading arrived and said that she had a wire that her husband was sailing for home on the 10th. The Party accordingly cabled to Glading that it was imperative for him to stay in India longer or something of the kind. But on the 10th Glading wired that it was too late for him to cancel his passage, so he returned home arriving on the 10th of April and accordingly the file was closed with the remark that the writer first saw him on the 27th evening. There are facts proved which, taken along with what appears in these notes, may be said to establish finally the fact that these notes relate to Glading's visit to India. P. W. 246 Mr. W. A. Duarte proved the passenger list P. 1496 of the S. S. Razmak which sailed from Bombay on the 10th April 1925, and the name of Mr. P. Glading appears in that list. P. W. 267 Mr. J. M. Pereira produced the berthing plan P. 1496A from which the list P. 1496 was made. This berthing plan shows that Mr. P. Glading occupied berth no. 217, second saloon. It appears that the entry of his name was made once and was cancelled and was finally written again. This witness also produced the Ticket Book and proved P. 1496(B), which is the counterfoil no. 14821, dated 28-3-25 showing that a passage was booked for Mr. Glading on that date by Thos. Cook & Sons. The witness pointed out that the red line down the page in this exhibit showed that Mr. Glading's name was entered in the final passage list of the Razmak for account purposes. He also stated that the blue tick mark in the berth plan showed that the passenger named in fact travelled. Thus we have it that, as suggested in the notes, P. Glading did in fact leave India on the 10th April

-O. P. 140.

1925 and if he did so he would have reached England about the 24th or 25th. There is some evidence, which may perhaps be mentioned before I go back to the report of the Amsterdam Conference, in regard to the subsequent history of P. Glading. It seems that he was a Communist member of the Amalgamated Engineering Union and that he was employed in Woolwich Arsenal. He was discharged from there, and there was some excitement over his discharge which was not taken up properly by the Trade Union Council. In this connection I may refer to P. 1857 P (F. C. 629), a letter from Bradley's brother Len to Bradley accused where he says: "There has been some excitement over P. G. getting discharged from his job", and also a number of articles in Communist journals which are in evidence, for example (1) P. 2342, The Sunday Worker, dated 31st October 1928, the item headed "Reds beyond the Pale"; (2) P. 246, The Communist Review for January 1929 at page 4; (3) The Sunday Worker, dated 4th December 1928, part of P. 1267, the leaderette on page 4 entitled "How to help Glading"; (4) The Sunday Worker, dated 2nd December 1928 (P. 535) at page 4.

Having examined the career of Glading so far as it is obtainable from the evidence outside of the report P. 2375 and the other report to which I have referred, P. 2377(1), we may turn back to these two very valuable documents. Glading's report in this Amsterdam Conference was not very satisfactory. He said that he had not expected to be called upon to give a full report of his visit to India and then gave the names of places which he had visited and people whom he had met. He had not met any Communists, and had finally decided that those with whom he had come in contact were useless "so far as our party work is concerned". He said that Calcutta which he visited last, was the best place. In answer to a question from Roy, Glading stated that he had not ascertained what opinion the Calcutta trade unionists and nationalists had of the big leaders. In answer to a question from Sneevliet he stated that he was not aware of any relations existing between the Indian leaders and Amsterdam. Robson reports that very little discussion took place. Further on in the report we find that Glading was asked by Sneevliet why he made his investigations in Calcutta on a Communist basis and replied that he did not do so. Robson goes on to mention an explanation given by himself that the attitude of the C. P. G. B. was that in the light of Glading's report, which stated that no Indian Communist groups existed at all, it was necessary to revise the suggested programme (that is the International programme for work in India), whereupon Roy stated that he had documentary evidence that Indian groups existed but that these had been unable to make up their mind to see Glading before he left India for England. Later on in the same report we find Roy saying that he thought too much importance was attached to the report of Glading whose visit had been in opposition to Roy's opinion and much too hasty. Roy then went on to suggest a different policy. The general impression we get of Glading's visit from the report of the Conference is that it was a failure, but this was not the attitude of the Colonial Department of the C. P. G. B., as it appears from P. 2377(1), (F. C. 79). In this report, at page 71, there is a long paragraph dealing with Glading's visit to India, though Glading is not named in it. They say here that "For four months our representative devoted his attention to moving about from place to place ascertaining facts regarding the movement in India and its possibilities, and also enquiring into the possibilities of promoting contacts. This visit was extremely useful indeed. Our representative was able to attend the All India Trade Union Congress and held many conversations with representatives there. These conversations and the Congress itself enabled him to secure a good picture of the situation. By discussions with some of the leaders on the resolutions he was able to give them a clear picture of the growth and development of the movement in this country and particularly of the Political Left Wing Movement and of the Minority Movement. The existence and character of our Party was made known for the first time to many quite sympathetic individuals, and these are now kept supplied by us with our literature and also informed generally what is taking place. Unfortunately for us the visit of our representative had to terminate much earlier than we desired, so that while much may have been done as a result of the visit, yet our work is only in its infancy." It will be noticed how closely the remarks about the movements of the C. P. G. B. representative tally with the known facts about Glading's visit. The mention of the supply of literature to persons in India is interesting and explains the large amount of literature found, for instance, in the possession of Thengdi accused.

So much for Glading. The Amsterdam Conference, however, dealt with more than merely Glading's report, being, in the main, a conference directed generally to the consideration of work in India. The next subject dealt with was the Indian Bureau in London, and about this Khan complained that the Party, that is the C. P. G. B., had not done what was expected of them; and he proceeded to make a number of specific points. It is not explained anywhere, so far as I know, what exactly the Indian Bureau was. It appears to have been composed, at any rate partly, of Indians, some of whom were Communists but not all. Roy himself in the course of discussion stated that he supported neither party in the discussion (that is neither the representative of the Bureau who was complaining of the treatment they had received nor those who put the blame on the Indian Bureau), and that "our party in Britain must understand that the Indian Bureau members were not Communists and that we could not have very official dealings with people who were by no means Communists." Roy then went on to put his point of view which was that the control of the Colonial Committee over colonial work smacked of Imperialism. The same point was put later on by Evelyn Roy who stated that the colonial peoples felt that the Communist parties act in an imperialist spirit. "Our (the C. P. G. B.'s) request regarding control of work within the British Empire was a species of Imperialism."

O. P. 144.

There were in point of fact really two difficulties in existence one was the relationship of members of the Indian Bureau to the C. P. G. B. and the other the question of the responsibility for work in the colonial countries. As regards the first, there were a number of members of the Indian Bureau who were Communists but not members of the C. P. G. B. On the other hand, there were two members who were also members of the C. P. G. B. The position of all these Communists was regularised finally by the Communist International through the letters, P. 2379 and P. 2379-(1), (F. C. 86—87). The former of these is a letter from Roy to C. P. Dutt enclosing what Roy calls the answer to the communication, dated July 6, (1925). In the enclosure M. N. Roy writing as representative of the Communist International says that the C. I. is delighted to welcome C. P. Dutt and the other 8 comrades as members of "our party". He further says: "According to the Statutes of the Communist International, all the Indian Communists resident in Britain should have their Party membership transferred to the C. P. G. B., during their sojourn in Britain. This rule applies to all the Communists living outside their native country."

The Indian Communist Group in Britain will, therefore, carry on the programme outlined in your communication in conjunction with the Colonial Commission of the C. P. G. B. It will be politically guided by the European Bureau of the C. P. of India as well as the Colonial Commission of the C. P. G. B. Thus the Indian Communist Group in London was left subject to a dual control by the C. P. G. B. on the one hand and the European Bureau of the C. P. I. which means really Roy himself, on the other.

O. P. 145.

Turning now to the second difficulty about work in the colonial countries Roy's idea evidently was that the British Party were not right in "desiring it to be stated (see the top of page 66) that they should have the right to control the work conducted in the British colonies." Roy in fact said: "If we meant 'to control the movement in the colonies', this must be decided by the E. C. C. I.", and he went on on the same page to say that "the C. P. G. B. should not look upon him as an individual. In Europe a Bureau of Indian communists had been entrusted" (obviously he means by the C. I.) "with supervision of the Communist activity in India. Close co-operation between the British Party and this Bureau was essential." Ultimately the Communist International decided against Roy's view.

In regard to these complaints of the Indian Bureau in London (a quite different thing, of course, from the European Bureau of Indian Communists), one of the complaints was that it had been proposed to form a Seamen's Union among Indian Seaman, 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. This is probably a reference to the same meeting mentioned in P. 2374, dated 26th June 1925: "A brief survey of the progress recently made in connection with the Colonial work," recovered from the office of the C. P. G. B. in the search in October 1925. The paragraph runs:—"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."

O. P. 146. This appears to have been the second meeting of the kind, as P. 2583 C., an article sent out to the Bombay Chronicle by Desai accused and admitted by Desai, speaks of a mass meeting of Indian Seamen in London held in Poplar Town Hall last Friday (that is 27th February 1925) for the purpose of forming an Indian Seamen's Union. In reply to the complaint that nothing had been done about this Indian Seamen's Union Robson himself pointed out that "the 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 and that therefore he could deal with this complaint better, but that the Party was by no means responsible for any neglect if such neglect had occurred." The result of this statement was that Upadhyaya in due course put forward his view of the facts.

Upadhyaya: Perhaps before I go further with this matter, it will be as well to set out what we know about this man Upadhyaya. N. J. Upadhyaya is an Indian resident in London about whom P. W. 4 Detective Sergeant Renshaw says: "I know a man called Upadhay. I have had personal dealings with him and once searched him in the street. I know him well. He organised the Indian seamen. He does it through the National Minority Movement. He has organised the seamen in a Union. I met him 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 Upadhay were present at the meeting held on 20th September 1925 to organise the seamen.....I say I saw Indian seamen in that procession because I could identify the type as I had attended many meetings of seamen before. The meeting of 20th September 1925 was held at the Poplar Town Hall London." There is a photographed letter of Upadhyaya on the record P. 2392 P. The standard signatures proving the authenticity of this letter are the signatures made by Upadhyaya on the Indian Seamen's Union membership card P. 376 and on the forwarding letter P. 378 (given by him to M. A. Hakim P. W. 28 at the time when he was entrusting P. 377 and P. 377 (1) to him to be taken out to India). In this letter P. 2392 P. Upadhyaya on the 1st September 1925 writes to MacManus of the C. P. G. B. mentioning four meetings of Indian seamen. He also says: "In the Minority Movement's Conference we have sent five delegates to attend the Conference." In the same letter he mentions a comrade on the S. S. Nibasa (Nevasa) and the publication of a monthly paper for seamen in Bengali and Hindustani to be called the "Khalasi-seamen". The paper on which P 378 is written has a heading "President: S. Saklatvala, M.P., Secretary-Organiser: N. J. Upadhyaya" and the membership card given to Abdul Hakim also bore these names. Upadhyaya is also mentioned by P. W. 63 Abid Ali another Indian seaman from whom, when his baggage was searched by Deputy Inspector A. K. Chaudhri P. W. 262 on 2nd February 1928, there was recovered a letter P. 1686 which was contained inside an envelope addressed 'Jack', covered by another envelope addressed 'for Ghate', which was inside an outside cover addressed R. K. Karanth, "Gladhurst", Santa Cruz, Bombay. In this man's possession there was also found a visiting card bearing on it the name N. J. Upadhyaya Secretary Indian Seamen's Union, 88 East India Dock Road, E. 14. The witness Abid Ali also deposed that Upadhyaya approached him and enrolled him as a member of the Union. This was of course at a considerably later date. But it is entirely in keeping with the fact that, as P. 2375 shows, Upadhyaya as early as 1925 was the man who was incharge of the activity in connection with the Indian Seamen's Union. No doubt it was also he (although no names are mentioned) whose work is described in P. 2377 (1) at F. C. 81-82, where it is reported that "arrangements were made for the more or less regular circulation of literature among the Indian students and also among the Indian seamen.... 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..... This latter (formulation of demands, apparently) 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." This report is undated but it is found with a letter dated 11th September 1925. Upadhyaya's

name also appears in the list of comrades to whom the contents of P. 2379 (1) were to be communicated, although in this case his initials are given as N. G. instead of N. J. and his name is spelt Upadhaya. There is another reference clearly to Upadhaya in Spratt's draft letter P. 1009 (F. C. 300) of 4th September 1927, where he is described as Nuddx, which is obviously the name Paddy in the code which we shall at a later stage find to have been in common use. Again there is another reference to him by the name of 'Patrick' in P. 674 (F. C. 425), a letter dated June 6, 1928, which, as we shall find later on, is one addressed to Bradley by C. P. Dutt, where, speaking in cryptic fashion of the search of Abid Ali to which I have just referred, Dutt says that he has not yet seen Patrick but he fears that as a result of this search the address Karanth (given in figure cipher) is no longer good.

O. P. 149. There is thus in the other facts proved about Upadhaya a good deal of information available to support P. 2375. The subsequent history shows that the efforts which were being made in 1925 to form an Indian Seamen's Union, however apparently ineffectual at the time, did finally result in the establishment of such a Union. So far as Amsterdam Conference goes Upadhaya countered the complaint of the members of the Indian Bureau by saying that in his work among Indian seamen he received no support from the members of the Indian Bureau but mainly from the members of the C. P. G. B. He was supported by Dutt who stated that "everything possible had been done to get the Seamen's Union going."

O. P. 150. The other subject dealt with in Robson's Report (P. 2375) is the Oriental Conference of the East and West Circle. In connection with this we have two documents P. 1843 (C.) (F. C. 59), a copy of a letter intercepted in the post and then sent on for delivery, and P. 2374 (F. C. 55). The former of these is a letter purporting to be written by Arthur Field, Honorary Secretary East-West Circle, 18 Featherstone Buildings, High Holborn W. C. I., on 29th June 1925 to K. N. Joglekar, The Labour Press, 434 Thakurdwar, Bombay. This letter invites Joglekar accused to attend the Conference to be held from 1st to 9th September of representatives of the East and West races. The Conference is "to discuss immediately the possibilities of the complete acquisition of freedom to the conquered or subjugated races." The invitation is accompanied by a certificate from Messrs. N. M. Joshi, Chaman Lal and Goswami to the effect that they "consider that the above Conference will lead to a useful discussion on problems affecting both East and West." I have already referred to P. 2374, a document recovered in the C. P. G. B. office search and dated 26th June 1925. This begins with a mention of what is called the Oriental Convention, and after mentioning in it the presence of Chaman Lal, Goswami and Joshi the writer goes on to say that there have been several conferences between those gentlemen and members of the Colonial Department of the C. P. G. B. and he goes on: "a. Oriental Congress:—We have got them all to agree to attend this Congress of the East and West Circle, in September.....c. Today these three, together with Horniman, Saklatvala and myself are drawing up the letter of invitation to be sent to those various Indians." This reference is evidently to letters similar to the original of P. 1843 C. Diwan Chaman Lal D. W. 33 said he did not remember signing this letter P. 1843 C. but that he, Joshi and Goswami had been approached in the matter and asked to support it. It will of course be remembered that this East and West Circle Conference was referred to in the notes of correspondence with Glading to which I have referred above. There is another reference to the same Conference in P. 2377 (1) at F. C. 84 from which it appears that it was found impossible to hold the conference in 1925 but that efforts would be made to secure such a conference next year. "Meantime" the report says, "the East-West circle continues to carry on the propaganda for the unity in the Nationalist and Labour movement of the East and West." In connection with this Conference Roy is shown by the Robson Report at F. C. page 67 to have asked for information about the arrangements to which Robson replied that some invitations had been despatched to India signed by Goswami, Chaman Lal, Deep Singh and Joshi as well as Horniman. This is clearly a reference to P. 1843 C. again. Thereupon Roy complained that the Party had no influence over them and said that "the International does not consider it necessary to get into touch with these people but with the real revolutionaries." Later on he made some objection to the Conference and said that "the people we would reach through Chaman Lal and the rest of them would be of no use." Roy obviously thought the Oriental Conference useless but professed to be ready to assist if the British Party considered it to be of any value. There is also a mention here of Chaman Lal and Joshi etc. going to Russia and for this also

O. P. 151. there is confirmation in the statement of Diwan Chaman Lal that he, Goswami and Joshi wanted to visit Russia in 1925 and "it is possible we may have spoken to Saklatvala about it." He had already said that he knew Saklatvala very well. This subject of Chaman Lal etc.'s going to Russia has been dealt with to some extent earlier in this judgment on pages 133 and 137. There was an interesting explanation forthcoming from Dutt about the invitations to this Oriental Conference, as on page 68 we find him stating that these invitations were intended to be a screen "to cover our own invitations to people whom we were desirous of having present." There is another curious confirmation of this report P. 2375 in the evidence of Diwan Chaman Lal. On the second day of the Amsterdam Conference Evelyn Roy was also present as well as Roy. At page 69 the report says that "Evelyn Roy stated that she had met Joshi in Paris and informed him she would like to meet Chaman Lal but that Joshi had said that Chaman Lal did not wish to meet her as he was a friend of Saklatvala's and that Saklatvala and Lal were opposed to her or having anything to do with her. She thought that this should be gone into fully." Diwan Chaman Lal's evidence was as follows : "I do not know anything about Evelyn Roy except that in Paris in 1925 on my way back from Geneva I was told by someone that a lady called Evelyn Roy was waiting downstairs and would I like to meet her. I said I had no intention of meeting her or Mr. M. N. Roy." Another confirmation of this report is to be found in the letters of M. N. Roy to which I have referred earlier at page 137 in which Roy had shown a keen interest in this visit of Chaman Lal and Joshi to Moscow and in fact waited at Amsterdam for a fortnight after the Conference for news about their movements.

O. P. 152. Another subject mentioned in P. 2375 is one to which I have referred at page 132 above, namely the decision of Moscow to employ to C. P. Dutt in a certain work, see P. 2380 (1) at F. C. 61 and P. 2387 P. (3) at F. C. 62. The explanation of this is to be found in Robson's report at F. C. 69 where Robson says with reference to "C. P. Dutt and work in India" : "I stated that we only had £100 in hand for the purpose of sending Dutt to India for the work there and that this would merely suffice to cover his passage out and back and that the Party could not accept financial responsibility if Dutt was sent to India. "Roy replied", the report continues, "that this would cause no expense to be incurred by the British Party (Dutt intervened to say that this was the first he had heard of the matter with the exception that Roy had made a suggestion to him some time ago which he did not take as official). Roy said that he had been instructed to go ahead with the question of Dutt being sent to India in the absence of any objection from the British Party and Dutt himself." It is quite clear therefore that the expenses of Dutt's going to India were to be met by the C. I. Roy went on, as the report shows, to clear up his own position by saying that "this was not a full colonial Conference and that he was coming on behalf of the Eastern Department of which he had been asked to take charge. He had not yet agreed but that he would like a general report of our work from myself." This statement by Roy led to a discussion of the question of control of colonial work, followed by a more general discussion of how work should be conducted, for instance by sending literature, by working among the Indian students at Oxford and elsewhere, and so on. Another point of interest in the report is the following short statement "Dutt reported upon work in the Welfare League", a plain indication of the communist leanings of the Workers' Welfare League of India.

O. P. 153. Apart from what I have already quoted there is not very much in P. 2377 (1) (F. C. 79) to which I need draw attention. There is however one interesting passage showing a different point of view in regard to the Indian Bureau from what has appeared in P. 2375. The passage runs as follows : "Indian Group. To facilitate the development of our work in India the Colonial Department organised a special Indian Group composed of Indians resident in this country. The purpose of the group was to concentrate on Indian matters and by their existence as a group to be able to conduct specialised propaganda amongst the Indians." The exact date of the report is not known but it is obviously later than the 11th September as that is the date of the letter in which the report was called for. I note that the date of M. N. Roy's letter in regard to the future position of the Indian communists in Britain (P. 2379 (1)) is September 15th and it may well be that the report was actually written some time later than this. This passage is followed by the passage to which I have already referred about the circulation of literature among Indian students and Indian seamen. The only other paragraph of interest occurs at the end of the report at page 86 where it is stated that "arrangements are in hand for the sending of representatives to work in India, and Egypt.....".

With this Amsterdam Conference and the report of the Colonial Committee we may say that the first attempt to get things moving again in India after the Cawnpore Conspiracy Case of 1924 comes to an end. The resulting position was that the C. P. G. B. had acquired a certain amount of information about work in India and we leave them preparing to make fresh arrangements to send another representative to India. In their ranks they have a group of Indian communists, some of whom are working among Indian seamen, one very good reason for which is the necessity of establishing a method of communication with India not subject to postal censorship. On the Continent we have Roy plainly in the confidence of the Communist International and in fact in a responsible position in it and having received an offer of the charge of the Eastern Department. There is a certain amount of friction between Roy and the C. P. G. B. because Roy thinks he knows much more about India and Communist prospects there than the C. P. G. B. can possibly learn through the various people with whom we have found them trying to get into contact. Finally we get the decision of the C. I. conveyed in P. 2379 (1) (F. C. 87) which is in agreement with the decision we have found earlier in the Statutes of the International, namely that work in the Colonial countries is to be carried on through the Communist Parties of the imperialist countries concerned.

The next documents illustrating the efforts being made in England for pushing on with Communist plans in regard to India are P. 2388 (1), (2) and (3) (F. C. 14) also recovered in the October 1925 search of the C. P. G. B. headquarters (P. W. 4). They are three slips of paper, apparently connected, of which the first is signed by the well-known Communist Saklatvala. The first of these is a letter beginning "Dear Hawkins", giving him a list of Indian addresses and a draft of a letter to Indian friends which may very likely be the letter which appears as No. (3). The addressee Hawkins is no doubt, in view of the place where the letter was found, the same comrade A. H. Hawkins to whom I have referred earlier at page 125 of this judgment. In both Nos. (1) and (3) there is a reference to Dutt who may be either R. P. Dutt or C. P. Dutt both of whom have been mentioned already. C. P. Dutt will be dealt with in greater detail at a later stage. Nos. (1) and (3) refer to an attempt to push the sale of the "Workers' Weekly", apparently I judge among Indians in England and in India. No. (2) appears to be a letter to two persons one of whom is the Secretary of the Indian Y. M. C. A. Hostel, 113, Gower Street, and the other a gentleman called S. K. R. Cama, who appear to be the organisers of a large Indian Dinner in London. These gentlemen are asked to let their guests buy the "Workers' Weekly" and also fill up application forms, and a copy of the circular letter No. (3) is evidently to be enclosed in order to persuade them to purchase. No. (3) also shows that copies of the "Workers' Weekly" are to be sent to certain Indian organisations in the hope of persuading them to buy it. It would appear that the date of this is somewhat after the middle of March 1925 as the issues to be sent are those of the 7th and 15th March.

The last exhibit relating to work by the C. P. G. B. among Indians in England is the series of letters P. 2391 P. (1-6) (F. C. 31-44). These letters relate mainly to work done among Indian students at Oxford by comrade P. R. Stephenson, a member of the E. C. of the Communist Party of Queensland (Australia) and comrade Ieuan Thomas. The first of these letters is P. (2), a memo. from P. R. Stephenson on Indian students at Oxford, dated June 1st, 1925. He begins by describing the Majlis, a society composed of 66 Indians studying at Oxford and holding weekly meetings of which Stephenson says he has attended six. As a result of attending these meetings he says he has formed certain conclusions namely that "practically every Indian student at Oxford is a nationalist sympathiser, i.e., one who resents the British domination of India." However this does not mean that the C. P. can look for rapid recruitment. On the contrary "the problem of extending Communist influence is one of considerable difficulty." He goes on to explain what the difficulties are, the main point being that the Indian students do not represent the proletariat, but belong to the class of native bourgeoisie, and hope to secure appointments in the Civil Service or Educational Department, or something of the kind on their return to India. They are not therefore particularly amenable to Communist influence. Stephenson goes on to put forward suggestions for future work. He and Thomas will go on attending the Majlis meetings and do what they can there. As regards the sale of Communist literature, at the Majlis meetings it is not possible, but they could arrange for their judicious distribution, about which he remarks: "This seems to me to be a most important method of getting at the Indians

here." He thinks the time remaining in the summer term too short to allow for the formation of a secret revolutionary club or a study circle, but everything should be made ready to start this at the beginning of the next term. He names G. and S. (probably Gopaldaswami and Sircar) as Communists by conviction and men who are prepared to join the Party. Of these S. is going back to India shortly and an attempt should be made to get hold of him before he sails, and perhaps Comrade Saklatvala or some other Indian Communist in London would find time to have a talk with him. In collaboration with G. and S. he proposes to make a thorough inquiry as to the position and antecedents of all Indian students at Oxford with a view to selecting the most promising for "our Party" purposes, and for work in the next year, and will present a report to the Colonial Department probably at the end of the term. He goes on to emphasise the need for correspondence reaching him without interference and gives a cover address. He further suggests that communications must be established in some other way than direct through the post. He himself will arrange for "personal delivery at King Street of any communication from myself on this matter."

O. P. 157. On the following day the 2nd June 1925 we find Comrade Thomas writing to some one in the C. P. G. B. (presumably to H. Graham Pollard as there is an endorsement by him at the end of the letter) on the same subject. Comrade Thomas mentions that there are only three Indians ready to join the group of the Communist Party, one of whom was in the Indian Communist Movement in its earlier days. He goes on to explain the reasons for the difficulty in making headway. In this letter Thomas mentions Gopaldaswami by name. Thomas goes on to emphasise the need of up-to-date information of recent developments in Asiatic politics and remarks: "Can Centre (i.e. the Comintern, as is clear from P. (3) at F. C. page 38) supply us regularly with up-to-date information of this sort?..... Inprecarr keeps me in touch with events; but Centre could help very much more if we were supplied with statistics and other data on the internal position of the British colonies and the political and economic relations of colonies and metropolis."

I have just received a booklet of M. N. Roy's from Comrade Pollard..... is it now possible to receive the Vanguard publications regularly?..... If I had a guarantee of the probability of the order coming through, I would be able to collect orders for Roy's periodical and other publications." Thomas goes to lay great stress on the need for secrecy because "the work of Indian revolutionaries when they get back to India—if they are allowed to go—will be seriously impeded if they are known to have been connected with the C. P. in England.", and he proposes a number of measures for securing secrecy. For example Indian members must not be entered on the Party books in their own names but under English names, and they must not be connected with the work of the local branch of the C. P. Reports etc. relating to work amongst Indians at Oxford will be sent to a non-Party personal friend of Thomas in London and delivered by him at King Street, while instructions etc. from King Street are to be sent to a cover address. P. (3) is a letter from Graham Pollard to some other comrade in the C. P. G. B. reporting that as requested by Page Arnot he had visited Oxford during Whitsun Week and got into touch with Stephenson and Thomas. He obtained written reports on their work among the Indians from both comrades which he encloses (these are obviously P. (1) and P. (2)). He mentions, as both of them had done already, the necessity of the work being secret and kept separate from other Party activities. He then goes on to put to the Party a number of questions which require consideration. The first of these is interesting "i. Are the Indians who are ready to join the English Party (he has mentioned 3 earlier) to be allowed to do so? Or are they to be kept an entirely secret group connected only with the Centre?" Then he speaks of the formation of an absolutely secret study circle and suggests that "some book of Roy's might form the staple of discussion, and also current Indian political news". Then he wants the Colonial Department to supply the Party members with more information than is obtainable from Inprecarr and the Workers' Weekly and says that "undoubtedly the constant supply of Roy's paper (The Masses of India, which was started in 1925) would be a great help." Finally he remarks that "M. N. Roy has a great reputation among the Indians", who might be willing to publish articles by him in "the Bharat, the termly paper of the Majlis." In P. (6), dated the 9th June 1925 the Colonial Department thank Graham Pollard for this report of the 3rd June and remark that they "are getting into touch with those concerned with a view to following out the proposals which you and they have

jointly outlined to us." Incidentally before I leave this letter I should remark that Graham Pollard is a gentleman whom we shall come across again, as it was he who had a great deal to do with the sending of Spratt accused to India, as is shown by the fact that he signed Spratt's passport application and his agreement to sell or purchase books in India. 5

O. P. 159. Turning back to P. (4) dated 4th June, in this the Colonial Department writes to Saklatvala asking him to arrange an interview with the three Indian students leaving for India at the end of the present term. Lastly in P. (5) dated 8th June 1925 Messrs. Stephenson and Thomas are thanked by the Colonial Department for the reports P. (1) and P. (2). With this letter the Department sends a supply of suitable literature for distribution among the Indian students with whom Stephenson and Thomas are in contact. They also mention that Comrade Saklatvala is agreeable to meet those mentioned as being likely to leave for India at the end of this term with Communist sympathies, and agree generally to the proposals made by Thomas for work among Indians during the remainder of the term. 10 15

In the same connection as the above letters is P. 2373 (F.C. 47) also recovered in the C. P. G. B. office search (P. W. 4), a letter addressed by the Colonial Department of the C. P. G. B. to Comrade S. Saklatvala and dated 23rd June 1925. In this they enclose a memo. (P. 2373 (1) (F. C. 48)) and ask him to arrange a meeting with a number of these Indians as requested on page 2 of the memo. This memo. P. 2373 (1) is evidently the report foreshadowed by Stephenson and Thomas in their earlier letters in which they promised by the end of the term a report giving the result of their inquiries about individual Indians in Oxford. The originals both of P. 2373 and P. 2373 (1) (which were of course drafts or office copies) were found in the search of Wintringham's rooms at No. 1 Dr. Johnson's Buildings by Detective Inspector Foster (P.W.-5). It will be noticed that the Party letter was signed by Thomas Bell for the Colonial Department. This memo. or report gives a long description of the composition of the Indian Majlis and finally a list of seven who are leaving for India shortly. It remarks that "it is important that Comrade Saklatvala should interview these men before they depart." Dates are given when the Indians concerned will be in London and Stephenson proposes to meet Saklatvala at King Street on June 23rd in order to get details from him or find out whether he can arrange interviews. The report ends with personal notes on each of the men with whom it is suggested that Saklatvala should have an interview. 20 25 30 35

O. P. 160.

M. N. Roy.

We come next to a series of letters addressed by M. N. Roy to Communists in India and before I deal with these it is necessary to go at some length into the history of M. N. Roy and set out the facts proved in regard to him. It will of course be remembered that a good many facts in regard to a certain person called Roy have already been mentioned. There can be little doubt in view of the many coincidences with which we shall meet that all the references to Roy in this case refer to the same person, and indeed the evidence in regard to the handwriting in signatures and the typing of many of the letters attributable to Roy, makes it clear that these have all emanated from the same person. The first mention of M. N. Roy in the evidence in this case is in P. 2518, "Peshawar to Moscow", a book written by Shaukat Usmani accused. In this book Usmani mentions meeting M. N. Roy at Tashkent and says that he was the leader of a party in which were included two men Avani Mukherjee and Mohamed Ali. At page 103 he gives an appreciation of M. N. Roy as sincere, frank and full of learning but unpractical. There is another mention of Roy, as having been in Mexico, in the Gurmukhi Kirti for April 1928, P. 746 (*vide* the Gurmukhi Translations). Then there are the references which I have already quoted in Inprecorr of 1922, 1923 and 1924 and the fact, to which I have also referred, that he appears on the Presidium in "Bolshevising the Communist International", P. 2582 at page 5. This was in 1925. Mr. H. N. Brailsford, C. W. No. I, also knows M. N. Roy and has deposed about him as follows:—"I have met M. N. Roy once in 1920 or 1927 in Moscow. He was for a short time a leading spirit in the Communist International, dealing particularly with eastern questions. I recognise him as the standing figure in the top photograph at page 286 of Exh. : P. 863." This reference is to a photograph of a group reproduced in the Marathi periodical "Chitramaya Jagat" and shows Roy lecturing to some agriculturists. Two copies of it have been found, one, P. 863, in the possession of Thengdi accused, and the other, P. 492, at the headquarters of the Bengal W. and P. P. at 2/1 European Asylum Lane, Calcutta. Thus we have so far a person M. N. Roy, 40 45 50 55 60 65

O. P. 161.

who is at Moscow, an important person in connection with eastern questions there in 1925. That is exactly the time at which we get the M. N. Roy with whom we are concerned as a writer of letters to persons in this country, making arrangements for the Colonial Conference at Amsterdam and taking part in it, and so on. Although the Roy, who is mentioned in Inprecorr and other documents to which I have referred before, is never named with initials, there is nowhere any suggestion that there were two Roys. The important consideration from the point of view of this case is the identification of the M. N. Roy who writes to persons in this country with the M. N. Roy who at Amsterdam was representing himself as a person entitled to speak for the Communist International. From another angle we may arrive at the same conclusion of the identity of these two persons, since we find that people in India corresponding with M. N. Roy address him C/o the E. C. C. I. and that is how we find his address given in P. 410, a list of addresses recovered in the search of 2/1 European Asylum Lane, and on P. 2011, an issue of the "Ganavani" (the official organ of the Bengal W. and P. P.) which P.W. 79, Sub-Inspector P. C. Mandal, saw being posted at Howrah Mail office on 23rd August 1928 by one Abdul Halim, a member of the Bengal W. and P. P. It may further be noted that there is a tacit admission of the identity of this M. N. Roy with the M. N. Roy who was an accused in the Cawnpore Conspiracy case of 1924 and who has in this correspondence frequently dealt with issues arising out of that trial, in the fact that M. N. Roy was named as a defence witness in the joint list of witnesses tendered by a large number of accused in the Lower Court. When, however, M. N. Roy was arrested in this country in 1931 and was undergoing his trial in that same case in Cawnpore, the Communist group of accused when tendering a revised list of witnesses, withdrew his name from their list. In addition, as Crown Counsel has pointed out, Muzaffar Ahmad accused at page 481 of the statements of accused has referred to 'our ex-comrade M. N. Roy.' This is a reference to differences between Roy and the Comintern, and there is a reference to the same differences in the statement of Dange accused at page 2595 of the statements of the accused.

Now, as I have pointed out, there can be little doubt of the identification of the M. N. Roy we get at Amsterdam in 1925 with the Roy whose name appears in Inprecorr, etc., in the preceding years. As to the identification of the Roy of the Amsterdam Conference with the writer of the letters tendered in evidence we have a good deal of evidence in regard to the handwriting and typewriting. All the documents which have been referred to in the deposition and opinions given by Mr. Stott, P.W. 277, have been examined by the Court and by the assessors, and I do not think it necessary to do more than say that I can see no reason for differing from the opinion expressed by Mr. Stott that the signatures 'M. N. Roy' on P. 2380 (1), P. 2379, P. 2379 (1), P. 2385, P. 1138, P. 1256, P. 1512, the original of P. 1868P, P. 1888 in two places, P. 2092, P. 2253, P. 2254, P. 1994, P. 2344, D. 374 two signatures, and the signature on the original of P. 1897P were all written by the same person; and that the same person who wrote P. 2380 (1) also wrote the original of the manuscript writing enclosed with a blue line in P. 2320P. As regards the typewriting, as no serious arguments have been addressed to me, I see no point in going into the matter at any length at this stage. It will be sufficient to say that I agree with the opinion given by Mr. Stott on page 14 of his evidence that P. 1512, P. 1888, P. 2092, P. 2253, P. 2254, (the above, it will be noted, are all documents bearing Roy's signature) P. 377 (1), P. 1256, P. 1676, P. 1898 (1), P. 1899, P. 1255 the original of P. 1897 (P) (1), P. 1825, P. 1034 and P. 2322 (2) were all typed on the same typewriter. It will be found that the numbers included in these two series cover practically the whole of Roy's letters. In the case of such other articles etc., as are attributed to Roy, the evidence on which they rest is circumstantial.

I may now come back to the letters. The first letter of Roy in this case is D. 374, a letter written by Roy on October 22, 1924, to J. P. Begerhotta which bears M. N. Roy's signature. It was put in by Nimbkar accused from the letters recovered in the search of Begerhotta's house at Rewari on March 20, 1929. This letter, as I have mentioned already in another connection, is closely connected with P. 1138 and its enclosure and P. 1868 also addressed to Begerhotta and P. 1868 (1) its enclosure, which is the same as that of P. 1138, addressed to the editor of the "Socialist", Bombay. It appears that Begerhotta had written an open letter dated 8th September 1924 to the "Socialist" of which he had

O. P. 164. sent a copy to Roy. In that letter Begerhotta had criticised a suggestion apparently by Roy to the effect that Communism should be propagated in India by means of an illegal secret society. In D. 374 on the 22nd October Roy sent a reply to the open letter direct to Begerhotta himself. A fortnight later in P. 1138 Roy, having received a copy of the "Socialist" containing Begerhotta's open letter, sent to Begerhotta a copy of the reply to the open letter which he was asking the editor of the "Socialist", (Joglekar accused), to publish in that paper. P. 1868 is a letter written by Roy on the same day to the editor of the "Socialist" sending him another copy of the same reply and asking him to publish it. Incidentally it may be noted that P. 1868 with its enclosure was intercepted and withheld (P. W. 248, Inspector Karnik). The letter to the "Socialist", however, reached Joglekar accused, because Begerhotta sent on his copy of the letter and its enclosure to Joglekar, from whose possession it was recovered on March 20, 1929 (P. W. 207, Inspector R. S. N. P. Wagle). Thus D. 374 and P. 1138 (or P. 1868 (1)) are both replies to Begerhotta's letter to the "Socialist". Writing in D. 374 to Begerhotta Roy says he found the open letter very interesting and proposes to take the liberty of publishing it in "our paper", the "Vanguard of Indian Independence", which Roy was then publishing at Zurich. This is the letter to which I have referred earlier as giving a Paris address for letters to Roy. In this letter Roy says that he agrees with B. that secret societies are a mistake and that it is not proposed to organise the Party as secret societies, but the trouble is that "although we consider our activities fully legitimate and democratic the powers that be do not have the same view." It is necessary, therefore, to legalise "our propaganda" and he goes on to suggest that the Cawnpore Communist trial might have been made into a historic test case, and the issue fought out on broad political and constitutional lines. "We must", he says, "take up the challenge and propagate not simply Communism, but our right to be free, and organise a mass revolutionary party on those foundations." He insists on the necessity of Communism being preached in India by Indians and not by any outside agency. At the same time he makes the following important remark about the immediate task :—

"I venture to suggest that propagation of Communism is not the immediate necessity. What is to be done is to give the demoralised and dismembered Nationalist Movement a revolutionary leadership which can be given alone by the Communists." A little further on he says : "The forces that will free the Indian people from these economic and social impediments, therefore, must begin by attacking the foreign domination."

Again we get the same point I mentioned just now in the following passage :—

O. P. 166. "The immediate task of the Communists in India is not to preach Communism but to organise the national revolution. The role of the Communist Party of India is to be the heart and soul of the revolutionary Nationalist Party. The third point of your suggestion corresponds with this general view of ours. "A strong party to be formed in the Congress and all nerves to be exerted to capture the organisation." Yes, this is precisely the task before us." The work, he goes on, must naturally be started with the publication of the programme with which the new party will be organised. Later on he goes on to speak about the organisation of propaganda centres and the development of the Vernacular press for the support of which we are even prepared to find some financial aid when necessary. Then again a little further on he says : "The group (that is our group) can immediately after the Congress call a Conference of all the elements holding the same view and prepared to subscribe to our programme, which will not be a Communist, but a revolutionary Nationalist Democratic programme. This Conference will declare the inauguration of the Party, which can be called the People's Party or the Republican Party. There is absolutely no conspiracy in this plan. We are out for a comprehensive political fight. There is no room for futile secret societies." He points out later that once arrangements are made for printing Communist literature inside India the Party will be saved the inconvenience of bringing it in from outside, but meanwhile the present practice has to continue and therefore he asks Begerhotta to send from time to time some addresses, by which, of course, he means cover addresses. It is interesting to refer again to the passage I have already quoted above at page 94 of this judgment, in P. 2582 "Bolshevising the Communist International" at page 136, where the same proposal is made and we find the words "the slogan of the People's Party is correct", and this was only a few months later, in

April 1925. The actual article which Roy wrote to the "Socialist", which is the enclosure of P. 1138, is less valuable from the point of view of this case than D. 374 is, and as the prosecution have scarcely referred to it, I do not propose to worry with it. In "The Labour Monthly" of April 1925, part of P. 532 and also of P. 1156, at page 205 we learn that on the 30th January 1925, M. N. Roy was expelled from France. The same fact is mentioned in P. 2583, the article sent by M. G. Desai accused to the Bombay Chronicle dated March 3 (presumably 1925) in which he says that "soon after M. N. Roy's deportation news has come that an order has been issued by the French Government for the expulsion of Mr. Lohani, the brilliant Paris correspondent of "Forward", Calcutta." This brings us up to the time of the Amsterdam Conference.

O. P. 167.

Before I leave P. 2375 and the documents to which I have referred in dealing with Roy, it will perhaps be as well to dispose of the rather difficult question of the Foreign Bureau and other bodies with similar names. As Crown Counsel pointed out in his arguments, there were a number of bodies interested in Communist work in India. These bodies were the C. I., the C. P. G. B., the Indian Communists in England and the Indian Communists on the Continent. Following the principle that Communist work in the colonies should be conducted through the party of the Imperialist country concerned, the proper authority for conducting operations in India was the Communist Party of Great Britain, which, so far as colonies were concerned, worked through its own Colonial Department. But the C. P. G. B. and the Colonial Department suffered from the great defect of knowing practically nothing about India. In consequence we find in England the group described as the Indian Bureau in England. Quite how this Bureau grew up, it is impossible to know. As I have suggested above, the account given by the Colonial Department in its report to the C. P. G. B., P. 2377 (1), does not seem to tally with the apparent inferences to be drawn from the complaints made at the Amsterdam Conference which definitely suggest that the Indian Bureau was not really a Communist body. Then, as we know, the Communist International was also itself directly interested in work in the Colonial countries and had organised its own Colonial Bureau (*vide* P. 2385, dated 25th September 1924, F. C. 88). Something of the same sort was implied by Roy in speaking at Amsterdam of the Eastern Department, apparently of the Colonial Bureau, of which he had been asked to take charge. Lastly there was what Roy in P. 2375 described as a Bureau of Indian Communists, which he said had been entrusted with the supervision of the Communist activity in India. About this Bureau he also said:

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"With reference to our Indian contacts in universities these would eventually come back to India and it was desirable that they should be put in contact with the European Indian Bureau." Later on he emphasised this point by saying: "The British Party should carry on propaganda and organise as much as possible so as to supply the Indian Bureau with a number of trained workers. The direction or leadership of the British Party should go no further." The next remark he made was less intelligible. In this he stated that agitation among the Indians was important and should be developed. "When it has been developed and groups of sympathisers are established the Indian Bureau will have reason to exist and should consist of these Indian party sympathisers." Besides this, there is also another body, which, however, so far as its membership is concerned, is probably only another aspect of this European Indian Bureau to whom Roy has said that supervision of the Communist activity had been entrusted. This consisted of Indian Communists abroad, that is Indian Communists who (like Roy himself), having made India too hot for them, had gone to live in Europe. These people ultimately came to represent the Communist Party of India in Europe and to be called in the constitution of that Communist Party the Foreign Bureau. The functions of the Bureau were stated by Roy himself in P. 2169 P. (1), dated March 20, 1926, and the passage in that letter in which he defined its position was taken over almost word for word into the constitution of the Communist Party of India which forms part of P. 1207 (1), the Annual Report of the Executive Committee of the C. P. I. for the year ending 31.5.27. In point of fact this group or Foreign Bureau of the C. P. I. only contained a very few members, such as Roy himself, Mohamed Ali Sipassi to whom we shall come shortly and C. P. Dutt (see P. 377 (1)). The fact that it had two aspects or functions was explained by Roy himself at a later date in the Assembly letter, P. 377 (1), (F. C. 351 at 363) where he says that the Foreign Bureau unites in itself the representation of the C. P. and the agency of the C. I. As we have noted above, Roy definitely wanted to keep the control or guidance of Communist activities in India in his own hands and was inclined to criticise

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the efforts of the C. P. G. B. as based on insufficient understanding of the problems. This view seems to have been partially accepted by the Communist International and hence the decision in P. 2379 (1), (F. C. 87) is that the Indian Communist group in Britain would be politically guided by the European Bureau of the C. P. of India as well as the Colonial Commission of the C. P. G. B. It will be obvious that owing to Roy's desire to keep some personal control over Communist activities in India the work of the various bodies in those activities was never properly co-ordinated.

PART IV.

- O. P. 169. So much for the development of the Communist International and the organisations in Europe directly connected with it and their activities or organisation for carrying on activities to further the revolutionary movement in India on Communist lines. It will be noted that I have not so far dealt with the Workers' Welfare League of India, the Labour Research Department and the League Against Imperialism, which have been mentioned in passing on one or two occasions. The reason why I have not done so is that it seems to me more convenient to deal with them when I come to the stage at which their activities are of importance in this case. The main organisations and groups working from the European end have now been explained and their position is, I think, fairly clear. Their aims, objects and methods have also been explained. We now come to a period in which the European organisations are actively working in India either by sending out instructions, literature or money to the Indian Communists or by despatching representatives to work personally in India. 5
- O. P. 170. Before I proceed to take up one by one the letters written to India before and after the sending of representatives, it is necessary to make clear the position of several persons whose names will recur not infrequently throughout this chapter. The very first letter P. 2320P, (F. C. 111), dated 23rd January 1926, introduces us to two persons whose position it is necessary to clear up before going any further. This is the first of a series of letters sent to one Iyengar whose full name is C. Krishnaswamy Iyengar by way of the following address which will be shown to be a cover address :— 10
- Iyengar. " Mr. N. Swamy, 19, Nilivirasami Chetty St., Triplicane, Madras, India." This is a letter from Roy as is shown by the handwriting of the first P. S. which runs as follows :— 15
- " It is a copy of the letter addressed to our Patna friend ", by which Roy means that the same letter has been sent direct to the Patna friend in case that letter should not reach its destination. The letter in itself therefore indicates two points of interest : (1) the use of a cover address and (2) the method of sending more than one copy of a letter, two methods both of which I have shown to be in common use in connection with other Communist correspondence earlier on in this judgment. This letter has a second P. S. in another hand " Please send it to him in case he does not receive the original." There is evidence (to which I shall allude in due course) to show that this is in the handwriting of one Sipassi. The letter to the Patna friend, I may also remark, ends with the following indication of the intention to send a copy to Iyengar. The words are as follows :— 20
- O. P. 171. " A copy of this is also sent to the Madrasi friend for information." This letter bears a Paris postmark, in itself a point of some importance, because in the famous Assembly Letter Roy refers to " the comrade in Paris." 25
- The case for the prosecution is that the correspondence between Indian Communists abroad and the Indian Communists in India frequently passed through what might be described as the Madras-Pondicherry Post Office. Pondicherry is in French India and conspirators outside India probably imagined that letters addressed to Pondicherry would not be censored. In Pondicherry there was one R. C. L. Sharma, an absconder in the Cawnpore Conspiracy case of 1924, and Pondicherry being close to Madras the idea no doubt was that letters could easily pass from Sharma to Iyengar and thence to the real addressee in India. Now we have proof of connection between Iyengar and Sharma in the evidence of P. W. 259, Seth Ali Mohammad who deposes that he knows a man called Krishnaswamy Iyengar who used to come to Sharma's house at Rangapillai St. in Pondicherry in 1923 and 1924. This witness, I may add, also knew Sipassi and identified the photograph (P. 2305) of Mirza Mohammad Ali Sipassi whom he also saw staying with Sharma for some seven weeks beginning in January 1924. He also identified Sipassi's handwriting. This witness also speaks to a visit of Ajudhya Prasad accused to Sharma but that really concerns Ajudhya Prasad's individual case. P. W. 258, Inspector H. S. Abdul Sattar, gave evidence about Sharma and also deposed that he knew one C. Krishnaswamy Iyengar living at No. 18 Venkatachala-Chetty St., Triplicane, Madras. I shall mention this witness again later. There is a very valuable support for the prosecution case that the Iyengar for whom N. Swamy is a cover address, actually a pseudonym, in P. 797, an address book, " Where is it " ? recovered from the 30 35 40 45 50 55 60
- O. P. 172.

search of Thengdi accused. At page 91 of this book there appears the name of Krishnaswamy with two addresses in Triplicane : (1) at 18 Venkatachala Chetty St. and (2), noted as " private ", at 19 Niliviraswami Chetty St. That gives one connection also with an accused in this case and there is another which is proved by a reference to the search list, P. 392, compiled at the search at 2|1 European Asylum Lane, Calcutta. Item 166 of that search list is one of a number of postal receipts and shows that on 2nd October 1928 a postal package was sent from the Bengal W. and P. P. office to Krishnaswamy Iyengar, Triplicane. The witness P. W. 258, to whom I have just referred, served a notice on this Krishnaswamy Iyengar calling on him to produce the originals of certain letters and obtained his signature on the duplicate notice which is P. 2524. To that notice a reply was received by the Court which has been put on record as P. 2552 which bears the signature and quite a considerable amount of writing purporting to be written by Krishnaswamy Iyengar. Apart from the inference which I draw from the inspection which I made myself along with the assessors, Mr. Stott, P. W. 277, expresses the opinion that the man who wrote the signature on P. 2524 also wrote the letter P. 2552, and there is further a legal presumption which arises that if a letter is written to a certain person and a reply is received from that person the reply is to be taken to be written by the man in whose handwriting it purports to be. For this presumption reliance was placed on the ruling in the case of *Carey vs. Pitt* reported in 170 English Reports at page 219. In addition to the oral evidence already mentioned there is the statement also of P. W. 255, Khan Bahadur S. Abdul Karim of the Madras C. I. D. who intercepted a number of letters addressed to N. Swamy and a similar number addressed to Kannan and two letters addressed to Chakravarty, in view of information received by him that these were all cover addresses for Iyengar. I shall deal with these in due course. Now apart from the fact that letters were addressed to Iyengar under cover addresses and to Sharma, as is shown by the fact that Sharma forwards these letters to India, Roy himself in P. 2322 (2) (F. C. 133) writes as follows :—

" The circulation of the Masses is essential for the development of the C. P. Please get in touch with Comm. in Madras and Pondicherry on this matter."

Later he says referring to sending a new batch of students to Moscow : " Please consult with the comrade at Pondicherry about the particulars of the matter." This is in a letter, proved to have been typed on Roy's typewriter, of which one copy was sent to Begerhotta and another to Muzaffar Ahmad by R. C. L. Sharma who signs the letter " for his elder ". Iyengar again appears in P. 1287 (11), a report of the proceedings of the First Indian Communist Conference held in Cawnpore on 28th December 1925 recovered in the search of the premises of Appoji Rao, a cover address used by Ghate accused (P. W. 212, Inspector L. de Souza). This document shows that Krishnaswamy Iyengar of Madras was elected to the Executive and also as Secretary for the Madras circle. He appears again in P. 782, a slip of paper recovered in the search of the house of J. P. Begerhotta at Rewari on 20th March, 1929, (P. W. 146, Khan Bahadur Ikramulhaq). This is a note of a meeting of the members of the C. P. I. held at Bombay on 16th January, 1927. According to the slip itself the date is 16th January, 1926, but it contains a reference to the coming Communist Conference to be held at Lahore which we know was being considered in 1927 at the time of the arrival in India from England of Mr. Saklatwala. This document mentions in the list of those persons the name of K. Swamy. As regards the date it may be also noted that from the same search of Begerhotta the defence tendered a file of correspondence D. 375 relating to the Communist Party of India in which we find on pages 19 and 21 the full proceedings of this same meeting of the Working Committee of the C. P. I. held at Bombay on 16th January 1927. Then again in the report of the Annual Session of the C. P. I. held at Bombay on Tuesday, May 31, 1927, P. 1207 (1), recovered in the search of the Kranti office on 20th March 1929 (P. W. 218, Sub-Inspector Tawade) we find K. S. Iyengar elected as a member of the Presidium for the coming year, his address being given as Labour Kisan office, 22 South Beach, Madras, which incidentally is also the address of M. Singaravelu who was elected a member of the Executive : Possibly it was this same Krishnaswamy Iyengar who sent a telegram on the 20th December 1928, P. 1796 (d), to the All-India Workers' and Peasants' Party Conference at Calcutta regretting his inability to be present, and it is by no means impossible that it is he who is referred to in P. 1295 (some notes in the hand of Ghate accused of a C. P. I. meeting at Calcutta in December

1928) under the name of Swamy as having been expelled from the Party, because it was reported he had sold the press. In this connection I may refer to a mention by Roy of a Press of which the Party had the use in Madras in P. 2322 (2).

O. P. 175. It is the prosecution case that 12 letters in all were addressed by the conspirators to this man Iyengar. These are as follows : (1) P. 2320P. (F. C. 111), P. 2321P. (F. C. 115), P. 2313P. (F. C. 131), P. 2315P. (F. C. 142) and P. 2323P. (F. C. 145) all addressed to N. Swamy, 19 Nilivirasamichetty St. Triplicane, Madras ; (2) P. 2324P. (F. C. 163), P. 2325P. (F. C. 181), P. 2326P. (F. C. 187), P. 2312P. (F. C. 194), P. 2327P. (F. C. 212), P. 2328P. (F. C. 216) and P. 2329P. (F. C. 235) to Mr. Kannan, Commission Agent, No. 9, Raja Hanumanta Lala Lane, Cottage III, Triplicane, Madras, and (3) P. 2328P. and P. 2329P. to Chakravarty, Esqr., 28, Sunkuvar Street, Triplicane, Madras. The evidence in regard to the interception of all these letters consisted of the statement of P. W. 255 K. B. S. Abdul Karim of the C. I. D. Madras. In the case of the first group of letters addressed to N. Swamy, each of these letters had an inner envelope addressed Iyengar. In the case of the second group P. 2324P. and P. 2325P. each had an inner envelope marked Iyengar ; P. 2326P. had no inner envelope. It is in the handwriting of Ghate accused and the contents make it quite clear that this also was intended for Iyengar. P. 2312P. was addressed in Tamil to Kannan and had inside it an inner cover for C. K. Swamy. There seems no reason to doubt that this also was intended for Iyengar. P. 2327P. was addressed from Paris to Kannan and contained no inner envelope and contains handwriting of Sipassi (vide the opinion of P. W. 277 Mr. Stott at page 12 of his evidence which was confirmed by the inspection of the relevant documents mentioned in that opinion by the Court and the assessors). The coincidence of cover address and the nature of the contents makes it clear that this also was meant for Iyengar. Coming to the third group P. 2328P. (1) is a letter from Ghate accused evidently intended for Iyengar, as the contents would indicate, enclosing a letter P. 2328P. (2), dated June 14, 1927, from Spratt accused to Dear Douglas (Douglas as will appear later means C. P. Dutt). Lastly P. 2329P., which is also addressed to Chakravarty, contained an inner envelope PE (2) addressed " for Swamy ". This was another letter from Ghate accused enclosing another letter from Spratt accused to C. P. Dutt who is addressed as Dear Brother. Both P. 2328P. (2) and P. 2329P. (1) are signed Des and it is fully proved that they emanate from Spratt accused.

O. P. 176. Now there is the strongest possible evidence of the identification of Iyengar with the person concealed by the cover address Kannan. P. 2315P. is a letter from Sipassi dated 29th September 1926 containing an enclosure P. 2315P. (1) which is an Urdu letter from Sipassi to Nasim Majid, etc. This was intercepted on its way to N. Swamy with an inner envelope addressed Iyengar, by P. W. 255 on 17th October 1926. It was then photographed and the originals reposted. The Urdu letter which was signed Muhammad Ali was forwarded by Iyengar to Muzaffar Ahmad presumably for delivery to Nasim Majid and Co. under the covering letter P. 2121P. on 20th October 1926 in a registered cover addressed to Abdul Rahim 16, Nilmadhav Sen 3rd Lane, Calcutta. On the outside of the envelope he wrote the name Kannan as the sender. This registered cover was not delivered and was sent back from Calcutta and redelivered to Kannan, whereupon Iyengar opened it and reposted it in another envelope addressed to N. C. Dey, C/O Nand Lal Adhikari and Co. On this occasion the letter was intercepted by P. W. 66, Sub-Inspector A. K. Sen who got it photographed under the orders of the Assistant Commissioner and reposted it. As to the contents of the envelope it is not very easy to follow the witness's evidence because each of the photographs to which he refers includes photographs of more than one envelope. The outside cover contained two items, an ordinary envelope addressed to Muzaffar Ahmad and a registered cover addressed to Abdul Rahim. Inside the registered cover was the second envelope addressed M. A. containing two letters, one English and one Urdu. P. 2121P. (1) is an English letter dated Madras 20th October 1926 which was inside the envelope with M. A. written on it. P. 2121P. (2) is an English letter dated 2nd November 1926 which was inside the envelope addressed Muzaffar Ahmad in full. It is clear by inspection and comparison and from the evidence of Mr. Stott that P. 2121P. (1) and P. (2) are in the handwriting of the same Iyengar who signed the receipt for the notice P. 2554 and wrote his letter to the Court P. 2552 in answer to that notice. The first of these letters was written by Iyengar when forwarding Muhammad Ali's letters originally addressed to Abdul Rahim and the second as he himself explains in

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forwarding again the redirected registered letter. This entirely clears up the identification of the Iyengar who received a notice from this Court with the man who received letters from Europe addressed N. Swamy and Kannan.

About Chakravarty I do not think it necessary to say any more than I have said already ; bearing in mind the contents and the fact that the inner envelope in one case was addressed for Swamy, I do not think there is any room for doubt that these also were intended for C. Krishna Swamy Iyengar.

O. P. 178. It appears that not all letters addressed from Europe to Iyengar were intercepted, as we find a letter P. 2322 (1) (F. C. 132) addressed by him to Begerhotta at Room No. 9 Maharaja Hotel Delhi, written and posted from Madras on 31st May 1926, was intercepted through the Dead Letter Office (vide P. 2322 (A) and (B)). It is quite clear from comparison (perhaps I might remark here that all the documents which have been the subject of comparison in respect of their handwriting were compared by both the Court and the assessors) and from the evidence of Mr. Stott P. W. 277 at pages 13 and 20 of his evidence that the letter P. 2322 (1) is in the handwriting of C. Krishna Swamy Iyengar. The enclosure to this is the letter P. 2322 (2) dated March 20, 1926, from Roy to Begerhotta to which I have already referred as being signed by R. C. L. Sharma for his "elder". This same letter was forwarded by Iyengar as P. 2169P. (1) along with the covering letter P. 2169, on the same day, that is 31st May 1926, to Muzacar Ahmad under registered cover and was intercepted en route and photographed (P. W. 53, Inspector S. C. Ghosh). This letter was then reposted and presumably reached Muzaffar Ahmad. P. 2322 (1) and (2) of course did not reach Begerhotta but the file D. 375, to which I have referred already, contains an incomplete copy of the same letter at pages 51-53. Presumably therefore Muzaffar Ahmad forwarded a copy to him. This may explain the remark found in P. 2315P. (F. C. 142), dated 29th September 1926, to which I have already referred, in which Sipassi writes : " My letter which J. P. (Begerhotta) reports not to have received was sent to Sh. may be he did not forward it." But the fact really appears to be that Sharma, as the signatures on P. 2169P. and P. 2169P. (1) and P. 2322 (1) and (2) show, did forward it to Iyengar but it missed Begerhotta at Delhi and came into the hands of the C. I. D. through the Dead Letter Office.

So much for Iyengar and the proof of the letters referred to, so far as it relates to his connection with them and to the forwarding letters with which he sent them on to other conspirators, as perhaps I may call them.

O. P. 179. We come next to Sipassi, or, as P. W. 259 Seth Ali Mohammad calls him, Mirza Mohammad Ali Sipassi. It is possible that he is the same person referred to as Mohammad Ali in Usmani's book " Peshawar to Moscow " (P. 2518), at Tashkent. I have already mentioned the evidence of this witness P. W. 259 that he saw Sipassi at Sharma's house in January 1924 and was given the photograph P. 2305 by him 3 or 4 days before he left Pondicherry. This witness also identified the handwriting of Sipassi, both English and Urdu, in a postcard P. 2314 which he himself received by post from Sipassi and the handwriting in P. 2315P., P. (1), PE (1) and PE (2) and in P. 2316, E (1) and E (2). P. W. 255 K. B. S. Abdul Karim also deposed to having seen Muhammad Ali Sipassi, whose photograph P. 2305 he identified, in Pondicherry. Another witness on this point is P. W. 256, Mr. S. G. Mani Pillai, late Assistant Commissioner of Police, Pondicherry, who deposes to having seen this same man Sipassi, to whom he gives the name of Mirza Abdul Mohammad Shah Sipassi and whom he recognises from the photograph P. 2305, at Pondicherry in January 1924. This witness saw Sipassi meeting Sharma in Pondicherry and explains that Sipassi left Pondicherry somewhere about the 25th February under a Government order of expulsion. The witness proved the signature of Sipassi (P. 2306S) in a register of declarations of residence of strangers (P. 2306), and also identified the handwriting of Sipassi in the document P. 2307, part of which P. 2307 (A) was written in witness's own presence by Sipassi and signed by Sharma. The remainder of his evidence relates in the main to Sharma. P. W. 257 P. C. Pellerin Arogyla Swami also deposed to knowing the man depicted in the photograph P. 2305 as one Sipassi, whom he saw at Sharma's house in Pondicherry. This witness took a note from the Assistant Commissioner (P. W. 256) to Sharma's house and received a reply, P. 2308, from Sipassi as Sharma was not there. This note is also referred to in the evidence of P. W. 256. The portion of this document written by Sipassi, along with the handwriting of Sipassi on P. 2305, P. 2307 (A),

P. 2314 and P. 2316 (E1) are the standard writings for the handwriting of Sipassi. A comparison of these coupled with the opinion of Mr. Stott P. W. 277 at page 12 leaves no room for doubt that the same writer also wrote P. 783 and the originals of P. 2315P, of the red enclosed portion of P. 2320P (that is the P. S.), of P. 2321P, of P. 2314P, of P. 2324P, of P. 2315P and of P. 2327P. Incidentally it may be noted that the envelopes of P. 2315P, P. 2324P, P. 2325P and P. 2327P show quite clearly the Paris postmark, thereby furnishing some support for the theory that Muhammad Ali Sipassi is the person described elsewhere as the comrade in Paris. Before I leave Sipassi I might further remark that in the Urdu letter proved to be Sipassi's P. 2121P dated 29th September 1926 we find Sipassi saying "You ridiculed my retreat from Pondicherry", a clear corroboration of the prosecution evidence as to his residence there.

O. P. 180.

Before going into the contents of the letters it is necessary to set out also the evidence in regard to R. C. L. Sharma. Bearing in mind the facts that R. C. L. Sharma was the signatory of P. 2169 P. (1) and P. 2322 (2) and lives in Pondicherry, not a great deal of evidence is required to satisfy one that he is the person indicated as the comrade in Pondicherry. R. C. L. Sharma is mentioned in the portion of P. 1574 which has been printed and is no. 3 in the list of accused in the Bolshevik Conspiracy Case Cawnpore 1924 and is mentioned as having absconded to French Territory. A number of witnesses give evidence in regard to Sharma. P. W. 255 K. B. S. Abdul Karim identified Ajudhia Prasad accused in the Court and deposed to having seen him at Pondicherry in the company of R. C. L. Sharma, the man depicted in P. 2310, in 1924 or 1926. P. W. 256 Mr. S. G. Mani Pillai obviously knew Sharma well. In connection with P. 2308 which I have mentioned already, a petition from Sharma to the Pondicherry Government, this witness was dissatisfied with the signatures of Sharma and got him to sign P. 2309 in the presence of his chief and himself. His evidence shows that Sharma was watched at Pondicherry and was interned at Villianur, a place a few miles away, for several years. P. C. Pellerin P. W. 257 also knew Sharma both in Pondicherry and Villianur. P. W. 258 Inspector Abdul Sattar used to visit Pondicherry on duty and knew Sharma, and used to see correspondence addressed to him, which not infrequently reached him through a cover address. This witness was able to identify Sharma's Hindi writing in P. 2312P as he spent some time learning Hindi from Sharma. He also identified the handwriting in P. 2313P as that of the accused Ajudhia Prasad whom he had seen in June 1924 and up to about December 1924, living with Sharma first at Pondicherry and afterwards at Villianur. Other witnesses also speak of the association of Ajudhia Prasad with Sharma and it may be noted that Ajudhia Prasad at page 541 of the statements of the accused stated that after undergoing 10 years transportation under section 124A, I. P. C. Sharma was driven out of India to Pondicherry only a few months after his release. The accused says he learned from Sharma in May 1924 that he was dangerously ill and went to Pondicherry and stayed with him and came back to Jhansi in the winter of 1924 after Sharma had recovered. Apart from the fact that he was the other member of the Madras and Pondicherry postbox and his association with Ajudhia Prasad, there is not much of interest in regard to Sharma in this case. It seems that he issued a manifesto, a copy of which is to be found in the file D. 374 put in by the defence from Begerhotta's search and which is criticised sarcastically in P. 2321P, and he also wrote the postscript to P. 2169 (1) of the 20th March 1926 in which the formation of a People's Party was recommended in which he says "the idea of forming a People's Party was criticised by me in my previous letters to some of my friends. Now I am asking my words back." He also wrote the letter P. 2312 dated 23rd March 1927 (intercepted by P. W. 255 on 24th March 1927) forwarding to Iyengar the figure cipher letter for Fazl Elahi (the forwarding letter explains this in very guarded language by describing the letter as "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."

O. P. 181.

We may now turn back to P. 2320P dated June 23, 1926, the letter from Roy to our Patna friend. As to who the Patna friend is there is a certain amount of evidence. He is a person who had been to Europe not long before and who had made a speech at the Postal Employees' Conference not very long before the date of this letter. He is evidently a friend of Roy but it does not really matter for the purpose of this case who he actually is, as a copy of the letter was sent to Iyengar and it was evidently meant for the persons who had the same ideas as Roy or whom he thought had the same ideas, in India. Before going into other

O. P. 182.

matters I will dispose first of all of a reference in the letter at F. C. 112 to "the so-called C. P. of Cawnpore". This is a reference to a Conference held in Cawnpore on 29th December 1925. It was called by one Satya Bhakta who issued two manifestoes, P. 1796 (b) dated 18-6-25 entitled "The future programme of the Communist Party" and P. 1796 (a) dated 12-10-25 entitled "The first Indian Communist Conference". Both these manifestoes were recovered from Nimbkar accused's rooms on 20th March 1929 (P. W. 271 Sub-Inspector Ketkar). Some reliance was placed on them by the defence but I do not think we need worry with them as none of the accused had much to do with this conference. In any case before it was actually held Satya Bhakta's utterances were severely criticised by Communists, for example by M. N. Roy in the "Masses" for January 1926, part of P. 2581, at pages 9-14. There he attacks with particular severity Satya Bhakta's idea that when the 90 per cent. of the people become organised the remaining 10 per cent. will find no alternative except to surrender to the majority, hence it will be possible to effect the transition from capitalism to Communism without any injustice or violence, an idea which to Roy is obviously ridiculous. Roy apparently received some sort of report about the Conference from Iyengar in a letter dated 12-1-26 which is acknowledged by Sipassi in P. 2321P of 17-2-26 (F. C. 115). Iyengar it seems had written "Satyabhakta's party does not seem to be a real one". On receipt of this report Roy again dealt with the matter in the "Masses" for March 1926, part of D. 379, at pages 4-8, where he dealt severely with the suggestion made in the manifestoes and also by Singaravelu in his speeches that "the C. P. of India must take an independent line and not affiliate to the C. I." This gentleman Singaravelu had been an accused in the Cawnpore Conspiracy Case but the case against him was withdrawn and this fact had cast great suspicion on his reliability. As in this letter and in the "Masses" of January 1926 Roy had rejected Singaravelu, so now in the "Masses" for March he points out the absurdity of Singaravelu's idea, observing that "every Communist is a member of the World Communist Party—the Communist International which was created by the Bolshevik leader Lenin." Roy in fact found much that was preached in the manifestoes and at the Conference to be utterly unorthodox and hence his remark in this letter "we are somewhat bewildered by it" (the so-called C. P. of Cawnpore). There is not much more to note about this gentleman Satya Bhakta. He was referred to in a letter P. 2313P and P. (1) (F. C. 131 and Hindi Translations Part 2 page 65), and English letter and a Hindi letter both dated 31-5-26 about which there is evidence that they were written by Ajudhia Prasad accused, and addressed to N. Swamy at the address which I have mentioned earlier. In the English letter the writer refers to a pamphlet of Mr. Satya Bhakta and says: "in reply to that pamphlet I had sent a contradiction to "Pratap" and they had published it. I am sending the cutting herewith of the above contradiction. Unfortunately it was not published full. They have cut off a most important paragraph in which I tried to prove that he is propoganding to receive money from Masco." This cutting was not photographed but there is on the record a copy of the "Pratap" dated 30-5-26, P. 2318, containing an article signed by Ajudhia Prasad Srivastav and headed "Mr. Satyabhakta and Communism". In this article Ajudhia Prasad asks what Satya Bhakta who has resigned from the Communist Party of India is trying to do. He ends by suggesting that Satya Bhakta does not know what the difference is between Communism and Nationalism. Incidentally the writer criticises the association of Satya Bhakta with Abani Mukerji, probably the same man referred to as a friend of Roy in Usmani's book P. 2518, and alleges that this man Abani Mukerji came to India shortly before the Cawnpore Conspiracy Case of 1924 was tried and it was through his "extreme kindness" that the Cawnpore accused were arrested. This man Abani Mukerji had been a friend of Roy as late as 1922 in which year they produced in collaboration a book "India in Transition". Roy continued the attack on Satya Bhakta in the "Masses" for September 1926, part of P. 2581, in a special supplement entitled "National Communism—Beware of false friends" which was also printed in two parts in the "Masses" for September and October 1926 with the signature M. N. Roy at the foot of the second part. This special number is referred to as a leaflet in the letter P. 783 from "Indian Communists abroad" to Begerhotta dated 2-9-26 and recovered in Begerhotta's search at Rewari. In this letter Indian Communists abroad (whom we shall find represent the European Bureau of the C. P. I. during the period of Roy's absence in China) remark: "The Indian communists abroad are fully in accord with you to combat the mischievous propaganda carried by Satyabhakta & Co. of Cawnpore", which had evidently been mentioned to them in Begerhotta's insured letter of 14-8-26

O. P. 183.

O. P. 184.

O. P. 185.

which was acknowledged in this letter. In the special supplement there are only two points of real interest ; one is a reference to Acharya, the person mentioned in P. 2518 as an opponent of Roy's group ; the other is a passage which runs as follows : " In the Cawnpore Bolshevik Conspiracy Case the Government declared that Communist activities for organising the workers and peasants in a party to overthrow the British domination over India was illegal and should be treated as a criminal conspiracy." Any one to whose notice those issues of the " Masses " came would at once realise the possible danger of indulging in similar activities in the future. As appears from the article in the " Pratap " Satya Bhakta resigned his membership of the C. P. I. That fact is also alluded to in the first paragraph of P. 1287 (10), a letter from Begerhotta to Ghate accused, dated 7-2-26 received in the search of Appoji Rao. It is also alluded to in another letter from Begerhotta which is at page 55 in the file D. 375 to which I have alluded already.

We may now turn back to P. 2320 P. There is what is possibly a reference to Glading at the beginning of this letter where Roy says : " Your suggestions have reached me through the comrade who visited you lately." He goes on to criticise the proposal of forming a Social Democratic Party on the ground that the Government will not judge the Party by its name, but by its programme. " If the Party adopts a Communist programme, a different name would not save it." He goes on himself to suggest the proper form for the new party organisation, which the friend to whom the letter is addressed thinks will readily attract members. He himself proposes a dual organisation, a legal nationalist party with a radical republican programme (People's Party) and an illegal Communist Party inside it. He explains how the Communist Party should be first formed in a conference of " our own comrades ". Central Committee, etc. will remain secret. After the organisation of the C. P. " the next step will be to call a conference of the radical elements inside and outside the existing nationalist parties to discuss the plan and programme of the People's Party. The Communists will take the initiative in calling this conference not as Communists, but as nationalists. The programme we published for the Gaya Congress will be presented to the conference as the basis of discussion and the People's Party should be formed on the vital points of that programme." This programme is that which is suggested at page 49 of P. 908 " The Future of Indian Politics " by M. N. Roy, recovered from the search of Sohan Singh Josh accused's house at Mohalla Islamabad, Amritsar (P. W. 150, S. I. Rahmatullah). The principal points in that programme are points which we have found repeated frequently and it may be useful to quote them. They are :

1. Complete National Independence ; Separation from the British Empire.
2. Establishment of a Democratic Republic based upon Universal Suffrage.
3. Abolition of Landlordism.
4. Reduction of land rent and indirect taxation ; higher incidence of graduated Income Tax.
5. Modernisation of agriculture with State aid.
6. Nationalisation of Public Utilities.
7. Industrialisation of the country with State aid.
8. Eight-hour day and minimum wage.

Roy goes on to say that the C. P. must be properly organised, a Central Committee elected, etc. and every Communist will be given the charge of definite agitation, propaganda and organisation work either in the People's Party or Trade Union or the Peasant movement, as may be suitable for him. That is to say, the regular principles of fraction work will be applied. Then he says that the People's Party must have a legal organ. He then turns to the current of political affairs so far as it affects Communist aspirations in India and refers to the newly formed Labour Swaraj Party in Bengal with whom he says relations must be established. Next he turns to consider Trade Union work, that being, as we know from the many documents which we have seen already, the most important sphere of work for a Communist movement. In regard to this he says : " The Union formed in Bombay under the leadership of Atmaram (that is to say the Girni Kamgar Mahamandal under the presidentship of Arjun Atmaram Alwe accused) will serve as the basis of our Trade Union work in Bombay. Did Thengdi make a show in the Trade Union Congress at Madras ? A Left Wing should be formed

inside the Trade Union Congress with him at the head. It should be demanded why he was pushed out of the Presidency of the T. U. C. Executive. It was obviously because he spoke from the working class point of view. This action of the T. U. C. bosses should be exposed before the workers. It will strengthen the position of the Left Wing demanding a change in the programme and constitution of the T. U. C." He goes on to suggest the sending of one or two comrades from India to Europe "to discuss the political and organisational programme and to make satisfactory arrangement about material questions." Lastly he asks his friend to send him all publications regarding labour activities. The two main themes then are the kind of party which it is advisable to establish, and work in the T. U. C. As regards the first the ideas of the Communists in Europe varied from time to time during the period which we have to consider. This idea of a People's Party with an illegal Communist Party concealed inside it is one of the proposals. Another idea is that the Communist Party should be an open legal organisation. Then we have the variation which resulted in the formation of the Workers' and Peasants' Parties, which the Foreign Bureau in the absence of Roy in China suggested would be a veiled Communist Party, a view which Roy himself did not accept for reasons which become obvious in the course of this case, the whole idea subsequently being to make a show that the Workers' and Peasants' Parties were something quite independent and therefore not liable to the condemnation of being Communist organisations with Communist aims, objects and methods. The present scheme of a People's Party in which the Communists are to take the initiative not as Communists but as nationalists is in keeping with what had been suggested in October 1924 in D. 374, where he had said that the immediate task of the Communists in India was not to preach Communism but to organise the national revolution and that the role of the C. P. I. was to be the heart and soul of the revolutionary nationalist party.

O. P. 188.

Then as regards the Trade Union movement it is interesting to find this early reference to Thengdi but perhaps not too much should be inferred from it. No doubt Roy had read Thengdi's speech as President of the Trade Union Congress and had heard something about him from Glading, who judging by the notes of his letter to which I have referred earlier must certainly have got into touch with Thengdi.

O. P. 189.

The second of these letters is P. 2321 P. (F. C. 115), dated 17-2-26 from Sipassi to Iyengar. I have already referred to the matter of the Cawnpore Communist Conference which is mentioned in the first paragraph. In the second he refers to a letter from our "Big Friend" which he says was a type-written copy of a letter from the same friend to "our Patna Friend," an obvious reference to the letter just dealt with. He goes on to refer to one Fh. who receives papers, which we shall find later to be a reference to Ghate accused. There is no other cryptic reference in this letter and I shall defer the consideration of the cryptic code to a later stage. For the present I propose to accept as established what it will be necessary to go into in greater detail when I consider the interpretation of cryptic documents generally. In the third paragraph Sipassi goes on to refer to communications. He wants N.-G. in Col., that is to say, a cover address in Colombo, to be replaced by another friend, otherwise all the organisations on this end will be ruined and the work will suffer. As he goes on to say: "To form a new party and conduct the movement on right lines it is necessary to read and have the literature", therefore one must have addresses to which literature can be sent. Then he goes on to discuss financial help and wants to know the minimum necessary. On page 116 he comes directly to the question of the shape of the new organisation. He is writing, it must be remembered, to Iyengar who was connected with what the writer calls "the defunct Labour and Kisan Party", a fact also shown by the address of Iyengar which I mentioned earlier. Then about this new organisation he says: "A definite programme and definite practical tasks should be formulated, the resolution about organising the workers and peasants has also been adopted several times by the National Congress, but nothing was done in the practical field. The new organisation, which is essentially an organisation of workers and peasants, should lay down definite steps in the way of organising the masses; such an organisation should have no place for nationalist Jingoism, it must have relations with the outside world," that is to say international relations. Particular efforts are to be made in this connection in March.

O. P. 190.

In connection with this new organisation, which Roy had suggested in the last letter, should be a People's Party, Crown Counsel has referred to P. 908,

"The Future of Indian Politics" by M. N. Roy and P 290, "Modern India" by Palme Dutt. The preface to Roy's book opens with the following sentence :—

"In this book the historic necessity for a People's Party in India is dealt with." Crown Counsel spoke of the publication of both these books as taking place in February 1926, which would be very much about the same time as the arrival of the letter P 2321 P. The preface to the English edition of "Modern India" states that "it was originally written for an Indian publisher, and published in India in the spring of 1926." The date of publication of P 908 does not appear in the book. There is a footnote on page 81 showing that a certain passage was written in February 1926, but it would appear that the book was not published until 1927, because the writer at the foot of page 80 refers to an article in "The Near East and India" dated 26-11-26. There are two more footnotes on page 46 which imply that the book was not published until later on either at the end of 1926 or in 1927. What is, however, clear is that the bulk of the book was being written just about the time when Roy was writing P 2320 P and Sipassi P. 2321 P. These two books are important apart from the date of their publication and writing, because it is the prosecution case that they formed the basis for the future organisation and conduct of the new party, which, it was proposed, should be formed in India. And in this connection it is to be noted that both books were reviewed and recommended by Spratt accused and that "Modern India" was referred to in P. 1209, where in the thesis no. 5 "On our attitude towards the Congress and Present Labour Leadership" presented to the First Annual Conference of the W. and P. P., Bombay on the 18th March, 1928, we find the following remark :—

O. P. 191.

"An almost correct interpretation of the Party's views on the (? these) matters is lucidly put forth by Comrade Palme Dutt in his "Modern India" published in Bombay". Crown Counsel quoted a number of passages from Roy's book. The first sentence of the preface I have already quoted. Further on in the preface Roy says that: "The object of this book is to show a way to the revolutionary forces". At page 9 the book opens with the remark: "Bourgeois Nationalism in India has ended in a complete compromise with Imperialism, as was predicted years ago by those who judged the situation with Marxian realism." On page 19 he comes to "The new economic policy of Imperialism" and on page 36 he says: "The climax of the policy, which has transformed the economic relation between the Indian bourgeoisie and British Imperialism from antagonism to co-operation, was abolition of the 3½ per cent. Excise Duty. This changed or new economic situation, he says on page 45, will determine the future of Indian politics. Then he goes on to the breakdown of the Swaraj Movement under Gandhi and the late C. R. Das. I have already mentioned the passage on page 49 where he gives the Communist programme which was put before the Gaya Congress in 1922. On page 51 he comes to the conclusion that the Swaraj Party in 1923 became the Party of the bourgeoisie, as was made clear in its programme and election manifesto, and particularly by the fact that a point in its programme was "to protect private and individual property and to foster the growth of individual wealth". He quotes the Swaraj Party against itself by alluding to a passage in the election manifesto in which the Party claimed that it stood for justice to the tenant, but claimed that any justice for the tenant which involved injustice to the landlord, would be justice of a very poor quality. Again on pages 60 and 61 he goes on to quote the claim of C. R. Das to have been a friend to constitutional progress and an enemy of the growing tendency of anarchy. Finally on page 62 he says: "As against this revolutionary danger (that is the danger from revolutionary nationalism or anarchism) he (Das) suggested a united front of British Imperialism and the Indian bourgeoisie." Again he points on page 64 to Das' agreement with the view of the Secretary of State that freedom could not be reached by violence, and on page 69 he says that "C. R. Das categorically ruled out "armed revolution", and called upon the conference to do the same." Roy interprets Das' ruling as meaning that "The Nationalist movement should shun the path of violent revolution, because that section of the people having something to lose would be against it." Therefore, he says, "Since the methods, without which complete independence cannot be won, are opposed by those having something to risk, the nation must be content with a fake substitute for independence." At page 70 he remarks that: "Those who have nothing to lose (that is according to his account 98 per cent. of the Indian population) are not afraid of revolution.

O. P. 192.

On the contrary, revolution is their creation." He continues to indicate his view that nothing can be obtained without violent revolution and states the point in the clearest term in the footnote on page 81 where he says: "Civil disobedience was the culminating point in the programme of the Gandhist non-co-operation. It signified mass refusal to obey the laws—suspension of the payment of rents and taxes. Naturally, this measure cannot be dissociated from revolutionary uprising. It can be put into effect only as the prelude to armed insurrection..... Since, by its very nature, civil disobedience cannot be dissociated from eventual violent conflict with the forces of counter-revolution, the stipulation of Gandhi meant abandoning the programme for ever." Roy thinks, as he says at page 85, that: "The Swaraj Party as a staunch defender of landlordism will never seriously consider the project of Civil Disobedience which cannot be put into effect without the revolutionary action of the worker and peasant masses." He does not, however, think that this breakdown of bourgeois nationalism indicates the end of the anti-Imperialist struggle. "It only means that the social basis of nationalism will be shifted from the bourgeoisie to the masses..... So, the future of Indian politics will be the organisation of all classes of the native society except the landlords, the big bourgeoisie and their middle class satellites, in the struggle for national freedom", and so we shall get a real national movement, which he proceeds to sketch on page 90 onwards. About this he says: "The future of Indian politics will be determined by the social forces which still remain and will always remain antagonistic to Imperialism even in the new era dominated by the 'higher ideals of Swaraj within the Empire'. These social forces are composed of the workers, peasantry and the petty bourgeoisie." We have already had many references to this coalition and we shall meet with a great many more in future. As to the organisation of this coalition he says on page 98 that: "The proletariat will have the hegemony in the Indian struggle for national freedom in the coming phase." He goes on: "The next question is, how will the movement be organised?..... To play creditably its political role the proletariat will of course have its own Party—the Communist Party—but in that there will be no room for its democratic allies." That is to say this is the Communist Party as distinguished from the People's Party, but some provision must be made for these allies, and, as he himself says, "Hence arises the necessity of a party in which the proletariat stand side by side (as a vanguard) with the revolutionary nationalist element fighting for the democratic freedom." And on the following page he says: "The first event in the future of Indian politics will be the crystallisation of such a party." In the following chapter he goes on to the idea of a Labour Party and discusses the recent history of that idea, quoting on page 105 the remark of Lala Lajpat Rai that "loose talk about Communism and Internationalism should be discouraged" and on page 106 another remark of Major Graham Pole that "Labour in India should be careful not to ally itself with Communism". "So", says Roy, "it is clear under what auspices a Labour Party will be born in India, if indeed it ever sees the light." That is to say the prospects of an Indian Labour Party are hopeless. Again on page 108 he makes the point that conditions in India are totally different from those under which the British Labour Party grew up and are such as to make objectively for Chartism, that is for a revolutionary political struggle for power. In point of fact that is the gist of the whole argument. On page 111 he makes the same point as he had made in P. 2320, that "It is a waste of time to try to conceal your real object under the cloak of a Labour Party. If, he says, it is intended to deceive the Public Prosecutor, the trick will not work. As soon as it will act as the party of the proletariat should act... the name will not save the party, unless it can defend itself by more powerful means." "The task of the Indian proletariat", he says later on, "is to rally under the banner of national liberation all the oppressed classes of contemporary Indian society." In the last chapter he sums up under the heading: "People's Party and the proletariat." Here he says: "The people's fight for freedom must be led by the party of the people—a party organisation will be broad enough for all the forces of national revolution" (Page 114). Again he comes back on page 117 to the coalition in the following passage:—

"The proletariat will contribute the revolutionary driving forces; the peasantry will lend their massive weight; and the petty bourgeois intellectuals will bring in knowledge and education." Finally he concludes the book in the following terms: "The future of Indian politics will be an intensified fight for

national liberation with revolutionary democratic ideals under the standard of a People's Party. The proletariat led by its own Party—the Communist Party—will exercise hegemony in this revolutionary struggle for democratic national freedom."

O. P. 196. Before I leave this book there is a passage on page 104 which supports the view that P. 2385, to which I referred earlier, was written in September 1924, a conclusion which I have already accepted. In that letter Roy wrote that "The Indian T. U. C. has ceased to exist for practical purposes since the disastrous session in Calcutta last year, when Mr. C. R. Das aided by Chaman Lal wrecked the Congress, because it would not become an adjunct to the Swaraj Party." I need not quote the passage which merely goes to show that the Third Trade Union Congress, which met in 1923, was presided over by C. R. Das and that Chaman Lal was its Secretary. The passage about it ends with the remark that: "The Nationalist politicians who dominated the Congress vetoed the project of a Labour Party."

The conclusions at which Dutt arrives in P. 290, "Modern India", are almost exactly the same and the argument follows the same line. The final suggestion again is a coalition of workers, peasants and petty bourgeoisie, or as Dutt describes them the lower middle class the intelligentsia and even a section of the bourgeoisie. In Chapter VIII of this book Dutt comes to "What must be done?", and deals with organisation and the programme on which organisation must be based. This programme is set out on pages 130, 131, 141 and 142. On page 145 he comes to questions of organisation and in this section we get some interesting passages, for example, on page 145: "The organisation must be an organisation strongly rooted in the peasants, in the working class and also in the ranks of the students, professional and small trading class. Thus a national organisation may actually be built up most effectively on a basis of peasants' associations and unions, of workers' unions, of young nationalist groups (including students and young workers) and so forth. These, linked together in some type of federal democratic association with a strong central leading body, could constitute the framework of a People's Party for the prosecution of a national struggle." Again on page 149: "The line of organisation must reach out to the masses. This necessitates both widespread and continuous agitation, propaganda, demonstrations and campaigns; and at the same time detailed work in the villages and industrial centres all over the country, forming groups and building up peasants' and workers' organisations." On page 151 he comes to the essential point, saying that "the working class will be the leader of the struggle for liberation in India because the working class alone will carry that struggle through to the ultimate conclusion of social liberation. Why has the working class this task in history? (The task of freeing humanity from class divisions and exploitation and inaugurating the new social order based on co-operation). Because the working class constitutes the most exploited class, which alone has no interest in the present order based on property and is therefore the revolutionary force of the future." On page 154 he points out that "the question of what class should lead the revolution has been fought out and decided 30 years ago in Russia", where, he says, "the course of history established the correctness of the view of the Marxists led by Plekhanov and Lenin, and from the small workers' groups, then initiated, have developed the powerful governing and leading force which has been able to establish and maintain the free Workers' and Peasants' Republic of to-day", and he adds; "The signals in India are a hundred times clearer than they were in Russia 30 years ago."

In subsequent pages he goes on to deal with the necessity that the workers should win political power. So, he says, "the Trade Unions are not enough. What is needed is a revolutionary workers' party to be based upon the programme and policy of the class struggle." (Page 162). There are further references to Russia and to the movement for independence in more or less subject countries like Turkey, China, Morocco and Syria.

O. P. 198. It is of some importance to note, before we leave these two books, the terms in which in P. 1984, a document in his own handwriting found in Spratt accused's possession, when his rooms in Watson's Hotel were searched, on the 15th September 1927 (P. W. 215 Inspector Desai), Spratt reviewed these two books. A copy of this same review was also recovered in the search of the office of the Bengal W. & P. P. at 21 European Asylum Lane and is P. 415 (10). I think
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it will be sufficient to quote the last paragraph of this review. It is as follows:—

“ It is essential in our opinion for any serious Indian politician to read these two books, and it is a pity that they are issued only in English. Nothing like either has been produced in recent years. Mr. Dutt by the breadth and sweep of his argument, Mr. Roy by the accuracy of his diagnosis of persons and policies, compel our attention and admiration. But beyond all questions of style or manner there is to be borne in mind the fact that both books in their different ways give a fundamentally correct analysis of modern Indian conditions and a fundamentally sound guide for the future. The Nationalist movement must follow this direction or fail.”

This very review was translated into Marathi and published in two parts in the Kranti, (P. 1375), the organ of the Workers' and Peasants' Party of Bombay, in the issues of the 2nd and 9th July 1927, that is several months before the search in which P. 1984 was recovered.

O. P. 199. The next of these letters from Roy for the guidance of the Communist movement in India is P. 2322 (2) (F. C. 133), which is identical with the original of P. 2169P (1). I have already said something about the history of this letter. P. 2322 (2) is a copy of it which was forwarded by Iyengar to Begerhotta addressed to the Maharaja Hotel Delhi, but reached there after he had left and came into the possession of the Dead Letter Office, by which it was handed on to the Madras C. I. D. (vide P. 2322 (a) & (b)). On the very same day (31st May 1926) Iyengar forwarded a copy, the original of P. 2169P (1) to Muzaffar Ahmad, as is shown by the photograph of the envelope, and this was intercepted and photographed in the post (see the evidence of P. W. 53, Inspector S. C. Ghosh). The handwriting on both the forwarding letters, that is P. 2322 (1) and P. 2169P, is proved to be that of Iyengar. The letter to Muzaffar Ahmad contains a reference to A. P. whom there is good reason for thinking to be Ajudhya Prasad accused. Both the letters contain a reference to the shifting of the office of the Communist Party to Delhi about which we shall find corroboration in P. 1207 (1), the report of the C. P. I. for the year ending 31-5-27. In this letter Roy begins by acknowledging a letter from Begerhotta of January the 3rd, which had only reached him a week earlier. He speaks of a provisional reply, which is very likely P. 2321P with which I have just dealt, and which he describes as being the reply given by Comrade Mohamed Ali, which is exactly the conclusion at which we have already arrived. He goes on to say that in the near future some financial aid for carrying on the work will reach Begerhotta and that the literature will also be sent as soon as B. will indicate some address.

O. P. 200. He goes on to say that the circulation of “ The Masses ” is essential for the development of the C. P., and tells Begerhotta to get into touch with the comrades in Madras and Pondicherry on this matter. With this I have already dealt in another connection. Then he says: “ I have a small book ‘ about hundred pages ’ dealing with the actual political problems of India. It is exactly the kind of literature you need at this moment. If it is published abroad its circulation will be necessarily limited in India. Therefore I would request you to arrange for its publication in India. The manuscript will be sent by the next mail.” From the facts already mentioned in connection with “ The Future of Indian Politics ”, there can be little doubt that the reference is to that book. He goes on to mention that any information sent for publication to certain Communist and Labour newspapers and periodicals in England will obligatorily be published by them, and he mentions “ The Workers' Weekly ”, “ The Sunday Worker ”, “ The Daily Herald ”, “ The Labour Monthly ” and “ The Communist Review ”. Next he comments on the mistaken views expressed by Satya Bhakta etc. which made a very bad impression “ here ”, that is in Moscow obviously. This is no doubt the same matter to which I have alluded already. He asks that at the next meeting of the Central Committee a resolution should be passed repudiating those statements, and also a resolution in favour of affiliating the C. P. I. to the C. I. He again makes the suggestion that a comrade should “ come out ” with full reports. The next paragraph is important. He agrees with Begerhotta that “ our task ” is “ to organise Communist factions inside the A. I. C. C. and the T. U. C.” But he says, “ The Communists cannot possibly be a majority in the Congress Committee, for the Nationalist movement is composed of classes which will never be represented by the Communists ”, as he has shown quite clearly in P. 908. “ Our relations with those classes (engaged in struggle against the foreign rule) will be that of united

front in common fight." The suitable way to penetrate into the Congress will be the organisation of a Republican Wing of the Nationalist movement, which, as Crown Counsel pointed out, exactly tallies with the political resolution of the Enlarged E. C. C. I. in April, 1925, quoted above at the middle of page 94. In P. 1207 (1) we find these recommendations carried out in detail and embodied in rules 18 & 20 of the Constitution and in resolution no. 6 wherein the Communist Party calls upon all its members to enrol themselves as members of the Indian National Congress and form a strong Left Wing in all its organs for the purpose of wresting them from the present alien control. The resolution further includes a detailed minimum programme which will be found to tally almost word for word with the programme laid down on page 49 of P. 908 and reproduced at page 186 above. Roy himself on page 138 (of the F. C.) recommends a minimum programme which contains the bulk of these items besides a certain number of others which are mentioned either in his or Dutt's book. He carefully advises that adoption of the maximum programme of the Communist Party should be postponed for the time being, obviously because that programme is not meat for babes. Now this programme also corresponds very closely with what the Colonial Commission had advocated as the correct policy for India in P. 2582, the report of the Enlarged E. C. C. I. at the evening session on April 6, 1925. In the same passage to which I have alluded at page 94 the speaker said : "The slogan of the People's Party, having for the main points in its programme: Separation from the Empire, a Democratic Republic, Universal Suffrage and the Abolition of Feudalism—slogans put forward and popularised by the Indian Communists—is correct." As regards the passage in this letter which I have already quoted about the organisation of a Republican Wing of the Nationalist movement as being the most suitable way to penetrate into the Congress, we find it also adopted almost word for word in the programme, which forms part of resolution no. 6 passed by the C. P. I. at their meeting on 31-5-27 (P. 1207 (1)). This item (b) runs as follows :—

"For the promotion of the above programme, that is the programme already quoted, the Communist members of the Congress shall contemplate to form a Republican Wing in the All-India Congress Committee with the co-operation of the Left Wing of the Congress." But this is not all that has been taken bodily by the C. P. I. from Roy's letter. After dealing with the programme on page 138 (F. C.) Roy goes on to deal with the constitution of the C. P., and at the top of page 139 he comes to what he calls the Foreign Bureau, about which he says : "The Party will maintain the Foreign Bureau as the ideological centre composed of the comrades who are not in a position to work inside the country. The Foreign Bureau will be representative of the Central Committee and will act as the organ through which the international relations of the Party will be maintained. The C. P. of India will be a section of the Communist International." This last item is omitted in the constitution, but the bulk of Rule 14 relating to the Foreign Bureau is taken word for word from this letter and runs as follows :—

"The Presidium with the sanction of the Central Executive will maintain a Foreign Bureau as an ideological centre composed of comrades who are not in a position to work inside the country. The Foreign Bureau will be the representative of the C. E. and will act as the organ through which the international relations of the Party will be maintained. But it will not in any way work inconsistent with the Party's programme and resolutions. The Foreign Bureau will have a regular office at a place of their convenience and will keep a constant touch with all the C. P.'s and the Comintern and will give publicity to Indian affairs."

Then he goes on to the question of legal and illegal organisation and suggests the building up of an illegal organisation side by side with the legal apparatus in order that an attack on its legality may not be able to destroy the Party. He suggests methods for carrying this out by having a parallel organisation, the names of the leaders in the legal organisation being publicly known and those in the parallel organisation kept secret and confidential. Then he mentions the press at Madras to which I have referred already in connection with Iyengar, and finally comes to the necessity for sending out a new batch of students who can be turned into good Communists and sent back to work in India.

The next letter in this interesting series is P. 783, (F. C. 142), dated the 2nd September 1926. It was recovered in the search of Begerhotta's room in

Rewari on the 20th March 1929 and is a letter addressed to him by "Indian Communists Abroad", but comparison, which is supported by the evidence of Mr. Stott, P. W. 277 (at page 12 of his evidence), leads to the conclusion that it was actually written by Sipassi. This is the letter to which I have already referred in which he speaks of the leaflet called "National Communism", in which the propaganda of Satya Bhakta & Co., is attacked. The writer then gives a list of papers which the C. P. G. B. are being asked to send to the Indian Party. These are "The Labour Monthly", "The Workers' Weekly", "The Sunday Worker", "The Communist Review", "The Daily Herald", "Inprecorr", and "The Masses". At the end of the letter there are messages to Comrade Gohar Rahman, Nasim, Majid and Shafiq, all of whom will be found mentioned in the list of comrades who have been convicted from time to time which forms part of Usmani accused's article, P. 1574. Thus we find the name of Shafiq in what he calls the "Moscow Conspiracy Case no. 2" at Peshawar, 1924. Gohar Rahman, Nasim and Majid all appear in the "Moscow Conspiracy Case no. 1" at Peshawar in 1923.

O. P. 204. The next letter after this is P. 2315 P. (F. C. 142), dated 29. 9. 26, from M. A., that is Sipassi, to 'Dear Friends' addressed to N. Swamy and enclosing an Urdu letter, P. 2315P (1) of the same date, but incorrectly dated 29th December in Urdu, signed Mohamed Ali to Nasim, Majid and others. A translation of this letter will be found at F. C. 171 under the heading P. 2121P. I have already explained the history of these letters which were intercepted first on the way to Iyengar and afterwards on the second occasion of their being sent by Iyengar to Muzaffar Ahmad at Calcutta. Some items in these two letters have been dealt with already, but there are others of importance. Sipassi begins in the English letter, P. 2315P, by acknowledging receipt of letters and says he is writing this note for "your" (presumably Muzaffar Ahmad's) and B.'s perusal. He complains that the Indian comrades have not sent adequate addresses which would enable communications, papers and money to be sent. He asks for further addresses. He also says that one instalment of money was sent to J. P. Begerhotta's address which he gave some time ago. He hopes it has been received. In the para. numbered 3 he says: "I hope you have received a word from Sh. (presumably Sharma). In addition to that if a herald comes from us, please receive him. Take care that it is used by the right person because if this letter does not reach you safely, then it may be abused." The word 'herald' obviously suggests an agent and the prosecution suggests that the reference is to the coming of Spratt accused. In para. 4 Sipassi says: "A friend Campbell would address your coming conference. Please give him all facilities to address the meeting and disappear safely." In the Urdu letter he says about this on page 172: "Cables will be got sent on the occasion of your Conference. One Campbell of the British Communist Party is present there" (i.e., in India). "He is being instructed to deliver at the Conference a speech about the 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 his speech." The reference to a conference is explained by P. 1207 (1) where in the E. C. report to the C. P. I. conference we find (on page 62 of that volume) that after the starting of the office at Delhi by Begerhotta and Ghate it was decided to hold a propaganda conference at Delhi in November last (1926). This came to nothing owing to the unexpected raid on the office of Comrade H. A. Nasim, the General Secretary of the Reception Committee. That is the very person to whom, as Sipassi says in para. 5 of the English letter, the Urdu letter is to be sent. Para. 9 is rather illuminating in regard to the Madras-Pondicherry Post Office. In this Sipassi writes: "It is advisable and good for the cause, if Sh. and you discontinue recriminating campaign against each other and work together like comrades." In para. 10 we find the reference to P. 2322 having gone astray. This I have mentioned already. From these letters it is quite clear that Comrade Campbell had been sent out by this time to India on business by the C. P. G. B. in much the same way as Glading was sent a year earlier. No doubt the reason why he was not to be allowed to fall into the hands of the C. I. D. is that he was a person who was travelling under a false name as we shall find later. I have already referred to some of the points in the Urdu letter intended for Nasim, which, however, is to some extent an open letter for Nasim and the persons through whom it was to reach Nasim. This is the letter in which he speaks about 'my retreat from Pondicherry', to which I have referred already. In the latter part which relates to

O. P. 205.

- O. P. 206. details of work he mentions sending money to Begerhotta and says : " More money will be sent to you if you will soon start a newspaper of the Party." In this connection it is interesting to note in P. 1207 (1) a report under the head ' Lahore ' that " efforts were repeatedly made by Comrades Darveshi (Gohar Rahman), Majid, Ram Chander and Hassan to start a regular organization of the work on educative lines..... Recently the weekly " Mehnatkash ", 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 report there is a list of organs (non-official) and one of these is the " Mehnatkash ", Mochi Gate, Lahore. This paper is also referred to by Spratt accused in P. 1968 (F. C. 225) dated 21. 7. 27 where he says that " Ramchander, Majid and Darweshi own a paper, the weekly Mehnatkash, which I hope you (the letter is addressed to Page Arnot) are getting. They are very keen but suffer from lack of funds and education." 5
- Sipassi goes on to repeat his request for addresses and adds : " Please write in details about these things and have such friends in Bombay as might have connections with sailors. We shall send newspapers and literature through sailors," a very clear reference to a system of which there is evidence on the record, in the searches of Abid Ali, Ali Mardan and Mohamed Abdul Hakim, and the evidence in regard to the movements of Ajudhya Prasad accused. Next we come to a mention of the Kirti, which is described as a Gurmukhi newspaper (monthly) issued from Amritsar, which the comrades in Europe are unfortunately unable to read, because it is written in Gurmukhi. He asks Nasim to find out what sort of newspaper it is. These references make it clear that at this stage the Kirti had no connection with Europe. I have dealt with the covering letters, P. 2121P. (1) & P. (2) already in another connection. The first contains a remark which seems to suggest that the raid on the Reception Committee's office in Delhi had already taken place. Iyengar says : " While in Bombay I saw your letter to Ghate. All of us are in the same unsettled state of mind as regards the Conference..... It would be indeed better if we could hold the Conference in Bombay itself." Then there follow some remarks about correspondence between Nasim, whom Iyengar does not know personally, and Sipassi. In P. (2) which is dated the 2nd November Iyengar writes : " In the light of this manifesto (a manifesto received from abroad by last mail) I think it essential that we should hold the Conference..... But before the Conference itself I think that we should meet at a preliminary meeting to discuss everything about this Conference. I have accordingly written to Ghate all about this and asked 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." It will be remembered that Iyengar did actually go to Bombay and attend a meeting of the C. P. I. there on the 16th of January 1927. The evidence in that connection has been already quoted. 10 15 20 25 30 35 40
- O. P. 207. The next letter in evidence is P. 2323 P, (F. C. 145) dated Berlin, October 13. (The interception evidence shows that this is October 13, 1926, as the letter was intercepted at Madras by P. W. 255; K. B. S. Abdul Karim on 31.10.26). This is a letter addressed by the Foreign Bureau to the Central Committee of the C. P. I. There is no evidence as to the handwriting of this letter, but on the 2nd November 1926 Iyengar to whom it was addressed under the cover address N. Swamy with an inner envelope addressed Iyengar, wrote to Muzaffar Ahmad in P. 2121 P (2) " By last mail I got a letter with a manifesto from abroad and after perusal passed it on to J. B. since it is an important one. I believe you too would have got a similar copy, else please ask J. B. to send you." The authenticity of this letter was, therefore, accepted by Iyengar. The fact that this letter is signed Foreign Bureau calls for some explanation. The explanation is that Roy had gone to China, a fact mentioned in the figure cipher letter, P. 2312 (1), enclosed with Sharma's letter to Iyengar, P. 2312 P, dated March 23, 1927. It also appears from another letter P. 1512 (F. C. 754) written by Roy himself on 14.1.29 to Chakravarty Jhattarjee & Co. publishers, whom he was asking to publish a book on China for him. In that letter he said : " 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." So this letter appears to be one issued by the Foreign Bureau, which judging by P. 377 (1) would, in these circumstances, mean only C. P. Dutt and Sipassi, in Roy's absence. Coming to the terms of the letter it opens with a 45 50 55 60 65
- O. P. 208. LalJMCC

reference to the Party conference which is to meet in the middle of November, the conference which, as we know, failed to come off. The Bureau expresses the opinion that the Party should issue a manifesto on the occasion of the conference and the letter says : " Herewith enclosed is a draft of the manifesto that we propose should be published. We believe it will reach you in time to be printed and circulated before the Party conference." The enclosure to this letter P. 2323 P (1) does not, however, appear to be the manifesto. A possible explanation is that the actual manifesto was sent in a duplicate copy of the letter, as we know that in nearly every case more than one copy of letters from Europe was sent. What was enclosed in this letter was an article entitled " How to organise a working class party ", which is also to be found, word for word the same, in " The Masses " of India for November 1926, part of P 2581, at page 6.

The writers go on to say that the term Communist Party has been purposely kept out of the manifesto, because in the Bureau's opinion (supported by leading International comrades) " it would be wiser not to call our party a Communist Party. This is for political as well as tactical reasons." But the most important reason is that the Communists must have a broad basis, " a mass party, which can operate legally, a small conspirative group will be of no use." The organisation of this party is discussed. The Bureau says that the name of the party should be changed, but not mechanically. " It must be through an organisational process. Groups and individuals that may enter a revolutionary working class party (Communists except in name) must be approached ; preliminary conversations should be carried on as regards programme and organisation ; then a conference should be called jointly to launch a broad working class party, say the Workers' and Peasants' Party..... One thing however should be made clear. This proposition is not the same as that for the formation of a People's Party. They are two entirely different things. " One " (that is the W. & P. P.) " is a veild Communist Party, while the other " (that is the People's Party) " is a revolutionary Nationalist Party." Then at the end of the letter, as we find so often, the subject of money and communications comes up and the Bureau writes : " we hope that £50 sent a month ago to Comrade B's private address have been received. We are awaiting the acknowledgement to remit further instalments. But it will be very necessary that you indicate some proper methods of transmitting money." Here for the first time we get the proposition of a broad Working-class Party or Workers' and Peasants' Party. The article enclosed with this letter has considerable points of interest. For instance, there is a passage on page 150 which is interesting from the point of view of the defence attitude in this case. It runs as follows :—

" Further, if freedom for the exploited class and oppressed peoples is to be secured by " all legal means ", it will never be secured. The object of the law is to maintain a given system of social relationship and political institutions under which it is promulgated. Any attempt to change the given system, therefore, is a challenge to the law, is illegal from the point of view of the dominating class or power. Freedom for the exploited class cannot be secured without destroying the system based upon the right of exploitation ; nor can a subject people be free without breaking the power of the foreign conquerer..... The principles and programme of the political party of the Indian working class must inevitably entail the commission of two sets of illegal acts—violation of Imperialist laws, for the Party must stand on national independence, and violation of capitalist law for a working class must stand on the ground of relentless class struggle until class-ridden society is replaced by socialist commonwealth." On page 152 we come to the minimum and maximum programme for the working-class party in India. The minimum programme includes all those items like Democratic Republic, universal suffrage, etc., which have been mentioned earlier, and the maximum programme is " the programme of victorious class struggle, of social revolution, of socialism." The minimum programme.....is but means to the end." Further on the writer says : " The British domination cannot be overthrown without a revolutionary fight. This depends upon the mobilisation of the mass energy." Then he points the usual moral that the bourgeoisie are afraid of revolution and have therefore compromised with Imperialism and the task of carrying through the revolution therefore devolves on the working class. Then we get the usual pronouncements which we expect in articles of this kind emanating from Communist sources. For instance, " it is clear that economic freedom

for the working class cannot be secured except through the capture of political power", and on the subject of method, "agitation and propaganda among the proletarian masses are vitally necessary for the building up of the working-class party. The programme of the Party must be popularised, the class-consciousness of the masses must be awakened. This will be done through the Party press, public meetings, workmen's club, proclamations, leaflets, etc." The vanguard, that is the C. P., must be in the very thick of the fight and must avoid the danger of becoming isolated from the working class. Trade Unions and similar organisations are to be the field of operation of the working-class party. Its activities must reach the working class in the factories, etc. The Party must organise the large unorganised portion of the proletariat into Trade Unions. Party members must penetrate the existing Trade Unions and business organisations and so on. Lastly the "press is an essential instrument to build up the Party..... There cannot be any Party without a Party press."

- O. P. 212.** The next letter to which I come is a letter put in by the defence as D. 371 and proved to have been recovered in the search of Begerhotta's house at Rewari. It is unsigned and undated but it is to be remembered that it is a letter found in the possession of a man who was Joint Secretary of the Communist Party of India at that very time, the end of 1926, which the contents show to be the approximate date of this letter. A study of the contents and comparison of them with P. 2323 P. makes it clear that this also is a letter from the Foreign Bureau intended for the Party in India. The writer begins by asking the addressee to excuse the delay in answering his letter of October 16th. It may therefore obviously be taken that this letter was written towards the end of November 1926. This letter refers back quite plainly to some of the contents of P. 2323 P. and as the prosecution has remarked is worded in an authoritative manner. The writer says "I am taking this opportunity of not only replying to the question raised in your letter but also to discuss some of the most important questions that face our Party as a whole. Consequently you will consider this letter as addressed to the leading comrades and make them acquainted with its contents." The writer then goes on to revert to a point discussed in P. 2323 P. He says "when we suggest that the name of the Party should be changed we do not mean that the Party must be liquidated." In P. 2323 P. near the bottom of page 145 (F. C.) the Foreign Bureau he said, "But the name of the Party should be changed, provided you agree to it." Then he goes on to demolish an argument which evidently formed part of the letter from India of the 16th of October that "once the Communist Party has been allowed to exist we should not change its name." But the writer points out that this allowance of existence was only temporary, and he says "the raid on the Central Committee at Delhi has practically driven the Party underground." In all probability the office of the Reception Committee was in the Party office established by Begerhotta and Ghate at Delhi. He goes on to explain why the Communist Party was allowed to exist legally from December 1924 to the end of 1925 and how it was allowed to continue for another year after it had been captured by the real Communists. Then he proceeds to explain that an open legal party can not draw under its control the large revolutionary element, because that element is not ideologically prepared and courageous enough to join openly a Communist Party; "under the present conditions a Communist Party in India is bound to be a small sect without any political influence unless it can find a broader organised apparatus through which it can function." He next explains that "the proposition to change the name of the Communist Party should not be confounded with the proposition that Communists should take an active and leading part in the organisation of the People's Party." Hence two parties are required, one a party of the working class which will be essentially a Communist Party, though it will not bear that name owing to the difficulties of the situation, the other a revolutionary Nationalist Party in which will enter the working class organised in its own party, which this letter proposed to call the Workers' and Peasants' Party instead of the Communist Party. The implication of this is that the W. & P. P. is a party which would enter the revolutionary Nationalist Party or the People's Party. The Communists are to organise themselves inside this legal W. & P. P. as an illegal fraction and he says "our object will be gradually to develop the W. & P. P. into a real Communist Party by means of ideological education and political training connected with action." Next he proceeds to detailed suggestions of how to bring about this Workers' and Peasants Party in India, and proposes that the nucleus which already exists in Bengal in the W. & P. P. should be broadened into a nationalist

organisation. "The W. & P. P. of Bengal should call a conference to organise the W. & P. P. of India. To this conference will be invited all organisations which now belong to the C. P. as well as other revolutionary working class or socialistic organisations that sympathise with us. As all matters stand this conference will be entirely controlled by us and the W. & P. P. of India will remain under our leadership. The Central Committee will easily be composed of conscious Communists." Then, after making some suggestions as to the organisations which the W. & P. P. of India should seek to draw into its ranks, he says "The platform of the W. & P. P. will be a political party of the working class with the object of fighting for national independence as the first step towards higher forms of freedom..... While standing on the platform of class interest and the class struggle the party will fight for a united national front against Imperialism and therefore will enter the national revolutionary People's Party." Next he goes on to the familiar subject of party organs and after some complimentary remarks about the "Ganavani" which he imagines that his addressee (who may therefore obviously be Begerhotta or Iyengar, neither of whom would probably understand Bengali) is probably unable to read, he says: "An English paper on the same lines should be published as the central organ of the W. & P. P. of India. Besides this central organ a number of provincial papers should be published in the respective vernaculars. But what is very important is the coordination of the policies of these papers. They should all be controlled and guided by the C. C. of the Party according to the general lines sketched above." Then as to finance he says "Here I do not want to enter into the discussion of material assistance for the Party press. You will be approached on this question by others who will be able to discuss the question more concretely." I should be inclined to suppose that he means that the agents who are being sent to India will be discussing this matter directly with the comrades in India. He points out later that Delhi is not the proper place for the Central Committee of the Party which should be wherever the working class is strongest. Again on the same old subject of literature, he says the "first and most important of them (tactical questions) is the creation of an apparatus for importing literature from abroad and the production of literature as far as possible inside the country." Lastly he says "I hope you are already informed about Campbell. You must get closer to him and help him understand the situation, only in this case will he be of any real use to us. His main task is to help the development of the Left Wing inside the T. U. C. He has been advised to keep out of party politics except in an advisory capacity when necessary. Some other comrade, especially charged with this task will meet you soon if he has not done so already." Doubtless this is a reference to Spratt's arrival in India and may possibly mean that the letter is to be dated a fortnight or so later than I had suggested. That is also to be inferred from the remarks about Campbell which imply that the writer has heard from Campbell and understands that he has not been able to get in as close touch with the Indian Communists as is necessary.

O. P. 215.

The last of this series of letters is P. 2324 P. dated 1-12-26 from Sipassi to Iyengar through the cover address Kannan. He begins with a reference to the money sent to Begerhotta to the Rewari address, and says "It is a pity that money fell into the hands of Dogs", that is the Police. He adds "you will receive more soon. A permanent arrangement is going to be made soon." There is more about money in this letter as for instance he says "some money has been sent direct to "Ganavani." Please let us know if M. A. has received it. I believe he is the editor of the paper." Then there is a P. S. in which, among other things, he says "£ 50 were sent to the Editor "Ganavani"." There is in this letter a very cryptic paragraph in the following terms: "You know the words. It is all right. Some one will meet you. He needs a person to help him in the work. Please don't refuse his offer." This may have some reference to Spratt's arrival in India but it is difficult to be certain. It is worth noting that in his next letter P. 2325 (F. C. 181) of the 10th of February 1927 he says "it seems there is some confusion about the "man with the word" (whom we have found elsewhere called the herald). It is not one, it is two, as I wrote to you in a way." At the end he sends greetings to Beg, Ghate and other comrades. This letter has a long P. S., the first part of which cancels two addresses in Paris and gives a fresh one and promises to send some more. Then we get another mention of Colombo as follows: "The Colombo work has to be stopped for some time as the man Rousset is not trustworthy. The Dogs know everything about it."

O. P. 216.

On the same date on which this letter was written there was published the document P. 85, a manifesto to the All-India National Congress by the Communist Party of India, printed at the Dorrit Press, Ltd., London, who are the printers in a large number of cases for the Communist Party of Great Britain. It is not disputed that the C. P. I. got this document printed, though we may well doubt the truth of the explanation given by Muzaffar Ahmad accused at page 500 of the statements of the accused, where he said that "the Party got the Gauhati Manifesto printed in London through our comrades residing there because of the trouble we had in the manifesto of May 1926 on the Hindu-Muslim problem," a fact which could easily have been proved by the evidence of P. W. 104 S. C. Mazumdar, a witness of whom the least that I can say is that I formed the impression that he was ready and anxious to say everything he possibly could to help the accused. In this manifesto we find, as in other publications of this date, a long account of how the nationalist parties have failed, and it is implied that the only means whereby the National Congress can regain its authority is by mobilising the rank and file on a platform of revolutionary nationalism. Further on the writers say the National Congress must repudiate "the programme and policy that seek to make it an instrument of parties betraying national interests for the sake of a small minority" and follow this up by adopting "a programme of democratic national freedom. Pseudo-parliamentarism should be replaced by militant mass action." Later they say, "India can not become free from foreign domination except through the revolutionary action of the entire people." On page 106 of the printed exhibit (P. 85) we come to a series of propositions which are emphasised in italics. I quote a few items here and there: "The people must have freedom, complete and unconditional. There must be a People's Party to demand and fight for this freedom." "The concrete form of national freedom will be the establishment of a Republican State based on advanced democratic principles." "A National Assembly elected by universal adult suffrage will be the supreme organ of the people." "The National Government will guarantee the industrial workers an eight-hour day and minimum living wage. There will be legislation as regards decent working conditions and housing. Unemployed workers will be taken care of by the State." "Public utilities such as railways, etc., will be the property of the nation. They will be operated not for private profit, but for the use of the public." "Workers (also peasants) will have full freedom to combine, and the right to strike to defend their interests." "There will be complete freedom of religion and worship," and so on. But it will be noted that those who drafted this document must have done so with a sharper eye even than usual on the question of expediency.

O. P. 217.

PART V.

- O. P. 218. These letters and manifesto bring us to the end of the year 1926 and with that year we come to the close of a period in which the activities in connection with the conspiracy are mainly visible from what I might call the external aspect, that is external to India. From the beginning of 1927 the history of the conspiracy consists of the history of activities in India linked closely with correspondence with Europe. But from now on the bulk of the correspondence is from India to England and Europe, and not as it has been so far from Europe to India. The material inevitably becomes even more difficult to handle and keep in an intelligible shape than it has been so far. 5
- It will be remembered that in the letters with which I have been dealing in the last chapter we had a mention of the W. & P. P. of Bengal and of a gentleman called Campbell. We have also had indications of the approaching arrival of Spratt accused. 10
- Bengal Workers' and Peasants' Party.** For the history of the W. & P. P. of Bengal it is necessary to go back on our tracks a little. One of the most useful pieces of evidence for the early history of this Party is a pamphlet published by the Party in April 1928, "A Call to Action", copies of which were found in the possession of most of the accused. It therefore bears a great many exhibit numbers. It is printed in the exhibits as P. 523, that being the number given to the copies recovered at the search of the office of the W. & P. P. of Bengal at 2|1 European Asylum Lane, Calcutta. This pamphlet contains the resolutions, theses and report presented to the Third Annual Conference of the W. & P. P. of Bengal held at Bhatpara at the end of March 1928. As there are numerous copies of the pamphlet on the record I shall refer to the page numbers of the pamphlet itself. At page 45 is the report of the Executive Committee for the year 1927-28 (also on the record as P. 52, a separate copy of this report recovered in the search of the property of K. L. Ghosh) which begins with a history of the Party. This shows that the earliest form of the Party was the Labour Swaraj Party of the Indian National Congress which came into existence on 1st November 1925. We have the constitution of that Party on the record as P. 549 (13). In this constitution the object of the Party is stated to be "the attainment of Swaraj in the sense of complete independence of India based on economic and social emancipation and political freedom of men and women" and the means for the attainment of the above object is stated to be "non-violent mass action." The paragraph in regard to membership is illuminating and may be read in conjunction with the policy and programme. It runs as follows: "Any member of the Indian National Congress who subscribes to the object, constitution and programme of the Party shall be eligible to be a member of the Party subject to the confirmation by the Central Executive. The membership of this Party does not preclude anybody from being a member of the Swarajya Party so long as protection and promotion of the interest of labour and peasantry remain a part of their programme." In the statement of policy and programme, after a series of 8 paragraphs each beginning with the word "Whereas", the Party goes on to declare that the only means yet left for enforcing the demands of the people of India lies through the organisation of labour and peasantry. Then follows a statement first of methods and then of ultimate demands, which under the head of labour relate mostly to nationalisation of industries and public utilities and under the head of peasants to the vesting of the ownership of the land in village communities. Among the leading demands we find many familiar proposals such as minimum wage, 8 hour day, legislation for housing and so on. This whole document is over the signature of one Qazi Nazrul Islam, but although his name recurs in the subsequent development of this Party, and he is not an accused we are not particularly interested in him. On the other hand we are interested in Muzaffar Ahmad accused and we find a clear indication of his connection with this Party in a letter P. 1140 (I. C. 1) dated 19|1|1926 from him to Joglekar accused, recovered in the search of Joglekar's room on 20th March 1929 (P. W. 207 Inspector R. S. N. P. Wagle). In this letter Muzaffar Ahmad says that he is sending to Joglekar a few copies of the manifesto of the Labour Swaraj Party (provisional) and adds, "this party will be rendering every sort of help to the Communist Party of India. The "Langal" is a Bengali Weekly Organ of this party. I am now contributing articles to "Langal". 15
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- O. P. 219. 20
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The next stage in the history of this Party was reached on 6th February 1926 when at the All-Bengal Tenants Conference at Krishnagar it was decided to form the Peasants' and Workers' Party of Bengal in which the Labour Swaraj

Party was merged. The report states that a constitution was approved and published embodying the main points of policy of the Labour Swaraj Party. We find this constitution recovered at 21 European Asylum Lane and put in evidence as P. 549 (8) ; the object here is unchanged, as also the means : the first part of the membership clause is altered and we now find that " every person above the age of 18 years who will subscribe to the object, constitution and programme of Party may be taken in as a member of the Party subject to the approval of the E. C. " Membership is in fact no longer limited to the members of the Indian National Congress. The second half of the membership clause remains as before. The persons found in the list of the office-bearers who are of importance in this case are Soumyendranath Tagore, Asstt. Secretary of the Workers' Sub-Committee, and No. 14 of the members of the E. C., Muzaffar Ahmad accused. In this search of the W. & P. P. office, to which I shall have to refer very frequently in future, there were recovered a series of letters P. 447 (5), (6), (7), (8), (9), (10), (11) and (12) which it is not worth while to quote in detail, but which are letters from the Krestintern or Farmers' International Moscow, which corresponds to the Profintern or R. I. L. U., bearing dates in March, April, May and June 1926 and showing an attempt by the Krestintern to get into touch with this new Party. It is important to note that two of these letters, addressed by the Party to the Krestintern, P. 447 (7) & (9), are signed by Muzaffar Ahmad accused as well as Shamsuddin Husain who signs himself as General Secretary of the Bengal P. & W. P., although in the constitution he is shown as Assistant Secretary, Peasants' Sub-Committee. Another of these letters, P. 447 (8), apparently written about the end of May or the beginning of June, mentions the decease of the Party organ " Langal " and the intention to restart it shortly under a new name " Ganavani. " The above will be sufficient for the history of the Bengal W. & P. P. (or P. & W. P.) up to the end of 1926.

O. P. 221. Before going on to 1927 it is necessary to go into the facts in regard to the visit of George Allison alias Donald Campbell to India in 1926. P. 671 is proved by the evidence of P. W. 182, Inspector Derojinsky, to be a passenger list which he obtained from the P. and O. Shipping Company's office in Bombay. It is a list of the passengers who arrived at Bombay on 30th April 1926 by the P. & O. S.S. Razmak. In this list we find the name of Mr. D. Campbell. This witness deposed that he knew this Mr. D. Campbell, because he was prosecuted in Bombay for disembarking there on a forged passport. P. W. 247, Sergeant Littlewood, deposed that in the course of his duties on the 30th April 1926 he examined the passports of passengers who arrived in Bombay on board the S.S. Razmak including that of one Mr. D. Campbell, about whom he says he was the same man who was tried in the High Court's criminal sessions for forging a passport. The witness was scarcely cross-examined on this evidence and all he said in cross-examination was " I gave evidence in Mr. D. Campbell's case. That was all that I had to do with the trial. " Inspector Derojinsky says that D. Campbell's real name was George Allison. A man of that name is mentioned in P. 2400, the report of the Seventh Congress of the C. P. G. B. 1925, at page 142, where he is mentioned with Comrade Brown as a member of the delegation to the Enlarged E. C. C. I. who was already in Moscow. It is also practically admitted that George Allison and Donald Campbell are one and the same person. (See for example P. 1470 (I. C. 68) from Ghate accused to the Superintendent of the Yeravada Jail). But it does not matter very much from the point of view of this case, particularly bearing in mind the nature of the references to Campbell which I have quoted already, and which show that he came out to this country so to speak on duty as a member of the C. P. G. B. On the other hand these letters also suggest that there was nothing in his public capacity to suggest his connection with the Communist Party. P. W. 224, F. X. Pereira, produced the register of the Hotel Majestic at Bombay. P. 1495, which contains an entry of the name of D. Campbell on the 3rd May 1926, and the witness says that " the practice is that the visitor signs the book on arrival. " It might almost therefore have been presumed that this was a genuine signature of Campbell. But there is further evidence on this point. Apart from the results of the comparison made in the Court, Major Doyle, P. W. 242, who was the Superintendent of the Yeravada Jail, Poona, during the period 23rd March 1927 to 20th May 1928 during which George Allison alias Donald Campbell was a prisoner in that jail, identified Campbell's handwriting in P. 1469, a letter produced from his office file and purporting to be written by Campbell to Mr. Ginwalla Bombay on the 18th May 1928, a few days before Campbell was expected to be released. This witness was acquainted with Donald Campbell's

O. P. 223. handwriting because as he said " he saw every letter which Donald Campbell wrote from jail ". He identified the handwriting of Donald Campbell in P. 50, P. 1469 to which I have just referred, P. 1144 (only partial) P. 1948 (1) to (4) and P. 1949. This witness's evidence was supported by the evidence of Mr. Stott who at page 6 of his evidence gave it as his opinion that the person who wrote and signed P. 1469 also wrote and signed P. 77, the name or signature in P. 1495 encircled in red, and the pencil writing on P. 1949, front side. This witness had found no signs of forgery. 5

I do not think there is any evidence about what Donald Campbell was doing from May to October, and presumably he was occupied in T. U. C. work as that was the pose he had adopted. We first come across him on the 26th November 1926 in the letter P. 1144 (I. C. 7), recovered from the possession of Joglekar accused. This is a letter addressed Dear J. which in the circumstances must naturally be supposed to mean Dear Joglekar. This letter ends with the remark " I am sending a copy of this letter and the resolutions to Mirichkar (Mirajkar)." Now on the 29th November 1926, there was intercepted at Bombay by P. W. 250, Inspector Dost Mohammad, a letter bearing a Calcutta postmark and dated 26-11-26 addressed to V. S. Pawar, Shilotri Bank, Girgaum Branch, Bombay. It was intercepted because the police had information that that was a cover address used by Ghate accused ; the contents of this letter were (1) a note beginning Dear M, on the back of which there was written in pencil the words " To M. Please forward ", (2) a letter dated 26-11-26, from D to J which was a copy of P. 1144 and (3) a typed copy of the draft resolutions found attached to P. 1144. Typed copies were made of all three but subsequently the letter from D to J was photographed. In view of the remark at the end of P. 1144 there is no reason to doubt that P. 1835 was intended for Mirajkar accused. Incidentally the D used by Donald Campbell in signing these letters is a peculiar form of D which, according to Major Doyle, Donald Campbell was in the habit of using. This same D. is also to be found in the four slips P. 1948 (1) to (4) purporting to be signatures of Donald Campbell recovered from Spratt accused's possession in the 1927 search. It will be noted that this letter was written from Calcutta and in this connection there is on the record a statement of P. W. 77, Mr. S. D. Robertson, proving the register of the Continental Hotel, P. 2118, in which the name of Mr. Donald Campbell appears on the 22nd November 1926. As the witness says that it is the practice for visitors to sign the register it is to be presumed that this signature is Campbell's own, so that we have it shown that at the time letters which are alleged to be Campbell's were posted in Calcutta, Campbell was himself actually there. In these letters Donald Campbell sent to Joglekar and Mirajkar four draft resolutions which were to be moved at the A. I. T. U. C. at Delhi a few months later, and three for presentation to the A. I. C. C. and the National Congress to be held at Gauhati in December 1926. It will be convenient to leave the T. U. C. resolutions to a later date when I shall be dealing with the Delhi Congress of the A. I. T. U. C. 10 15 20 25 30 35 40

O. P. 224. Dealing with the draft resolutions for the National Congress, Campbell notes that the first resolution (on the political tasks of the Congress) is very mild " as we have to be careful lest we drive away what little support there is for us." He goes on to enlarge on the possible line of argument. The conclusion is that the speaker will have to show the Congress that the present position is that " Congress is faced with the alternative of being swamped by falling into the rut of co-operation or strengthening itself by assuming a mass character and fighting for the immediate and ultimate demands of the lower strata (namely the workers and peasants)." The second resolution about organisation is he says simply a reflex of the first and the idea is to prove to the mover's supporters that what is aimed at is actual work and not mere pious resolutions. This resolution Donald Campbell says is " similar to one we already drafted for the B. P. C. C. group ", which would appear obviously to mean the group in the B. P. C. C. (Bombay Provincial Congress Committee) which was responsible for organising the Congress Labour Party in Bombay to which we come shortly. There are other mentions of the group in this letter and at the end he says that he hopes Joglekar will be able to call an early meeting of the group and get all these matters discussed and let him know how things are proceeding within the B. P. C. C. and on the T. U. C. spheres. The third resolution contains the programme of the immediate demands, a difficult subject as Campbell remarked in his letter. In the letter to Mirajkar we get another reference to the B. P. C. C. group 45 50 55 60 65

where he regrets that he had not so far had time to draw up the suggested constitution for the Bombay Labour League. He promises it in the course of the next few days and I think we need feel no doubt that P. 1354 (4) recovered from the search of the office of the W. & P. P. of Bombay on 20th March 1929 (P. W. 211, Inspector S. J. Achrekar) is the constitution which was ultimately drafted. It is called Draft Constitution of the Labour Party, and the object of the Party which is to be called the Congress Labour Party is stated to be (a) to capture the Congress machinery, (b) to establish Federated Republic of India based on universal adult suffrage. The Party apparently did not get as far as forming a policy or programme that being part of the business to be transacted at the annual general meeting, at which also one member was to be elected as a leader to represent the Labour group in the Congress. It is not necessary to waste much time in considering this Party as very early in 1927 it was superseded by the W. & P. P. of Bombay.

O. P. 226.

It will be convenient here to deal with the remainder of the evidence on the record in regard to Donald Campbell. On the 22nd January 1927 the rooms of D. W. 16, Kalidas Bhattacharya in Calcutta were searched and in the course of that search the passport of Donald Campbell was recovered (P. W. 45 Sub-Inspector S. G. Dutt). On the following day Donald Campbell was arrested (P. W. 50 Mr. E. A. Hartley). The evidence of P. W. 50, along with the search list P. 1737 shows that he had in his possession a copy of "Modern India", the "Manifesto of the Communist Party", 2 books on Lenin, a copy of the magazine "Communist International", 2 copies of the "Sunday Worker", and a good deal of other literature. Subsequently he was sent to Bombay for trial and was there tried for an offence under the Passports Act, as, his real name being George Allison, he had come to India with a passport in the name of Donald Campbell. He was convicted and sentenced to 1½ years' rigorous imprisonment. This conviction is referred to in P. 2364, the report of the C. P. G. B. Congress of 1927 at page 57 where there occurs the following passage: "We regret to have to report that comrade Allison, who for some time past had been actively helping in the Indian trade union movement, being actually elected chairman of the Reception Committee of the All-India T. U. C., on the eve of his arrest, was sentenced last March to eighteen months' rigorous imprisonment." In the course of his period in jail attempts were made by some of the accused in this case to interview him. Ultimately on the expiry of his term he was brought to Bombay and deported. We find one or two further mentions of him in the exhibits. For instance in P. 1260 (F. C. 473), a report of the First Conference of the British Section of the League Against Imperialism held in London on July 7th, 1928, we find at page 481, that "George Allison who had recently spent eighteen months in an Indian prison then spoke of his experiences in that country."

There is another reference to Allison in P. 2215 (1), an appeal from the R. I. L. U., sent to a number of persons at the A. I. T. U. C. at Jharia at the end of 1928, in which Allison and Spratt are described as representatives of the real class-conscious workers of England.

O. P. 227.

The last evidence in regard to Allison to which I need refer at this stage is the correspondence in regard to his kit and the bill for his legal expenses. It consists of three letters. The first P. 526 (16) (I. C. 190) is a letter dated 1st July 1928, from Spratt accused to Mr. Ginwalla asking him for his assistance in regard to sending to Mr. Allison, whom Spratt says he sees from the Press was deported after his release, four packages deposited at Thos. Cook's in Hornby Road, Bombay. In this letter Spratt suggests that the baggage be addressed to Allison either c/o The Labour Research Department, 162, Buckingham Palace Road, London S. W. 1 or c/o H. Pollitt, 38, Great Ormond Street, London W. C. 1.

Next in P. 2003 P. (F. C. 336) G. A. that is George Allison himself sends to Spratt a copy of a letter received from Mr. Ginwalla about his legal expenses. This copy is P. 2003 P. (1) (F. C. 572). In this letter Mr. Ginwalla wrote to Allison that all the documents in regard to his trial, etc., would be sent to him in due course and that Spratt was arranging to forward his kit. Then in regard to the account he says: "As regards your suggestion for sending the account, I have to inform you that my out-pocket expenses have been covered, but so far my professional charges have not been paid. I shall therefore thank you to let me know what you propose to do in the matter. On hearing from you I shall send my bill of costs." With reference to this G. A. says in his letter P. 2003 P.: "It was decided here that you should see him with regard to the last item—his bill. First of all ascertain if all the documents mentioned in the first par. have been sent on. Then suggest to him that it is unlikely that I will be able to meet his

bill for a long time—if ever. Remind him that there was a tacit understanding that he would do the job for out-of-pocket expenses, and try and get him to agree to that now.” The interesting point in this letter is of course the remark “it was decided here”, obviously meaning that there had been a decision by some authority in England to which both Spratt and Allison were subordinate. It is not a very difficult inference to draw that this could only be the Communist Party of Great Britain. 5

SPRATT accd. arrives in India.
O. P. 228.

The next event of importance in the history of the case is the arrival in Bombay on 30th December 1926 of Philip Spratt accused. The documents in connection with Spratt accused's coming to this country, apart from those to which allusion has already been made, are the recommendation which accompanied his passport application, P. 2443, (F. C. 144), the passport application itself, P. 2442, a so-called agreement P. 1950 (F. C. 164), some letters of introduction P. 1951 (F. C. 167) and P. 1952 (F. C. 168), Spratt's diaries P. 1006 & P. 1947 and two letters P. 1859 and P. 1953 (F. C. 185). 10 15

P. 2443 dated 29-9-26 is a letter from Birrell and Garnett, English and Foreign Booksellers, signed by one of the members of the firm, Graham Pollard, addressed to the passport authorities recommending that a passport be issued to Spratt accused, in the following terms :—

“ It is necessary for Mr. Philip Spratt, who has been employed as a buyer by our firm for some time, to have a passport for Europe, America and the British Empire, to enable him to attend to foreign sales to which we are giving increasing attention.” The passport application, P. 2442, states the purpose of the journey to be “ holiday and business (purchase of books) ”. Then the agreement P. 1950 is a document dated 7th December 1926 signed by Graham Pollard for Birrell and Garnett, and is in the following terms :— 20 25

“ As Mr. Philip Spratt is proceeding to India, we agree to engage him as our agent, and to pay him a commission of 5 per cent. on the gross value of all second-hand books, English or foreign, sold through his agency. Furthermore we agree to pay him a certain proportion on new English books sold through him, subject to the conditions of the Net Book Agreement.” P. 1953, to which I have referred, is another document written on Birrell and Garnett's business letter paper and is a letter dated 16th February 1927 also from Graham Pollard to Spratt (recovered from Spratt in the 1927 search). What the precise meaning of this letter is, it is impossible to say. It runs as follows :—“ Dear Philip— Thanks for your activities on my behalf, but I am afraid they have not yielded very much so far. I have sent back that book on Indian Art as it seems to me too expensive and also somewhat difficult to sell from its subject. Du Perl books all seem quoted to us over a pound, so I am afraid that Mr. Whats-his-name may not be enthusiastic. I hope that your other order will materialise ; can't you try elsewhere than in that town which gives you such a mysterious itching on your leg ? But still, I live in hopes of your building up a terrific export business for me.” 30 35 40

O. P. 229.

Now it will be noticed from these documents that Spratt accused did not come out to India as the agent of Birrell and Garnett but only undertook to do some work for them while he was in India. Secondly it is an odd coincidence that the gentleman who helps to make the arrangements should be Graham Pollard, one of those who were interested in work among Indians in the universities, as we have seen earlier. Curiously enough he is also, as is shown by P. 1315, a Director of Martin Lawrence, Limited, publishers, a firm with 7 directors no less than four of whom are definitely Communists, and a fifth W. H. Hutchinson is Chairman of the L. R. D. It may not, of course, be so, but in the circumstances as we know them, I am inclined to think that the terrific export business of which Graham Pollard is thinking has nothing to do with the books of the firm of Birrell and Garnett, whatever connection it may have with the export of Communist literature to India. Spratt accused, at any rate, does not claim to have done any work at bookselling, so we must assume that what he came out for was a holiday and some other business. The question is, what was that business ? 45 50 55

O. P. 230.

Turning to the letters of recommendation P. 1951 and P. 1952, both are on Labour Research Department paper and signed by R. Page Arnot, another gentleman whose name is familiar in connection with the interest shown by the C. P. G. B. in Indian students at Oxford, and also a man whose work and position in the L. R. D. was regarded as highly important to them by the C. P. G. B. These two letters of introduction are addressed to Dewan Chaman Lal and 60 65

Mr. Goswami, and it appears from the evidence of Mr. N. M. Joshi, D. W. 29, on page 6 of his statement that Spratt came to him first with an introduction from the L. R. D. That is to say Spratt accused came out to India with introductions to the same three persons whose names have come into prominence in connection with the East and West Conference in 1925. In both these letters we find Page Arnot saying that Spratt has promised to do what work he can for the L. R. D. while he is in India on business (this business which is so carefully kept concealed under a cloud). In both letters it is also mentioned that in the last few years Spratt has done a great deal of voluntary work for the L. R. D.

On his way out, as his diary P. 1006 shows, Spratt had an interview in Paris with Clemens. As Clemens is the Christian name of C. P. Dutt and as we find a considerable amount of correspondence between Spratt and C. P. Dutt in the next couple of years, there seems no reason to doubt that this means that he had an interview with Dutt prior to his departure from Europe. It may, of course, be only a coincidence again that in "The Labour Monthly" for July 1925, part of P. 1269, C. P. Dutt had recommended a Workers' & Peasants' Party, a mass nationalist party, and that soon after the arrival in India of Spratt, fresh from an interview with C. P. Dutt, the party which was at that time not yet fully organised as the Congress Labour Party, changed its name and came into active existence as the Workers' and Peasants' Party of Bombay. It is certainly curious that whereas the papers which we have so far looked at do not imply anything very important in the business on which Spratt was coming out to India, he should speak in his diary (P. 1006) of relying on the pressure of "more important affairs" to wash away the memory or effect of some disappointment he had had not long before. Spratt accused actually landed in Bombay on the 31st December 1926 and in the course of the next few weeks he interviewed a number of people, as the entries in his diaries show. On 8-1-27 we find a note of letters written to Joshi, Douglas etc., and in this connection it is worth noting that there are entries in his diary just prior to this showing that he had not been in very good health, having apparently suffered from stomach trouble such as often follows a chill. The only point in mentioning this fact is that there are references to it in P. 1859 (F. C. 179) dated January 25, 1927 and intercepted and withheld (*vide* the evidence of P. W. 253, Sub-Inspector Kothare and P. W. 251, Inspector Desai) in which Douglas, whom we shall find proved to be identical with C. P. Dutt, replied to this letter in a letter which contains writing in invisible ink. This letter, though I do not propose to deal with it here, would be a remarkable letter for a genuine bookseller to have received, and it can scarcely be supposed that such a letter would be written to someone who had come out to India genuinely to sell books and not for the purposes which this letter and the evidence as a whole suggest. In P. 1947 on January 14 again we find Spratt writing to Graham (obviously Pollard), Robin (obviously Page Arnot) and others. Then on the 22nd January, the day on which a Lenin Day meeting was held, we find a note 'Sandhurst Road Hall. 6.30.', and there is evidence that the place, which would ordinarily be so called, would be the Marwari Vidyalaya Hall at which this Lenin Day meeting was held. In connection with this meeting there are some interesting facts. The witness to this meeting was P. W. 215, Inspector Desai, who says merely that he attended it and submitted to the Deputy Commissioner the report P. 1942. He saw the accused Ghate, Joglekar and Jhabwala at the meeting. Jhabwala who presided made a speech from the chair and Joglekar also spoke. The evidence as to the search of the Bombay W. & P. P. office shows that in that search a letter P. 1354 (1) was recovered which is dated 22-1-1927 and addressed to the conveners of the Lenin Anniversary meeting, on the envelope of which there are two draft resolutions relating to Lenin's services to the oppressed and to prayers for the peace of his soul. There is also a mention of this meeting in the Secretary's report of the Bombay W. & P. P. for the years 1927-28 which would itself go to show that despite the date this was really a Workers' and Peasants' Party effort. But the evidence goes further as the account book of the Party, P. 1365, shows an entry on the debit side dated 25-6-27 of Rs. 12 paid for the Marwari Vidyalaya Hall: "charges re: Lenin". The facts which I have summed up here in regard to this Lenin Day meeting are for all practical purposes admitted in Mirajkar accused's statement at pages 1424 & 1425 of the statements of the accused.

A little later on, on the 8th of February, just about the time when the Workers' & Peasants' Party of Bombay was being organised we find in Spratt's diary appointments with Jhabwala and Miraj (obviously Mirajkar), which, at any rate, show that he was meeting and talking with persons who took a leading

part in starting that Party at the very time of its inauguration. There are also entries in the diary against the 16th and 17th of February which show that Spratt attended a general meeting of the G. P. I. Railway Union at Matunga on the 17th and indicate that he was losing no time in getting into contact with Trade Unions in India. 5

O. P. 233.
Workers' and
Peasants' Party
of Bombay.

I think it will be most convenient, as I have suggested a connection between Spratt accused and the re-organisation of the Congress Labour Party as the Workers' and Peasants' Party of Bombay, to take up the evidence in regard to that re-organisation now. The very first document to which I shall refer in connection with the organisation of the W. & P. P. supports the view that Spratt accused took a very active interest in the organisation of this Party. P. 1355 (7) D. is a sheet of notes (recovered from the office of the W. & P. P. of Bombay) in Spratt accused's handwriting headed "Tasks in preparation for the meeting of January 26, and for the meeting itself". The following items in these notes are of particular interest :— 10 15

" (1) Decide who are to present the programme etc., (preferably the future committee members).

(2) Get the programme accepted by as large a majority as possible.

(3) Perhaps get an addendum proposed of an international nature.

(7) Immediate allocation to groups. 20

(9) If possible, immediate election of group secretaries, so that the full committee may meet at once.

(12) Get an announcement of the formation of the party in the "Herald".

(13) Formulation of principal tasks (1) obtaining representation in the National Congress Committees (2) getting programme accepted and our delegates elected by the T. U. C. (3) support for the textile paper (4) increase the membership (5) "Hands off China Campaign". 25

Peasant question must be tackled as far as possible, but the first task is with the working class."

Then he gives some slogans and remarks : "For immediate purposes the most important is : "Hands off China." " Then the last two lines are as follows :— 30

O. P. 234.

"The united front committee of the National Congress Committee, Sw. (Swaraj) Party, T. U. C., W. P. P. should be formed for Bombay as soon as possible." 35

The next document in this connection is P. 1355 (7) C, from the same source, consisting of two sheets of paper on which there are the following notes :—

"Workers' & P. Party, Bombay.

Executive :—Chairman Thengdi, Vice Ch. Jhabwala, Sec. Mirajkar, E. C. Mem. Ghate & Nimbkar. 40

Group Secys. :—T. U. Pendse (Mayekar scratched out), Cong. Joglekar, (Pendse scratched out), Educ. Dr. Chitnis ? ? Peasant. Thengdi.

Provisional : Spratt, Shah, Mirajkar, Ghate, Joglekar, Pendse, Nimbkar."

The next document appears to be P. 1355 (7) F which apparently contains another series of suggestions for the body of office-bearers. This document runs as follows :— 45

"Workers' and Peasants' Party of Bombay Presidency."

(1) Resolution to be introduced by Mr. Lalji Pendse. (2) Resolution on Organisation to be moved by Mr. Nimbkar. (3) Resolution re : Demands to be moved by Mr. Mirajkar." (Note : the name of Mr. Ghate is cancelled.) Then : "President : Mr. D. R. Thengdi, Vice-President : Mr. S. H. Jhabwala (but this entry is scratched out.) Secretary : S. S. Mirajkar, Treasurer (no name entered) E. C. Member : Jhabwala, Ghate, T. U. Mr. Joglekar (Pendse scratched out), Congress : Pendse ('Joglekar Congress' scratched out), Education : Dr. Chitnis, Peasant : Nimbkar." 50 55

The prosecution theory which, I think, these documents definitely support is that these notes are explained by item I of Spratt accused's notes, namely the business of deciding who are to present the programme, etc.

L.I.M.C.C.

O. P. 235.

We come next to a letter, P. 855, dated 26th January 1927 from S. S. Mirajkar, Provisional Secretary, Congress Labour Party to D. R. Thengdi Esq., Poona, recovered in the search of Thengdi's house on 20th March 1929 (P. W. 194, Inspector Condon). In the known circumstances one would naturally suspect that this letter was written immediately after the meeting of the 26th January. In this letter Mirajkar accused says : " We intend to begin in right earnest the labour-organisational work on behalf of the newly started " Congress Labour Party " : we want your advice and assistance in that connection. I propose to convene the First General Meeting of the Party very shortly in order to elect office-bearers for the year 1927 and to consider the drafted programme and work." He goes on to impress on Thengdi accused the urgent necessity of his coming to Bombay for the purpose of this meeting at the earliest possible date. On this letter there is a note in Thengdi accused's handwriting : " Replied 29-1-27. Earliest date of starting will be Monday the 7th Feb."

Accordingly on the 5th February 1927 we find a letter P. 1355 (7) E from the Provisional Secretary of the Congress Labour Party to (a space is then left blank for filling in the name of the addressee) in which Mirajkar accused informs the addressee that " A general meeting of the Congress Labour Party will be held on Tuesday the 8th instant at 3.40 P.M. at the premises of the Students' Brotherhood, Mantri Building opposite the Royal Opera House. Mr. D. R. Thengdi has consented to preside. The business to be discussed is as follows :— (1) Chairman's address. (2) Change of name. (3) Organisation. (4) Programme. (5) Election of officers. (6) Letter from the League against Oppression in the Colonies. (7) Other business by permission of the Chairman.

O. P. 236.

N.B.—The business is important and it is hoped that you will do your best to be present."

We may certainly agree with Mirajkar accused without any hesitation that the business certainly was important. As regards the item, ' Change of name ' it is worth noting that this was foreshadowed in the last two lines of Spratt accused's note written prior to the meeting of January the 26th as well as in the two notes, P. 1355 (7) C & F the latter of which is proved to be in the handwriting of Mirajkar accused. The reference in item 6 of P. 1355 (7) E to a letter from the League against Oppression in the Colonies is to a letter P. 1355 (1), (F. C. 178), dated Berlin 12th January 1927 and evidently emanating from Gibarti, which was addressed by S. H. Jhabwala accused as General Secretary, Bombay, to the Secretary, Congress Labour Party, Bombay. In this letter the C. L. P. is informed that a Congress of the League is to be held at Brussels on February the 10th, and it is suggested that if, as obviously must be the case, the C. L. P. is unable to send a delegate, it may, at any rate, send a telegraphic message. In the same collection of papers we find there was recovered P. 1355 (2), an office copy of a telegram from Mirajkar Secretary to Gibarti at the address given in the League's letter in the following terms :—

O. P. 237.

" Peasants Workers Party India Convey Fraternal greetings down rotten Imperialism ", from which it is clear that the meeting of the 8th February authorised Mirajkar to reply to the League's letter by sending a telegram. There is no conclusive proof that there was a meeting on the 8th February, though one might well infer it from the papers to which I have referred. The Secretary's report, P. 826, submitted at the end of the year's working gives the date of the formation of the Party as 13th February 1927, but another paper in this collection suggests that it had been decided to change the name before that date. This is P. 1355 (7) A, a notice issued by S. S. Mirajkar Secretary, W. P. Party and headed " The Workers' and Peasants' Party ". It states that : " the Executive Committee of the above Party will meet on Monday the 13th February 1927 at 9 P.M. at Congress House, to consider the Preliminary working of the Party." This document bears the signatures of Nimbkar, Joglekar, Thengdi and Ghate accused. Actually the 13th was a Sunday, a slip which may support the conclusion, which follows also from the wording of the document, that it was a notice issued some days in advance. P. 1355 (7) B, another document from the same collection in Mirajkar accused's handwriting, appears to be an agenda for this meeting of the 13th February. The business for this meeting was (1) to consider a draft constitution, (2) to fix up office, (3) to open classes with a view to carry on Propaganda, (4) to start a fund. Below these entries we find 4 names of members of the Draft Committee : J. B. Patel, K. B. Sanzgiri, Joglekar, Mirajkar (Secretary) and below that again a note of

subscriptions from Thengdi, Pendse and Mirajkar. It would seem that after this meeting Thengdi accused returned to Poona leaving instructions to Mirajkar accused to take the advice of Mr. J. B. Patel as to the legality of the programme and not to publish it until he (Thengdi) should agree. Hence we get on the 15th February a letter P. 854 (I. C. 22) from Mirajkar to Thengdi recovered in Thengdi's search. This runs as follows :—

O. P. 238. " As decided yesterday I met Mr. Patel to take his advice in the matter of the publication of the programme. His words I give you as he spoke : ' It is both legal and illegal ! The interpretation would depend upon the whim of the Govt.' We met this night, and all of us have agreed in publishing the whole of the programme. Mr. Sanzgiri has withdrawn his name from the Executive, but he will continue to be an ordinary member. Please wire consent for publication. I think there need be no hesitation now that the matter is clear." In a P. S. Mirajkar asks Thengdi to wire the reply to Mirajkar, French Bank, Bombay. This letter purports to be issued and signed by Mirajkar, but the evidence of Col. Bahman as well as comparison in Court leaves no room for doubt that it was actually written and signed by Ghate accused. Incidentally it may be noted that the fact of Thengdi's departure from Bombay to Poona at this time is proved by an entry in his note-book, D. 665, showing that he left Bombay to go to Poona on the morning of the 15th February. To this letter Thengdi accused replied from Nagpur in P. 853 (an office copy recovered in the search of his house) dated 17-2-27 in which he says to Mirajkar : " I congratulate you all on inaugurating the P. & W. Party after taking all the precautions and giving full considerations to the matter. I have now no objection in publishing the programme." He goes on to accept the chairmanship and to hint that the leaders of the Party will be wise not to hope that they will rule the party and 'force' their views upon others, though of course they have every right to push their point of view. There must have been some delay about the receipt of this letter in Bombay as on the 19th Mirajkar accused wired to Thengdi for permission to publish the programme in P. 852 recovered from Thengdi accused's possession. On the back of this there is a draft reply in the following terms :—

O. P. 239. " Consented publication already Dadar Engineer Thengdi ". On the 23rd February Mirajkar accused sent to Thengdi accused a notice of a meeting to be held on Friday the 25th, which is P. 850. The business was to discuss and draft a constitution of the Party and come to a decision of the immediate work to be done by different Group Leaders. On the back of this there is a draft reply in which Thengdi accused acknowledges the notice and points out that in any case it was received too late for him to be present. He says : " I hope you have had a good meeting, and have been able to draft a good constitution for our Party. I am sure you will send me a copy of the same, before it is published. So far as I have been able to think out, the only work we can well do is to lecture to all people to bring them to our way of thinking, so that our first work is to permeate all parties and put our own point of view on things under discussion." This is a fairly suggestive remark. He continues with a reference to " our good friend Mr. Donald Campbell " saying that he has not been able to find out what has been done to him and asking for information. The letter ends with the remark : " Hoping you and all our friends are fattening for the Butcher," which would seem to suggest that Thengdi accused had little doubt that the undertaking on which the Party was embarking was bound to lead them into collision with the authorities. Finally we come to P. 851, a cutting from the Bombay Chronicle, also recovered from the possession of Thengdi accused announcing the recent formation of the Workers' and Peasants' Party in place of the Congress Labour Party. There is a note in Thengdi accused's writing on this cutting giving the date 25th February, but that appears to be the date on which he got the newspaper, as the cutting has on it only the day Thursday which would have been the 24th. The cutting goes on to set out the resolutions and demands which I shall deal with in due course.

O. P. 240. Coming to the drafting and settling first of the programme of the Party and secondly of its constitution, Crown Counsel showed in detail by a comparison of P. 720, the resolution on the need for a Workers' and Peasants' Party, the appendix to " A Call to Action " and P. 1414 B, as also P. 2510, P. 856, P. 807, P. 1747 and P. 1017, how the programme of the Party was developed from its original form in P. 720 to its final form in P. 1373 (20) and P. 1017. A copy of P. 720 was also found in the file recovered from Begerhotta (D: 375). P. 856 and P. 807 (which consist of six copies) were recovered from the possession of

Thengdi accused and P. 1747 from that of Nimbkar accused. I do not think it is necessary to follow out these changes in detail. One point of interest is, however, to be found in P. 807, namely that the top copy of this series contains amendments in Thengdi accused's handwriting and in this copy a clause in regard to limitation of interests on private loans was scratched out and this amendment was accepted in the final programme. Another point of interest in the final programme is the extent to which the demands tally with those given in Donald Campbell's letter, P. 1144, demands, which, I may note, were based in the main on Dutt's book "Modern India" to which I have referred already, so that in the long run the great majority of the demands contained in the programme finally adopted come originally from that book.

O. P. 241. Coming now to the constitution, this developed out of P. 1354 (4) into P. 1355 (8), a copy of the same draft with some amendments by Spratt accused. In this copy we may note sub-clause (d) of Para. E. wherein it is stated that one of the objects of the Party is to work for the establishment of the All-India Party with similar objects, which clearly proves that early in 1927 the question of an All-India Party was under consideration, as had indeed been suggested by the Foreign Bureau in D. 371 only a month or two earlier. Another draft is P. 1355 (6), a document which has on it the names of Mirajkar, Joglekar, Ghate and Nimbkar accused and notes against the various clauses, such as 'passed unanimously' and the like, showing that the clauses in the constitution were discussed at a meeting of some kind. The constitution which emerged from these discussions was P. 847 recovered from the possession of Thengdi accused. In this constitution we find for the first time the Party breaking away from the National Congress to some small extent, and it is curious that a slight contradiction was allowed to remain between the resolution P. 1017 and the final form of the constitution P. 847, since the resolution as finally settled decides that a political party of workers and peasants be established to voice the demands of these clauses within the Indian National Congress, whereas the clause in regard to membership in the constitution as finally settled allows any person accepting the object of the Party to become a member of the Party subject to certain clauses, the second of which is that membership of the Indian National Congress is considered 'highly recommendatory'. This final draft of the constitution is based partly on the typed portion of P. 1355 (6), partly on pencil notes in Ghate's handwriting on the same document, and partly on P. 1747 and P. 1373 (20). In the light of Thengdi's insistence on legal advice before the publication of the programme of the Party in February it is interesting to find that on the back of P. 1847 he made a note as follows :—

O. P. 242. "No publicity. Manifesto to be drawn by Nimbkar assisted by Spratt and Shah by 15th April." There is nothing known about this manifesto though it is possible that P. 1013, an article "What the Workers' and Peasants' Party stands for", recovered from the search of Spratt's belongings in 1927, may be it. I feel some doubt whether this manifesto "What the W. & P. P. stands for" can really be dated as late as the final draft of the constitution of the Party. It is one of a number of documents in a file P. 1013 which, as I have mentioned, was found in Spratt's possession in September 1927. One part of the file is a complete set of notes including typed copies of the evidence in the case against Fazl Elahi at Peshawar, allusions to which we shall come across later. The first document in the file is a suggested syllabus on the subject of politics leading up to the parties in Indian politics divided into the non-Congress Parties, the National Congress Parties and the Workers' and Peasants' Parties and ending with some remarks on the State as a class weapon. Then there is another suggested syllabus beginning in a somewhat similar way with politics but leading on through economics, Imperialism, the War of 1914, working class history, national history in Russia, China and India, to the Party and its role, the revolutionary crisis, general strike, armed uprising, etc. Then under No. 8 we find a paragraph dealing with the proper attitude on various miscellaneous questions and in this we find Spratt accused writing : "The approach to each question is how will it help us to make the revolution, and seize power? Religion, sex-equality, education, social reform, youth movements; petty bourgeoisie generally, art, etc."; that is to say, the Communist is to approach the question of each of these from the entirely utilitarian standpoint of what will be most useful to the revolution. That is the attitude which we of course should expect. Then he goes on to "general bibliography" and writes : "Every member of the class must have read, and if possible should read again during the course : Marx & Engels : "Communist Manifesto", Lenin : "State

O. P. 243.

and Revolution", "Left Wing Communism", The Proletarian Revolution", and "Imperialism", Stalin: "Leninism", R. Palme Dutt: "Communism" and "Modern India". Lastly, he writes: "M. N. Roy's books, especially "India in Transition", should be read if possible, and any 3rd International Thesis, resolutions and discussions which are available." There is after this a note on "Agitational Journalism" giving an idea of the main points to stress in a Communist newspaper. After that we come to this manifesto and in the very first paragraph we find a mention of the intention to establish an All-India W. & P. P. at the earliest possible opportunity. He then goes on to explain the need for a new Party pointing out the failure of the old Party. "The new Party", he says, "proposes to supply the needs which have been lacking in the past, a programme and an organisation which shall rally the support of the masses...and a leadership also springing from the masses." It also seeks to introduce the international idea into the movement. The attainment of Swaraj is only part of the way to complete social liberation. "The immediate fight", he goes on "is for national independence." From this he comes to 'programme' and under this head we find many of the demands with which we are already familiar. In the chapter on policy we find the passage about the Congress which gives rise to doubt about the date of this document. In this passage he writes: "We believe in using to the utmost the machinery of the Congress, which has stood for 50 years for the national cause. All our members are 'obliged' to join the Congress and work actively for it, at the same time seeking to amend its programme and organisation in the direction of making it more representative of the masses for whom it has to stand." From this he goes on to deal with the Trade Unions, peasants and youths, under the latter head referring to "the Young Comrades' League, suggested by Mr. Saklatvala during his recent visit." Lastly he deals with the international aspect of the struggle, with the Legislative Assembly and Councils, and with religion and communalism.

O. P. 244.

Saklatvala.

The remark which I have just quoted about Mr. Saklatvala rather suggests that P. 1013 was written about the end of March 1927 when that visit was coming to an end. This will perhaps be a convenient place to go back a few months and deal with that visit. We have already come across Shapurji Saklatvala several times. In addition to the occasions already mentioned we find a letter from him, P. 2371 (F. C. 93), recovered at the search of the C. P. G. B. headquarters in October 1925 (P. W. 4. Detective Sergeant Renshaw). The standard handwritings for Saklatvala are P. 2334, P. 2335, P. 2455, P. 2371, P. 2388 (1), P. 1235, P. 1287 (6), P. 1961, P. 1960 and P. 2336, about all of which P. W. 5, Detective Inspector Foster has deposed that he recognised Saklatvala's handwriting in them. It may also be noted that P. 2336 is an application for passport which is required by the regulations to be in the handwriting of the applicant himself. After comparison of the various documents in which it is alleged that the handwriting is that of Saklatvala, I have no hesitation in accepting the opinion of Mr. Stott (P. W. 277) that the signatures Shapurji Saklatvala on P. 1961, P. 2335, P. 2336, P. 2455, P. 1235, P. 1287 (6), P. 1960, P. 2324, P. 2371 and P. 2388 (1) are written by the same person and that the body writing on P. 1961, P. 2455, P. 2334, P. 1960, P. 1287 (6), P. 1235, P. 2388 (1), (2) & (3) and the writing encircled in blue on P. 2336 were all written by the same person. This document P. 2371 was a letter urging upon the Political Bureau of the C. P. G. B. the necessity of fighting the British Labour Party with the greatest vigour, and in it he suggests appealing to the Communist International for leave to work temporarily along the lines suggested by himself. In fact he mentions the necessity of obtaining the Communist International's permission to follow a particular policy twice in this letter. Saklatvala is also referred to in the Ninth Annual Report of the Workers' Welfare League of India (P. 711 (2) and P. 1359) (F. C. 243) in which he is mentioned more than once. This report was presented to the Annual Meeting held in London on January 15, 1927 and speaks of the present visit to India of Mr. Saklatvala, our Indian Secretary, "which should prove a very helpful stimulus to the work of the League and very materially assist in cementing the relations between British and Indian labour."

O. P. 245.

The first mention of this visit to India in letters between accused persons in this country is in P. 1844C. (I. C. 17) a copy of a letter written by Muzaffar Ahmad accused from Lahore to Joglekar accused at Bombay, censored at Bombay on 3rd January 1927. At the end of this letter Muzaffar Ahmad gives his address as c/o the Reception Committee of the Communist Conference at Lahore or c/o M. Abdul Majid, Esq. Dhal Mohalla, Mochi Gate, Lahore. In this letter he mentions the proposal to hold the Communist Conference at Lahore, its importance and the fact that comrade Saklatvala had been asked to

preside over it, but his consent had not been obtained as yet. He goes on to say : " He will, however, be reaching Bombay by the 24th instant (this was probably a slip of the pen for the correct date, 14th) and I think it proper to give him a reception there on behalf of the Communist Party of India." Muzaffar Ahmad continues " If you think it necessary I may come there (Bombay) also though I am ailing and my circumstances are very much strained." I have already referred to a document P. 782 which shows that Muzaffar attended a meeting of the C. P. I. at Bombay on the 16th January 1927 and in further confirmation of the authenticity of this letter I may also refer to P. 1207 (1) at page 62 in which occurs the following passage : " By this time the Lahore group decided to hold the General Conference in February last (Note : this report is dated May 1927) and a reception committee was formed. The R. C. invited Comrade Saklatvala to preside over the conference and Comrade Muzaffar who had gone to Lahore ran down to Bombay to meet Saklatvala on his arrival." This visit of Muzaffar Ahmad to Bombay is also mentioned in P. 1129 (F. C. 20) dated 1st February 1927 from Muzaffar Ahmad accused to Joglekar accused in which in the very first sentence Muzaffar Ahmad says that he has not heard from Joglekar since he left Bombay. Now the passage followning that which I have just quoted in P. 1207 (1) shows that there was some disagreement between Saklatvala and the members of the C. P. I. during the early part of Saklatvala's visit. P. 1287 (14) is the office copy recovered at the search of Appoji Rao, referred to already, of a letter dated 1st January 1927 from S. V. Ghate Joint Secretary Communist Party of India to Shapurji Saklatvala Esquire M.P. In this letter Ghate extends a welcome to Saklatvala on behalf of the C. P. I. Then after some remarks about the suitability of the time of his arrival he goes on to make a few remarks about the C. P. I. which he says came into existence a year ago under the most adverse conditions and has not been able to make headway with its programme. " However ", he continues, " we have great hopes that with your suggestions and lead we shall be able to do some substantial progress with our work. Comrade Begerhotta (Joint Secretary C. P. I.) is making arrangements with the local group at Lahore for holding our next session shortly." To this letter Saklatvala replied in somewhat non-committal fashion in P. 1287 (6) recovered in the same search and dated from the S.S. Razmak on the 10th January 1927. The prosecution also referred in this connection to the file D. 375 put in by the defence from Begerhotta's search. In that file there is a copy of this same letter P. 1287 (14) and also a copy of a further letter from the two Joint Secretaries Begerhotta and Ghate to Saklatvala written on the day of his arrival. The use of this letter was objected to on the ground that it was not proved. But bearing in mind that Begerhotta was the Joint Secretary of the C. P. I. at this time, it appears to me that an office copy of a letter issued by him at this date is just as good a piece of evidence as P. 1287 (14) itself and requires no more proof than the fact that it appears to be an office copy of a letter issued by a responsible officer of the Party from whose possession it is recovered. Now this letter complains of Saklatvala's attitude at the time when he was met by Ghate and Begerhotta on the Razmak that day. On pages 19 and 25 following we find the resolutions passed at the meeting of the Working Council of the C. P. I. on 16th January 1927 at Bombay. In resolution No. 7 the Committee protested against Saklatvala's action in sending to the Press a copy of his letter to the Secretary of the Reception Committee of the proposed Lahore Congress of the C. P. I. This Congress, it appears from resolution No. 1, was to be held between the 17th and 20th of March. Again on pages 27 to 29 there is a copy of a lengthy letter dated 18th January from Saklatvala to Ghate and Begerhotta. Bearing in mind the nature of this document, that is to say that it is a copy found in the possession of Begerhotta and addressed to Begerhotta and Ghate, two persons, both of whom were by this time familiar with Saklatvala's handwriting, I see no reason to doubt that this is a copy of a genuine letter from Saklatvala to them. In this letter he reproves the members of the C. P. I. for their hot-tempered letter to him but adds that he is perfectly willing to do whatever is in his power to make such a conference (as they proposed to hold) a success, so that out of their efforts a regular and properly authorised Communist Party of India may take birth. The rest of the letter is mainly occupied with a discussion of possible dates for a meeting. This occurrence is dealt with in P. 1207 (1) in the following passage : " Comrade Saklatvala refused this invitation " (the invitation, I take it, was to preside over the Lahore Conference) " on the grounds that we were not a regular communist party affiliated to the 3rd International and that he had his own responsibilities to the organisation which

he represented. The copy of the letter which he published in the press had created an unsympathetic atmosphere towards the party. The conference, therefore, had to be given up as it was thought desirable to avoid controversy at this stage of the party's development."

"Subsequently, we were all called to Delhi by Comrade Saklatvala, who had considerably changed his attitude by that time. At Delhi, the whole matter was discussed with Saklatvala, who agreed with us on the necessity of having a Communist Party in India." We shall come in due course to this Delhi meeting. 5

There is one more incident in connection with this visit of Saklatvala to Bombay with which I must deal. P. W. 215 Inspector Desai has deposed to having attended a lecture given by Mr. Saklatvala at the Congress House in January 1927. That meeting was under the auspices of the B. P. C. C. He went on to state : "I also attended a meeting under the auspices of the Marwari Yuwa Sangh at Hira Bagh at which Saklatvala spoke and was presented with a purse. Saklatvala was given a purse of about Rs. 150, which he said he would give to the Workers' and Peasants' Party". This was in reply to questions by Nimbkar accused. There is nothing in the witness's evidence as to the date of this meeting but it would seem to be with reference to this that a letter P. 1355 (4) was written on 8th April 1927 by Thengdi accused to Mirajkar accused in which there occurs the following passage : "I must congratulate you and your Workers' and Peasants' Party for being supplied with the sinews of war by the rich Marwaris of Bombay. Now we shan't be long in getting the Dictatorship of the Proletariat, when the capitalist class comes forward to help the workers' party." The defence cast ridicule on the idea of attaching any importance to this letter on the ground that it was written in a jocular fashion. No doubt it is written in a joking way but it certainly would have seemed a very good joke from the point of view of a Communist that money given by the Marwaris to Saklatvala for quite other reasons should have been used as a contribution by him to a Party whose ideals were entirely opposed to those of the Marwaris. With such other of the movements and activities of Saklatvala during his visit to India in 1927 as are of importance to this case I shall deal in other connections. 10 15 20 25 30

O. P. 249.

At page 221 above I brought the history of the Bengal Peasants' and Workers' Party up to the end of 1926. P. 523, "A Call to Action", at page 46, shows that "the Second Conference of the Party was held in Calcutta on 19th and 20th February 1927 under the presidency of Comrade Atul Chandra Gupta, M.A., B.L., when an address of welcome was given to Comrade Saklatvala, M.P. About 40 members were present, and about 300 visitors. A new programme of demands and organisation was adopted." Lower down we find under the head 'Organisation and Work' the following : "In 1927 conditions generally improved. New life began to appear, if slowly, in the Labour and political movements, and the Party was able to effect a certain amount of substantial work." At page 56 we find an appendix containing the demands formulated in the Second Conference of the Peasants' and Workers' Party of Bengal held on the 27th (a mistake for 20th) February 1927. This list of demands tallies with the demands contained in P. 720 almost exactly, the only differences being that in "A Call to Action" a 5½ days' week is demanded whereas in P. 720 a 6 days' week is proposed, and in "A Call to Action" it is proposed to fix the scale of income-tax on a progressive scale of incomes of Rs. 200 or over per month and in P. 720 the proposal is to introduce a steeply graded income-tax on all incomes exceeding Rs. 400 per month. The importance attached to the changed spirit implied in the formulation of these demands is shown by the fact that Muzaffar Ahmad writing in the "Ganavani" of 14th April 1927 (part of P. 576), in an article entitled 'The New Party', after discussing the failure of the Indian National Congress and of the All-India Trade Union Congress to meet the requirements of the political situation goes on to say : "For these reasons it has become very necessary to form a new party. This party is the party of the masses. We have called it the Peasants' and Workers' Party. It would include not merely the proletariat.....but also peasants and the lower middle class.....This new party of ours is composed of peasants, workers and the lower middle class. The proletariat workers will take the lead in the national struggle of India and the peasants with their immense power will join them." To say the least of it these are familiar phrases. 35 40 45 50 55 60 65

O. P. 250.

PART VI.

- O. P. 250. Before I continue the narrative of the activities of the accused in this case and their co-conspirators, it is desirable to make clear the position of a number of organisations to which reference will have to be made not infrequently, and I shall have also to go into the questions of moneys sent from Europe to Spratt accused and of cryptic correspondence and its interpretation and the use of invisible ink and of a transposition and a figure cipher code in this correspondence. 5
- O. P. 251.

**LEAGUE
AGAINST
IMPERIALISM.**

- The first organisation which has taken a prominent though possibly rather an ineffective part in the operations of the conspiracy is the League Against Imperialism. Now I referred at an earlier stage, at page 77, to a passage in P 2395 at page 72 which I said foreshadowed the foundation of the League Against Imperialism. The prosecution have also suggested that the Conference of the East-West Circle, in connection with which I referred earlier to P 1843C, dated 29th June 1925 from the Honorary Secretary East-West Circle to Joglekar accused, was perhaps an earlier move with the same object of founding "an organisation for the liquidation of the Imperialist system wherein western nations claimed domination over the people of the East for commercial or other ends." That indeed is implied in P 1260, the report of the First Conference of the British Section of the L. A. I. held in London on the 7th July 1928 when (on page 53 of the printed exhibit) we find Saklatvala making the following remark : "With regard to the complaint that Labour Members had attempted to sabotage and have failed to support the League Against Imperialism, preparations were made for the formation of this League in 1926. Its formation was discussed as early as 1924 when it was suggested that the Countess of Warwick might lend Eastern Lodge as a place where visitors from the colonies might meet to discuss the foundation of the League." This is exactly what we find in P 1843 C at F. C. 59, where the writer, Arthur Field, says : "The Countess of Warwick has kindly consented to act as hostess (that is for the Conference of representatives of the races of the East and West, see para. 1) and has placed at the disposal of the East-West Circle Eastern Lodge, sometimes known as the Labour "Chequers "" Saklatvala went on to imply that Labour Members certainly failed to give anything in the nature of a helping hand to the League. The foundation of the League Against Imperialism is also foreshadowed in the speech of Zinoviev at the session of the Enlarged E. C. C. I. on the 8th March 1926, reported in Inprecorr, Vol. 6, No. 26, dated 8th April 1926, part of P 2491, at page 402. This is in connection with what are described as methods of organisationally embracing the wide masses. In this speech he says that "during the last few years we have also been able to rely on a number of non-Party organisations But now there is a possibility of forming yet further organisations of this kind. The resolution proposed to you enumerates the following new possible types of non-Party organisations." Then after giving the resolution he goes on : "Societies to fight against war, organisations against colonial atrocities and oppression of Eastern peoples are a new type of sympathising mass organisations which in the immediate future come to our notice in many countries." Then again in Inprecorr, Vol. 6 No. 40 dated 13th May 1926 we find the theses and resolutions adopted at the sixth Session of the Enlarged E. C. C. I. in the course of which the speech to which I have just referred was made. One of these resolutions is that on the development of methods and forms of the organisation of the masses under the influence of the Communist Parties. In this resolution we may note the following passages : "The time has now come to turn our special attention to the task of the organisational utilisation and extension of this influence (of the Communist Parties)." This is on page 649. On page 650 we find the following : "A very important form of organisation of Communist mass influence are the sympathising mass organisations for definite special purposes..... Peace societies against war, organisations against colonial atrocities and oppression of Eastern peoples are new types of sympathising mass organisations which will come to consideration in many countries in the immediate future." The implication appears to me to be perfectly clear, namely, that the Communist International is itself taking an active personal interest in the foundation of such societies and warning the delegates of the necessity of lending a helping hand. The next piece of evidence in regard to the formation of this League is the letter to which I drew attention above at page 236, namely, P 1355 (1) (F.C. 179). This letter gives notice of the

- holding at Brussels, beginning from 10th February, of the International Congress against Colonial Oppression and Imperialism and the writer states that Mr. Jawahar Lal Nehru has been officially appointed as a delegate to this Congress by the Indian National Congress. The letter also mentions that "an International Exhibition will be held at the same time showing the condition of peoples under Imperialist exploitation as well as the brutalities, etc." and asking for "pictures (of famines, massacres, personal maltreatment, etc.), statistical material, historical documents etc. relating to capitalist imperialist tyranny and exploitation." There is a report of this Brussels Congress in the "Masses" for March 1927, part of P 1788 (recovered from the possession of Nimbkar accused), at pages 10-12. At page 11 we find that the Congress passed resolutions emphasising the right to freedom of all subject races, formulating proposals for the coordination of the struggle of all the oppressed people including the proletariat of the West, and laying the basis for the organisation of "a permanent League against Imperialism and for national independence." The Labour Monthly for March 1927, part of P 1784, at page 179 gives the text of this last resolution for the organisation of the League against Imperialism. In this resolution the main item of interest is the clause in regard to the League's Bureau and Secretaries which runs as follows: "The Executive Committee will elect a Bureau consisting of 7 members of whom 3 will act as Secretaries." Now it must be remembered that according to the Defence the League Against Imperialism is an entirely independent body which is not a Communist body although no doubt many of its members are Communists. On the other hand I think it is necessary to remember that there is a great deal of evidence in this case suggesting that the Communist International makes rather a point of supporting parties and organs which are described as not being 'official.' These are organisations and organs which are really Communist from top to bottom but endeavour to avoid such odium as may attach to the title of Communist. This is well illustrated in connection with the League Against Imperialism. For instance in P 2365, "The Communist International between the Fifth and Sixth Congresses" at page 123 in the section 'Great Britain' we find some references to the death of Comrade MacManus. The report after dealing with the active and leading part taken by MacManus in the revolutionary labour movement and mentioning how from 1916 to 1925 he was in the forefront of Party activities goes on to state that "almost his last activity was to participate 'on behalf of the Party' in the foundation of the League Against Imperialism at the Brussels Conference in February." So we may take it that the C. P. G. B. took a part in the foundation of this League, and if the C. P. G. B. then unquestionably the Communist International also, as indeed we should infer from the references which I have just quoted from Inprecorr. We have a reference to the part taken by the C. P. G. B. in the foundation of the L. A. I. also in P 2364, the official report of the Ninth Congress of the C. P. G. B., at page 58, which shows that the C. P. G. B. delegation "took an active part in the Conference held in February 1927 at Brussels to set up a League Against Imperialism and Colonial Oppression. The delegation further on its return to England took the initiative in pressing for the formation of a British section of the League at the earliest possible moment." The report goes on to mention the difficulties and disappointments they had. Ultimately it seems that a Provisional Committee was appointed but even then "difficulties were encountered in inducing the Committee to proceed any further with building up the League in Britain." The report continues: "No doubt an important part in this has been played by the allegations spread broadcast by the Second International (although several times refuted), and circulated privately by the Labour Party Executive to the effect that the League is a 'Moscow manoeuvre.'" Before I go on to this allegation spread by the Second International, I may quote another passage in this report (P 2364) at page 92 where, in the resolution on Imperialism, we find the following: "In particular, the Party must give active support and assistance to the League Against Imperialism, as the world organisation of all the peoples oppressed under British and other imperialist systems." This action on the part of the Second International is referred to again in P 1348 (45) (See also P 1794, P 1634, and item 101 of P 1104), a report of a Conference of the League Against Imperialism held at Brussels on the 9th to 11th December 1927. In the second resolution passed on this occasion the League says: "With reference to the document of October 7th, 1927, published by the L. S. I. (Second International) purporting to be a 'History of the League Against Imperialism' and alleging that the League was nothing but a Communist manoeuvre, the General Council of the League Against Imperialism protests emphatically
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against the publication of this misleading, unjustified and untrue document, which this General Council regards as a direct attack on the numerous nationalist organisations of the oppressed peoples, affiliated to the League, and on all revolutionary workers taking part in the work of the League." The reference to the document of October 7th, 1927 is explained in P 2523, a circular or 'press service' issued by the Secretariat of the Labour and Socialist International. This issue is dated 20th July 1929 and contains an article headed 'League Against Imperialism and the Labour Socialist International'. In this article we find a reference to the fact that "on the occasion of the publication of the report of the First Congress of the League, the 'International Information' issued by the L. & S. I., published on the 7th October 1927 a detailed account of the history and policy of the League." Mr. H. N. Brailsford, C. W. No. 1, was shown P 2523, and his evidence in regard to this occurrence is as follows: "I know of the existence of the League Against Imperialism but have had no personal touch with it. The Labour and Socialist International considered the question of their relations with the League Against Imperialism and decided to have nothing to do with it. The Labour and Socialist International was very annoyed at Mr. Maxton having anything to do with it. I know they issued a press communication in regard to it. I remember receiving the circular of the Labour and Socialist International shown to me, Ex. P 2523, on the subject." The 'International Information', P 2523, contains the resolution which was it seems published in the International Information on 7th October 1927, in which the Executive of the L. & S. I. had resolved: "But what the International views as its chief task is to rally the working-class elements of these nations under the banner of International socialism, and not to create a new international organisation having for its aim the blending of these elements into a pan-national movement, nor to subordinate their interests and those of the whole nationalist movement to the political interest of any power. Therefore the Executive holds that it cannot be any part of the task of the L. & S. I. or of the parties affiliated thereto, to join the so-called 'League against the Colonial Oppression'." This same document issued by the L. & S. I. was also referred to in P 1126, an open letter to Indian Trade unionists by S. Saklatvala who says in it that "the traitors to the Labour Movement have through their notorious organisation, the so-called Labour and Socialist International, issued a false and mendacious manifesto calling for the boycott of the League against Imperialism." This open letter of Saklatvala appears to have accompanied P.1127, a letter dated June 14th, 1928, and signed by Saklatvala as Indian Secretary of the Workers' Welfare League of India. Both of them are found in the possession of Joglekar accused. Besides this resolution on the attitude of the Second International, the General Council of the L. A. I. at this Conference in December 1927 passed other resolutions including one on the Chinese question in which I may refer to a passage at page 60 which is described as a declaration. It runs as follows:—

"In spite of Imperialist and militarist terror the Chinese working class stands firmly and loyally on the road to revolution."

Then on pages 61 following of the printed resolution we find the 'political resolution' of the General Council. In this we shall find a number of passages expressing precisely the same attitude as we have found expressed by the Communist International. For example: "In this situation the task of the League is to intensify its activities with the object of mobilising in a world-wide resistance to the Imperialist offensive all the revolutionary forces fighting for freedom and democracy in the oppressed Colonial countries." Again: "In these conditions the interests of the proletariat in the Imperialist countries demand an end of colonial exploitation. Colonial exploitation cannot cease to have an adverse effect upon the economic conditions of the home proletariat unless the oppressed people become completely free. The League, therefore, must explain the situation to the toiling masses in order to mobilise them in a real struggle against Imperialism in conjunction with the oppressed peoples." And again: "Since its formation the League has done considerable work of agitation and propaganda. The League must penetrate proletarian mass organisations in the Imperialist countries. In the colonial countries it must base itself upon all the social classes that are prepared to carry on a real struggle against Imperialism for national freedom." This same paragraph, after the usual demonstration that the land-owning classes and the bourgeoisie are compromising with the British Imperialists, ends with the following conclusion:—"While supporting and organising every form of resistance to Imperialist domination the League must base itself primarily on those classes that must conduct a revolutionary struggle for complete national freedom,

O. P. 257.

O. P. 258.

namely the workers, peasants and the democratic petty bourgeois masses," which, as it will be remembered, is exactly the view of the Communist International. After this we get a resolution on Organisation, the terms of which are highly reminiscent of the passage quoted above in Zinoviev's speech. Included in this resolution as one of the steps to be taken is the publication of a news bulletin and a monthly organ, the former of which proposals was certainly carried out. After that follows a resolution on the War danger, and, as usual in the case of all organisations having any connection whatever with the Communist International, that war danger is regarded mainly as one which threatens the U. S. S. R. There was also a resolution on India, which is not printed in P 1348 (45), but will be found at the end of P 1794. It is concerned mainly with the Simon Commission and it concludes in the following terms :—" At the same time the League urges all genuine enemies of Imperialist oppression in India to concentrate on rallying the masses round the positive slogan of complete independence of India—the sole threat to the power of British Imperialism—and on the election of a Constituent Assembly to consider the entire question of the political future of India, which should be prepared by the creation of local conditions, mass demonstrations and the widest possible participation of the masses of the people generally." It can hardly be mere coincidence that in the manifesto prepared for the Madras Session of the Indian National Congress, December 1927, this slogan of a Constituent Assembly finds a prominent place.

I do not think that the above documents leave room for very much doubt as to the associations and real nature of the L. A. I., but Roy's Assembly Letter, P 377 (1), dated the 30th December 1927 is even more convincing. In this letter at F. C. page 360 there is a paragraph on 'international affiliation' in which Roy says : " On this question there has been confusion and uncertainty. Let us make it clear once and for all. So 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. Through that you will have the relations and aid you need, but you will not be condemned of having connections with M. The League must have relations with the revolutionary organisations. The W. P. P. can eventually become the recognised organ of the League in India." Bearing in mind Roy's position and the unquestionably Communist origin of the W. P. P's, is it possible to doubt that the L. A. I. is an agent and representative of the Communist International ?

But we shall come across further evidence of the closeness of the relations between the L. A. I. and C. I. P 1680 (F. C. 398) is a letter from V. Chattopadhyaya, Joint Secretary of the League against Imperialism, to Jawahar Lal Nehru, which was intercepted and withheld on 18-5-28. (P.W.-262, Deputy Inspector Chaudhri, on page 11 of his evidence.) It is dated April 2nd, but from the envelope which bears a Berlin postal seal of 2-5-28 that appears to have been only a mistake. In this letter there is a good deal of information about the results of the work of the Executive Committee of the League which had just met in Brussels on the 28th April. This letter is to be read with P 1360, a Press Service of the League against Imperialism, International Secretariat, recovered in the search of the office of the Workers' and Peasants' Party of Bombay, which gives an account of the same meeting. In this letter Chattopadhyaya writes (and the same appears from the Press Service) that " The League depends for its chief factors on the Communist movement, the Social Democratic workers and the revolutionary movement in the colonies, and it was thought advisable to have a Secretariat of three persons to represent each of these movements." Later on he says : " As Maxton explained, the office-bearers now represent the Social Democratic workers (Maxton), the Trade Union movement (Fimmen), the Communist movement (Munzenberg) and the national revolutionary movement of the colonies (Chatto). The E. C. decided it would be best to let the work of the League be done for the time being from the Berlin office and that Munzenberg and Chattopadhyaya (Virendra Nath Chattopadhyaya) be entrusted with the conduct of the work as Secretary until the next meeting of the Executive. A third Secretary preferably an Englishman should be found by the time of the next meeting of the Executive and this man was to represent the Social Democratic Party. It may be noted that in defending the L. A. I. against the charge of being a Communist organisation R. R. Mitra accused relied on the fact that one Schmidt of Holland " one of the most active and energetic of the younger Left Wing Socialists rendered excellent service to the anti-Imperialist movement by building up the Dutch Section of the League on a broader basis with the cooperation of Socialists, bourgeois radicals and

national revolutionary Indonesians. Most of the sections here enumerated would be repudiated by Communists in relation to their policy in the Imperialist country, for there almost all including the Left Social Democrats are not revolutionary." Unfortunately for this defence we find a different view of Schmidt's position in P 1680 in which Chatto says that Schmidt was proposed as a member of the Secretariat to represent the Social Democratic workers, but "only a few days before the meeting the action of the Dutch Social Democratic Party compelled our friend Schmidt very much against his will to retire from the League in order to remain in his party." It is therefore clear first that Schmidt's organisational work was not successful and secondly that the Dutch Social Democratic Party definitely refused to allow him to remain in the League, if he wanted also to remain a member of his own Party. This of course supports the inference already to be derived from P 2523 and the other documents referred to in that connection, that there is no connection between the L. & S. I. and the L. A. I., and that the latter really depends not on three factors but on two only, namely the Communist Movement and the national revolutionary movement of the colonies, two movements which we have already seen to be closely linked together and which the Communist International is always seeking to link together even more closely. Now the nature of the relations between the Communist International and the L. A. I. may also be inferred from the report of the 6th World Congress of the Communist International contained in Inprecorr Vol. 8 No. 48 dated 11th August 1928, part of P 259 recovered from the possession of Basak accused on the 20th March 1929 (P. W. 40 Inspector S. K. Brahmachari). In this report on page 857 in a speech by Comrade Katayama (Japan) we find the following :—

" Finally I want to say a few words about the League against Imperialism. As Comrade Bukharin has emphasised in his report, it is an urgent necessity to strengthen this organisation.....The L. A. I. has infinite possibilities before it, if proper attention is paid to every section of the Comintern..... Experience has shown that the League Against Imperialism is able to mobilise masses for the anti-war movement.

The All-India Congress has officially affiliated to the League..... So I support Bukharin's proposal to strengthen the L. A. I." Then follows a passage about the gentleman Schmidt just referred to : " One of the Dutch delegates objected to the strengthening of any auxiliary organisation, as it had had a bad experience with the branch of the League in Holland. But this generalisation is utterly unjust and unfair, because the Dutch Party left the control of the League branch to an utterly unreliable Social Democrat, Schmidt," which he implies they certainly ought not to have done. Then he goes on : " There is talk of liquidating the League altogether, but it is wrong to come to such a hasty conclusion before everything has been tried to improve the leadership of the League. The colonial and semi-colonial peoples are looking towards the L. A. I. to assist them in their struggle, and the Sixth Congress should instruct all the sections to take up the anti-Imperialist work in this League and mobilise the broad masses against Imperialism and Imperialist war, and for the defence of the Soviet Union." It appears to me to be quite evident from this passage that the L. A. I., even if there is no so-called ' organic ' connection, is an auxiliary organisation of the C. I. over which the C. I. has complete control. There is a reply to this speech of Katayama by Comrade De Vries (Holland) in Inprecorr Vol. 8 No. 76, dated 30-10-28, part of P. 259 at page 424, but I do not think there is anything in it which can be considered to be inconsistent with this conclusion. So far as P. 1680 and P. 1360 are concerned, I do not think any further remark is called for except to draw attention to the address of the League which is : 24 Friedrich Strasse Berlin, S. W. 48.

Before I go on to deal with other documents of the L. A. I., I may note the evidence of Mr. Stott, P. W. 277, in regard to the documents signed by Chattopadhyaya and Willi Munzenberg. As regards the former he says : " In my opinion the following signatures V. Chattopadhyaya and Chatto were all written by one person, namely those on the originals of P. 1645P, P 1647P, P 1649P, on P 2344, on P 1348 (23), on P 1348 (27), on P 1348 (29), on the original of P 1603P and 1610P, on P 1633, on P 1644, on P 1646, on the original of P 1655P, on P 1680, on P 1805, on the originals of P 1866P, P 1998P, P (1), P (2) & P (3), on P 2014, on P 2030 and on P 2211. This writer wrote, so far as I can see the original signature used for producing the rubber stamp with which the signatures were made on P 1804 and on P 1652 B." In the case of Willi Munzenberg he said :

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“In my opinion the signatures of a German name on P 1651 (in two places), P 1652, P 1652(a), P 1652(b), P 1666, P 1804, P 2014, and P 2014(1) and on the originals of P 1647P, P 1852P, P 1998P, P (1), P (2) and P (3) were, so far as I can see, all made by the same rubber stamp or by stamps prepared from the same signature.” The only direct evidence in regard to the handwriting of Chattopadhyaya is the statement of P. W. 261, S. Nurullah, who identified the handwriting of the great majority of the signatures in respect of which Mr. Stott gave evidence. In cross-examination this witness stated that his knowledge of Chattopadhyaya’s signature was derived partly from the one ‘chit’ which Chatto wrote to him and partly from the letters which a friend of his, Quddus, showed to him and which he had mentioned in cross-examination-in-chief. It is possible, therefore, that not too great weight should be attached to his evidence although I can see no good ground for rejecting it entirely. On the other hand, when we couple together P 1680 with the Press report, P 1360, it appears to me that it is perfectly reasonable to treat the signature in P 1680 as a genuine signature of Chattopadhyaya and use it as a standard.

O. P. 265. Going on from April 1928 we come in July 1928 to P 1260 to which I have already referred, and I do not think it necessary to do more than mention that Saklatwala, Harry Pollitt and Tom Mann took part in this meeting of the British Section. Next on the 18th July 1928 in Inprecorr Vol. 8 No. 41 dated the 30th July 1928, part of P 259, we come to Bukharin’s ‘report on the international situation and the tasks of the Comintern’ presented to the 6th World Congress of the C. I., the comments on which of Comrade Katayama I have mentioned already. At page 737 Bukharin says: “I think we are not giving enough support to the anti-Imperialist League. Some comrades think that, in general, this League is not worth maintaining.....Experience has shown that this organisation has great potential powers and chances of development, and that we are doing very little to help to release these potential forces.....Why we should hold a liquidatory viewpoint on this question I cannot understand.” In Inprecorr Vol. 8 No. 49 dated 13th August 1928, part of P 259, we find Comrade Bukharin on the 30th July replying to the debate. His remarks about the League Against Imperialism are on page 870. In this speech he includes the anti-Imperialist League among amorphous non-Communist organisations which some Communists fear will displace the Communist Parties. Bukharin comments on this idea with some vigour saying: “Of course to assign to these organisations a role by which they would displace the Communist Parties would be a betrayal of Communism. But who assigns to them such a role? We do not regard these organisations as substitutes for the Communist party but as a means for spreading our influence among the broad masses..... I mention the shortcomings of the League not because I propose to deprive it of our support, but because I want it to be supported..... We gave very little assistance to the League, we did not supply the League with adequate forces. Our Parties did not sufficiently cooperate with it.” In fact, not only are the leading members of this League Communists but the Communist International supports it as one of its auxiliary organisations. P 1603P (F. C. 561) is a photograph of a letter dated 5-9-28 from Chattopadhyaya sending Press Service no. 7 dated 5-9-28 to Ghate accused. As there was no mention of the Press Service in the letter it was withheld, the letter itself being photographed and reposted (P. W. 262, Deputy Inspector Chaudhry). The original letter which had been photographed was found at the search of the Workers’ and Peasants’ Party office in Bombay and is on the record as P 1348 (29) (F. C. 561). The Press Service, which is P 1604, contains a resolution on India, another on China and a third on the attitude of the Congresses of the Second and Third Internationals towards the colonial problem and the League against Imperialism. This last resolution contains a reference to present and past attacks on the League by members of the Second International. It declares once more that “the L. A. I. is not a section of the Comintern, nor is it a section of the Communist Party, but it is a non-party organisation which all men and women—regardless of their political and social outlook—can join on the condition that they acknowledge the principles of the League.” That is, however, only one side of the picture. Later on, towards the end of the resolution we find the following:—

O. P. 266. “Without taking up any attitude towards the different theses and decisions of the Third International on the colonial question the Executive Committee declares that the decisions and resolutions on the colonial question at the Congress

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of the Third International (that is the 6th Congress) correspond entirely to the aims and principles of the League against Imperialism and are calculated to give effective support in the struggle for freedom of all oppressed peoples and nations."

O. P. 267. "The E. C. of the League also takes note of the discussion at the Congress of the Third International on the subject of the L. A. I. The Congress of the Third International is right in stating that the League is not one of its sections, neither is it a Communist organisation. If in spite of this the C. I. has charged all its sections to support the L. A. I. the E. C. of the League which is sitting today recognises in this action the earnest desire of the C. I. to support the revolutionary struggle of the oppressed peoples. The E. C. of the League places before the broad masses of the workers of all countries and especially in the colonial and semi-colonial countries the attitude of the Third International in contrast with the attitude of the Congress of the Second International." All of which scarcely calls for comment.

O. P. 268. The Statutes of the L. A. I., that is to say, its constitution, are to be found in P 1647P (F. C. 724) enclosed with a letter (part of the same exhibit) dated the 19th December 1928 from Munzenberg and Chattopadhyaya addressed to Mr. Jawaharlal Nehru but intercepted and photographed en route. As regards the authenticity of the signature of Munzenberg, it will be sufficient to say that we have on this letter with Munzenberg's stamped signature an original signature of Chattopadhyaya. This enables Munzenberg's stamped signature on this letter to be used as a standard for other letters. These Statutes are really draft Statutes, and Mr. J. L. Nehru is asked to communicate any suggestion or alteration he may wish to propose. The draft constitution contains a statement of aims and objects, and we find that the aim of the League is "to support the national revolutionary and social revolutionary struggles of the oppressed peoples with all economic and political means at its disposal." Then as regards membership the statement in Inprecorr of the 3rd May 1926, that "side by side with individual membership the method of collective membership should be used", is put into practice. After this we get the official organs, which are the International Congress, the General Council, the Executive Committee and the International Secretariat, which last is to carry out the decisions of the E. C., to prepare the meetings of the General Council and the International Congress, to deal with the current business of the League, to issue a periodical and a Press Service in several languages etc. Lastly we get a control commission, obviously corresponding to the International Control Commission of the C. I.

The next letter from the League is P 1852P, (F. C. 740), dated, apparently incorrectly, 23rd January, 1928, but intercepted on the 8th February, 1929, signed Munzenberg, to Mr. J. L. Nehru acknowledging a telegram about Johnstone, enclosing five copies of the Statutes of the League as accepted by the E. C., and stating that a detailed letter on the meeting would reach him by the next mail. This is contained in P 1650, a Press Service of the League, intercepted by Deputy Inspector Chaudhri, P. W. 262 on the 15th February 1929. This Press Service (at page 18 of the printed exhibit) shows that the Executive Session of the League met at Cologne.

O. P. 269. The Communist accused have dealt with this organisation at pages 2745 to 2748 of the statements of the accused and attempted to refute the view of the prosecution which they quote as being "that the League is a body which is definitely Communist and is doing the work of the Third International under the camouflage of being a wider body." The accused assert, as indeed the League itself asserts, that the League is not a Communist body but a wider body etc., though of course a revolutionary body. And they naively remark that "Communists do not join or assist in the formation of organisations which have no revolutionary possibilities." They say further on: "The League against Imperialism stands definitely for complete independence in the colonies, i.e. for revolution." They go on to repeat some of the points sought to be made by Mittra accused in his statement. But I am unable to see that the assertions of the accused are of the smallest value as proof of their contention that the League is not a Communist organisation. The evidence which I have quoted above, appears to me to show quite conclusively that it is an organisation for the starting of which the Communist International was responsible, for the support of which it claims to be responsible and the power to liquidate which it claims to possess.

But perhaps it may be said that one of the Secretaries, Chattopadhyaya, is not a Communist, and how can a Communist organisation be run with a non-Communist Secretary? The only possible means of verifying whether Chattopadhyaya is really a Communist or not, is to refer to the letters written by him. In this connection the prosecution have referred to a number of letters. For example, in P 1649P, (F. C. 613), dated the 24th October 1928 we find Chatto saying: "What I think is that all elements that stand for absolute independence and some amount of "democracy" should be drawn into the League, but the C. C. should, in my opinion, consist only of those who are theoretically so sound that they cannot become traitors in practical life..... But this proves the necessity of establishing without delay, firstly a school for training in social revolutionary principles and tactics, and secondly, an organ that deals with current Indian problems from the revolutionary standpoint." About the organ he says: "My own view is that there should be no sentimental toleration for all kinds of views, but a strict adherence to a definite policy and a definite programme."

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Again in P 1644, (F. C. 620), dated the 31st October, 1928, to Mr. J. L. Nehru, Chatto mentions the fact that "The All-Russian Federation of Trade Unions (an organisation whose controlling body consists entirely of Communists cf. "Left Wing Communism," P 975, at page 33) has decided to affiliate to the League." In a later paragraph he writes: "The 'Modern Review' seems to have made the same mischief as the B. Chr. with regard to your speech at the Bengal Students' Conference by quoting you as having said that 'you do not believe in Communism as an ideal of society.' I have seen your contradiction of this in the daily press. But you should compel the "Modern Review", which has become the organ of the Bengali Fascists to publish a correction." If Chatto and the League do not believe in Communism, why this interest in the contradiction of the statement that Mr. Nehru does not believe in Communism?

O. P. 270.

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Again in P 1645P (F. C. 656), dated the 14th November 1928, as in other letters, there are comments on speeches of Mr. Nehru, which were not quite in the right Communist vein. There is, however, something more important in the suggestion that Mr. Nehru should (1) rally all the anti-Imperialist elements to his League (the League for National Independence), (2) come to a clear understanding with the Workers' and Peasants' Party for the purpose of establishing a common programme and a united mass party. Later on he talks about the probability of the revolutionary ferment coming to a head just after the Simon Commission has reported to Parliament, and he goes on as follows:—"If you are organisationally prepared by that time, you will be able to strike a blow just as Gandhi was able to do in 1921. But I hope that this time there will be no sentimental nonsense about the shedding of a few litres of blood, and that the revolutionary movement will be led on purely materialistic lines by trained Marxian revolutionaries." A reference to the joint statement of the Communist accused at page 2935 of the statements of the accused shows that they entirely agree with this non-Communist body, that a few litres of blood will have to be shed. In regard to his remark about an understanding with the W. P. P. there is a further remark on the same point in P 1646 (F. C. 714), dated the 12th December 1928, where Chatto says: "The progress that your League has been making is very satisfactory, judging from newspaper accounts. Your Conference in Calcutta ought to lay the foundations of a mass organisation, and I hope that it will be possible to cooperate very intimately with the All India Workers' and Peasants' Party, if it is not possible to carry out at present my suggestion of a fusion." There is one other document of the L. A. I., which is of some interest, a pamphlet, 24 copies of which were sent to Jhabwala accused in P 2212 and 22 more copies a week later in P 2214. That these also were sent by Chatto can scarcely be doubted in view of his remark in P 2211, which like P 2214 bears a Berlin postal seal of the 7th November 1928, that "we are having some material posted to you today to Jharia where you will probably remain till the 6th inst." This pamphlet is a criticism of the Colonial policy of the L. & S. I. by Clemens Dutt reprinted from the L. A. I.'s periodical, the "Anti-Imperialist Review", for July 1928. Referring to the resolution of the L. S. I. on Colonial policy Dutt remarks: "With this resolution, the L. S. I. like the British Labour Party stamps itself as an adjunct of capitalist Imperialism and of the agent of the latter, the so-called League of Nations." Later he says: "Consequently, the mission of the L. S. I. in establishing relations with the peoples of the colonies can only be that of thwarting their revolutionary endeavours and of directing their efforts in a reformist direction." And he

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O. P. 271;

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O.P. 272. concludes: "In complete contrast to the Imperialist policy involved in the draft colonial resolution of the L. S. I., the L. A. I. sets itself the task of mobilising, in a world wide resistance to the offensive of Imperialism, all the revolutionary forces fighting for freedom and democracy in the oppressed colonial countries", a policy which is entirely consistent with the policy of the Communist International. 5

This is the organisation then, which we shall find sending its representative Johnstone to India in December 1928, vide P 1998P, P (1), P (2) and P (3) (F. C. 706), and with his visit successfully achieving the affiliation of the T. U. C. which it had been seeking in P 1633, (F. C. 421), P 1610, (F. C. 573), P. 1644, (F. C. 620), P 2211, (F. C. 638) & P 1646, (F. C. 714), and which will also be found working for the affiliation of the Workers' and Peasants' Party of Bombay in P 1348 (23) (F. C. 419), P 1348 (37) (F. C. 465) and P 1348 (29) (F. C. 561), and for that of the A. I. W. P. P. in P 1762 (F. C. 732). 10

**WORKERS'
WELFARE
LEAGUE OF
INDIA.**

The second organisation whose position it is necessary to consider is the Workers' Welfare League of India. The number of documents in this connection is not so large as in the case of the League Against Imperialism. Taking them in chronological order the first is P 1709(2) (F. C. 243) recovered in the search of Majid accused. This document, a copy of which was also recovered in the search of the office of the Workers' and Peasants' Party of Bombay and is P 1359, is the Ninth Annual Report of the Workers' Welfare League of India for the year ending December 31st, 1926, as presented to the Annual Meeting held in London on the 15th January 1927. In this document we find the address of the League given as 18, Featherstone Buildings, High Holborn, and the office-bearers are, President: Dr. K. S. Bhat; Treasurer: Mr. K. Sheldrake; Secretary: Mr. J. E. Potter-Wilson, and Indian Secretary: Mr. Sh. Saklatvala, M.P. 15

O.P. 273.

This report was enclosed by the Secretary with P 1709(1) dated 24th August 1927, addressed to the editor of the "Mehnat-kash" c/o Mr. Ramchandra, B.A., Mochi Gate, Lahore. The letterpaper sets forth the object of the League as follows: "Independently of all political movements and aims to advocate the institution in India of provision for the welfare of the working population equivalent if not identical with that granted to the working people of England." I have already referred to the mention in this document of Mr. Saklatvala's visit to India in 1927. After this mention we find the following passage: "It is with great regret that we have to draw attention to certain attempts to prejudice the work of the League both here and in India through a statement of some men prominent in the Labour circles. The allegation made that the League is a Communistic organisation is entirely without foundation. The League is a non-political body including among its members representatives of all working class organisations. It is not concerned as to whether its members are Communists or non-Communists but only as to whether they are interested in helping to improve the conditions of Indian Labour." These remarks were particularly necessary in view of the fact that one of the additional affiliations secured during the past year was that of the East London Branch of the Young Communist League, a branch of the Young Communist League of Great Britain which is itself a section of the Young Communist International, which again is a section of the Communist International and guided by the E. C. C. I. (vide P 2366, "Communist Party Training" at page 88). I have already drawn attention to the reference to this League in P 2375, the Report of the Amsterdam Conference in July 1925 in which at F. C. 71 we find C. P. Dutt reporting upon work in the Welfare League, also to the Colonial Department's Report, P 2377(1) dated September 1925 in which at F. C. 84 there is a whole paragraph devoted to the Indian Workers' Welfare League. The significant passages in this paragraph are as follows: "This organisation has a contact in Britain of the A. I. T. U. C.; the Colonial Department considered it was of special importance and it was decided to strengthen and develop its influence. It..... is extremely valuable indeed..... The department directly influences the Welfare League." D 711 is a printed copy of the Tenth Annual Report of the Workers' Welfare League of India for the year ended 31st December 1927. In this we find the name of Mr. C. P. Dutt as Assistant Secretary, and in the body of the report there are references to Mr. Saklatvala's visit to India from January to March 1927, in the course of which at the Delhi Session of the A. I. T. U. C. a resolution was passed reaffirming the position of the W. W. L. as the appointed agents of the A. I. T. U. C. in Great Britain. This report was presented to the Annual Meeting held in London on the 18th February 1928. The next reference we come to is to be found in P 2369, the official report of the Fourth Congress of 20

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the R. I. L. U. published in July 1928, the Congress having been held some months earlier. In this report, in the thesis on the T. U. Movement in India at page 122, we find the following: "The Indian Left Wing" (that is the Left Wing in the T. U. Movement *i.e.* the Communist Wing) "must insist that the Workers' Welfare League of India in London (which is the official representative in Great Britain of the All-India Trades Union Congress) should widen the scope of its work and seek to bring the Indian Trade Union Movement into close contact with the Left Wing of the T. U. Movement in England organised in the Minority Movement." It is obvious that unless the W. W. L. I. was under the influence of the Left Wing in the Indian T. U. Movement this could not be done.

O.P. 275. Not long after the publication of the Tenth Annual Report of the W. W. L. I., the meeting of the A. I. T. U. C. Executive Committee at Delhi removed the W. W. L. I. from being the agents of the A. I. T. U. C. in Britain. Information of this seems to have been sent to the W. W. L. I. by Dange accused, since on the 6th April 1928 a letter (P 1607C, F. C. 381) from C. P. Dutt, W. W. L. I., 18 Featherstone Buildings, High Holborn, to S. A. Dange, National Research and Publicity Institute, Girgaum, Bombay 4, thanking Dange for a letter on the subject was intercepted by P. W. 262, Deputy Inspector Chaudhri. There is no direct evidence, so far as I can recall, as to the authenticity of this letter. But another letter, P 1606 (F. C. 380) from C. P. Dutt from another address to Dange accused was intercepted at Bombay by the same officer on the 23rd March 1928 and withheld, a fact showing that Dutt was in touch with Dange at this time so that there is no reason to doubt that the original of P 1607C, purporting to have been written by C. P. Dutt was actually written by him. This earlier letter also contained a reference to the W. W. L. I. In this letter P 1607C Dutt writes: "Many thanks for your letter of February 29 regarding the E. C. meeting. 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," a remark which very clearly indicates the close connection between the W. W. L. I. and the R. I. L. U. He goes on: "The whole business, both as regards affiliation to Amsterdam and the cutting off the W. W. L., savours very unpleasantly of intrigue, since they are both subjects which should only properly be decided on by the full Congress, and they were not raised in November at Cawnpore which was the proper opportunity to do so. You will have received copies of a letter from Comrade Saklatvala on this subject." This would appear to be a reference to a letter already written by Saklatvala which is not on the record. But as I mentioned above in dealing with Saklatvala there is on the record a letter, P 1127 (F. C. 447) dated 14th June 1928 from Saklatvala, Indian Secretary of the W. W. L. I., recovered in Joglekar accused's search, forwarding an open letter on the subject, P 1126 (F. C. 449). There is not very much of interest in these two letters, but in P 1348(34) dated 28th June 1928, intercepted and copied as P 1601C by Deputy Inspector Chaudhri on the 14th July 1928 and recovered in original in the office of the Workers' and Peasants' Party of Bombay, we find C. P. Dutt, who in this letter calls himself London Secretary, writing to Ghate accused in terms which betray that the W. W. L. I. is by no means the colourless non-political organisation which it professes to be. This letter which was discussed in the meeting of the Executive of the W. P. P. of Bombay begins with the remark that "it is difficult for us to make out what is the declared policy of the W. P. P. in the matter of the Bardoli Movement..... The position, as I see it, is this. The Bardoli agitation is not a typical peasants' movement in the sense of being directed against landlord exploitation, nevertheless it is an anti-imperialist movement..... I would incline to believe therefore that it (the Bardoli agitation) is a movement which should have our active support and that the silence of the W. P. P. about the movement does no good to the latter." This does not appear to be very consistent with the object of the League "independently of all political movements and aims etc." However the W. W. L. I. may have begun, it is impossible to doubt that at this date it was working for political aims.

O.P. 277. The next document in this connection is P 1208(1), a letter dated 31st October 1928 from the R. I. L. U. to Dear Comrades, recovered in the search of the office of the "Kranti", the official organ of the W. P. P. of Bombay, forwarding a copy of the resolution proposed by the Indian delegation to the Congress of the C. I. and adopted by the Secretariat of the R. I. L. U. This letter deals with the resolution on the Indian T. U. movement adopted by the Fourth Congress of the R. I. L. U. At F. C. 626 we find an important passage: "With regard to the International relations the Left Wing (of the Indian T. U. Movement) must maintain contact with the R. I. L. U. direct and also through the

medium of the W. W. L. of India and the P. P. T. U. Secretariat.....
 Finally, the Left Wing must raise the question of the W. W. L. I. at the Congress, condemning the Executive for exceeding its authority in taking away the right of the League to represent the A. I. T. U. C. in England as granted to it by decisions of several congresses of the Indian Unions. Every effort must be made to reinstate the W. W. L. I. as the official representative of the A. I. T. U. C. in England." That is to say R. I. L. U. considers it urgently necessary to be able to maintain contact with the Indian Trade Union Movement through the W. W. L. I. and knowing as we do what the ideas of the R. I. L. U. were we can have very little doubt as to the real position of the W. W. L. I.

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O. P. 278. In another letter, P. 1658 P, dated November 29, 1928, C. P. Dutt, writing again to Ghate accused from the W. W. L. I., writes as follows: "Can you please see that more than a single copy of the Kranti is sent to us as it is important for study and information on the movement as well as for propaganda among Indians here?" Writing from the office of the Labour Monthly as Acting Editor on the same date to P. C. Joshi accused in P. 345 (F. C. 683) Dutt says very much the same thing: "Please send a copy, two or three copies if possible, of your Hindi weekly to our office in exchange for the Labour Monthly. It will be very valuable also if you will send a couple of copies to the W. W. L. I. which has an office at the above address. Such papers are of importance to us for information and study of the situation in India and for propaganda among Indian friends here," clearly implying that the aims and objects of the W. W. L. I. and the 'Labour Monthly', a Communist organ are one and the same. That also we should have no difficulty in inferring from the letters, P. 1665 and P. 2160, from C. P. Dutt to Dange and Muzaffar Ahmad accused, dated February 14, 1929 (F. C. 807) in which C. P. Dutt writes that "next March will be the tenth anniversary of the foundation of the International, and an exhibition is being prepared on this occasion of which details are given in the enclosed letter which I have received and of which I am sending you a copy. Will you please make a special effort to assist in this by yourself and friends sending material. It could be sent to the W. W. L., marked specimen or something like that." So that the W. W. L. is prepared to act as an agent of the Communist International for the collection of material for an exhibition which, as the enclosed letter shows, is to illustrate the revolutionary and emancipatory movements of the last ten years in all countries. The last document in this connection is a cyclostyled copy of the Eleventh Annual Report of the W. W. L. I. for the year ending the 31st December 1928, tendered by the defence as D. 712. There is nothing of very great interest in this report. It shows that money was collected and sent out to India for the Bombay Textile Strike, South Indian Railway Strike and the Bauria Jute Workers' Strike. It mentions the matter of the A. I. T. U. C. cutting itself off from the League. It shows that the League sent fraternal messages to the A. I. T. U. C., to the First All-India Workers' and Peasants' Party Conference and to the National Congress, and their delegate attended the London Conference of the British section of the League Against Imperialism. It also reproduces a resolution passed by the W. W. L. I. protesting against the attempt on the part of the Government of India to throttle the T. U. Movement of India by means of their Trades Dispute Bill and Public Safety Bill, and calling upon all workers' organisations in Britain and India to act in every way possible for them against these Bills.

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O. P. 279.

It is in the light of the above evidence that we shall have to consider the fact that money was sent to Bradley accused through this League.

**LABOUR
RESEARCH
DEPARTMENT.**

The next organisation to which we come is the Labour Research Department. For the early history of this organisation we may refer to P. 48, the Labour International Handbook by R. Palme Dutt, Secretary of the International Section, and D. 705, History of the Labour Research Department by R. Page Arnot. In the former of these we find at page 176 a short note on the L. R. D. in which it is stated that "it was established in 1912 as a Fabian Research Department to co-operate with the labour, socialist and co-operative movements." In this book the address of the L. R. D. is given as Eccleston Square, and the office-bearers mentioned are Secretary: R. Page Arnot, and Secretary, International Section: R. Palme Dutt. This is for 1929. In D. 705 my attention has been drawn to a passage at page 16 which runs as follows: "All this compilation (that is of labour information, statistics etc.) demanded an extensive employment of voluntary workers on a very wide scale." As

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Spratt accused says at page 381 of the statements of the accused : " From that time (1923) until I left England (end of 1926) I used to go to the office of the L. R. D. very often and do work for it. There is a regular system there where work is done by voluntary workers." This passage has some importance in connection with the case of Desai accused.

O. P. 280.

Dealing with the history of the Department, R. Page Arnot at page 19 says that " by the end of 1918, the Department had finally sloughed off its Fabian suit and emerged as the L. R. D." In the following year, 1919, he says that " an International Section was established with R. Palme Dutt as secretary."

The prosecution has next referred to two passages in Inprecorr. The first of these, which is in Inprecorr Vol. 5 No. 41 dated 6th May 1925, part of P. 2491 (a) at page 538, is the report of a conference of the Information Department held at Moscow on the 6th April 1925. In the debate on the Report on the activity of the Information Department of the E. C. C. I. we find Comrade Bell (Great Britain) saying : " I absolutely agree with the proposal of Comrade Pepper (in regard to the work of the Information Department). In Great Britain we already have a kind of Information Department, the L. R. D., which collects statistics, conducts investigations into wages movements etc. This Department is not a Party concern, but is under the control of the Party."

Than which nothing could be clearer. In point of fact it was much too clear. In a subsequent issue of Inprecorr Vol. 5 No. 45 dated 28th May 1925 at page 596 we find a correction which is as follows : " We have received a communication from Comrade Bell regarding our report in no. 41 of the Inprecorr of his speech at the Information Conference of the Enlarged Executive meeting in March. Comrade Bell says that the statement that the Labour Research Department is under Party control is inaccurate and misleading. No such statement was made. We gladly accept the correction of a mistake which was inadvertently due to summarise his remarks." Bearing in mind that Comrade Bell's speech was not a long one and that the statement was in the clearest possible terms one is led to suspect that the correction was asked for not because of the inaccuracy of the statement but because of its inconvenience.

O. P. 281.

But this is not the only evidence which leads to the conclusion that it is a fact that the L. R. D. is controlled by the C. P. G. B. or at any rate was so controlled in 1925. In the search of the C. P. G. B. office in October 1925 there was recovered a letter dated 24th June 1925, addressed by R. Page Arnot to the Organising Bureau, of which P. 2382P (1) is a photograph. Before going into its details I may perhaps first dispose of the evidence in regard to its authenticity although for the purpose for which I am now using it that is not very important in view of the place where it was found. The standard handwritings in the case of Page Arnot are P. 2361, a receipt given by him to P. W. 6, Detective Inspector Norwood and signed by him in the witness's presence, and P. 2462 (1) to (6), passport documents produced by P. W. 7 Mr. Hobbart. These were examined both by the Court and the Assessors and also by P. W. 277 Mr. Stott who gave it as his opinion that the person who signed the signatures R. Page Arnot on P. 2361, on P. 2462 (1), (2), (3), (4), (5), (6), and who wrote the blue enclosed portion of P. 2462 (2) also wrote the signatures on P. 2386, P. 1951, P. 2431 (1), P. 1952 and the original of the signature on P. 2382 P. (1). This last should of course be ' the signature on the original of P. 2382 P. (1) ' a slip of my own in typing the evidence.) I entirely agree with that opinion.

In P. 2382 P. (1) Page Arnot asks the Organising Bureau to release him from his present work for a limited period. He says : " I need not go into all the details of the jobs for which I am responsible at present such as L. R. D. administration and research (both heavily understaffed), Trade Union Unity (which is not so much the magazine as other work connected therewith), etc. etc. These together with direct Party work, I can just balance at a normal time with periodical adjustment."

O. P. 282.

Towards the end of the letter he says : " I therefore want to ask that the Organising Bureau should give me an exemption from Party activities, (other than the Bureau itself) for a period of twelve weeks work," which is a clear indication that Page Arnot, whom we find described elsewhere as Director of Research, regarded his work in L. R. D. administration and research as a Party activity.

P. 2382 P. (2), dated 20th July 1925 is the office copy, recovered at the same search, of a letter from the General Secretary to T. Bell, Colonial Department, informing him that " the Organising Bureau in view of certain work which Comrade Page Arnot has to undertake, (this was the history of the

Miners' Federation mentioned in P 2382 P (2) decided to release him temporarily from all party work apart from that associated with his membership of the Central Committee and the Organising Bureau."

O. P. 283.

I have already mentioned the fact that in writing to Mr. Ginwalla Spratt accused gave the L. R. D. as a suitable address to which George Allison's kit might be sent and in the course of his statement as an accused Spratt said in explanation that he gave this address because he thought there were people i.e., at the L. R. D. who would know Allison, which was certainly the fact. We shall also come across a case in which Spratt accused, in answering a telegram from John (C. P. Dutt) which was an enquiry in regard to whether the Indian comrades placed confidence in certain persons who had come to Moscow, addressed his reply to the Labour Research Department. (cf. P. 2189, F. C. 514 and P. 2190, F. C. 517). Then again in the defence in this case Spratt accused himself has supplied a most valuable piece of evidence in regard to the associations of the L. R. D. in 1921-22. This was the annual report for that year. This report contains 2 Cash Accounts, No. 1 and No. 2. In No. 1 we find the income for the year is about £3300 of which £892 is from fees for work done. The largest fee is £425 from the All-Russian Cooperative Society, better known as Arcos. In Cash Account No. 2 we find receipts from Arcos of £3308 which is all expended in salaries, rents and rates, office furniture, stationery, typewriting, publications, binding, stamps, telegrams, etc., special fee to L. R. D. etc. The item under salaries is £1750 whereas the item under salaries in the General Cash Account No. 1 is only £1145. These figures suggest that for the bulk of its work in 1921-22 the Department was a kind of agency for Arcos. The only explanation in this report is at page 8, where the report which is signed by the Executive Committee and by the Secretary, R. Page Arnot, contains the following passage: "A further heavy piece of work has been the preparation of the bulletin of statistical and other information for the All-Russian Cooperative Society. The arrangement made (which was approved at the last Annual General Meeting) has entailed a good deal of extra research, but the effect of this action on our activities has been stimulating, and we have good reason to be satisfied with this particular piece of work. We are glad to be able to say that the information and statistics thus compiled are all available for the Labour Movement and will be published from time to time in one form or another, but chiefly in the studies of capital and labour which we deal with hereafter."

O. P. 284.

The prosecution has drawn attention to the fact that in the course of the evidence in this case we come across the following Communists connected with the L. R. D. : R. Page Arnot, Secretary and Director, Emile Burns, Secretary. A. L. Bacharach, Treasurer, R. P. Dutt, Secretary International Section, C. P. Dutt, Glyn Evans, D. J. Parsons, H. P. Rathbone and Spratt accused himself, and a reference to Appendix IV in D 705 adds the names in 1924-26 of Harry Pollitt and Tom Mann. Now the prosecution theory, as was pointed out at the time of arguments, is not that the L. R. D. is a Communist organisation in the sense of being an organisation entirely originated by, composed of and run by Communists. In the words of Crown Counsel their case is that "this ostensibly respectable statistic-compiling organisation was used by the live wires on its Executive and among its office-bearers and others to further their aims and the aims of the C. P. G. B. and the Communist International." I have already shown that there is considerable ground for concluding that this theory is correct, and this close relation with Arcos is another point in favour of the theory, and a point which should not be underestimated in the light of the correspondence between C. P. Dutt and A. Inkpin, General Secretary of the C. P. G. B., recovered at the search of the C. P. G. B. office in October 1925. This correspondence consists of two letters, P. 2387 P. (3) (P. W. 4, Detective Sergeant Renshaw) dated 10th July 1925 and P. 2346 (P. W. 3, Detective Sergeant Scutchey) dated July 15, 1925. In the former of these letters the General Secretary of the Org. Bureau objects to a certain arrangement about work made between C. P. Dutt and R. Page Arnot. In the latter C. P. Dutt expresses annoyance at the charge and says, "I was not aware that any arrangement in a loose and irregular fashion" was "made with me by Comrade Arnot," as I received my instructions to make the temporary change of occupation from the proper authorities of both Arcos and the Delegation," (by which I assume he means the Soviet Delegation) so that we have in this letter Arcos and the Soviet Delegation closely associated together with the C. P. G. B.

O. P. 285. The defence case is that the L. R. D. was not a Communist organisation and in this connection reliance was placed on the statement of Mr. H. N. Brailsford C. W. No. 1 on page 4 of his evidence where he says, "when I was a subscriber (to the L. R. D.) I did not find it a Communist organisation." But the value to be attached to that statement is to be estimated in the light of his further statement in cross-examination, "I know nothing of the inside working of the Department, but only that it did useful research work." That was as far as I was concerned with it. So we are left with the facts to which I have drawn attention above, and with the lengthy defence of the L. R. D. which was given by Spratt accused in his statement under Section 342 C. P. C. at pages 373-382 of the statements of the accused. In this statement much stress is laid on the fact that there were other people on the Executive besides the Communists. But at the same time there are some other statements which are of considerable interest. After asserting that the L. R. D., which in the year 1921-22 was a body of such status that even the prosecution will not dare to attack it, was in the year 1927-28 still essentially the same sort of body, Spratt accused said, "I will add a further point to this. It should not be deduced from what I have said that the L. R. D. is a mere recorder of facts without a political attitude or what is called bias. It is not the purpose of the L. R. D. to express political views and it does not do so. But in its selection and presentation of facts an attitude is revealed and outlined at any rate. And I do not deny that the attitude taken up by the L. R. D. is not such as His Majesty's Labour Ministers are likely to agree with." I suppose he means that it is in fact not a social democratic attitude but a Communistic attitude. After speaking of the L. R. D.'s attitude towards strikes, he says, "Similarly in regard to colonial affairs the L. R. D. is hostile to Imperialist control of the colonies and publishes material which helps the working class to realise more clearly and concretely that its interests are opposed to Imperialist policy." Further on again he says, "That is why the Communists are able to co-operate without difficulty or friction in the work of the L. R. D." And again : "the situation is then that the L. R. D. supports the workers in the class struggle, supports the colonial peoples in the anti-Imperialist revolutionary movements and supports the efforts of socialist construction in the U. S. S. R.the prosecution may object to it, but it can not call this evidence that the L. R. D. is a Communist body." But it does without the smallest doubt entirely support the contention of the prosecution as stated in the summing up and quoted by me a little way back, and this is no doubt why the Secretary of the Reception Committee of the All-India Workers' and Peasants' Party Conference held in December 1928 sent an invitation to the L. R. D. In this connection I may refer to P 467 (7) (F. C. 632) dated 1st November 1928, an office copy of a circular letter of invitation addressed by the Secretary of the Reception Committee of the First All-India W. P. P. Conference to a number of organisations, at the foot of which we find a list of the organisations to which the letter is sent. In this list there are six names, namely, the E. C. C. I. Moscow, the C. P. G. B., the N. M. M., the Indian Seamen's Union (Upadhyaya's organisation in London) and the L. R. D., to which list should be added the P. P. T. U. S. Shanghai, China, as shown by P 2012P. and PE at F. C. 640.

O. P. 286. Before I leave the L. R. D. it may be convenient to deal with the remittances sent from England to Spratt accused. About this Spratt accused said on page 375 of the statements of the accused : "Now the evidence of the prosecution is to the effect that three people sent me money, namely, Arnot, Rathbone and Mrs. Parsons. The fact that one of these happened also to be a Secretary or Director of the L. R. D. does not mean that that organisation paid me. 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." Of course it is not really the prosecution case that the L. R. D. did pay Spratt accused. Their theory is that money, that is his salary and money for the purposes of the conspiracy, reached Spratt through the L. R. D. and certain other persons, but that it came either from the C. P. G. B. or more probably from the Communist International through the C. P. G. B., and in this connection I may draw attention again to P 2370 (1), the transcription of the office copy of a letter from the C. P. G. B. to Bennett at Moscow, evidently intended for the E. C. C. I.

O. P. 287. Remittances to Spratt accused. Now before I go into details I must point out that in Spratt accused's remarks about money there is nowhere any denial that he received the sums of money

which the prosecution alleges that he received. I have already quoted one passage at page 375. There is another reference on page 376 to a sum of £40 and further references on page 382, but in no case is there any attempt to deny the receipt of the sums of money, nor, on the other hand, is there any real attempt to explain them. At page 386 of the record I asked the accused whether he meant to give any explanation about the sums of money mentioned earlier, to which he replied that he had given in the preceding portion of his statement all the explanation that he wanted to give, and that in point of fact is nil. For instance, there is no real explanation about the sum of £40 on page 376, and on page 382 all he says is "The evidence is that I received 8 sums of money from England amounting in all to about Rs. 13,000. I was at liberty in India for about 26 months and that gives about Rs. 500 per month. I travelled about a good deal, stayed in Hotels, bought books and so on, and it will be seen that if I had received Rs. 500 a month or even a good deal more I should have had very little left for other purposes", and he goes on to say: "This money is alleged to have been sent by three people, Arnot, Rathbone and Mrs. Parsons. Of these two, Arnot and Rathbone, are said to be members of the C. P. G. B., while Mrs. Parsons is the wife of another alleged member of the C. P. G. B. The prosecution assumes that the money comes from the C. P. G. B., but there is no evidence at all for that. On the other hand, there is evidence that Mrs. Parsons is, one can say, wealthy (I refer to P 2350). The same is the case with Rathbone, though there is no evidence for it so far as I know." That is all very nice in its way, but it does not include any explanation as to why either Arnot or Rathbone or Mrs. Parsons should have sent this money to Spratt accused.

O. P. 288.

Now, coming to the actual remittances, I do not think it is really necessary to explain the technical procedure in regard to the sending of money by telegraphic money-order from England to India. If an explanation is wanted, it can be found in the evidence of prosecution witnesses nos. 1, 56 and 210, Mr. Booth, Mohini Mukerji and Vijai Raghavachariar. The following remittances are proved to have been sent from England to India to Spratt accused:

(1) On the 14th December 1926 a sum of Rs. 2694-11-0 which would be equivalent to £200, through Samuel Montagu & Co., paid to Spratt accused on the 18th January 1927, vide P 1497 and P 1498 (F. C. 169 & 170). This was sent through a Letter of Credit addressed to the Imperial Bank. In this connection I may note that P 1497 shows that one of the partners in Samuel Montague & Co. is a Mr. E. L. Franklin.

O. P. 289.

(2) On 3rd March 1927 a sum of Rs. 5351-15-0, equivalent presumably to £400, was sent by means of a Letter of Credit to Spratt accused through the Imperial Bank of India, Bombay, by the same firm Samuel Montagu & Co. by order of Mrs. Olive N. Parsons and was paid to Spratt accused on the 25th March 1927, vide P 1499 and P 1500 at F. C. 189 and 196.

O. P. 290.

There is evidence on the record as to who this Mrs. Parsons is. P 2349 is a certified copy of the birth certificate of Miss Olive Netta Franklin on the 14th March 1892, who is the daughter of Mr. Ernest Louis Franklin who is shown by P 2350, a copy of the supplement to the London Gazette dated 24-2-28 at page 400, to be the same E. L. Franklin whose name appears in P1497 quoted above as a member of the firm which sent this money. P 2348 is a certified copy of the marriage certificate of Miss Olive Netta Franklin to Mr. Douglas John Frederick Parsons on the 25th July 1925, and there is evidence about this Mr. Parsons which makes it quite clear that he is a Communist and also connected with the Labour Research Department. In the first place he is described in the marriage certificate as clerk, Labour Research Department. P 2351 is a notice issued by the city of Westminster Union of the Election of Guardians in the year 1928, and in the list of candidates we find the name of Douglas John Frederick Parsons of 1 E, Carlisle Place, S.W.I. P.W. 3, Detective Sergeant Scutchey, who produced these documents, has deposed that Douglas Parsons stood in the Communist interest. P 2352 is an issue of the 'Workers' Life', the official organ of the C. P. G. B. dated 30-3-28 and on page 5 of this there is an article headed "Where you can work for Communists, Guardians". One of the places given is Westminster and the name of the candidate who is to be worked for is D. J. F. Parsons. P 2353, a copy of the "Sunday Worker", dated 20th February 1927, contains an article headed "By D. J. F. Parsons (Labour Research Department)". In another copy of the "Sunday Worker", for the 30th June 1929, P 2354, there is an article written by D. J. F. Parsons, General-Manager S. W. (i.e. "Sunday Worker"). Lastly P 2355 is another issue of the "Sunday

Worker ” for the 16th June 1929, on page 1 of which we find printed the following :

“ We print below an appeal from the Editor and the General Manager of the Sunday Worker.....” So this is an appeal which professes to come from the Editor and the General Manager, and at the foot we find the names of the Editor, Mr. Holmes and the General Manager D. J. F. Parsons. So there can be no doubt that D. J. F. Parsons is a Communist, is General Manager of the “ Sunday Worker ”, a Communist organ, and is a worker in the Labour Research Department. Incidentally it may be noted that in the search of Spratt accused’s possessions in September 1927 there was found an envelope, item No. 31 of the search-list, addressed to D. J. F. Parsons, I E, Carlisle Mansions, S.W.1. It was no doubt merely for convenience, and because of Mrs. Parsons’ connection with the firm through her father, that these sums of money were sent to Spratt accused through this particular firm, and we can feel no sort of doubt that this money is Communist money. It is not very difficult to infer from the work done by Spratt in India why this Communist money should have been sent to him.

(3) On the 15th December 1927 £50 were sent to Spratt accused by R. P. Arnot, 38 Mecklenburgh Sq., W.C. 1 addressed to Mr. Philip Spratt c/o Kishori Lal Ghosh Vakil, Kantapukur Lane, Calcutta, as is proved by P 2429 (1), (2) & (3) and P 2430 (1), (2) & (3). These amounts were paid in due course to Spratt accused as is shown by P 1516, P 1517, P 1518 and P 1519.

O. P. 291. (4) On the 23rd January 1928 another sum of £40 was sent to Spratt accused, as is shown by the T. M. O. receipt, P 1491S, bearing Spratt accused’s signature of the 28th January. This was addressed to Spratt c/o K. N. Joglekar, Bombay. Doubtless this money was received in response to the cable mentioned by Spratt accused in his letter to Muzaffar Ahmad, P 2096 P of the 16th January 1928, in which he says that he is unable to come to Calcutta from Bombay, because, as he says, “ I have not enough money to come. I am waiting for some now and wiring, but they are hard up as we are.” It is not difficult to infer who “ they ” must be.

(5) On the 8th February a sum of Rs. 1328-12-0 (presumably equivalent to £100) was despatched by Samuel Montagu & Co. to the Imperial Bank of India, Bombay, for payment to Mr. Philip Spratt by order of Mrs. Douglas Parsons. This sum was paid to Spratt accused on the 7th March, *vide* P 1502 and P 1503 (F.C. 382 & 383), which are entries in the books of the Imperial Bank of India showing the amount credited in their accounts and paid to the accused.

(6) On the 3rd May 1928 a sum of £200 was sent by Thomas Cook & Son by telegram for payment to Philip Spratt c/o Kishori Lal Ghosh, 1 Kantapukur Lane, under the instruction of Hugo Rathbone, *vide* P 2474, & P 2474 (1), (2), & (3) (F. C. 411-413), from which we find that this amount was actually paid to Spratt on the 11th May. Incidentally it may be noted that this money was badly needed, as is shown by P 1322 (I. C. 165) dated the 12th May, in which Spratt accused thanks Ghate for Rs. 50 received on the 10th and says : “ It was badly needed, but the following day I received some cash from home, so I am well set up for the moment.” It is interesting to note that very much about the same time,

O. P. 292. that is on the 30th April 1928, H. P. Rathbone sent £100 to Bradley accused addressed to the Apollo Hotel, Bombay. This sum also was sent through Thomas Cook & Son, *vide* P 1505 (F. C. 410).

(7) On the 12th June 1928 a sum of £40 was sent by Arnot, 162 Buckingham Palace Road, S. W. 1 to P. Spratt c/o Kishori Lal Ghosh with a message which is as follows :—

“ For representative Manchester Conference Robin.” The Exhibits are P 2431 (1), (2) & (3) (F. C. 432) and P 1530 and 1531 (F. C. 434 & 435). This sum was sent off from Chancery Lane, London. It is a curious coincidence, if indeed it is a coincidence at all, that on the same day, from the Fleet St. Post Office, which is at no great distance from the Chancery Lane Post-Office, another sum of £40 was sent to Bradley accused at the Apollo Hotel, Bombay by his brother L. C. Bradley with a message “ Towards sending delegate Len ”, see P 2428 (1), (2), & (3) (F. C. 433) & P 1532, P 1533, & P 1534 (F. C. 434 and 436).

There is not on the record any further exhibit showing the actual receipt of money, but there are references indicating that money was sent after this date. For example, on the 9th October 1928 in P 2192 (F. C. 598) Spratt accused wires

to the Secretary, Labour Research Department, 162 Buckingham Palace Road, London, as follows :—

O. P. 293. " Please wire money through Cooks, 2/1 European Asylum Lane, Spratt." Then in P 2419P dated the 23rd October 1928 Spratt writes a long letter to Page Arnot at 162 Buckingham Palace Road which he insures for Rs. 100. In this letter at F. C. 612 he says : " Can you manage that the cash shall come rather more regularly ? I have been in a very awkward position owing to lack of money. I had to travel to Meerut with their money, and to borrow from various people and so on." Again on the 15th November 1928 in P 2201 (I. C. 287) we find Spratt writing to ' Dear Comrade ' (this is an incomplete letter in Spratt's handwriting recovered in the search of one Abdul Ghani at Jabalpur) and apologising for failing to attend a conference, and pleading as an excuse : " The fact is that I have not received my allowance from home for several months and am in consequence in extremely low water financially." Then again on the 23rd January 1929 in P 2191 (F. C. 796) we find Spratt accused again wiring to the Secretary, Labour Research Department, for money, using exactly the same wording as before. Something, in fact, seems to have gone entirely wrong with the arrangements for sending money to Spratt in 1929, as the failure of his allowance to reach him is mentioned by Muzaffar Ahmad in no less than four letters on the 11th February, 16th February, 8th March and 17th March. These are P 1335, (I. C. 368), P 1336 (I. C. 376), P 1302 (I. C. 393) and P 1100 (I. C. 409). In view of the fact that we have no evidence of any money received by Spratt accused after the 15th of June 1928 and of his difficulties in October and November 1928, it is interesting to find that a sum of Rs. 500 was sent by Spratt to Bradley in the middle of December 1928, *vide* P 502 (I. C. 329), P 2114, (I. C. 330) and P 2115 (F. C. 720), the first two of which relate to the despatch of the money by Spratt accused and the last to its receipt at Bombay by Bradley accused. These then are the facts, and the only thing that can be said about them is that Spratt accused must be able to give an explanation as to why these sums of money should have been sent to him from England. He has refused to do so, and in the light of that refusal and the numerous facts on the record I do not see how it is possible to refuse to accept the conclusion which I suggested earlier.

O. P. 294. The last of the organisations which I have to deal with is the P. P. T. U. S. or the Pan-Pacific Trade Union Secretariat. It is possible and I think indeed probable that its foundation was forecasted in P 2367, " The Tasks of the International Trade Union Movement ", which is a report of the resolutions and decisions of the Third World Congress of the R. I. L. U. held in Moscow in July 1924. In the resolution on the Eastern Commission in this report we find under item 8 on page 48 the following : " Connections of the labour union movement of Eastern countries with the R. I. L. U. must be no less close. The Bureau formed in Canton must serve as an organisational link, uniting the various countries of the East among themselves on the one hand, and with the R. I. L. U. on the other. But the Bureau in Canton is not sufficient. The R. I. L. U. must form new support bases in the chief ports of the Near and Far East in the immediate future. All these bases must be furnished with the necessary literature in suitable languages." The next piece of evidence on the P. P. T. U. S. is P 1572, a booklet issued by the Labour Research and Information Bureau, Sydney 1928, found in the possession of Usmani accused, and entitled " What is the Pan Pacific Trade Union Secretariat ? " The answer given on page 6 is that " the P. P. T. U. S. is an international trade union organisation, comprising the most advanced sections of the trade union movement in the countries bordering on the Pacific (Australia, United States of America, Japan, China, Indonesia, Philippines, Korea, Formosa, and the U. S. S. R.)." The pamphlet goes on to explain why the P. P. T. U. S. was formed and proceeds to state as premises what it calls a few indisputable facts. One of these is " (f) The greatest revolutionary upheaval of our epoch (after the Russian Revolution) is taking place at this very moment in the Pacific—the Chinese Revolution ", and about this it is stated in large type that " Just as the workers of other countries cannot possibly assume an attitude of indifference or hostility towards the First Workers' Republic of the U. S. S. R., so no worker can pretend to be indifferent about the second greatest upheaval of our times—the Chinese Revolution." Then under (i) we find the following : " Although India with its 320 million people does not directly border the Pacific, yet it would be a mere technical (geographical) excuse for neglecting the arena where the third most important national and social upheaval is in the process of fermentation. Even as these lines are being written the telegraph brings reports of hundreds of thousands of textile and railway workers in India out on strike for human working conditions and against native exploitation and British Imperialism." Ls1JMCC

O. P. 295.

list rule." That is to say, the P. P. T. U. S. like the C. I., the C. P. G. B. and others think the time is ripe for Communist activity in India. Going on the writer stresses the importance of the class struggle and refers to the danger of Imperialist war, coming finally, as we always find Communist organisations do, to the danger of a direct war by the Imperialist Powers against the First Workers' Republic. Chapter 2 is devoted to the aims, objects and programme of the P. P. T. U. S. which are set forth in its statutes and are followed by some commentary. In the statutes we may note the composition of the Secretariat which is to have one representative each from the Trade Union Movement of U. S. A., England, Japan, France, Korea and Java and two representatives each from the All-China Labor Federation and All-Russian Trade Union Council. An official bulletin is to be published entitled "The Pan-Pacific Worker". Chapter 3 gives the history of the organisation and mentions the convening of a conference at Canton on the 1st May 1927, which however was held at Hankow. There are some allusions to this Canton Conference in the evidence. In the last chapter we get a series of questions and answers, and in answering the question "What is the attitude and policy of the P. P. T. U. S. on the question of International Trade Union Unity?" we find the writer on page 66 attacking the Amsterdam International in very familiar terms as a "reformist organisation indissolubly bound to the Imperialist League of Nations and to the latter's adjunct, the International Labour Office" (Geneva)." On the other hand on the following page the R. I. L. U. is spoken of in quite different terms as "a body whose policy is that of unambiguous and unobscured class struggle against capitalism and Imperialism and against the Geneva Labour Office." The attitude of the P. P. T. U. S. to these two organisations is quite clear. The relations between this organisation and the R. I. L. U. are equally apparent from the remarks in P 2369, the official Report of the Fourth Congress of the R. I. L. U. at page 23 where it is stated that "the P. P. T. U. S. set up in the middle of 1927 which unites the workers of the most important Pacific countries acquires particular importance and is deserving of all support, particularly from the workers of those countries, whose bourgeoisie have possessions in the Pacific and hold in slavery hundreds of millions of the toilers in those colonial and semi-colonial countries." This link between the P. P. T. U. S. and the R. I. L. U. is further illustrated at page 38 where one of the tasks confronting the T. U. Movement in Indonesia is said to be "to establish closer connections with the Pan-Pacific and world revolutionary trade union movement as represented by the Pan-Pacific Trade Union Secretariat and the R. I. L. U." Lastly at page 122 in the theses on the trade union movement of India the R. I. L. U. lays it down that "the P. P. T. U. S. provides a basis for the united front of the workers of the colonial and semi-colonial countries bordering on the Pacific, and is the channel along which the first attempts for extra-Indian affiliation on the part of the Indian trade unions to establish organisational ties outside of London should be directed."

The National Minority Movement also approves of the P. P. T. U. S. as an important addition to the Communist trade union organisations. In P 2368, the report of the Fifth Annual Conference of the N. M. M., held in London in August 1928, we find the Chairman in his address saying: "A very serious drawback to international action in the past, especially in the colonial and semi-colonial countries has been the absence of cohesion; this is remedied in a degree by the formation of the Pan-Pacific Secretariat. By this agency, concerted action can be taken with the workers of the countries on the Pacific, including India, China, Japan, Indo-China, Java, the Philippines, and all connected with the Pan-Pacific Secretariat." I have already referred to the passage in P 1208 (1) in which the R. I. L. U. instructs the Left Wing of the Indian Trade Union Movement to maintain contact with itself through the W. W. L. and the P. P. T. U. S. and shortly after that passage there is another in which the R. I. L. U. says that the Left Wing "must make every endeavour to have a resolution for affiliation to the Pan-Pacific Trade Union Secretariat placed on the agenda of the A. I. T. U. C. and adopted." Lastly we have the position of the P. P. T. U. S. and its importance to the Indian Trade Union Movement stated from the very fountain head in the Sixth World Congress of the Communist International in the report of Comrade Kuusinen, reported in Inprecorr Vol. 8 No. 68 dated 4th October 1928, part of P 259 at page 1232, where Kuusinen says that "the Indian trade union movement must be connected with the international Red trade union movement through the P. P. T. U. S.", a statement which could not be made unless the P. P. T. U. S. was a Communist organisation working for world revolution in collaboration with the R. I. L. U. and the C. I.

PART VII.

O. P. 298. In the period which I shall come to in the next chapter, we find a number of **CRYPTIC COR-RESPONDENCE.** letters passing, mostly between Spratt accused and C. P. Dutt in England, in which there is used either invisible ink or a number cipher or cryptic language assisted by what is apparently a transposition code. There are really 12 letters of this kind. In the course of these C. P. Dutt writing to accused Spratt has used invisible ink twice, number cipher once and cryptic language usually in the form of the transposition code five times, while Spratt accused in writing to C. P. Dutt has used cryptic language four times and number cipher once. There are remarks in Dutt's letters indicating quite clearly that Spratt also used invisible ink.

C. P. DUTT. In view of the very prominent part taken by C. P. Dutt in this correspondence and indeed in correspondence throughout the whole period of the conspiracy, I think it will be best, before going on to the cryptic correspondence etc., to set out here what evidence we have about C. P. Dutt and about his handwriting.

In point of date the first document on the record in regard to C. P. Dutt is P. 2387 P (1) (F. C. 1), a photograph of a letter found at the search of the C. P. G. B. office in October 1925 (P. W. 4, Detective Sergeant Renshaw). This is a letter from C. P. Dutt to the Political Bureau of the C. E. C. of the C. P. G. B., and in it on January the 8th, 1924, C. P. Dutt writes : " As a hitherto fairly active member of the Party who has now, owing to work for one of the Soviet institutions in England, been ordered to cease from all Party local activity, I wish to exercise my undoubted right of direct appeal to the C. E. C. to ask that the question of the position of such members as myself should be investigated." He goes on to suggest that the regulation was unnecessary. P 2387P (2) is a reply to this letter and probably did not give C. P. Dutt much satisfaction. There can be little doubt from Dutt's letter and the reply, whose terms it is hardly necessary to quote, that the regulation was found necessary from the point of view of the C. P. G. B. in order to avoid suspicion that the C. P. G. B. was working with the Soviet. This letter P 2387 P (1) brings out the extent to which C. P. Dutt was interested in, and in fact actually working in Russian institutions. The same fact is brought out in the letter, P 2346, dated 15th July 1925, (F. C. 72), written by C. P. Dutt, on his return from Amsterdam, to Albert Inkpin, the General Secretary, C. P. G. B., in answer to P 2387P (3) (F. C. 62), dated 10th July, to which I have referred already. In this letter we find Dutt stating that he made his temporary change of occupation under instructions from " the proper authorities of both Arcos and the Delegation." Then in P 2380 (1) (F. C. 61), dated 3-7-25, to which I have referred earlier, we find M. N. Roy saying : " It has been decided in Moscow to employ Dutt in a certain work ", and the fact that by Dutt C. P. Dutt was meant appears from P 2387P (3), in which the General Secretary, Colonial Department, C. P. G. B. mentions to C. P. Dutt " the plan of special work for yourself in connection with that department, which, as you are aware, is under consideration." It is also shown by references in P 2375, where Dutt is described as C. P. Dutt at F. C. 63, and again at F. C. 69 where there is a mention of C. P. Dutt and work in India, and of the C. P. G. B. " only having £100 in hand for the purpose of sending Dutt to India.so that the party could not accept financial responsibility if Dutt was sent to India ", that is by the Communist International. Incidentally Roy went on to say that he had been instructed (obviously by Moscow) to go ahead with the question of Dutt being sent to India. Again in the same report we get another indication of C. P. Dutt's position in the remark of Robson at F. C. 67 " I then explained that a sub-committee of four consisting of Dutt, Bell, Glading and myself had been set up to consider the International Programme in the light of Glading's report." In the light of all these documents it is clear that C. P. Dutt whom we have also come across as Assistant or London Secy. of the W. W. L. I. occupied an important position in the Communist Party of Great Britain so far as Indian affairs are concerned, and was also closely connected with Russian affairs and employed in one of the Soviet institutions in England in 1924 and 1925.

Before going on to his handwriting, which must be dealt with in connection with this Indian Correspondence I may refer to an attack on the genuineness of P 2379 and P 2379 (1), to which I have referred at an earlier stage, on the ground that in P 2379 (1) Roy writes to C. P. Dutt : " The communication dated July 6 signed by yourself together with 8 other comrades has received the due consideration of our party. We are delighted to welcome you as members of our Party ". It is contended that as P 2387P (1) shows that Dutt was already an

active member of the C. P. G. B. and therefore of the C. I., this letter is more or less absurd. The same would have applied also to Upadhyaya who is shown by P. 2375, the Amsterdam Conference report, to have been an active member already, a fact also supported by P 2377 (1). On the other hand, there is not the smallest ground for suspicion in regard to either of these letters P 2379 and 2379 (1). They were signed by M. N. Roy and with them was found an envelope addressed to Comrade C. P. Dutt C. P. of England, London. 5

O. P. 301. Coming now to C. P. Dutt's letters generally there are about 20 letters alleged by the prosecution to be from C. P. Dutt on the record. Some of these are in his handwriting, some are typed, and in one or two cases we have only copies. The standard writings in the case of C. P. Dutt are P 2356, an application for passport, and P 2446, P 2448, P 2447 and P 2449, of which the first is a passport, the second a letter dated 4th May 1928, returning this passport and asking for a new one, the third an application dated 3rd May 1929 for a passport and the last a receipt dated May 21, 1929, acknowledging receipt of this passport. All these documents are proved by P. W. 7, Mr. Hubbard, Senior Examiner in the Passport Office in London, who deposes that the last of these documents, P 2449, was actually written by C. P. Dutt in his presence. The others are papers which under the rules are required to be in the handwriting of the applicant for passport or the bearer of the passport himself. Now, as in all other cases, all these letters or other documents, said to be the work of C. P. Dutt, were examined and compared by the Court and the assessors at the time of arguments, and also by the Court and to some extent by the assessors at the time when the Handwriting Expert, Mr. R. Stott, P. W. 277 was giving his evidence. This evidence was very lengthy, and every statement made by Mr. Stott (both in connection with Dutt's documents and those of other persons) was supported by sound reasons and by juxtaposed photographs, that is photographs in which words and letters from different documents were extracted and put together in a single large photograph, thereby greatly facilitating the work of comparison, which otherwise involved putting side by side numerous original documents. The inferences to be derived from these juxtaposed photographs were in the majority of cases also tested by putting original documents side by side, but the juxtaposed photographs were taken on the record as an aid to the forming of opinions by the Court and the assessors. All this applies both to written and typed documents. I do not think that it is necessary to go into the general reasons given by Mr. Stott for his conclusions in regard to typewritten documents. They are stated at length in his evidence, and they were not the subject of serious cross-examination, and at the stage of arguments I do not think they were mentioned at all. Another point, which I regard as of great importance in connection with the evidence of Mr. Stott and the value which the Court may reasonably attach to his opinions (quite apart from the results of its own tests), is the fact that after having cross-examined Mr. Stott, presumably with the object of showing that the Court should not attach great value to his opinions, the defence proceeded to put to Mr. Stott a number of defence documents and to ask him his opinion as to the handwriting of those documents in order to use that opinion in proof of the authenticity of defence documents. That is to say that not only the prosecution but also the defence have relied on Mr. Stott's opinions in connection with documents in this case, and in those circumstances I think the Court is entitled to regard Mr. Stott's evidence in this case as standing in an unusually strong position. In point of fact, although I think I have checked at one time or another every single opinion which has been given by Mr. Stott, I do not think there is more than one case, or possibly two, in which I am in some doubt as to the correctness of his opinion. Mr. Stott's evidence in examination-in-chief took no less than six days to record and takes up 20 printed pages of foolscap to which must be added 5½ pages of detailed general reasons, which the witness had prepared beforehand and presented in printed form for inclusion in the record. It was, of course, read by him as part of his evidence, and will be found in the record after page 14 of his evidence. His cross-examination occupies 22 printed pages of foolscap and lasted for 7 whole days, and I may note incidentally that to facilitate this cross-examination Mr. Stott put in the hands of the defence counsel several books about which he was asked at the beginning of his cross-examination. 10 15 20 25 30 35 40 45 50 55 60

O. P. 302.

O. P. 303.

With these preliminaries I may come to the opinions expressed in the evidence of Mr. Stott in connection with C. P. Dutt's handwriting and documents described as being written on Dutt's typewriters no. 1 and no. 2. On page 7 of his evidence Mr. Stott stated as follows : " In my opinion the person 65

who wrote the blue enclosed part of P 2447 and the part above the red line, the parts above 2 red lines on P 2356 and the signature C. P. Dutt on the photograph attached thereto, the signature C. P. Dutt on P 2446, the signature and writing below it on P. 2448 and the writing and signature on P 2449 also wrote the signature on P 345, the ink writing on P 1012, the signature on P 1348 (34), the whole of P 526 (42), the signature on P 526 (45), on P 1233, on the original of P 1658P and the initials on the original of P 1659, the signature on P 2346, and the original of the manuscript letter P 2387P (1). I wish to add that P 2063 is a photographic reproduction of P 526 (42).” Then on page 13-14 of his evidence Mr. Stott stated : “ I am of the opinion that the following exhibits were all typed on the same machine P 345, P 377, P 526 (43), P 674, P 1007, P 1008, P 1348 (34), P 1859 and P 2448.” It will be noted that these documents P 345, P 1348 (34) and P 2448 all occur in the opinion in regard to signatures and handwriting and P 2448 is one of the standards and bore on it both a signature and writing of C. P. Dutt.

O. P. 304. On page 14 Mr. Stott giving his opinion further stated : “ I am of the opinion that the following exhibits were all typed on the same machine : P 2160 (1), P 2160 (2), P 2001 and P 526 (44) ; further P 1665 page 2 is the carbon copy of P 2160 (1), and P 1665 page 3 is the original of which P 2160 (2) is the carbon copy. I have further noticed that P 2160 is the carbon copy of page 1 of P 1665, but these 2 (that is P 2160 and page 1 of P 1665) were not typed on either of the two machines just referred to.” The facts by which we are enabled to conclude that these documents emanate from C. P. Dutt are the facts that P 526 (44) was found in the search of the Bengal W. P. P. office at 2|1, European Asylum Lane and in the same search there was recovered a letter P 527 (1) which is a reply to P 526 (44) and is addressed by Spratt to Dear Dutt and contains references to Dutt’s letter of the 11th January (P 526 (44) is dated January 11, 1929) and contains unmistakable references to the contents of that letter. Hence we are entitled to treat the document P 526 (44) as a standard by which to test the other documents contained in this opinion. So far as the typing is concerned it may be noted before I leave this opinion that the comparison of typewriting depends in the main on a coincidence of faults, and that in the case of these documents the most marked common fault is that the small letter “ n ” in all these documents has the right half serif at the foot of the right leg of this letter damaged so that instead of the whole line being horizontal, the right half points downwards at a marked angle.

Turning now to the documents typed on typewriter no. 1 Mr. Stott gave a number of reasons for his opinion and both at that time and in the course of the arguments the correctness of his statements was verified. But there are other reasons apart from the typewriting for being satisfied that some of these letters emanated from C. P. Dutt. I think the easiest way to show this is to go through the whole series of letters between Spratt accused on the one hand and Douglas, J and the man who signs himself with what has been called a squiggle in P 1007 and P 1008. Now I have already mentioned the fact that Spratt accused met Clemens that is to say, C. P. Dutt, in Paris. It would appear that C. P. Dutt was the last person with whom he was in consultation before he left Europe. I have also shown from Spratt accused’s diary that within a few days of his arrival in Bombay he wrote to Douglas and it is quite clear that that is the letter to which Douglas replied on 25th January 1927 in P 1859, a letter addressed to Dear Philip by Douglas, containing invisible ink writing, but intercepted and withheld, vide the evidence of P. W. 253 Sub-Inspector Kothare. This letter has an envelope addressed to Spratt accused.

Now I propose to show from the contents of these letters that there are an extraordinary number of coincidences in regard to the subjects, persons and organisations which are mentioned in them.

In the letter P 1859 we get references to the Y. M. C. A. (which we shall find later means the Communist Party), to Methodism (and we shall find later that the Methodists are the members of the W. P. P.), to David, by whom it is evident that Donald Campbell is meant, to Baker, whom we shall find is the same as Saklatvala, to Ewan, about whom there can be no doubt that he is Iyengar, and to Victor, whom there is excellent reason to suppose is Fazl Elahi. There is further a reference to the Canton Conference of the P. P. T. U. S. about which I have spoken already and in connection with which the writer says that Thengdi should go. So much for this letter.

O. P. 306. The next letter in the series is P 1829, a letter addressed to Mr. Harry Howell, Hampstead London and intercepted by P. W. 269, Deputy Inspector Chawan who has deposed to seeing Spratt posting it. In any case it is signed Des and the evidence that Des and Spratt are the same person is quite conclusive. There can also I think be little doubt that the envelope is in Spratt accused's handwriting. This letter is dated 5th March 1927 and is addressed to Dear Brother in God. This letter has an enclosure in number cipher which is in two codes, that is to say, it opens in a code derived from the poem "After Blenheim" and in that code gives the name of the poem by which the rest of the letter is coded, namely "Il Penseroso". According to the code the enclosure is signed Victor. In this letter and in the enclosure we get the following references. First of all there is a reference to Teb, which is clearly a transposition for Vic, short for Victor, and that is a quite certain inference in view of the fact that Spratt accused writes, "I have seen Teb, who wishes me to send the enclosed." So if there is an enclosure signed Victor, Teb and Victor must be the same person. Spratt accused goes on to talk about a Methodist Church and about the old Y. M. obviously the Y. M. C. A. From then he goes on to talk about the University Convocation, a phrase we shall find repeated, and later on he makes some remarks about the departure of Father Ambrose for the North and the indisposition of David. This is doubtless a reference to the fact that by this time Donald Campbell had been convicted and was in the Yeravada Jail at Poona.

We get another reference to Campbell in the enclosure from Victor. This enclosure also contains a reference to Spratt accused and a complaint that programme is confused and the functions unclear to the people here, a reference clearly to the same subject as is mentioned in the second paragraph of Spratt accused's letter.

O. P. 307. The next letter is P 2312P with an enclosure P 2312P (1) in number cipher. P 2312P is a letter from R. C. L. Sharma to Iyengar at Madras in which he says that he is enclosing a letter which he thinks is 'for our newly returned comrade.' Bearing in mind the date 5/3/27 of P 1829 and the fact that it was posted on mail day we know that that letter would have reached Europe on the 19th of March. This letter from Sharma is dated 23rd and therefore the enclosure cannot be a reply to the enclosure of Spratt accused's letter. But it is clearly a reply to other letters of Victor because it is in the same number cipher taken from the poem "After Blenheim". In this cipher letter from Europe the writer says, "Received all your letters. Do not forget building port organisations. Meet Spratt and comrades in Bombay and Madras. Roy gone to China. Send a comrade to meet him there.....Send delegates to Pan Pacific Conference to be held in Canton in May." So in this letter again we have some of the same references.

The next of the series is P 1007 dated 9th June 1927 and found in Spratt accused's possession in September 1927. This is a letter addressed to Dear Appa and signed with a squiggle which may perhaps be described as a kind of G. In this letter we get a reference to the Methodist times and to Fh. There is nothing much of use in this letter but there is some writing in invisible ink in it to which I shall refer later. I need only say now that there is a mention of one Nelson having failed to go.

O. P. 308. The next letter in the series is P 2328P (2) dated 14th June 1927, addressed by Des that is Spratt to Douglas and intercepted en route to Iyengar under the cover address of Chakravarty in Madras. In this letter we get a large number of references which tally with the references in the former letter. For instance he mentions Baker, the Y. M. and the Methodists, University affairs, Ambrose, Ewan and Shance (which seems clearly a reference to Thengdi). There are also references to Zagar, Hig, Huz, Ler, Cunfa and Nell (who may possibly be Nelson). The covering letter from George to Dear Comrade which is a letter from Ghate accused to Iyengar contains references to J. P. and Sak which suggest that Baker and Sak are the same person.

The next letter is P 1012 dated 25th July (1927) from J to Dear Desmond, found in Spratt accused's possession in the 1927 search. In this letter we find references to the Y. M. C. A., to the Methodists, to Nelson, and to Musa, and a remark that "the Methodists and Y. M. C. A. are becoming too much two names for the same thing." This would obviously seem to suggest that J and Douglas are the same person.

The next letter is P 1008 dated 9th August 1927 from a person who signs himself with the same squiggle or G as we found in P 1007 to Dear Des acknowledging Des's letter dated 14th June that is to say P 2328P (2). That makes it quite clear that the writer who signs himself with squiggle is the same person as Douglas. But the point will become clearer still in due course. In this letter we find of course clear references to Spratt accused's remarks in P 2328P (2). For example there are references to Baker, Hig, Ambrose, Methodists, the Y. M. C. A. and Don. (obviously Donald Campbell). At the end the writer says, "Doug. has to thank you for sending several books on agriculture." It would obviously be a natural thing for a man who is using the two signatures, Douglas and a squiggle, when writing in the latter capacity to allude to himself in his former capacity in this way. This letter also contains a reference to Rumbu and Zhurocgu.

O. P. 309. We come next to P 2329P (1), another letter from Des (Spratt) to Dear Brother forwarded by George (Ghate) to Iyengar, under the cover address Chakravarty. In this letter we get references to Fhusa, Amb, Kujpus, Bhumi, Lozzie, Lujec, the Methodists, Victor, Maslim, Baker, and Musa. This letter acknowledges a letter of the 25th May as just received which obviously shows that the letter must have been sent by hand as it had taken over 2½ months to arrive.

Lastly we come to a very important letter P. 1009 dated 4th September 1927. This is a draft letter in Spratt accused's own handwriting, found in his possession in September 1927. The coincidence of references, even had there been no other reason for coming to that conclusion, would have been convincing proof that it was Spratt who had written the other letters signed Des or Desmond. This letter contains an obvious reference to two letters from Europe and it begins with the words "I had a chat with Musa", who is referred to in P 1012, which is signed J and also mentions the objection stated in that letter that the Y. M. and the Methodists are becoming too much the same thing, and goes on to a reference to "your suggestion in 9/8/27 re Rumbu" which is an obvious reference to P 1008 dated 9/8/27, which is signed with the squiggle signature. We have it therefore that P 1007 and P 1008 and P 1012 all come from the same person. That is to say the signatory of the squiggle and J are the same person. I have already shown that Douglas and J are the same person. It follows that J = Douglas = the signatory of the squiggle.

O. P. 310. As to the identity of J with C. P. Dutt I may refer to P 377, a letter of the same kind, that is a letter clearly from a conspirator in England, sending out a letter P 377 (1) which we shall find to have emanated from M. N. Roy and accompanied by a covering letter, P 378, from N. J. Upadhyaya to Muzaffar Ahmad in which Upadhyaya remarks, "Please find a letter from C. P. Dutt." So that we know from this that C. P. Dutt is in the habit of signing himself J both in typed letters and, as we found in P 1012, when writing in longhand. That also suggests another piece of evidence as to the identity of J with C. P. Dutt namely the comparison of the handwriting in P 1012 with standard handwritings of C. P. Dutt from which it is a certain inference that that letter was written by C. P. Dutt. I might also before leaving this series point out that in addition to the evidence to which I have already drawn attention showing that Spratt accused and Des are the same person, it may be noted that P 2328P (2) and P 2329P (1) are both shown to have been typed on Spratt accused's Juventa machine which was used for typing his search list (P 1005) and other documents, such as for example P 1954.

As to the signature of Upadhyaya on P 378 I may note before leaving this subject that it is corroborated by the evidence in regard to the signature on P 376 and is the same which we find in P 2329P, the photograph of a letter recovered at the search of the C. P. G. B. headquarters in October 1925.

O. P. 311. Further as to the use of a typed capital J by C. P. Dutt there is another case of this in P 2002 C, a letter addressed to Kishorilal Ghosh but beginning Dear Philip and therefore plainly intended for Spratt accused. The envelope is shown by the evidence to be in the writing of one A. Glyn Evans. Without going into the evidence on the point at this moment, it will be sufficient to say here that this letter was the result of correspondence between Glyn Evans in London and Dutt in Berlin, in the course of which Glyn Evans addressed Dutt as Dear J (*vide* P. 2401P (F. C. 515) addressed on the outside envelope to Badhuri at an address in Berlin and on the inner envelope "for Clemens"). Lastly on this point of the association of the signature J with C. P. Dutt, I may refer to P 674 (F. C.

425) which is generally called the Sandwell letter because of the circumstances of its recovery. This letter asked for a reply by wire to certain inquiries about a young fellow Jhurdekuq, an obvious transposition for Khardekar. In consequence of the recovery of this letter inquiries were made and it was ascertained that a reply was sent by telegram by Ghate accused in P 2186, which reply was addressed to Dutt, 162, Buckingham Palace Road, London, which is the address of C. P. Dutt. It is quite clear from all these facts that C. P. Dutt is in the habit of signing himself and of being addressed as J. 5

O. P. 312. Then again we have two other names used by Dutt, John and Joe. The evidence as to this is as follows. P 2189 is a telegram dated 5th August 1928 addressed to Spratt at Calcutta in which John asks for information whether confidence is placed in Orm Massel and two others in Manchester. To this a reply was sent by Spratt on the 10th August, addressed to the Secretary Labour Research Department, 162 Buckingham Palace Road, London Telegram Unintelligible no Confidence Suggest Wire Bombay." This was referred to by Glyn Evans writing to C. P. Dutt c/o Badhuri on 21st August 1928 in the following terms : " Dear John, Since I had your note I sent a wire away to Des but had a reply saying that the thing was unintelligible and upon further advice I sent it over to Fred." This occurrence was referred to by Spratt accused in P 2419P dated 23-10-28 in a letter addressed to Page Arrot as follows : " Joe, by the way, wired to me some time ago, asking so far as I could make out about some people he had met, etc." The defence suggestion is that Joe could not be the same as John. But it is obvious that in circumstances like this where the person addressed is looking out for letters in which names of writers will be disguised, he would not find any difficulty in solving J, Joe and John. 10 15 20 25

Then we get another point of coincidence between the letters in this series. P 526 (43) addressed to Dear Philip on the 14th June 1928 and signed with a hieroglyphic, which is not the same as those to which I have referred already, coincides with P 674 from J to Dear Fred, the Sandwell letter which is dated 6th June 1928, in containing references to meeting, and having a long talk with Jack and to the meeting of " the young fellows in August ", for which it is quite essential that some one should come over from India. It is obvious therefore that P 526 (43) also emanates from J that is from C. P. Dutt. There is in fact a volume of evidence to be derived from outside facts in connection with these letters or from their internal contents to support the conclusions to be drawn from a comparison of the typewriting. 30 35

O. P. 313. There remain only the letters in which there is either a signature or writing of C. P. Dutt. In regard to those with a full signature there is certainly not the slightest possibility of any doubt arising, as C. P. Dutt's handwriting and signature are both very distinctive. The only documents which require careful consideration are P 1012 and P 526 (42). The former is signed J and is written in rather a cramped style on a sheet torn from a pad. But a careful comparison of this with other documents shows that it contains features very familiar in Dutt's ordinary handwriting. P 526 (42) is signed with a C which is quite clearly the same capital C which Dutt uses in his signature but rather more exaggerated than usual. The same kind of C is also to be found in P 1665 (F. C. 807). Lastly it might be noted that the two letters which purport to be from C. P. Dutt namely P 526 (44) (F. C. 320) and P 1348 (34) (F. C. 46) were replied to by Spratt and Ghate accused respectively in P 526 (29) (F. C. 380) and P 248P (F. C. 496) and in each case the replies were addressed to Dutt. In the case of the latter the envelope was addressed to C. P. Dutt at 162, Buckingham Palace Road, London. 40 45 50

O. P. 314. So much for the evidence in regard to the authenticity of correspondence alleged to emanate from C. P. Dutt. We may now go on to examine the letters which contain invisible ink, cryptic language or cipher code writing. Speaking generally these letters may be divided into three classes ; those which contain number cipher, those which contain writing in invisible ink which has become visible, and those which are couched in ordinary language, but which contain names and places concealed by transposition of letters and have the subject under discussion disguised under religious or other similar terms. 55

Now we have seen already a great number of instances of advice and instructions given from outside India to the Communists in India, and I have not yet discussed the attitude of the accused to those documents. I think their main contention is that these are not addressed to them and that their origin is not properly proved. Something similar is their position in regard to the 60

cryptic correspondence, and it may be this which explains the very difficult position in which the accused have found themselves in dealing with these letters. Their general contention is that they are not conspirators, but whatever they have done has been done by them not as conspirators but as persons who have reacted to the specific situations as they developed. They felt no doubt that to admit that they received instructions from outside was practically admitting the whole prosecution case. They had therefore to say that they took no help from outside, and hence they could not reasonably offer an explanation of cryptic correspondence and the like. They could only say, as some of them did, that they knew nothing about it, or offer an explanation which is no better, and, in fact, is obviously worse than that suggested by the prosecution. In any case their explanation could only be a theoretical one and entitled to no greater consideration than that put forward by the prosecution.

O. P. 315.

There are in all 12 documents which have to be dealt with in this connection. These are :—

(1) P 1859 dated 25th January 1927 (F. C. 179) from C. P. Dutt to Spratt accused containing cryptic language and writing in invisible ink which also includes cryptic language.

(2) P 1829 dated 5th March 1927 (F. C. 190) from 'Des' (Spratt) to Dear Brother in God, containing cryptic language and enclosing a letter from Victor in number cipher.

(3) P 2312 P (1) (F. C. 195) a letter in number cipher enclosed in a letter, P 2312 P dated 23rd March 1927 from Sharma to Iyengar. The cipher letter is intended for "our newly returned comrade."

(4) P 1007 dated 9th June 1927 (F. C. 213) from C. P. Dutt to Spratt containing some cryptic phrases and some writing in invisible ink.

(5) P 2328 P (2) dated June 14 (1927) from Des (Spratt) to Douglas (C. P. Dutt), enclosed by George (Ghate) in a letter P 2328 P (1) dated 16th June 1927 and addressed to Iyengar under the cover address of Chakravarty. This contains cryptic language only.

(6) P 1012 dated 25th July 1927 (F. C. 227) from J. (C. P. Dutt) to Desmond (Spratt) in C. P. Dutt's writing and found in Spratt accused's possession. It contains cryptic language only.

(7) P 1008 dated the 9th August 1927 (F. C. 232) from C. (C. P. Dutt) to Des (Spratt) answering P 2328 P (2) written on C. P. Dutt's typewriter and found in Spratt's possession. It contains cryptic language only.

O. P. 316.

(8) P 2329 P (1) dated 15th August 1927 (F. C. 235) from Des (Spratt) to Brother (C. P. Dutt) enclosed in a letter from George (Ghate) to Iyengar (under the cover address Chakravarty with inner envelope addressed 'for Swamy') typed on Spratt's typewriter. This contains cryptic language only.

(9) P 1009 dated the 4th September 1927 (F. C. 300). This is an unsigned draft in Spratt accused's handwriting and found in Spratt's possession beginning "Dear Brother". It contains a great deal of cryptic language and one small portion in number cipher giving the name and address of one Mudkatte.

(10) P 1671 P dated 29th September, 1927, (F. C. 302) from Leonard to Mac. The evidence shows this letter to have emanated from Bradley. It is addressed to one Horseman. It is partially in cryptic language but also contains a portion in number cipher giving a cover address "Karanth".

(11) P 1686, written in January 1928 and recovered in the search of a lascar Abid Ali, P. W. 63, on the 2nd February 1928, (F. C. 348) from Besants to Dear Friend. It was given to the bearer by Upadhyaya and was addressed to R. K. Karanth, "Gladhurst", Santa Cruz, Bombay, with an inner envelope addressed 'for Ghate', enclosing another envelope with the name Jack written on it, possibly intended for Bradley accused.

(12) P 674 dated the 6th June 1928 (F. C. 425), the 'Sandwell Letter' from J. (C. P. Dutt) to Dear Fred (Bradley) typed on C. P. Dutt's typewriter and recovered on the 24th April 1929 from an almirah which had been in the use of Bradley accused. It contains cryptic language and the name of Karanth is given in number cipher towards the end.

O. P. 317. Apart from these letters there are two letters from Sipassi to which I have referred earlier in which he uses the terms 'herald' and 'word'. As regards herald we find that word also appearing in invisible ink writing in P 1859 (F. C. 179) where it evidently means a messenger. There are also two very small pieces of cryptic writing in the letter P 2002 C from J to Dear Philip (F. C. 513) and the telegram from John to Spratt P 2189 (F. C. 514). 5

Lastly there is a reference, in a letter dated 10-5-28 from M. A. (Muzaffar Ahmad) to J obviously intended for C. P. Dutt and through him for Roy, P 2099 C (F. C. 417), to 'Ambrose' who, he says, "is here and working hard." The evidence about this letter is that of P. W. 85, Inspector K. S. Mohammad Ismail, who says that "on that day (10-5-28) Muzaffar Ahmad accused accompanied by Abdul Halim came to Howrah Railway Mail Service office and posted that letter. I intercepted that letter, took a copy of it and re-posted it." This witness was cross-examined about this interception but nothing was elicited which would throw doubt on the facts stated by him. 10 15

O. P. 318. Now I have already shown in dealing with C. P. Dutt that the first nine of these letters are letters from Spratt accused to C. P. Dutt and vice versa and I have therefore assumed that in describing the letters in the above list. We have now to consider their interpretation. I will take the question of the number cipher letters first. There are not a great number of cases and I think there is not the smallest room for doubt as to the correctness of the solution offered by the prosecution. In this connection I may note that there is no alternative solution suggested by way of argument by the defence and bearing in mind the nature of the documents the small number of mistakes, most of which are in any case easily explicable, and the absence of any alternative I feel no doubt in my own mind on this point. Now the prosecution case is that the number cipher of which we find examples in P 1829, P 2312 P (1), P 1009, P 1671 P, and P 674 is based on a very simple system. Some poem which is to be found in that very common book "Palgrave's Golden Treasury" is used as the basis and each letter is described by two numbers, the number of the line and the number of the letter. Usually the person employing the code puts the number of the line first and the number of the letter second with a dash in between. In one case the reverse method is employed, the number of the letter is given first and that of the line second. 20 25 30

The first of these letters is P 1829 (1), a letter from Victor presumably for C. P. Dutt as it was enclosed by Spratt accused with a letter which was quite clearly meant for Dutt. Taking the poem "After Blenheim" which is no. 216 in "Palgrave's Golden Treasury", of which one copy was found with Spratt accused and is on the record as P 2509, while another was recovered from Hutchinson accused and is P 1031 (there is of course no evidence that it was ever used by Hutchinson for the purpose of sending or decoding cipher messages), we find that the first 15 combinations of numbers when decoded on the system above mentioned, that is treating the first figure of each combination as meaning the number of the line and the second the number of the letter, gives the Solution "Code II Penseroso", and Milton's poem of that name will be found in the same book as no. 113. In the coding of these first 15 letters there is a mistake in the very first letter of all as 30-22 gives the letter o and 30-20 gives the letter c which was the letter required. Going on to decode the rest of the letters using the poem II Penseroso, this when decoded gives the following solution "Campbell was sent to Bombay but he "csuld" not execute the work properly. "Phogram" is confused. Org. functions unclear to the people here. B. W. P. Congres had to take place on nineteenth I ran away. No information as yet: leaving Spratt ill "seno" "letteos" "Sdamsuddin" "issepod" Qaum is to be "wytched" Victor." Now assuming that the word "issepod" really stands for escaped (we shall see how the mistakes resulting in this mutilation can arise) we find that the actual mistakes in this document are:— 35 40 45 50 55

- O. P. 319.
- (1) 30-22 (equals o) for 30-20 (equals c) in the very first letter.
 - (2) 5-8 (equals s) for 5-9 (equals o) in the word 'could'.
 - (3) 2-4 (equals b) for 2-5 (equals r) in the word 'programme'.
 - (4) The second 's' of Congress is omitted.
 - (5) 8-10 (equals o) for 8-11 (equals t) in the word 'sent'.
 - (6) 15-10 (equals o) for 15-11 (equals r) in the word 'letters'.

(7) 15-3 (equals d) for 14-3 or possibly 15-5 (equals h) in the name 'Shamsuddin'.

(8) 3-5 (equals i) for 5-3 or perhaps 1-5 (equals e).

(9) 7-2 (equals s) for 7-6 or 6-7 (equals a).

(10) 5-3 (equals e) for 6-5 (equals a).

(11) 9-10 (equals o) for 10-9 (equals e).

(12) 8-8 (equals y) for 8-7 (equals a) in the word 'watched'.

The four mistakes nos. 8 to 11 all appear to have occurred in writing the word 'escaped' which appeared as 'issepod'. It is possible that the interpretation suggested here is not the correct one, but even if it is, and there are all these mistakes in one word, that would not be very surprising as it occurs very nearly at the end of a document containing no less than 254 letters. Now first of all I take it to be quite impossible that there should be any other document in existence by which applying this system we could get a solution, which gives sense as this one does. Secondly the facts which appear in the solution are to quite a considerable extent verifiable. The writer says that "Campbell was sent to Bombay, but he could not execute the work properly", which is no doubt a reference to the fact that Campbell having been sent to Bombay had been consigned to prison. Then he goes on that "programme is confused and the org. functions unclear to the people here," i.e. at Bombay, and in effect that is what we find Spratt accused saying in some of these letters. Then he says: "B. W. P. Congress had to take place on nineteenth I ran away." Now it is a fact, as shown by the report at the end of "A Call to Action", that the Bengal Peasants' and Workers' Party held a conference on the 19th February 1927, and it is quite possible that Victor or Fazl Elahi was at Calcutta at that time and for some reason thought it advisable to come away. Then he writes "sent letters", and we shall find the writer of the number cipher letter, P. 2312 P (1), who also uses the code derived from the poem "After Blenheim" mentioning that he has "received all your letters".

O. P. 320.

So much for P. 1829 (1). We find the number cipher next occurring in P. 2312-P. (1) (F. C. 195), a letter entirely written in cipher and enclosed with P. 2312 P from Sharma to Iyengar. This document contains no less than 253 letters in number cipher and the letter J written twice in long hand. This is a curious fact, but is explained by the fact that the letter J does not occur anywhere in the poem "After Blenheim", and had therefore to be put in in long hand. This letter contains ten mistakes in coding altogether. These are as follows:—

(1) 11-24 (n) for 11-23 (u) in the word 'your'.

(2) 20-1 (f) for 20-11 (a) in 'organisations'.

(3) 20-1 (f) for 20-11 (a) in 'Madras'.

(4) 13-9 (r) for 13-6 (s) in the word 'send'.

(5) Between 24-23 (c) and 1-10 (m) in the word 'comrade' the numbers for the letter 'o' are omitted.

(6) 5-21 (g) for 8-21 (d) in the word 'and'.

(7) 2-1 (o) for 2-2 (l) in the word 'himself'.

(8) 20-1 (f) for 20-11 (a) in the word 'Pan-Pacific'.

(9) 2-0 (nothing) for 2-1 (o) in the word 'to'.

(10) 20-1 (f) for 20-11 (a) in the word 'Canton'.

O. P. 321.

I do not think that the most sceptical person could feel any doubt that the solution which emerges by applying a code, which results in only ten mistakes, all due to obvious slips, in over 250 letters, must be the correct one, especially as that solution gives good sense and contains a message, which might well be sent by conspirators at home to a comrade newly returned from Europe to India. The full solution is as follows:—

"Received all your letters. Do not forget building port organisations. Meet Spratt and comrades in Bombay and Madras. Roy gone to China. Send a comrade to meet him there. The Comrade should go to Japan and report himself to Janson of Soviet Embassy. Send delegates to Pan-Pacific Conference to be held in Canton in May"

It is scarcely necessary for me to refer to the emphasis already laid on the necessity of getting cover addresses at Colombo and Bombay. We know as a fact that Roy did go to China in 1926-27, because Roy himself says so, and we know already that the comrades in Europe were anxious that someone from India (Thengdi had been suggested in P 1859) should go to the Pan-Pacific Conference at Canton, to which I have referred earlier in dealing with the P. P. T. U. S. 5

O. P. 322. The next letter in which we meet with this number cipher is P 1009, a draft letter, which, as I have already pointed out is in Spratt accused's handwriting and was found in his possession in 1927. This is introduced in the middle of the letter very awkwardly without any explanation other than the following words: "Try, not of course too often." The cipher portion has been found to have been put in code by the use of "Sally in our Alley", a poem by H. Carey, which appears in "The Golden Treasury" as no. 131, and it is possible that the rhythm of the words, "not of course too often", was intended to suggest to the addressee, Dutt, that he should look for a poem, the title of which had that rhythm. There is no mistake in the coding of the message here, which when decoded reads as follows: "N. S. Mudkatte, Wharf Superintendent's Office, Sewri, Bombay, Fifteen." This gentleman, Mr. N. S. Mudkatte, was called by the prosecution and gave evidence as P. W. 264, and, when asked to give his address, gave the same address as appears in this message. The only attack made on him is in regard to his memory of the date when Ghate accused asked him (the witness) to let him use his address for letters. 10 15 20

O. P. 323. The next letter in which number cipher was used is P 1671P (F. C. 302), a letter written in bloc capitals, of which there can be very little doubt that the writer was Bradley accused. This is the only case in which the code was used in the reverse manner, i.e. by writing the number of the letter first and the number of the line second. There are two small pieces of number cipher, and the first is introduced with a rather clumsy attempt at suggesting that it is part of a game being played between the writer and the addressee. The poem used in coding this letter was "Gray's Elegy", a well-known poem, which appears in "The Golden Treasury" as no. 147. The first portion when decoded by the use of this poem reads as follows: "R. K. Karanth, Gladhurst, Santa Cruz, Bombay". Here again Mr. R. K. Karanth, who gave his address exactly as above, was produced by the prosecution as P. W. 79, and deposed that at one time Ghate accused asked him to receive letters for him and hand them over to him. There is no reason whatsoever for doubting this witness's statement, and in fact there is other evidence showing conclusively that his address was used as a cover address. The second small piece of number cipher writing in this letter when decoded reads: "Report follows". 25 30 35 4

In connection with Karanth I have already referred to the letter P 1686, (F. C. 348) which was recovered from the possession of Abid Ali, P. W. 63, by P. W. 262, Deputy Inspector Chaudhri. That letter, as I pointed out then, was contained in an envelope addressed to Karanth at the address just mentioned and contained an inner envelope addressed "for Ghate", inside which was another envelope with the name Jack on it. 4

The last letter containing writing in number cipher is P 674, (F. C. 425) from J. (C. P. Dutt) to Fred (Bradley), which I have mentioned already, and the last paragraph of this letter contains an obvious allusion to this very search of Abid Ali and the loss of the letter, P 1686. In this letter C. P. Dutt writes: "I have not seen Patrick (by which he obviously means Paddy alias Upadhyaya) yet, but I understand there was an unfortunate contretemps over your way a little while ago, when creditors descended on a concert performer and skinned him of things intended for you. I am afraid that it means also that 8-13, 7-2, 7-8, 5-5, 5-1, 2-1, 1-2 is no longer good." Using the same poem "Gray's Elegy" to decode these numbers, we find that the word Karanth emerges. The date of the search of Abid Ali is the 2nd of February 1928, and P 674 in which C. P. Dutt is referring to it is dated the 6th June 1928. 5

I have noted already that the accused have not suggested any alternative explanation for these number cipher code writings. Spratt accused is obviously the one on whom the burden lay most heavily in view of his letter, P 1009 (of which he on page 387 of the statements of the accused denies authorship). All he says is to be found at pages 396 and 397 of the statements of the accused, 6

O. P. 324. where he says : " I will deal first with the so-called figure cipher. There is only one specimen which the prosecution allege I am responsible for, i.e., one contained in P 1009. The meaning they give to it is again highly ingenious, and, of course, I cannot suggest any other. I do not feel called upon to do so, as I know nothing about it as I have said." 5

We come next to the writing in invisible ink. There are only two letters containing such writing, namely P 1859, (F. C. 179), the letter from Douglas to Dear Philip, dated 25th January 1927, and P 1007 (F. C. 213), the letter from C. P. Dutt signed with a squiggle to Dear Appa (Spratt accused), dated the 9th June 1927, the former intercepted in the post, and the latter recovered in Spratt accused's 1927 search. As regards the latter, the invisible ink writing is not very easy to decipher, but it was photographed some time ago at a time when the invisible ink writing between the lines was comparatively easy to see, and the photograph, P 1007 P is on the record. P 1859 was intercepted by Sub-Inspector Kothare, P. W. 253, on the 11th February 1927. He says that on opening the letter he found something written between the lines with some light yellow fluid. As he thought it to be an important letter he immediately handed it over to Inspector Desai, P. W. 215, who took it personally to the Deputy Commissioner of Police, Mr. Jacob. There are smudges or patches on the letter now, which, the witness says, were not there when he opened it. Such cross-examination as was specifically directed to this letter elicited nothing of importance. P. W. 215, Inspector Desai, deposes that he took this letter to Mr. Jacob with whom he found Mr. Stott, P. W. 277. Next day he was called in by Mr. Jacob, who was alone, and saw Mr. Jacob apply some chemicals to the letter whereupon the yellowish writing now visible came into view. Witness did not know what the chemical was which was applied. In cross-examination he stated that after the letter was fully deciphered it was given to him to send copies to the Director, Intelligence Bureau, and other places. He said he had spoken from memory in regard to the invisible writings being visible before the application of the chemicals. Mr. Stott, P. W. 277, remembered having seen P 1859 some time in February 1927. He was able at that time with the assistance of good lighting and a magnifying glass to read all the invisible writing and to give Mr. Jacob a transcription of the matter so written. Witness thought it was found afterwards that he had made one mistake. Mr. Jacob asked him for advice about chemicals which might develop or make more visible any invisible writing and the witness suggested certain chemicals to him. At the time when he saw P 1859 originally, he did not think that the invisible writing would have come out in an ordinarily taken photograph. It probably would with special screening and special plates. Apart from the appearance of stains the witness said that the more or less invisible writing had then (that is at the time of his evidence) become more visible and stood out browner. The inference from the above evidence is that Mr. Jacob, who was unfortunately not available as a witness, only applied chemicals to those parts of P 1859 on which there are now what S. I. Kothare called smudges. The rest of the writing was visible to Mr. Stott and has become more visible since that date. As to P 1007, the invisible writing has apparently faded, but as it is perfectly legible in the photograph, P 1007P, that does not much matter. 10 15 20 25 30 35 40 45

O. P. 326. So much for the letters themselves. We may now turn to their contents and to the hints in regard to invisible writing contained in one or two other letters. The message contained in invisible writing between the lines in P 1859 is as follows :— 50

" Letter perfectly good. Afraid no herald for a couple of months. Carry on. Don't prevent Y. M. C. A. conference but secure the amalgamation. May Pan-Pacific lab. conf. in Canton, good Ind. delegation essential, Thengdi should go. Tell Rhug to send few more copies pamphlet. Get in touch with Ewan as best you can—e.g. by advt. Do get me addresses for bibles. We have heard nothing of Victor. Look for letters at Cooks. I am putting mss on both forms you signed. Only just heard about David. Doing what we can. Re : Canton Conference David's job, but perhaps you can help. Passage of delegates both ways will be paid. Get T. U. C. sanction but organise thro' our friends." 55 60

Now the remark in invisible ink in a reply from Douglas, to whom Spratt accused had written a letter in the first week of January, " letter perfectly good " seems to me a clear indication that Spratt's letter had contained writing

in invisible ink which the recipient had been able to decipher. As regards the other messages I have mentioned some of them already. Y. M. C. A. Conference is of course a reference to the Communist Party Conference which it was proposed to hold at Lahore early in 1927, but which failed to come off. Then the Pan-Pacific Labour Conference is mentioned twice with the suggestion that Thengdi should go, and we shall find later that Thengdi accused made plans to go and thought he was certain to be able to go, but failed to get a passport. As regards the mention of Rhug, Victor and David, some of whom are also mentioned in that part of the letter which is written in the ordinary ink, I think it will be more convenient to deal with them when dealing with the cryptic language.

O. P. 327.

Coming to P. 1007, the message written in invisible ink in this letter was as follows :—

“ Why did you not meet Ismail on the Nevasa ? Send information about Bombay Seamen’s Union. How are Mss arrangements. Nelson failed to go. I am waiting for Hamid.” The interpretation of this also I will leave until I come to deal with the cryptic language. There are one or two further hints in regard to the use of invisible ink which must be mentioned. In P. 1012 (F. C. 227) we find the following remarks :—

“ I have sent letters to the only address you gave. In last I mentioned that your last letter was illegible just where most important. Can you try again ? ” Knowing as we do that invisible ink was used in correspondence between Spratt and C. P. Dutt, and that the writer of P. 1012 is C. P. Dutt, I do not see how it is possible to interpret these sentences as meaning anything else than that Spratt had used invisible ink writing in the letter to which C. P. Dutt is referring, and that Dutt had been unable to read a part of that invisible writing ; and there is more than this, for in P. 1009 (F. C. 300) which begins with a reference to P. 1012 in the words “ I have had a chat with Musa ” (P. 1012 ended with the remark : “ Have a talk with Musa ”), Spratt accused wrote : “ I am sorry I could make little out of the photograph you sent.” These words were followed by some words which were written and scratched out, but it is possible to read the phrases “ with tinct. ”, “ was the usual tinct. ”, and “ I think the subs. ”

O. P. 328.

Then he goes on : “ I think the chemical must have become almost completely oxidised, (they took nearly two months to get here) and no intensification I attempted was any use.” Spratt accused suggested that this might be a reference to an ordinary photograph. But, in the circumstances as we know them, this is obviously absurd, and there is another point to which I must draw attention. These sentences, in regard, as I feel convinced, to invisible writing, appear inserted between the lines of the rest of the draft, and from their appearance I think it is an irresistible inference that in the actual letter for which this was a draft, these sentences were to be inserted and were, in fact, actually inserted in invisible ink. It is perhaps worth noting that in Spratt’s 1927 search, there were recovered from him two bottles containing Tincture of Iodine and Hydrogen Peroxide, which Mr. Stott, P. W. 277, deposes could be used for developing invisible ink writing. I do not, however, attach very much importance to this, as these are medicines which many people keep in their possession. There is perhaps more importance in the fact that in the possession of accused Shaukat Usmani there was found a slip of paper, P. 1563, with the following words written on it like a medical prescription :—

“ Pot : Iodide (15 grs.) plus water (120 grs.) apply with Hydrogen Perchlitor.” It seems not unlikely that as Hydrogen Perchlitor is not a known chemical Perchlitor is merely a mistake for Peroxide, and that this also is a prescription either for writing or developing invisible writing. Usmani accused’s explanation of this piece of paper was a mere denial that he had ever seen it before.

O. P. 329.

I come now to the use of cryptic language and the transposition code. Now the general principle of this code undoubtedly is that in writing a name the writer substitutes for each consonant the consonant which precedes it in the alphabet and for each vowel the vowel which precedes it. It will be obvious that the application of such a code rigorously would frequently result in the production of names which were obviously senseless and which it would be easy with comparatively little study to decipher, and that would obviously not be

desirable. What is wanted is that the recipient of the letter, knowing already the persons and things which are being talked about, should be able to guess with fair certainty what or who is meant by the name which he finds written. Therefore in practice this code is not used rigorously and in fact it is a common practice to leave certain consonants unchanged. For instance h as we shall find, is scarcely ever changed. Apart from the use of the transposition code it will be found that there are also certain substitutions made, and we get a quasi-religious terminology, a fact which in itself would give rise to suspicion in view of what we know of Spratt accused's attitude towards religion. In so much criticism and answer as Spratt accused gave in respect of the cryptic correspondence he did two things; first of all in rather a general way he cast ridicule on the whole theory by suggesting that the prosecution should make more deductions and inferences than they had made already, and secondly he put forward the argument that the whole case for the prosecution in this connection was based on P. 1009, in which document there appeared the word Lahore crossed out with something which has been reproduced in the printed exhibit at F. C. 300 as Kalyan above it. In point of fact, as Crown Counsel has pointed out in the course of arguments, the word written above Lahore is probably Kuhique which would really have been a better foundation for the prosecution theory. Secondly in this letter there was the name Upadhyaya with a line through it and Nuddx written above it. Thirdly there was the word Calcutta not scratched out but with something which is either 'bul' or 'but' above it.

O. P. 330.

The other important point which he criticises the prosecution for relying on in P. 1009 was the substitution of Y. M. C. A. for C. P., a substitution which is obvious on an examination of the documents with the assistance of a magnifying glass, and stares one in the face in the enlarged photograph of the passage which is on the record. Now even if this had really been the foundation for the prosecution theory I do not think it would have been a bad foundation. But the fact is that what we find in P. 1009 only corroborates a theory which can be deduced from an examination of all the cryptic correspondence, letter by letter, along with the letters which were being written by Spratt and other accused during the same period either to one another in India or to persons outside India. Crown Counsel in the course of his arguments demonstrated this point with the greatest clarity and I think it will be of value to reproduce here the process of reasoning which he laid before the Court, in as much as the results are in my opinion quite conclusive. I will therefore go through this correspondence following the same lines as were adopted by him in arguments.

The first document is P. 1859 (F. C. 179). This is a letter from C. P. Dutt to Spratt accused written very shortly after Spratt accused's arrival in India. It is therefore curious in the light of the comments on religion in Spratt accused's diary (where he says that 'religion is as much an absurdity as the monarchy and about as unimportant', a statement of his views which he would even now find no need to modify, seeing that at page 439 of the statements of the accused we find him saying: "I do not deny that a good many members of the British capitalist class have religious beliefs. They are in many ways rather backward intellectually") to find C. P. Dutt writing to Spratt accused: "Religion is a great standby, but keep away from dogmatism. There can be good even in Methodism. Unfortunately many are inclined to be uncharitable, and you should not necessarily accept the statements of others at face value." In addition he refers to David not being in good health and says: "It is a very depressing thing to be ill in a strange country. Perhaps Baker can do something for him. I believe Ewan is still in Dundee." There is another reference to David in the invisible ink writing and also references to Victor, Ewan, Rhug and Thengdi of whom the last is the only one of whom we know anything. He further speaks of the Y. M. C. A. Conference which hardly seems likely to have interested Spratt, and then speaks of the Pan-Pacific Labour Conference of which we have already heard. About David he says "re Canton Conference David's job but perhaps you can help. Passage of delegates both ways will be paid. Get T. U. C. sanction but organise through our friends." Now of course at this stage we do not yet know much about this Conference, but at a later stage we shall find that Spratt accused to whom this letter was sent did do something about this Conference and on instructions from some one else in India, whom we might therefore well suppose to be the person "whose job it was". The reference for this is P. 38 (I. C. 29) in which Spratt accused wrote on the 16th March 1927 (only two months later) to Ghosh accused in the following terms:

O. P. 331.

O. P. 332. "Dear Mr. Ghosh, 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 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." Even by itself, bearing in mind the references to the T. U. Conference, the payment of fares and the getting of T. U. sanction if possible, we might well suspect a connection between David and Donald Campbell. However that is perhaps rather a jump to take all at once. 5 10

In the next letter P. 1829 (F. C. 190) dated 5th March 1927 we find Spratt accused who has so little inclination towards religion addressing his correspondent as "Dear Brother in God" and going on to talk about the Methodist Church and the Faithful and the Church in the villages, and also of disagreement with Teb on the Church doctrines, while at the end he asks his friend Dutt to send "a miscellaneous collection of the more recent works of piety and devotion." It is quite obvious that all this bears a quite different meaning to that which it bears on the surface. Turning to a different subject Spratt accused writes: "The universities Convocation is to be held next week. J. worked a dirty trick on us by suddenly deciding this. Our preparations had been made to some extent, and we hope for the best." This letter with the cipher letter shows as I have already pointed out that Teb is the same person as Victor who signs that letter, and there is also in the cipher letter a reference to Campbell. 15 20 25

O. P. 333. Coming to the 10th March 1927 we find Spratt accused writing in P. 1955 to Page Arnot and sending him cuttings on the second Campbell case which he discusses in both the first and the last paragraphs. In the middle paragraph he writes: "I write this in a great hurry as I am dashing off to Delhi in about two hours from now for the Trade Union Congress, which is being held unexpectedly this week end." Now remembering that the leading figure in the T. U. Congress is N. M. Joshi who might well be represented by J. and the fact that in the previous letter Spratt accused said that the "universities Convocation" was to be held next week and this was the result of a sudden decision by J. a slight suspicion arises that the 'universities convocation' and the T. U. Congress have some connection. There is perhaps no assistance to be derived from the next two letters P. 2312P (1) (F. C. 195) and P. 1828C (F. C. 197), in the latter of which on the 26th March Spratt accused sends Page Arnot an account of the T. U. C., and the same may be said of P. 1956 (F. C. 204) and P. 1974 (F. C. 219). 30 35 40

In P. 1007 (F. C. 213) C. P. Dutt refers to the Methodist Times and also to our old friend Fh. and there are two references to mss. which does not in either case appear to bear its ordinary meaning of manuscript. The writing in invisible ink also repeats this odd use of mss. but does not help in its interpretation. 45

O. P. 334. The letters in the P. 2328 series are slightly more suggestive. George in the covering letter to Iyengar writes that "M. A. (clearly Muzaffar Ahmad) is coming over to Bombay in a couple of days as I have to discuss with him on the matter that J. P. was furiously angry about. I mean, the problem of publicly exposing Sak and his relations with Jogl." Ghate does not explain who J. P. is but later on he expands Jogl. into Joglekar so there can be no doubt on that point. As to J. P. we know that the initials of Begerhotta, whose name we have come across already on several occasions and with whom Ghate was closely associated in the C. P. I., are J. P. 50

Turning to P. 2328P (2) which is dated 14th June 1927 (Ghate's letter is dated 16th) we find a great deal that is cryptic and much that is suggestive. In the first paragraph Spratt accused speaks of the breakdown of "communications" which makes one think at once of the remark in the invisible ink writing in P. 1007; "Why did you not meet Ismail on the Nevasa?" In the next paragraph we find the following: "Baker has written criticising the Methodist policy as published, and saying that we should not antagonise the old upper sections, but try to get both sides in. Such an attempt seems to me to be obviously hopeless, both in theory and in practice. Perhaps you will talk with him and let us know your views." Baker is therefore clearly some one who is no 55 60

longer in India, though I think equally clearly P. 1859 suggests that Baker was in India at the end of January. Then he goes on to talk of the quarrel between Zagar and Baker. So that in both this letter and Ghate's letter we have a mention of a quarrel, in one case between J. P. and Sak and in the other between Zagar and Baker.

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Then we come to a mention of the Y. M. and Zagar's behaviour therein and Spratt accused continues as follows: "Will you, by the way, make clear the real policy you want us to pursue in connection with the Y. M. I am doubtful now. All the objections to its retention remain, but Z. and others are unalterably opposed to its abolition."

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O. P. 335. Next he goes on to 'Church work' which was being done largely by Hig, saying "He is undoubtedly a scoundrel" and he goes on to speak of Hig's rascality. It seems an odd character to give to some who is doing Church work. Then we have a reference to University affairs and we are told that "Huz is improving. Organisation is going on better, and our contact is growing, mainly because of the good work of Jer. Shance is doing nothing, I am afraid." Then he goes on to talk about MS about which Baker should be asked, but which should not be sent directly by him or Amb, and there is more about Ambrose "who has been very busy but not achieving very much" and has been detained by the Hig affair: "He would like to know when exactly he is expected to finish, so that his plans may be laid accordingly." After this he says that Cunfa has been disappointing but it may be the fault of Hig who has been keeping him jealously guarded, and we have also an inquiry about Nell.

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Then in the last paragraph but one he says: "I think I have explained what had happened in connection with the Welsh Church affair. Ewan was last put on the job, but I am afraid his success will be no greater. You may remember I said I had not seen the Bible since I had been here. I have now remedied that fault, of course, but the lack is still felt, and is in the last few weeks worse than ever." But of course all this is quite absurd in view of Spratt accused's attitude towards religion.

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The next letter in this connection is P. 1959 (I. C. 52) dated 5th July 1927 from Dange accused to Spratt accused recovered from Spratt's possession in 1927. This contains a reference to the fact that Spratt was staying at the time with Chaman Lal and suggests that "our Bombay group" should join hands with Chaman Lal in opposing the expected attempt of Lajpat Rai to capture the T. U. Congress at the coming session of November 1927.

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O. P. 336. In P. 1967 (I. C. 54) Spratt accused replies to Dange that he thinks it would be a good thing for the Bombay and other "forward" groups to ally with Chaman Lal in the next T. U. C." He says that "there is no doubt that Lajpat Rai is trying to capture the T. U. C." Further he mentions the trial of one Ramchandra arrested for sedition and suggests that "it would be a pity if he were given a serious sentence."

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Next on the 21st July 1927 in P. 1968 (F. C. 224) we find Spratt accused writing to Page Arnot about the labour situation in the Punjab and in this connection he again refers to Ramchandra and his prosecution and goes on to refer to the ejection of Ramchandra, Majid and Darveshi from the Punjab Labour Board and to the fact that these three owned a paper the Weekly Mehnat-Kash. Then he reverts to Lajpat Rai and his activities in connection with the T. U. C. and says, "I am told by Dange who has recently been to Cawnpore, and by Chaman Lal, that he (Lajpat Rai) is making a serious effort to capture the T. U. C. It sounds very credible in view of the new activities of the I. L. P. etc., in connection with India--see the enclosed T. U. C. circular." Now the reference here appears to be to a circular D 190 (95) issued by N. M. Joshi, Secretary of the T. U. C. enclosing a letter from Mr. T. P. Sinha, dated 19th May 1927 in which we find the following suggestion made, namely, that "the Advisory Committee of the I. L. P. (Independent Labour Party) should approach the T. U. C. in England with a view to assisting in opening Labour colleges in India.....reserved for Indians." The first part of the suggestion is that the A. I. T. U. C. should choose 12 students, as far as possible from the working class, who should go to England for training in Ruskin College for two years in T. U. Movement and labour problems, with a view to their organising the T. U. Movement in India when they come out again. Spratt says that he pointed out to Chaman Lal the probable results of the scheme and "he agreed partly but seems undecided."

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O. P. 337.

Coming now to P 1012 (F. C. 227) we find Dutt writing to Desmond on the 25th July 1927 "I hear of complaints that the Y. M. C. A. send no mss. to you. That is in general correct and the general decision still stands but you must use your discretion." The last we heard about mss. related to the sending of mss. by Spratt and not to his receiving it. Further on Dutt writes "What about the all India Methodist organ in English?" He goes on, a paragraph later, to say that "the Bombay Methodist paper seems to be very good from opinions received. I saw recently an article of yours in I. N. H. which struck me as very good." So I. N. H., which is obviously the Indian National Herald, is not a Methodist paper and the only other paper in which, so far his associations go, Spratt might have been interested is the "Kranti", which had been started only a couple of months earlier by the W. P. P. of Bombay. This comment rather looks as if it was in reference to something new. Then we come to a reference to Nelson and the university, in the following words: "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 Glassgow soon, who should help the university there as you will be glad to learn." Finally there is a reference to "the Methodists and the Y. M. C. A. becoming too much two names for the same thing."

O. P. 338.

On the 7th August 1927 we come to a letter from Spratt accused to Muzaffar Ahmad accused, written from Lahore, P 2134 P (I. C. 58) in which he says, "I was very sorry that you should be put out by my non-appearance. I admit that I have given you great provocation." He goes on to explain his long stay in Lahore. Later he says, "I went last week to Peshawar with Chaman Lal, who was defending one Fazal Elahi, a man who has just returned from Russia. He was charged under 121-A., convicted of being an "undesirable person", and given five years. I had a short chat with him. He seems a nice chap, but I don't know how he will stand five years gaol; Chaman Lal is appealing quite rightly." After that he refers to the Ramchandra's case which he says "is going forward slowly. It is expected that he will get a year or two."

After this we come to P 1008 (F. C. 232), dated 9th August 1927, from C. P. Dutt to Spratt accused in which he refers again to Baker's criticism of Methodist policy as adopted by the Church session at Bombay. He refers also to the complaints which Spratt had sent about Hig. Then he refers to the necessity of enlarging the Methodist organisation and says, "We must get sufficient number of people, so that single individuals are not so important..... There are all sorts of little groups more or less with us who ought to be linked up through the Methodists, but as far as one can judge no attempt is being made. Take, for instance, Rumbu: or Zhuroegu, they ought to be brought in. Have you any news about Don? Nobody here seems to have heard anything of him or how to get in touch with him." In the next paragraph he says, "There might also be some suggestions about Ambrose. I am inclined to think that he will be asked to stay in his parish." This of course is in reference to the remark in P. 2328P (2) at F. C. 218 that Ambrose "would like to know when exactly he is expected to finish, so that his plans may be laid accordingly." Next he says, "I have heard that there is a university fellow going out before long." Finally there are references to the Y. M. C. A. and the College bulletin. As to the Y. M. C. A. he says, "the situation is as you say, but it is not possible to do anything about it at present", which sounds as if it were in connection with the complaint that the Y. M. C. A. and the Methodists are too much two names for the same thing.

O. P. 339.

The next letter in the series is P 2329 P (1) dated the 15th August 1927 from Spratt accused to C. P. Dutt, containing a great deal of cryptic language. This letter was forwarded to Iyengar, no doubt for transmission to England, by George alias Ghate, and there is little doubt that it was brought from Lahore to Bombay by Majid accused, since in P 1010, (I. C. 60), dated the 21st August 1927, we find Mirajkar accused writing to Spratt (it is not difficult to infer this from the fact that the letter was found in Spratt's possession in September 1927) that "Comrade Majid brought us all news from your side." In P 1011 Ghate accused writing to Spratt on the 22nd says: "I have arranged with Majid regarding future remittances, etc.", so that Majid accused had evidently been to Bombay to have a talk to the Bombay comrades. Early in this letter (P 2329P (1)) Spratt says: "I am asking Fhusa to tell you about his affairs, as I have been out of touch with them for some time." It might be reasonable to suppose that as Spratt was in Lahore, he would be out of touch with Bombay affairs, and that as Ghate is the person who was forwarding this letter, by Fhusa Spratt might mean Ghate. He goes on: "I hope you saw Amb's letter of a week or two

ago, but in case you did not, I had better tell you something about it. He gave an account of a mem. recently issued by the University Convention on the training of University men in England, indirectly under the auspices of E. K. N. It is obviously a move to promote the influence of Oxford among the Indian Universities, and is complementary to a serious attempt which is being made by Kujpus to establish himself as supreme in the next Convocation. It was first brought forward by a curious society recently formed in London mainly of E. K. N. men. Bhum is inclined to be neutral about it." 5

O. P. 340.

Here again therefore is an allusion to a memorandum recently issued by the University Convention on the training of University men in England. Now assuming, as we found ground for doing earlier, some connection between Universities and the Trade Union Congress, this would seem to be an allusion to a memorandum recently issued by the T. U. C. on the training of Trade Union men in England, and that is exactly what Spratt had referred to in P 1968 on the 21st July 1927, when writing to Page Arnot. That was referred to by him as "new activities of the I. L. P. in connection with India," so it would seem likely that the statement that this training is to be indirectly under the auspices of E. K. N. is really a reference to the I. L. P. Then again Spratt says that: "This move is complementary to a serious attempt which is being made by Kujpus to establish himself as supreme in the next Convocation," and if we have been right in associating the University Convocation with the T. U. C., then it does not require a great deal of guess work to suppose that by 'Kujpus' Spratt accused must be meaning Lajpat Rai of whose serious attempt to capture the T. U. C. he had spoken to Page Arnot in the same letter, P 1968. Then again in this letter Spratt says: "Bhum is inclined to be neutral about it", and in P 1968 he had said: "I pointed out to Chaman Lal the probable results of it, and he agreed partly, but seems undecided." From this passage, therefore, read with the connected letter, we have E. K. N. obviously representing the I. L. P., Kujpus for Lajpat Rai and Bhum for Cham(an Lal), and in these references it is obvious that a system is beginning to emerge. The inferences are irresistible. 10 15 20 25 30

O. P. 341.

Proceeding to apply the system which we would infer from these cases to the remainder of the letter, we find some very interesting results. For instance Spratt goes on to say: "Lozzie, I fear, is angry with me as I have not been to see him yet." Now in P 2134 P, only a week before this, we found Spratt apologising somewhat humbly for failing to go to Calcutta and admitting that he had giving Muzaffar Ahmad great provocation, that is very good reason to be angry with him for not having been to visit him yet. Applying the system which we are beginning to suspect Lozzie would be quite a natural substitution for Muz, that is to say, L for M, o for u, while the next consonant is left unchanged. I feel no doubt about this substitution but the next one is even more convincing. 35 40

In the next paragraph Spratt who is writing from Lahore says: "Lujec and Co. here are rather inexperienced, but sound." Now leaving the J unchanged but applying the method we have found to the other letters Lujec would mean Majid, and the rest of the paragraph is quite in keeping with that theory, particularly in the last part of the paragraph we find Spratt saying: "The contents of their organ (Majid & Co., as we know, were running the "Mehnat-kash") is still too theological (not doubt a substitution for "theoretical") and not practical enough, but they know their weakness and are improving it. The revival of university (obviously Trade Union) activity here is giving them material to use." 45 50

In this same paragraph there is a reference to Methodist organisation. In the next paragraph Spratt says: "You saw I suppose what was the result of Victor's escapade. He wants to advise Maslim and the others not to follow his example. He is right to an extent. They cannot hope to escape for more than a month or two, or to do anything valuable in that time. The longer the period of absence the worse it is for them." If we take "period of absence" as indicating a period in jail, then the only cases to which he has referred are those of Ramchandra (to whom he has already referred saying "unfortunately their best man has just seen spirited away, probably for a year or two) and Fazal Elahi, and it is evident from P. 2134 that Spratt was particularly interested in Fazal Elahi's case, as he had gone to Peshawar with Chaman Lal, who was defending him. Further it is a clear inference from P. 1011 that in his letter to Ghate, which must evidently have been brought with P. 2329P (1) to Bombay by Majid accused, he had mentioned Fazal Elahi, as Ghate replies in P. 1011 "Re. F. E.'s father, I am afraid, with matters quite unsettled just as they are 55 60 65

O. P. 342.

at present, it will not be possible to render assistance at this stage." This is, of course, not yet conclusive but it is suggestive. Examining again the word Fhusa in the light of our present knowledge of the system we find that allowing 'h' to stand but applying the usual system to the other four letters, we get Ghate from Fhusa, and it will be obvious that in cases where 'Fh.' is mentioned that is probably only an abbreviation. Similarly L. in the third paragraph of this letter would seem probably to refer to Lujec and therefore to Majid. Further on in this letter we get a reference again to L. and also to Jhum, who according to the system would apparently be Khan, and here again we get a useful piece of corroboration in Spratt's letter to Page Arnot, P. 1968, where he speaks of "M. A. Khan, who is an extremely able man, has a foot in both camps. He is generally rather suspected," while in the present letter he says that Jhum "has a good knowledge of English but is a scoundrel." Then in the next short paragraph we have a reference to Jerse, an independent sort, who though friendly, "is suspicious. Perhaps L. has been tactless with him." According to this code Jerse would appear to be Kirti, and therefore this remark seems to be an allusion to Sohan Singh Josh, and that is indeed quite an understandable way for Spratt to refer to him as we have had no mention in any document so far of Sohan Singh Josh, but we have come across enquiries about the Kirti, in P. 2121 P. (F. C. 171), the Urdu letter, and it had also been mentioned by Spratt himself in the letter to Page Arnot, which I have just referred to.

O. P. 343.

In the next paragraph we have a very interesting parallel to something which appears in P. 1009. Spratt writes: "On the subject of books I have not heard from Fhus lately" (obviously Ghate again), "but unless there has been an unexpected development things will by now have almost reached a crisis. I gave him full particulars of how to send etc. If a message has not arrived it should do so via Baker, or of course if you prefer, I will send it as before. I want to increase the space allowed from here by say a third, as I am convinced that it is impossible to get in the information required with the present word space.

I have not yet heard from Musa."

It is with all this knowledge and all these inferences that we come to P. 1009 (F. C. 300) the draft letter in Spratt accused's own handwriting recovered from him in the 1927 search. When I say it is in Spratt accused's own handwriting I mean that it is only necessary to compare this document with the numerous documents on the record which are in Spratt accused's handwriting (and there are approximately 150 such documents) to be quite satisfied that this document is in Spratt accused's handwriting but very roughly, hastily and untidily drafted. It is quite clear that the portion in number cipher was written on the sheet of paper before hand as it was necessary to stop the text of the explanation in regard to finance in the middle and go on with it again below the portion in figures. This letter opens with the remarks about invisible ink writing on which I have commented already and which appear between the lines of the writer's account of his conversation with Musa, whose chief point is the same which was referred to in Dutt's letter, P. 1012 at F. C. 227, about the Methodists and the Y. M. C. A. being too much the same thing. Now there has already been some ground for suspecting that the Methodists must be the W. P. P. because we found earlier some reason to suspect that the Methodist paper might be the "Kranti". At the end of this letter, P. 1012, we find the words "50 for Y. M. C. A. office is ample" with the capital letters Y. M. C. A. covering 2 capital letters C. P., from which we can safely infer that the Methodists and the Y. M. C. A. are the W. P. P. and the Communist Party of India. In regard to this fact that the letters Y. M. C. A. are written over the letters C. P., Spratt accused said in his statement that he had examined it and could find no sign of crossing out. He thought it seemed rather that the writer was going to put Y. M. C. A. but at the first attempt left out the "M" and then put in the "M" over the "C" and so on. Unfortunately a careful examination shows a full stop after the letter "P" from which the writer went straight on without any penlift to the word office. Moreover this was a very weak argument as it is only necessary to examine the writing with a magnifying glass to feel complete certainty that the theory that Y. M. C. A. has been written over C. P. is correct. Spratt accused then goes on to talk about the Bombay Methodists who, he says, "have now 20 members on paper but only the same few do anything whatever. The others do not even pay subs. The idea of membership of a Church organisation is yet absolutely not understood. Ler & Co. (i.e. Mirajkar & Co.) agree completely with this, but have been too occupied recently to take any steps to improve

O. P. 344.

it." And before this he had said "four or five people run the whole show in any case (in Bombay)." Now on examination of the applications for membership of the W. P. P. of Bombay, P. 1353, shows 16 applications in 1927. So Spratt had not been far wrong in saying 20. Apart from four or five who run the show he says that the others do not even pay the subs. and that is supported by the entries in P. 1343, while as to the fact that Ler & Co. had been too occupied recently, Mirajkar himself in P. 1010 on the 21st August 1927 writes to Spratt "the difficulty is of leisure" and complains that the paper and T. U. activities alone keep him busy though he recognises that Party consolidation is the great necessity of the day.

Next we come to the matter of Rumbu and Zhuroegu. According to the code these two names will represent Samba, an obvious abbreviation for Sambamurti, and Bharucha. Spratt accused in his statement argued that this suggestion was ridiculous because Sambamurti and Bharucha were staunch Congresswallahs who could not possibly be roped in by a Party like the W. P. P. The weakness of Spratt accused's defence is well illustrated by this contention on his part, for there are facts on the record about Sambamurti and Bharucha which show that the W. P. P. might quite reasonably hope to attract them into alliance with it. For example both of these men took part on the 24th May 1927 in the welcome to Dange accused on his release from jail. (Vide the account in "Krantī" P. 1375 headed "Unprecedented Welcome in Bombay: Dange's Release"). Further only a few months earlier on the 14th June 1927 in P. 1605, a copy of a letter from Dange accused to Joglekar accused, intercepted by P. W. 262, Deputy Inspector Chaudhri, Dange accused says, "You will let me know if anything comes from Sambamurti. I mean to wire to him from Nasik also. If nothing is heard from him will you arrange for my north trip? You know going North is very important." There is another mention of Sambamurti in P. 1740, an article by Nimbkar accused on "The Role of Labour in China," wherein Nimbkar accused speaks of a resolution of Sambamurti for the acceptance of complete independence as the Congress creed, which was defeated by Gandhi and all the Congress leaders at Gauhati, but which they were going to fight to a finish in December 1927.

Then about Mr. Bharucha. He was in the chair at the Students Brotherhood Hall on the 8th May 1927 when Spratt accused delivered a lecture on "The Congress—what next?" and we also find him receiving £40 from Saklatvala for the South Indian Railway Strike Committee during the strike on that railway (vide the cable P. 2177, F. C. 514) and £10 from Potter Wilson and Saklatvala, Secretaries of the W. W. L. I. for the Bombay Textile Committee (vide P. 1656, F. C. 571-2). So that there was evidently quite sufficient reason for Spratt accused and Dutt to be hopeful that something could be done with Messrs. Sambamurti and Bharucha.

He then goes on to talk about finances and I should note here that P. 1009 has been printed very incompletely. Spratt accused writes: "About mss. Fhusa spoke to me on the subject. I think his will be a good scheme. But finances at the moment....." here there follows in the original a long passage about taking money from Zagar, i.e., Begerhotta, which has been scratched out by the writer and is omitted in the printed exhibit. Then he goes on "Generally they are bad. You spoke in a letter dated end of May that I should send about 200 words to Baker. I have not done so yet. But in a month from now we shall be forced to or—if absolutely nec. I should by Musa." Now in P. 1011 (I. C. 62) dated 22nd August 1927 and evidently sent to Spratt accused by the hand of Majid accused who had come down to Bombay, Ghiate wrote, "I have arranged with Majid regarding future remittances but I am doubting whether it would be a safe method. He will tell you himself what method it is." It is suggested by the prosecution and I think in the light of these two mentions and of a number of other references to mss., space, books and the like that there is really no room for doubt that by mss. is meant money or funds, and also that, as a further means of disguising the meaning of these references, Spratt accused has reversed the supposed direction of movement of whatever it is that is referred to. It is obviously absurd for Spratt accused to be talking about sending mss., though there might have been a certain amount of sense in talking about receiving mss. But in this very letter the use of the metaphor has been extended to quite an absurd degree and it is impossible to suppose that the references are to the sending of real mss., or to the amount of space which these would require in a European paper or anything of that kind. On the other hand, if these references are re-examined on the supposition that references to sending mss. really refer to the receipt of funds, the whole picture becomes clear and comprehensible.

Now that is true not only of P 1009 but also of P 2329P (1), Spratt's letter of the 15th August, the last paragraph of which I have already quoted at page 343. In that paragraph if for 'books' we substitute money, for 'message' remittance, for 'send' receive, for "the space allowed from here" the allowance from Europe and for "get in the information required with the present word space make the required progress with the present allowance", the passage becomes intelligible. It is certainly not so at present as we have no evidence of the despatch of manuscripts from India to Europe or their inclusion in any periodical there. Similarly in this passage in P 1009 Spratt accused says that finances at the moment are bad. Then he jumps to a mention by Dutt in a letter at the end of May that he (Spratt) should send about 200 words to Baker. But what in the world would be the use of 200 words? No newspaper article worth the name could possibly be compressed into that space. If however we substitute in this passage "get about £200 from Baker (Saklatvala)," the thing becomes intelligible. Then again in P 2329P (1) Spratt says in this very connection that "unless there has been an unexpected development things will by now have almost reached a crisis," that is to say the Party would be bankrupt and unable to carry on. So again here he says "But in a month from now we shall be forced to or—if absolutely nec. I should by Musa." But what was written originally is "send by Musa" and this has been altered by crossing out the word 'send' and putting in "I should."

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Then we get the passage about Lahore and he writes, "The general arrangements are not satisfactory as yet. Actual sending is extremely difficult, and each time someone has to travel from Kuhnique (Lahore crossed out). But Calcutta is better." In this connection I have again to refer to Ghate accused's remark that he has arranged about future remittances with Majid, who as we know is a resident of Lahore, and it is further interesting in the same connection to find Majid writing from Lahore in P 526 (47) (I. C. 100) on the 10th February 1928 and saying "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." This is a letter evidently addressed to Spratt accused as it refers to Spratt's kit which Majid had been trying to recover from Chaman Lal. It may or may not be a fact that Majid's visit to Peshawar was in connection with this matter of remittances but in view of the wording of the passage in P 1009 one cannot help feeling some suspicion.

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He goes on to say: "dist, (distribution) is carried out according to the plans sent, but there are always miscellaneous additions for travelling etc." "Dist." appears to me to be quite inconsistent with the general idea of sending mss. to Europe. It would not be distribution but collection of material which would be necessary and no doubt if it was necessary to collect the remittances from somebody in the north and bring them to Calcutta and Bombay, there would certainly be miscellaneous additions for travelling etc. In the next sentence we get the final clue to Victor. Spratt accused writes "Victor's case has taken a good deal, though of course Bhum (Chaman Lal) was free." As a matter of fact we know that this is correct because Dewan Chaman Lal himself was produced as a defence witness and stated in regard to his appearance as counsel in Fazal Elahi's case: "Yes, I appeared in that case. I did not charge any fees but of course I was paid my expenses." And of course by the code which we have found to be in use Victor abbreviated to Vic. would become Teb, as we saw it did in P 1829 (F. C. 190).

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Next we come to the All-India English Journal and Spratt says that "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 & Rhug. It will not be official, they think. In present circo it can be done by reducing the Bombay organ to smaller size and devoting it mainly to stuff for univs. But that should be avoided if possible and if it is avoided more material would be required." We know already who Lozzie Lujec & Co. are. As to Cunfe or Cunfa or whatever it is that Spratt accused has written here (the writing is very illegible) it would not much matter whether the transposition code was used strictly according to rule or not. Anybody who knew the people concerned and found a word of 5 letters with the letters c, n & f in it placed as they are would recognise that this was a reference to Dange accused, particularly when he found Dange's name coupled with Rhug which obviously stands for Shah. In this connection my attention has been drawn to P 1373 (2), notes of a meeting held (evidently at Madras) on the 28th December 1927 at which "it was decided that the formation of an A. I. W. P. P. was desirable in the

near future." And further down there is a remark: "Comrades C. G. Shah and S. A. Dange were commissioned to prepare drafts of (2)" and we find that (2) was "to formulate a thesis on the existing situation international and internal, economic and political and hence to devise a comprehensive programme of work and a scale of future lines of development, relation to other parties and social groups and organisations", and the passage which follows is quite intelligible in the light of the facts which we have now got.

We find Spratt accused saying next that "it will not be official, they think." In the circumstances it is a curious coincidence that the Spark when it came something over a year later was not official. As to the rest Spratt naturally did not want to start the English Journal at the expense of the present Bombay organ, the Kranti, and hence more material in the shape of funds would obviously be necessary.

O. P. 351. Then he goes on "We have therefore drawn up a possibly rather ambitious scheme for the whole country which would resolve itself into a total of nearly 200 a month (before 200 there is something in the draft which may be £ but I am not quite certain of that) i.e. an inc. of $33\frac{1}{3}$ per cent. for the year Lahore and Calcutta alone (this is essential.) The papers absorb all that is at present allowed (300 per month.) The rest is required for fares etc. For an English Journal weekly (from Bombay) 500 per m. For Bombay paper 300. And A. I. propaganda (a new and excellent suggestion). The released men especially, should be enabled to tour the country and agitate. And one man should do so continually. We estimate 500 as ample for this. With 300 misc. this comes to Rs. 2400 per m. What do you think?" Incidentally in the passage of which the final form is "into a total of nearly 200 a month" Spratt accused made a number of corrections, and after first writing the words "into in all" he scratched this out and wrote "a total space of about" and then scratched it out again and wrote a total of nearly 200 a month. That is to say he persisted in the attempt to continue the use of the 'space' metaphor but finally discarded it. The remainder of the paragraph shows that the papers at Lahore and Calcutta (presumably the Mehnatkash and Ganavani) were already costing 300 a month and he wanted an increase of $33\frac{1}{3}$ per cent.—no doubt a slip or merely illegible scribbling of $33\frac{1}{3}$ —bringing up the amount for these two to 400 each. Then he wants 500 for the English weekly, to be issued from Bombay; 300 for the Bombay paper (Kranti); 500 for the touring propaganda and 300 for miscellaneous, and it will be found that this totals up as Spratt himself says to Rs. 2400 a month, which to be exact would be £180 a month, that is nearly £200 a month, especially after the addition of Rs. 50 a month for the Y. M. C. A. office which we find in the last paragraph. Spratt argued from the figure $33\frac{1}{3}$ per cent. and from some bits of rather poor English which occur here and there in this letter that it could not possibly be his work. I need only say, as I have already remarked, that there is no room for doubt about the handwriting and that in a hastily and somewhat illegibly written draft like this with a very large number of corrections in it one would expect to find awkward bits of phrasing. As for the $33\frac{1}{3}$ per cent. I am not quite certain that Spratt accused did not really mean to write $33\frac{1}{3}$ per cent. and that that too is not merely the result of careless writing or possibly a lapse of memory. In any case this letter gives in detail the same increase of $1\frac{1}{3}$ which was suggested in P. 2329P. (1), and there is proof of this awkwardness of phrasing which results from numerous corrections in the last paragraph where Spratt writes, "Re. Colombo. At present it is not possible we think at present", meaning perhaps that communications via Colombo were not yet possible as no arrangements had been worked out.

O. P. 352. Then he goes on "Re. Nuddx. We should like him to come of course. But he is bound to go to gaol, at least that is the view here. Probably not for more than 3 months though. So again, what do you think? 50 for Y. M. C. A. office is ample." In this passage the word originally written and substituted by Nuddx was Upady, obviously a reference to Upadhyaya. And the translation or abbreviation of Upadhyaya's name into Paddy is a very natural thing to find as Paddy is exactly how a name like Upadhyaya might well be abbreviated in England; and we have besides a proof that that is how Upadhyaya's name actually was abbreviated, because in P. 674 (F. C. 426) the Sandwell letter, we have found C. P. Dutt writing to Bradley about the seizure of P. 1686 (F. C. 348) saying, "I have not seen Patrick yet etc." and we know from the evidence of the laskar Abid Ali, P. W. 63, that it was from N. J. Upadhyaya alias Paddy alias Patrick that he received that letter for transmission to India. The word Nuddx therefore provides a useful piece of corroboration for the theory in regard to this code which it is possible to infer from all the preceding documents.

O. P. 353. Before leaving this letter I must remark that the use of the phrase " what do you think " at the end of the last paragraph but one, followed by " So again what do you think ? " in the last paragraph is very definitely characteristic of Spratt's habit of writing. Another instance of it is to be found in P 1322 (I. C. 166) dated 12th May 1928, a letter also clearly in Spratt's handwriting, found in Ghate's search, in which he says in the last paragraph but one, " My proposed return to Bombay is off for the time, of course, but I have formed the project of going to Madras after leaving here (Calcutta). I think I mentioned it in my previous letter. What do you think of it ?I remember too, that I suggested in my last letter I should resign, in view of these things, from the E. C. of the Bombay W. and P. Party. Again what do you think ? " 5 10

There is one other passage I must deal with before leaving this letter, namely, the passage to which I referred as having been scratched out at the beginning of Spratt accused's references to mss. and finances. In this he wrote, " You have no doubt received complaints from Zagar (Zafar was originally written but scratched out) about this. It is with the consent of others that I have refrained of taking anything from him. It is considered unsafe and in spite of his repeated efforts I have always denied any responsibility in the matter." In place of this last phrase he had originally written that he had " no knowledge of the matter." It is obvious from what we already know that Zagar means Begerhotta, and this coupled with what we have found already in P 2328P (1) and P 2328P (2) makes it quite clear that Baker must be Saklatvala. The explanation of what appears in this passage which presumably Spratt accused did not ultimately include in his letter, is that by this time Begerhotta was under considerable suspicion. And in this connection I may refer to P 1967 (I. C. 55) from Spratt to Dange and P 479 (I. C. 121) written in March 1928 where Spratt writing to Muzaffar Ahmad accused calls Begerhotta " that very undesirable person " . 15 20 25

O. P. 354.

The next letter in this series is P 1671P (F. C. 302) and the only cryptic reference covered by the code here is a reference to F. H. which is almost certainly a reference to Fhusa, that is Ghate accused, as this letter contains in number cipher the address R. K. Karanth which we know Ghate accused to have used as a cover address. There are full stops between the F and the H but as the whole letter is written in block capitals I do not think that that goes for very much. 30

The last letter but one of the series is P 1686 (F. C. 348), a letter found in the possession of Abid Ali P. W. 63. In this letter no use is made of the transposition code but the whole letter is in cryptic language. The letter was intercepted on the 2nd February 1928 and must therefore have been written some time in January 1928. It was addressed to Jack, inside an envelope addressed " for Ghate ", under the cover address R. K. Karanth, and is signed Besants. It does not appear to be of any particular value to the case and its solution is perhaps rather in the nature of an intellectual exercise like a cross-word puzzle than anything else. There is a reference to Arthur whose spirits prevent him enjoying himself and who is expected back soon " which is a pity as we thought there might be an opening for him ", and this may well be an allusion to Donald Campbell that is George Allison. The writer hopes that he gave some attention to the work of the Salvation Army and the Theosophical Society, which may be a reference to the Communist Party and the T. U. Congress. 35 40 45

O. P. 355.

I think there is little doubt that these suggestions are correct. For the numerous cryptic references in the remainder of the letter I will merely state the suggestions which have been made, as I do not think it is really worth while discussing them. If, as one may suspect, the letter was written by some Communist friend in England to Bradley, and if, as appears to be the case, it does not really contain any instructions, it is not worth while spending much time in trying to find out what is the correct solution, if indeed that would be possible. The following are the other suggestions made : " George " probably means King George V, and the " two friends " are probably Purcell and Hallsworth. Then the Commission to examine Mr. Roberts is probably the Simon Commission sent out to examine the condition of India, and the gentleman " who gave you introduction " may perhaps be Saklatwala, though there is no evidence as to whether he gave Bradley accused any introduction. Then the meeting at Brussels is no doubt the meeting of the General Council of the League against Imperialism, which in December 1927, as I have already stated, passed a resolution on India. A little further on " your Chief " may possibly be Lenin, and Manchester leadership is perhaps a reference to the revolution in Russia under Bolshevik leadership. The " Brahmins " in the next sentence are probably the workers, 50 55 60 65

and by priests is meant their leaders. "The opponents of Mrs. Besant" perhaps indicates the enemies of the Minority Movement. Mr. B. in the next paragraph may possibly be a reference to Mr. Fenner Brockway, though that is I think distinctly doubtful. Then there is a reference to Nehru, in this case no doubt the late Pandit Motilal Nehru. "Mr. Roberts' Temple" no doubt means the Indian constitution, while "that of my publishers" would no doubt mean the constitution which the Communists would like to establish. By "the Artists" the writer presumably means the proletariat workers. Then the "European Societies" at the end of this paragraph no doubt means, as it apparently did in the first paragraph, the League against Imperialism. I should suppose that the "Brahmins of Bombay" are probably the Workers' and Peasants' Party. Lastly there is a reference to religious bodies which the brethren here are interested in, and these must evidently be the Y. M. C. A. and the Methodists, that is to say, the Communist Party of India and the Workers' and Peasants' Party.

Finally we come to no. 12 of the series, P 674, (F. C. 425), dated the 6th June 1928 from J. (C. P. Dutt) to Dear Fred, who is no doubt Bradley accused, as the letter was found in an almirah which had been in his use. The evidence on this point consists of the statements of P. W. 175, Mr. L. H. B. Sandwell, P. W. 182, Inspector Derojinsky, P. W. 247, Sergeant Littlewood and P. W. 228, G. N. De Souza. P. W. 175, Mr. Sandwell deposed that he had Bradley accused as his tenant for a room at 166 Hornby Road Bombay. Some time after Bradley's arrest, on the 24th April 1929, he instructed his servant Joseph D'Souza to remove some furniture from the room which Bradley accused had been occupying. Subsequently D'Souza brought the witness a paper, P 674, saying that in moving the cupboard a shelf fell out and so this paper was found. The witness had had inquiries made from him about Bradley accused by Inspector Derojinsky, Sergeant Littlewood and another sergeant of police, and therefore he sent this piece of paper to Inspector Derojinsky, because he thought it had some connection with Bradley. With the paper he sent a covering letter, P 673. Bradley accused had been the witness' tenant from January 1929 to some time in February or March. This witness was cross-examined at considerable length, but it did not appear to me that this cross-examination had any effect in weakening his evidence.

Turning to P. W. 228, G. N. (or possibly J. N. as Mr. Sandwell called him Joseph) D'Souza, who actually found the letter, this witness says that he received orders from Mr. Sandwell to clean the cupboard and took it outside the room to clean it. It was then he discovered the letter. He seems to think that he recovered it some six days after Bradley left, but as a matter of fact it must have been considerably longer; but as the witness was giving evidence in the Sessions Court more than a year and a half later, it could hardly be expected that he would be very certain about the exact date. This witness also was cross-examined at considerable length, but although his memory was not particularly wonderful, I found no reason to doubt the truth of his statement. The explanation of the recovery of the letter appears to have been that one of the shelves (it was a shelf cupboard) had fallen down and so the letter came to be noticed. The next witness, Inspector Derojinsky, P. W. 182, produced Exh. P 673, the letter written by Mr. Sandwell, enclosing P 674. He said he had asked Mr. Sandwell to give him information about Bradley accused, but Mr. Sandwell had not given him information about Bradley at regular intervals, or indeed at all, unless he was asked for it. This witness was cross-examined at prodigious length, apparently with the object of showing that as he was a "White Russian" no evidence given by him in this case should be relied upon. But it will perhaps be sufficient to say that his evidence and demeanour impressed me very favourably, and I cannot see the slightest reason for doubting his evidence in regard to this or any other matter. In any case the story of the recovery of this letter does not really rest on him. Lastly there is the evidence of P. W. 247, Sergeant Littlewood, who made no statement on this matter in examination-in-chief, but was cross-examined about his relations with Mr. Sandwell. There is nothing in his evidence which gives rise to any doubt about the story of the recovery of this letter.

Before I leave this witness, however, and go back to P 674, I should I think mention that this witness also deposes to having seen Spratt accused at about midnight on a night in April 1927 talking to a man whom the witness took to be a Jew on the pavement opposite Cowasjee Jehangir Hall. When they separated the witness followed the other man and finally approached him and questioned him and took him to the Police station, where ultimately the man admitted that

his name was Fazl Elahi. The witness found on Fazl Elahi's person some Communist literature. He reported the matter to the Deputy Commissioner of Police, who sent for Inspector Desai and gave him some instructions. This is another small fact testifying to Spratt's interest in Fazl Elahi, and its importance is the light which it throws on the innocent tone of detached interest in which Spratt speaks of Fazl Elahi in his letter, P 2134 P of the 7th August 1927, to Muzaffar Ahmad to which I have referred earlier. No one reading that letter, except someone who knew all about Fazl Elahi, would imagine that Spratt knew Fazl Elahi already and was interested in him, a fact which is borne out by Ghate's remarks about Fazl Elahi's father in P 1011, which are obviously in reply to something written to him by Spratt. 5 10

Coming back to P 674, this letter is of a very much later date, namely June 1928, and I will at this stage only deal with the cryptic language in it. There is first of all a reference to a report on the cotton market of 12th May, which is clearly a reference to some report received from Bradley in regard to the Bombay Textile strike. Then we get a mention of Jack which I have dealt with earlier in this judgment. Next Dutt says: "You will have received urgent messages about the New York meeting", which is referred to again in the last paragraph but two, where he says: "By the way, whatever is possible for the N. Y. July meeting, there must be no failure to have someone for the young fellows in August." Bearing in mind the writer and the recipient, there can be little doubt that this is a reference to the Sessions of the Sixth Congress of the Communist International held in Moscow in July and August 1928, especially when we remember that on the 12th June 1928 a sum of £40 was sent to Bradley with a message "Towards sending delegate Len", *vide* P. 2428 (1), (2) & (3) and P. 1532, P. 1533 and P. 1534 (F. C. 433, 434 and 436) and a similar sum to Spratt with the message "For representative Manchester Conference Robin", *vide* P. 2431 (1), (2) & (3) (F. C. 432). After stressing the importance of this matter Dutt goes on to say: "If no one else is available I will have to use this young fellow Jhurdekuq, but in that case it will be essential that the Social Service League give their consent. Possibly I will have wired you on this before you receive this. If this letter is in time and you agree that he can represent the League please wire at once to me that 'power granted.' Naturally it would be much preferable to have a real representative, especially as Jhu. does not really know anything about the League, has never been a member and is also not a worker. He is anxious to stay in New York, but the above disadvantages will tell greatly against him, and I do not know what will be decided. I am wondering whether there was any special reason why no efforts were made to get him to join the S. S. League in your region." Now the idea that anything would tell greatly against some mutual acquaintance in regard to staying in New York is obviously absurd, whereas it is very easy for there to be something which will tell greatly against a person staying in Moscow. The person referred to here, applying the code as usual, is obviously a young man of the name of Khardikar, who came to England with a letter of introduction from Spratt accused, a fact mentioned by Spratt himself in P. 2419 P. (F. C. 607), dated the 23rd October 1928 to Page Arnot, in which he says that Khardikar left India for England about March or April last and remarks about him: "He is of no particular use, I think, but he wanted some contact with the labour movement, and I sent him to you." 15 20 25 30 35 40 45

Now if Khardikar was to be sent to Moscow as a delegate it is clear that he would have to have authority from the organisation which he was to represent, and that organisation could scarcely be other than the Communist Party of India. So we cannot feel any great doubt that by the Social Service League the Communist Party of India is to be understood. Further, in consequence of the discovery of this letter inquiries were instituted by the prosecution from the Central Telegraph Office, Record Office, Calcutta through the telegram P. 2186A, and as a result of search conducted by P. W. 270 Inspector Murshedi it was discovered that a telegram P. 2186, (F. C. 489) was despatched by Ghate accused on July 7, 1928, to Dutt, 162 Buckingham Palace Road, London, in the following terms: "Inquiries show University Gives No Powers." P. 2186 is the original telegram in Ghate's own handwriting, as appears from an examination of it as also from the evidence of Colonel Rahman, P. W. 133, and Mr. Stott, P. W. 277. One might have been inclined to think that Social Service League meant T. U. C. in view of the use of the word University, but I do not think that that is possible in the light of the last sentence quoted from Dutt's letter. A little further on in the letter Dutt 50 55 60 65

O. P. 861.

speaks of "arrangements for the supply of carbons", but adds: "But just at the moment we are faced with difficulties re. despatch." It is difficult to suppose that carbons can mean anything very different from mss, i.e. money, particularly as Dutt adds: "it would be good to get some idea how you use them also," a very patent request for accounts. There follows a reference to Alee and another to Nelson about whom nothing is known. It would seem from this reference that Nelson, who had been unable to come out to India a year or so before, had by this time been able to come. Dutt goes on to express satisfaction over the news of events "in your region", i.e. in Bombay, by which I think we must understand him to be referring to the Textile Strike of 1928, for he goes on to say: "The great thing is to get some real rank and file organisation out of it", which of course is exactly what one would imagine, from all the facts in evidence, that the Communists hoped to get out of this strike. Then there is an allusion to "the cotton shipments getting into the hands of Joss", which we shall find at a later stage to be a reference to a large sum of money sent from Russia and addressed to Jhabwala accused, which partly through a mistake in the way it was addressed, was finally delivered to N. M. Joshi, Secretary of the A. I. T. U. C. and regarded as a representative of the Amsterdam or Yellow International.

O. P. 362. I may go on next to the reference to the "young fellows in August." There is evidence on the record, vide Inspector of the 6th September 1928, part of P. 2491 at page 1054 under the heading 'youth movement', in regard to the opening of the 5th Congress of the Young Communist International Moscow on the evening of the 20th August 1928. It is scarcely possible to doubt that this is a reference to that conference and the inference is decidedly strengthened by a reference to P. 526 (43) (F. C. 445), another letter from C. P. Dutt to Spratt, dated only a week later, namely the 14th June 1928, in which Dutt says: "You will have heard already that the young fellows are going to meet in Manchester in August." It is unfortunate that in one letter he should speak of New York and in the other of Manchester as the venue for what is obviously the same meeting. At any rate, it makes it quite certain that Manchester and New York are both being used to conceal the name of some third place. In both letters Dutt emphasises the importance of the kind of delegate to be sent. According to P. 674 he should be one "who has been on the job", and according to P. 526 (43) he should be "a real factory rank and filer who knows what's what. That is a job for you to bring to light such a one!" It was no doubt in connection with this very request that Spratt wrote in P. 546 (10) (F. C. 455) on the 2nd August 1928 (cf. P. 2102 C, F. C. 509): "I was recently asked to get hold of one genuine worker to send to a youth conference in England, but I could not find one who would have been of the slightest use."

O. P. 363. Dutt goes on to say: "I am making arrangements for adequate supply of boost. By the by, it has been decided to discontinue the mail. That will have to be made up for by getting ahead with production inside and increased sending of raw materials from over here. This is another thing now in hand." "Boost" may be either money or literature. Possibly it is the latter in view of the next sentence, which may perhaps mean that "The Masses" of India was to be discontinued, since no copies of a later date than April 1928 were recovered in the searches. The meaning of the rest of the paragraph is obvious. The last paragraph deals with the matter of Patrick, the descent of creditors on a concert performer and Karanth, and has been fully discussed earlier.

There are two more cases of the use of the transposition code in P. 2189 (F. C. 514) and P. 2202 C (F. C. 513). In the first of these 'John' wired from London on the 5th August 1928 to Spratt in Calcutta in the following terms: "Send Urgently Preferably Wire Information Confidence Placed Orm Massel two others in Manchester." This telegram was actually sent on Dutt's behalf by Glyn Evans, and it appears from Dutt's passport, P. 2446 that at this date he was almost certainly in Moscow. Orm would probably under the code represent Usmani, a very likely abbreviation for Usmani, but this is of more importance in connection with Usmani's individual case than with the general case. Massel may or may not represent Nassim. It would more naturally have been coded Mussel, and it apparently gave rise to doubt in Spratt's mind, as Spratt replied in P. 2190 to the Secretary Labour Research Department on the 10th August as follows:—"Telegram Unintelligible no Confidence Suggest Wire Bombay", which is exactly what Glyn Evans did do on the 21st August, as is shown by P. 2402 P (F. C. 526). Spratt also referred to this again in P. 2419 P (F. C. 611) on the 23rd October, where, however, he spoke of John as Joe, a matter I have already discussed in

dealing with C. P. Dutt. It is very likely that Dutt's inquiry in P. 2202 C of the 2nd August 1928 in regard to "a couple of fellows in Manchester Rhuden and Uke-Rhug", was in the same connection. The name Uke-Rhug would obviously be Ali Shah, and Rhuden may perhaps be Shafiq, although applying the code more correctly it should have been Rhudep. Nothing is known of Ali Shah, but Shafiq is mentioned, for example, in Usmani's list of victims of capitalist tribunals. 5

O. P. 364.

I have dealt already with some of Spratt accused's criticisms of the prosecution theory in regard to the transposition code, and their suggestions in regard to what are obviously names arbitrarily selected for organisations and the like. For the rest the bulk of his criticism consisted in an attempt to ridicule the theory by supposing that a number of names of persons which are plainly selected arbitrarily and not the result of any attempt to apply the code are examples requiring the use of a new set of rules for the code. But all this criticism entirely misses the mark, because the solutions of this type of reference are derived from the accompanying circumstances, or from cross references. For instance in the case of David being ill in a strange country, the name David is clearly not an instance of the use of the transposition code, and we find out who David is by seeing what person fits in with the circumstances in which the unfortunate David is found situated, and also through the fact that Spratt takes on a job of David, in writing about which he mentions the name of Donald Campbell, who was as we know a person in an unfortunate position in a foreign country. Similarly the use of the name Baker is not, as Spratt accused suggested, a case of the application of the transposition code. It is another case of a name arbitrarily applied, and we are able to trace its meaning by the circumstances, in the same way as we may infer that Arthur in P. 1686 is another name for Donald Campbell. Then again there is the name Ambrose or Amb, about which it has been suggested that it was used for Spratt accused himself, and I think that on a reasonable consideration of all the references to Ambrose in this correspondence it is by no means unlikely that that theory is correct. But it is based on circumstantial evidence only and to suggest that it has anything to do with the use of the transposition code is merely ridiculous. The same is of course the case with Musa, whom we shall come across and be able to identify at a later stage. 10 15 20 25 30

PART VIII.

- O. P. 365. We can now return to the narrative, that is to the history of events in 1927. I think that in dealing with the cryptic correspondence I have explained incidentally nearly all the references to events in the early part of the year. There are, however, one or two points outstanding. For instance, in P. 1859, (F. C. 179) of the 21st January 1927 from Douglas (Dutt) to Spratt, a letter which was withheld, we get some references, which it is to be supposed that he would have no difficulty in understanding as otherwise what was the point of Dutt making them. For instance there is a reference to Ewan, who must certainly be Iyengar, and therefore in the same sentence Dundee must be substituted for Madras. No doubt Ewan is not an instance of the strict application of the transposition code as that would have given Exan, but that is not a reason for rejecting it. In fact quite the contrary; as long as there would be no particular difficulty in interpreting the cryptic language, the nearer the resulting word to a name in common use the better. As for "addresses for bibles", that is no doubt a euphemism for addresses for letters and literature. 5
- From this letter we come to P. 1954, a letter from Spratt to Robin, that is Page Arnot, dated the 18th February 1927. This is an office copy of a letter written on Spratt accused's typewriter, recovered from him in the search of his property on the 15th September 1927. (The exhibits recovered in this search are P. 1006 to P. 1013 and P. 1947 to P. 1985.) In this letter there is, of course, no cryptic language of any kind, and it is devoted almost entirely to the subject of Trade Union work or rather what Spratt himself calls work in the L. R. D. field. He also discusses the prospect of setting up an office for what might be called the L. R. D. work. After this he goes on to speak of some meetings, in one of which the Press Workers' Union of Bombay was established; another was a Delegate Conference of the three Port Trust Unions, which set up a joint working committee, and the third was an extraordinary general meeting of the G. I. P. Ry. Workmen's Union, which decided to support the B. N. R. strikers in every possible way. This last meeting was referred to in Spratt's diary, P. 1947, while the matter of the Port Trust Union was referred to in "The Labour Monthly" of October 1927, a copy of which is P. 2075, which was intercepted in the post, and another copy is also a part of P. 2580. 10
- O. P. 366. From this we come on to P. 2326 P (F. C. 187), dated the 19th February 1927, but intercepted by P. W. 255, K. B. S. Abdul Karim at Madras on the 27th, a letter in the handwriting of Ghate accused, (P. W. 277, Mr. Stott and P. W. 133, Colonel Rahman), to Iyengar under the cover address of 'Kannan'. There are a number of interesting points in this letter. For instance, Ghate accd. speaks of sending a letter for 'Elder Brother' in a few days. Then he goes on: "We have started 'the' Workers' and Peasants' Party, with D. R. Thengdi as President. The details will be in the papers by Monday." In the next paragraph there are references to C., that is Donald Campbell, whose trial comes off on the 26th inst. and to the other Comrade (obviously Spratt) who is here and is taking part in T. U. activities, a fact which we have just found mentioned by Spratt himself in his letter to Page Arnot. Then we get a reference to the Lahore C. P. Conference which Ghate accused feels troubled about. The next paragraph appears to me important as showing how systematically the Bombay Party were hoping to work. He says: "I think we ought to push on with the work of starting peasants' and workers' organisations all over the country and with this view immediately call the existing organisations in a conference to be held at Bombay or Calcutta, with a view to forming a central organisation for the country. We can't hope for any assistance from Sak who pins his faith in the old organisations." This last remark tallies exactly with the statements in other letters that Baker has written criticising the Methodist policy, (Spratt in P. 2328P (2) and Dutt in P. 1008), and this in itself would also be a corroboration for the theory that Baker, the person spoken of as criticising the Methodist policy in those letters, is really Saklatwala. Then after this Ghate mentions a letter from J. B., presumably Begerhotta, and in the next paragraph refers to a person whom he calls 'the boy', and whom we shall find very good reason for concluding to be Ajudhya Prasad accused. About him he says: "The boy is quite all right. He may write to you separately. The arrangements are being completed on his behalf." 15
- O. P. 367. The next paragraph is interesting in the light of the nervousness of Thengdi accused at the time of the starting of the Party and of his remark later about "fattening for the Butcher." He says: "The police are very much 20

after us, and rumours are afloat that the new W. and P. Party Executive is coming into trouble." Next he mentions the Canton Conference saying: "I do not know who can go to Canton Conference. The pecuniary circumstances are in the way," and the letter concludes with a request for advice "restarting of an All-India W. & P. Party." It will be noted how closely the subjects dealt with in this letter tally with those, which, as we have found good reason to conclude, were being dealt with in the cryptic correspondence. In the next letter, Spratt's letter P. 1829 of the 5th March 1927, we get the discussions about the plan of the Methodist Church. In the second paragraph he indicates that Fazl Elahi, the writer of the letter in number cipher enclosed, had not agreed with the Bombay Party in this matter. Spratt says: "He wanted a Methodist Church similar in plan to that advocated by your brother to be set up at once, with the Faithful scattered abroad and unknown within it. We differed, and wanted the Church to hold its skirts rather higher, and to form itself on a narrower basis, in fact more or less to take the place of the old Y. M. In the end he agreed."

O. P. 368.

Knowing as we now do that Y. M. C. A. is used for the Communist Party and that Methodist Church stands for a Workers' and Peasants' Party or People's Party, it would seem that Fazl Elahi wanted a Workers' and Peasants' Party on a wide plan similar to that advocated either by R. P. Dutt or possibly by Roy (your brother might be used in either sense) with the Communists scattered abroad and unknown within it, whereas the Bombay Comrades thought that the Workers' and Peasants' Party should be on a narrower basis with stricter qualification for membership, and in fact more or less take the place of the old Communist Party. Then he goes on to the Universities Convocation or Trade Union Congress, which is to be held next week. In the last paragraph he says: "We have started training, but unfortunately shall have to stop for a few weeks owing to the departure of Father Ambrose for the North, and the indisposition of David." It is obvious that training, so far as Donald Campbell was concerned, was by now out of the question, as he was in Jail at Poona; and if, as I am inclined to think, Father Ambrose has been correctly supposed to stand for Spratt himself, his departure for the North to take part in the T. U. Congress was imminent, so that so far as comrades from England were concerned training would have to stop for some time. This hurried departure for Delhi is mentioned in the next letter, P. 1955, to Page Arnot, dated the 10th of March, to which I have alluded before. It is possible that this letter was sent by the hand of Ajudhya Prasad accused, who sailed from India as a lascar under the name of Abdul Hamid on the 12th March, but there is no evidence on the point and the letter may have gone by ordinary mail. P. 1955 is, of course, Spratt's office copy. Spratt himself says that he forgot to post the letter at Bombay and took it with him to Delhi and posted it there, but again there is no evidence to support that statement.

O. P. 369.

I will take next the letters, P. 2312 P. of the 23rd March 1927 (F. C. 194) from R. C. L. Sharma to Iyengar and its enclosure, P. 2312 P (1) in number cipher, although there are some events with which I shall have to deal which are actually prior in date. The cipher letter, Sharma says, is a letter which he thinks is for "our newly returned comrade." I have already pointed out that it is in the same code based on the poem "After Blenheim", which was used by Fazl Elahi, but there is another reason for attributing it to Fazl Elahi in the fact that he is frequently described as having been sentenced because he had come from Russia, and therefore the description "newly returned" was plainly applicable to him. There is nothing else in Sharma's letter, but the cipher letter contains some facts and instructions of interest. It says: "Do not forget building port organisations", which may be a reference either to arrangements for receiving letters at ports as suggested above on page 321 or to the work which I have just mentioned in connection with Spratt accused, that is the organisation of the Port Trust Unions, which no doubt was intended to serve the same purpose ultimately as the organisation of the Ry: Workmen's Union. Then there is an instruction to Fazl Elahi to meet Spratt and comrades in Bombay and Madras, an instruction which, so far as Spratt was concerned, Fazl Elahi proceeded to carry out some time in April, vide the evidence of Sergeant Littlewood, P. W. 247, to which I have referred already on page 358. Then we get the mention of Roy having gone to China. Following that there is an instruction to send a comrade to Japan to meet Roy in China or perhaps in Japan. The whole message is clearly a useful piece of evidence in proof of the general theory of conspiracy on the part of Indian comrades.

O. P. 370.

This brings me to the Trade Union Congress at Delhi in March 1927 and the events in connection with Spratt accused's visit to Delhi. Spratt left Bombay presumably on the 10th March and reached Delhi on the 12th, which is the date on which he went to stay at the Royal Hotel at Delhi, vide the Hotel register, P. 1494 (P. W. 172, Lachman Dass.) Spratt was not the only one of the accused who was staying in this Hotel. As the register, P. 1494, shows, Ghate, Joglekar, Mirajkar, Nimbkar and Muzaffar Ahmad accused were staying in room No. 33, Majid was in room No. 32 with Gohar Rahman Darveshi and S. D. Hasan, while in room No. 28 there were Thengdi and Jhabwala accused. I have, I think, already mentioned that Saklatvala had sent out a circular to the effect that he was willing to meet Communists, Socialists and others at an informal conference at Delhi on the 14th March, which was regarded as a suitable day, being the anniversary of Marx's death, vide P. 1143, P. 1846 and P. 1232, (I. C. 29, 26 and 27). There is no evidence about this meeting on the 14th, but another informal meeting was held on the 15th in room No. 33, for which a notice P. 781, recovered in the search of Begerhotta at Rewari (P. W. 146, K. B. Ikramul Haq) was issued. The notice is headed "C. P. I." and is as follows :—

"The members of the Communist Party of India are requested to attend an informal meeting of the members of the C. P. I. present at Delhi at 10 A.M. in Room 33, Royal Hotel." This notice is dated Delhi, 15th March 1927, and was issued over the signatures of Ghate accused and Begerhotta, and there appear on it the signatures of Nimbkar, Joglekar and Majid accused and four others who evidently signed in token of having seen the notice.

This Conference at Delhi is also mentioned in P. 1207 (1), the report of the E. C. of the C. P. I. presented to the Annual Meeting of the Party on the 31st May 1927. The passage which has been quoted already in connection with Saklatvala is as follows :

"Subsequently we were all called to Delhi by Comrade Saklatvala who had considerably changed his attitude by that time. At Delhi the whole matter was discussed with Saklatvala who agreed with us on the necessity of having a Communist Party in India. Immediately we met at Delhi, where it was decided to call the General Meeting on the 29th of May to adopt a constitution and to elect the Executive at Bombay."

Turning now to the meeting of the All India T. U. Congress there is a report of this written by Spratt accused, P. 1828 C. (F. C. 197) dated 26th March 1927, to the Secretary L. R. D. and beginning Dear Robin. This is of course a copy only but in view of the fact that it is mentioned in another letter from Spratt accused to Page Arnot, P. 1956 (F. C. 204) dated 31st March 1927 it is impossible to feel any doubt as to its authenticity. Incidentally I may note that P. 1828 C. begins with a mention by Spratt that he had been in bed with a temperature of 102 since the previous week, a fact in support of which we have the statement of Majid accused at page 527 of the statements of the accused. In connection with the A. I. T. U. C. I think I must refer back a little to the resolutions which we found in Donald Campbell's letters to Joglekar and Mirajkar accused, P. 1144 and P. 1835 (I. C. 7 and 13). On the 16th February 1927 in P. 848 Mirajkar accused wrote to Thengdi accused asking him to send him a copy of the resolutions and the amendments in the constitution "which it is proposed to move in the next T. U. C." P. 848, also found with Thengdi accused, is an office copy of a reply in which Thengdi wrote, "Herewith please find a copy of some important resolutions to be moved in the forthcoming A. I. T. U. C. Session at Delhi. I approve of them all and will move the first and third, if entrusted with them." A copy of four resolutions was enclosed and these resolutions are those which were drafted by Donald Campbell, as his letters show.

With this letter P. 1828 C. Spratt accused sent a report of his own headed "A. I. T. U. C. Delhi Session 1927." In this report we find a mention of the persons present and of the resolutions moved, including three moved by Thengdi accused. This report was reproduced almost bodily in the Masses for May 1927, P. 1788. In fact many of the phrases found in the report are found reproduced word for word so that we can be quite certain that the Masses' report derives its origin from this report of Spratt. But there is one fact which is quite conclusive on the point. In this report at F. C. 202 we find it stated that after the resolution laying down the principle of one union for each industry a resolution was moved as follows and accepted unanimously without amendment : "This Session of the A. I. T. U. C. deplors the fact that the industrial

working class, despite its immense importance, has not yet found expression for its political aspirations through the medium of an independent working class political party.....Congress therefore declares that the paramount need of the working classes, industrial and agricultural, is the establishment of a Workers' and Peasants' Party that shall fight insistently against the exploitation of those classes, strive to secure for them full rights of citizenship, political social and educational, and achieve the complete liberation of India from all alien domination. Finally this Session of the Congress pledges itself to work for the creation of such a Party on an All-India basis." But in the official report of this Session of the A. I. T. U. C. tendered by the defence as D-391, this resolution finds no place. There is only one other mention that I am aware of of this resolution and that occurs in the draft of the proposed statement "Labour and Swaraj" enclosed by Spratt accused in his circular letter, P. 78, to the other members of the Sub-Committee appointed by the T. U. C. at Cawnpore in 1927 to draw up a Labour Constitution for the future government of India. Oddly enough I do not think that Mr. N. M. Joshi was examined in regard to this Resolution when he appeared as a witness (D. W. 29). I do not think it is necessary for me to quote the numerous other points of coincidence which make it quite certain that Spratt accused's report is the basis of this article in the Masses. In this Session of the T. U. C. Thengdi accused was elected Administrative Secretary and Ghate accused one of the Assistant Secretaries, Joglekar accused was elected a Member of the Negotiations Committee and Jhabwala accused was appointed Provincial Organiser for Bombay. Another person elected to this Negotiations Committee was the gentleman Bharucha to whom I referred a little earlier.

O. P. 374.

It was just after this Session of the A. I. T. U. C. that Spratt accused wrote to Kishori Lal Ghosh accused the letter P 38 (I. C. 29) asking Ghosh if he would be willing to go to the Canton Conference. Further, just as we find Spratt carrying out the instructions in regard to doing something about what was really David's job by trying to settle with Ghosh about the Canton Conference according to the instructions in P 1859 (although he never received that letter as it was intercepted and withheld), so we find various other people interesting themselves in this same Conference and an attempt being made to secure that, as suggested in the same letter P 1859, Thengdi should go to it. On the 4th of April 1927 we find Muzaffar Ahmad accused writing to Ghate accused in P 1847C (I. C. 33) (I omit the first part of the letter as it is not of importance) "Is any body from Bombay going to Canton to attend the Pacific Labour Conference. I understand that the T. U. Congress has received a wire from Canton to send delegates. I shall write to you when I shall hear from you." Now there is no definite proof of the authenticity of this letter but it is difficult to suppose the existence of any other Muzaffar Ahmad residing at 37 Harrison Road, Calcutta or any other S. V. Ghate, between whom such a letter as this passed. And there can of course be no possible suspicion of fabrication.

O. P. 375.

The next document in this connection is P 2517 (P. W. 196 P. B. Naidu), a circular issued by the General Secretary of the A. I. T. U. C. and recovered in the search of Thengdi accused's house. This is dated 5th April 1927 and is an urgent letter to the members of the E. C. of the A. I. T. U. C. It runs as follows: "It has been brought to my notice that a Pan-Pacific Conference is going to be held on the 1st of May 1927 at Canton in China. Mr. D. R. Thengdi, the Administrative Secretary of the A. I. T. U. C. and Mr. S. V. Ghate, Assistant Secretary have expressed to me their willingness to attend the Conference at their own expense. I am therefore requesting the members of the E. C. to let me know if they approve of authorising them to attend the Conference as the delegates of the A. I. T. U. C. Members of the E. C. are requested to send their replies as early as possible. These two gentlemen propose to leave by a steamer starting on the 11th April 1927 if they can secure passports."

Another letter in this connection is P 1853C (I. C. 34), a copy of course, but the letter is one of whose contents Joglekar accused in effect admits the authenticity. It is a letter from Thos. Cook & Sons, Ltd. in the following terms: "With reference to your recent call regarding three second class passages to Hongkong, we are glad to inform you that we have reserved second class three-berth cabin No. 11|3 in the "Nyanza" leaving here on or about 12th inst." There are a number of other documents in the same connection. For example P 1791 (I. C. 34) recovered from Nimbkar accused's possession, is a letter from the Passport Officer informing Nimbkar with reference to his application dated

13th March 1927 that a passport cannot be granted him. P 809 (I. C. 36) recovered in Thengdi accused's search is a letter from the same officer dated 9th April 1927 informing Ghate accused that his application (P 1290 dated 5th April 1927) is under the consideration of Government. P 1355 (4) (I. C. 36) recovered in the search of the office of the W. P. P. Bombay, is a letter dated 8th April 1927 from Thengdi accused to Mirajkar accused saying "I have applied for a passport and was given to understand that I shall hear about it during the course of a fortnight. So that my going is now settled." Thengdi accused's own application is P 1510 of which P 811 is a draft found in Thengdi's own possession. Another application is on record from Joglekar, P 1509, as indeed we should have expected in view of P 1853C. On the 8th April in P 1511 Mirajkar accused applied for the renewal of his passport and Begerhotta's search list P 779, item 196, would indicate that he also applied for a passport at the same time. In this connection my attention has been drawn to the peculiar fact that whereas on the 19th February Ghate accused writing in P 2326P (F. C. 187) said that he did not know "who could go to the Canton Conference because the pecuniary circumstances were in the way" and added in the next paragraph "I am in hopeless straits financially", yet early in April he and Thengdi accused were offering to go to Canton at their own expense. The expense of the journey would have been by no means negligible as the return fares alone amounted to Rs. 560 each or if, as would appear from Thos. Cook's letter to Joglekar accused, three persons were going, to Rs. 1,680 in all (Vide D 247). It seems not unlikely therefore that the expense of this delegation to the Pan-Pacific Conference was to be met by Spratt accused from the sums of approximately £200 and £400 which he received from England through Samuel Montague & Co. on the 18th January and 25th March 1927, the money in the latter case having been sent by order of Mrs. Olive N. Parsons. At any rate Spratt accused has given no explanation of why this money should have been sent and as I have already pointed out there is very good reason for supposing that it came to him from Communist sources.

Another event in the month of April in connection with Spratt accused is one which I have already mentioned, namely his being seen in the company of Fazl Elahi in Bombay in the middle of the night. We come across further activity on the part of Spratt accused in April in the shape of a lecture which he gave to the Bombay Students Brotherhood on the 25th April 1927. This was preceded by some correspondence between Spratt accused and Mr. Y. J. Meherally, representing the Brotherhood, namely P 1962 (1), (2) & (3) (I. C. 37, 38 and 41) dated the 13th, 16th and 31st of April. The first of these letters shows that it was Saklatvala who had introduced Spratt accused to Meherally. The subject finally selected was "Revolutions and India". P 1941 is a newspaper cutting containing an account of Spratt's speech and Inspector Desai, P. W. 215, testified to the correctness of this report of the speech, which he saw very soon after he had heard the speech. P 1979, recovered in Spratt accused's 1927 search, is a collection of notes in Spratt accused's own handwriting, apparently made for the purpose of this lecture and I note that attached to these notes was a series of newspaper cuttings including P 1941, all of which had some connection with the lecture. In the course of this speech he referred to Ireland, China and Russia, but perhaps the most interesting passage in the notes is one in which Spratt accused says, "But after all the subject is revolutions and India. What relations have revolutions to India? The point is that India is in a revolutionary condition. Not in the very ordinary sense that important changes are occurring or are imminent. That debases the conception of revolution. The meaning of the word I have in mind is one of violent upheaval of a political and military character..... revolution in the good old fashioned sense."

On the 24th April 1927 we find Mirajkar accused as Secretary of the W. P. P. circulating, through the letter P 1940, copies of a programme as formulated by the W. P. P. to be placed before the meeting of the A. I. C. C. to be held at Bombay on the 5th May. Copies of this letter and of the programme were found in Spratt accused's possession in September 1927 and are P 1940 and P 1940 (1), the latter of which is not printed under this number as it had already been printed as P 843 (the copy of the same document recovered in Thengdi accused's search). This document has been dealt with at considerable length by accused Joglekar in the course of his statement. Not that that means very much, as Joglekar accused cannot help being long-winded on any and every subject. It was mentioned by Spratt in his speech P 1689 (P. W. 180, B. R. Mankar) of the 8th May 1927 at the Students' Brotherhood Hall. There he spoke of it as a third

subject of considerable importance to be considered by the A. I. C. C. He said he had read it and it was based on the new lines which the Congress was asked to work and he proceeded to recommend it strongly to the Congress saying that "the Congress should formally accept the ideas which should make it work for the masses of the people who were organised insufficiently. The present policy of the Congress was the old man's affairs," that is to say "it was working for the upper classes," and must change its policy. 5

O. P. 379; Just about this time some articles by Spratt accused were published in the Ganavani. One of these was the review of Roy's "Future of Indian Politics" and Dutt's "Modern India" to which I have referred already. This was published in the Ganavani of the 21st April 1927 and also appeared later on in the Kranti on the 22nd July. The other was an article on May Day and appeared in the Ganavani of the 28th April 1927 P 576, and the mss and a typed copy of the article were also found with Spratt accused in September 1927 and are P 1985 (cf. also P 407). Both these articles are also referred to in a letter from Muzaffar Ahmad accused to Spratt accused P 1963 (I. C. 42) dated 24th April 1927. It may be noted that in the manuscript copy of the May Day article, the article concludes with the words "success to the workers of China and may the workers of India equally follow their example." Another copy of this article was found with accused Thengdi and is P 842. In this article Spratt accused lays stress on the growth of a healthier labour movement after the war as a result of which May Day achieved all its old importance and more, and adds that "in the U. S. S. R. May Day ranks with November the 7th, the anniversary of the seizure of power by the Petrograd Soviet, as the important festival of the year." Spratt's interest in May Day is also shown by the space he gives to it in P 1974 (F. C. 209), a letter to Page Arnot dated 6th May 1927. Spratt accused in this letter says that "the demonstration this year was the first in the history of Bombay and was quite successful in view of that circumstance," and he sends to Page Arnot some leaflets which he says were distributed on or before May Day, a fact in regard to which there is also the evidence of P. W. 244, Inspector R. S. Patwardhan. An example of these leaflets is P 1575 (7), recovered in the search of Usmani accused and containing a note that it is published by S. S. Mirajkar, Secretary W. P. P. This leaflet mentions that "a new weekly newspaper of the W. & P. P. will soon be started" which is exactly what we find in the minutes of the E. C. meeting of the W. P. P. held on the 30th April 1927, P 1344. P 1365, the account book of the W. P. P., contains an item of payments made for these leaflets on the 30th April. 10
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O. P. 380. Spratt accused's next activity was a speech made at Thana on the 7th May 1927 and reported in P 1554, vide the evidence of P. W. 232, Sub-Inspector Nikam. In this speech we find Spratt accused himself giving the number of members of the W. P. P. as about 20, exactly the figure which he had given for the Methodists in P 1009. The subject of the speech was "The Task of organisation before the Indian Youth". At the end after referring to the excellent organisation of Shivaji and Napoleon Spratt concluded: "Lenin organised and disciplined the Soviet Party of Russia..... keep one (I think this must really have been "on") Congress under its own name but change the constitution. Affiliate peasant unions to it. In Bombay at present a small beginning is made by Mr. Shantaram Sawlaram Mirajkar, who has started the Workers' and Peasants' Party with a beginning of about 20 members. A newspaper called Kranti (revolution) is started." The gentleman presiding at this meeting was apparently a student Mr. S. B. Shringarpuri whom we shall come across again later. During this period we find Spratt accused having meetings with Jhabwala on 3 occasions in April, May and June and with Mirajkar on the 26th May, while on the 13th of June, he notes an engagement with the W. P. P. (P 1947). 40
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On the 18th May we find Spratt accused writing to Muzaffar Ahmad in P 2129P (I. C. 44) that he will not be able to reach Calcutta for another week or two. He speaks of further tasks having crowded upon him which however he will positively finish in two more weeks. He no doubt was unable to leave Bombay until after the meeting of the Communist Party of India which was ultimately held on the 31st of May and to which Ghate accused refers in P 2128P (I. C. 45) dated 23rd May to Muzaffar Ahmad. 60

The next event of importance in which Spratt accused took part was the reception to Dange on his release from jail on the 24th May to which I have referred earlier. 65

O. P. 381. On the 31st May 1927 the Annual Session of the C. P. I. was held in Bombay. There is a full report of this Session in P 1207 (1), recovered in the search of the Kranti office and to which I have referred earlier. This exhibit begins with the Executive's Annual Report for 1927 which includes an account of the early history of the Party besides a description of the work done during the year. In the case of Bengal and Bombay we find references to the work done in regard to the W. P. P.. In the case of Bengal the report says that "the members of the Party have helped in the formation and growth of the W. & P. Parties that were started in various provinces. Special mention can be made of the work done by our comrades in Bengal in rebuilding the existing Peasants' and Workers' Party in the province and making it a strong organisation." In the case of Bombay they say, "Here a strong Left Wing organisation was found necessary against the present leadership" (I suppose he must mean the Congress leadership) "and our comrades have been successful in having a W. & P. organisation which has already commenced work among the industrial workers with their organ Kranti." The reference in the case of Bengal is of course to the adoption of the new demands resulting practically in the formation of a new Party in February 1927. In the case of Lahore there is a reference to the efforts made by Darveshi, Majid, Ramchandra and Hasan to start a regular organisation of the work on educative lines and the recent starting of the weekly Mehnat Kash which was no doubt the result of the receipt of the financial assistance promised by Sipassi in the Urdu letter to Majid, Nassim and others, P 2121P (F. C. 172). This paper, the Mehnat Kash, is in the list of the organs (non-official) at the end of the report as also are the Ganavani and Kranti.

O. P. 382. Another subject to which I think I should draw attention here is the Trade Union activities. It is stated under the head Lahore that the four comrades named there "took a conspicuous part in the T. U. C. activities and have organised about half a dozen unions successfully." Again under the head of Bombay the report states that "a number of trade unions have been formed. They could command an influential position in the A. I. T. U. C. recently held at Delhi." On the other hand in Rajputana "T. U. activities could not be started because Com. Begerhotta has to devote a greater part of his time and energies to the all India organisation of our Party. However recently a W. & P. (Party) has been started and efforts are being made to organise industrial labour." In Madras it appears that "Comrade Singaravelu has been devoting greater portion of his time to trade union and strike activities."

The second part of the report is occupied by the constitution of the C. P. I. in which under the heading 'membership' we find that only those subscribing to the programme laid down by the Communist International will be eligible for membership.

Further on we come to the paragraph about the Foreign Bureau which I have mentioned already.

As to the general organisation of the Party it is to have a Central Executive and a Presidium with a General Secretary and Treasurer. Stress is laid on Party discipline, fraction work and so on.

O. P. 383. After this we come to the report of the meeting itself which shows among others Muzaffar Ahmad, K. S. Iyengar and Dange (if willing to sign the Party creed) elected to the Presidium. The General Secretary is to be S. V. Ghate accused, and on the Executive we find Nimbkar, Majid and Joglekar accused besides some others. A number of resolutions are recorded as having been passed unanimously, no. 6 of which, laying down a programme, has been mentioned and discussed at an earlier stage. Of the rest the following are the most interesting :-

(1) The C. P. I. looks up to the C. P.'s of the world as well as the International for lead and guidance in the work undertaken by this Party in this country.

(8) The C. P. I. approves of the programme laid down by the W. & P. P.'s of Bengal, Bombay and Rajputana, and enjoins the members to work out this programme. The members shall try to form similar organisations where such do not exist.

No doubt, there is no organisational connection between the C. P. I. and the Workers' and Peasants' Parties, but that there is a connection, and a very close connection, is an irresistible inference from this resolution and the quotations from this exhibit, which I have given above.

(14) The C. P. I. welcomes Comrade Dange back from jail, and hopes that he will be able to resume his activities immediately he recovers his health.

I mentioned earlier the organs (non-official) of the Party, a list of which appears at the end of this exhibit. In this connection it may be useful to draw attention now to what must clearly be a reference to them in Roy's letter of the 30th December 1927, P 377 (1) (F. C. 364), the Assembly letter, at the end of which Roy says : " Now the financial matter :—During the last months there was disturbance for reasons known to you. Arrangements have been newly made to continue the aid for the three papers and also for the monthly in the North, if necessary. Besides, provision has also been made for other necessities as specified in a report received two months ago." This last would seem to be a reference to Spratt's letter, P 1009, dated the 4th September 1927, which would presumably have reached Europe some time in October. For the rest the three papers must apparently be the three named at the end of the C. P. I.'s report, and the Monthly in the North must presumably be the Kirti, which was published at Amritsar.

Some time after the middle of June Spratt must have received the letter, P 1007, (F. C. 213), of the 9th June, from Dutt. I have already dealt with this letter, and there is not much more to say about it, except that I must draw attention to the remark " I am waiting for Hamid," which was the last sentence in the message written between the lines in invisible ink. The prosecution case is that the accused Ajudhya Prasad, serving as a lascar under the name of Abdul Hamid, started from Bombay on his second voyage on the S. S. Elysia on the 8th June, vide P 2233 (1).

Another fact in connection with Spratt's activities in May and June 1927, which is shown by the evidence, is his lending sums of Rs. 100 on two occasions to Mr. N. Parbati, apparently in both cases for Dange accused. These Spratt asked Joglekar accused and Parbati to repay to Mirajkar in November, at the time of his arrest in connection with " India and China," vide P 2067P and its enclosures P (1), P (2), P (3), & P (4).

We come next to the letter from Spratt accused to C. P. Dutt, dated the 14th June, P 2328P (2) (F. C. 217), part of which I have already explained. In this we have references to the breakdown of communications, to Saklatwala's criticism of the Methodist policy, and to the quarrel between him and Begerhotta. Then there are the references to the Church work and Hig (Joglekar), which I take to be a reference to work in connection with the National Congress and the A. I. C. C. After that he comes to University (Trade Union) affairs, which, he says, are better, and in this connection we find him saying that " Huz (Jhabwala) is improving. Organisation is going on better, and our contact is growing, mainly because of the good work of Ler (Mirajkar). Shance (Thengdi) is doing nothing." With reference to this good work of Mirajkar accused I may perhaps refer to Mirajkar accused's own letter to Thengdi written in June 1927, P 839, in which he says : " Re : Party Work. It is proceeding slowly and steadily. We are now making our contact in the T. U. movement. We are attending all the meetings of the Unions in the city along with Mr. Jhabwala." Then after the reference to M S, which " should not be sent directly by me or Amb." (which I take to mean " to " me or Amb.) he comes to a paragraph about Ambrose. Now it might be suggested that the reference, which I have just quoted to " me or Amb " is a proof that Amb and Spratt are not the same person. On the other hand it might equally be intended to put anybody, into whose hands this letter might fall, off the track. Anyhow I do not think it is at all conclusive. There follows a paragraph about Cunfa (Dange) who " has been disappointing." However, Spratt proceeds to say that this may have been due to Joglekar having jealously guarded him all the time, and we know from the Kranti of the 28th April 1927, P 1375, that Joglekar had met Dange on release from jail and taken him to his house. Then there is the reference to Nell, who may be Nelson, but about whom we have no evidence, and after that to the Welsh Church affair, that is the matter of the Madras Workers' and Peasants' Party, about which he says that " Ewan (Iyengar) was last put on the job, but I am afraid his success will be no greater." Judging by Ghate's remark to Iyengar in the forwarding letter, P 2328P (1), the person who had been on the job before must have been Singaravelu, as Ghate says in it : " Write to me about Singaravelu's case. I think you ought seriously to work for a W. P. Party over there. It is essential at this stage."

I think it will be well to dispose of the question of the identification of George with Ghate at this stage. P 2328P (1) (F. C. 216) and P 2329P (F. C. 236) are two letters, both of which forward letters of Spratt accused to Iyengar, under the cover address of Chakravarty, Esq., 28 Sunkuvar Street, Madras, and both of them are signed George. With the latter of these George forwarded P 2329P (1) in which Spratt writes to Dutt : " I am asking Fhusa to tell you about his affairs," that is affairs in Bombay. Now this letter was evidently brought to Bombay by Majid accused since in P 1010, dated the 21st and 23rd August 1927, Mirajkar writes that : " Comrade Majid brought us all news from your side. We were almost wondering why you were silent," while at the same date Ghate wrote to Spratt in P 1011 (a letter in Ghate accused's own handwriting) in the following terms :—

" The main points with regard to the information that you require are being dealt with by Mirajkar in his letter. I have, therefore, only to add that I am sending your matter to the Party concerned," which shows that Ghate or Fhusa had received P 2329P (1) and was sending it on, i.e., Ghate and George are the same person. As to the fact that it was Majid who had brought Spratt's letter to Dutt and also a letter to Ghate accused, I may refer again to the opening passage of Mirajkar's letter that " Comrade Majid brought us all news from your side " and also to a later passage where he says : " I think my letter covers all important points. The letter is to be handed over to M. just now."

O. P. 387.

On the 18th June 1927 Spratt accused left Bombay for Ahmedabad, whence on the 22nd he went on to Lahore, where he stayed with Dewan Chaman Lal and had meetings with Majid accused on the 26th and 29th of June, and with Khan, that is the M. A. Khan mentioned in Spratt's letter to Page Arnot, P 1968, (F. C. 224), on the 26th and 27th, vide the entries in Spratt's diary P 1947. While he was staying at Lahore he corresponded with Dange, who was then touring in the North. The first of the letters which passed between them is P. 1965, (I. C. 52), written by Dange from Cawnpore on the 5th July, mentioning the anticipated attempt of Lajpat Rai to capture the Trade Union Congress and also asking for an address at which he could write to Saklatwala. The next letter is P 1966, (I. C. 54), written by Dange from Benares on the 12th July 1927 mentioning the appeal made by Muzaffar Ahmad and Ghate for help for Usmani on his release and also talking about the Cawnpore Communist Congress of December 1925.

To both these letters Spratt accused replied in P 1967 (I. C. 54) on the 14th July. I have already dealt to some extent with the contents of this letter in connection with the cryptic correspondence. It is the one in which Spratt accused expresses his agreement with Dange accused's proposals in regard to linking up with Chaman Lal against Lajpat Rai in the next T. U. Congress. The letter concludes with the remark : " You might give Mirajkar & Co. my love."

The next letter in chronological order is one which I have already mentioned, P 1012, (F. C. 227) from C. P. Dutt (signed J.) to Dear Desmond, found in Spratt's possession in September 1927. This is a letter written, probably with a fountain pen, on a page torn out of a note-book. The prosecution theory is that it was handed by C. P. Dutt to Ajudhya Prasad accused alias Abdul Hamid lascar (fireman) at Birkenhead, probably on the date which it bears.

O. P. 388.

Now I shall come to the evidence identifying Ajudhya Prasad with Abdul Hamid Abdul Karim at a later date. For the moment it is sufficient to say that Abdul Hamid (who is presumably the same as the Hamid mentioned in invisible writing in an earlier letter, where C. P. Dutt said : " I am waiting for Hamid ") reached Manchester on the Anchor line S. S. Elysia on 22nd July 1927. His name is to be found in the log book and the Articles of the S. S. Elysia for this voyage, P 2233 (2) and P 2232 (2). On the 23rd July there was intercepted in London (P. W. 1, Captain Booth) a letter, of which P 2407P is a photograph, addressed to C. P. Dutt, 38 Mecklenburgh Square, London. W. C. I, which was posted at Manchester on the 22nd July and has been proved and appears to be in the handwriting of Ajudhya Prasad accused. In that letter the writer makes an appointment to meet C. P. Dutt at Birkenhead either on Monday the 25th July or on some other date between the 24th and 26th. This letter shows that this is not the first occasion on which the writer has met C. P. Dutt in this manner, as he says that C. P. Dutt is to come near the gate of the docks " where from you returned last time." The correctness of the appointment is shown by the entries in the log book of the S. S. Elysia indicating that the ship left Manchester at 8-30 A.M. on the 23rd. In this letter, P 1012, Dutt mentions that he has not

O. P. 389. had any news of Desmond for more than a month. None the less in this letter he does refer to one or two points mentioned by Spratt in his letter of the 14th June, P 2328P (2) (F. C. 217). For instance Spratt accused had said, "What has happened to Nell?" and we find C. P. Dutt saying in this letter: "It is very unfortunate that Nelson is in no condition to travel." On the other hand, in P 1009, (F. C. 300), the draft letter to which I have referred at considerable length already, we find Spratt accused replying to no less than three points in this letter, P 1012. For instance, Dutt had said: "Have a talk with Musa", and Spratt replies: "I have had a chat with Musa." Then immediately after this Spratt goes on: "His chief point which you also put in your letter was that the Methodists were becoming the two like the Y. M. and in fact were largely the same people," which is plainly a reply to Dutt's remark: "The Methodists and the Y. M. C. A. are becoming too much two names for the same things." Then again Dutt says: "What about the All-India Methodist Journal in English. That should be one of the next things," to which Spratt accused replies: "Re: A. I. English journal we have had an informal general conference." None of these three subjects was dealt with in Dutt's letter of 9.8.27 with which Spratt accused also dealt in P 1009. There are other points of interest in this letter written by Dutt probably on the quay at Birkenhead. For example he speaks of the Bombay Methodist paper, obviously referring to the Kranti, which came out for the first time on the 7th May. There is also a reference to invisible ink writing and finally he says: "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." In the circumstances, as we know them, there can be little doubt that this is a reference to the intended despatch of Bradley accused to India. We shall come across other references to the same thing.

On the 9th August 1927, C. P. Dutt followed up this letter with another letter, P. 1008, (F. C. 232), and perhaps it will be useful to quote the passage in this letter in connection with Bradley accused. What Dutt says: "I have heard there is a university fellow going out before long. I hope that M. M. will be able to get what we want. If you could use your influence in this it would be very good. He should try to follow the example of his friend who preceded him. That is the latest advice we have for him and I hope that you will be able to convey it." Who M. M. is I do not know, but it seems fairly clear that by the friend who preceded Bradley accused the writer must probably be indicating Donald Campbell and the example set by Donald Campbell was that of work in the Trade Unions. This, of course, is the other letter to which Spratt accused is replying in P. 1009.

About this time Spratt accused wrote from Lahore a letter, P. 1975, to one Burton, who is mentioned in P. 1974, Spratt accused's letter of the 6th May 1927 written from Bombay to Page Arnot and in P. 1968, another letter to Page Arnot written from Lahore on the 21st July. This contains a few interesting comments on men and affairs by Spratt. For instance he refers to the bad time which the labour movement is going through in England and also in China and also to the suppression of the booklet "India and China". He also tells Burton that he has asked C. G. Shah of Bombay, a young and very learned Marxist, to write on Indian politics, apparently with "The Labour Monthly" in view. As this Mr. Shah has appeared and will appear rather frequently in connection with the case, it is interesting to find that Spratt accused does not really rate him very highly as he comments about him as follows:—

"Although a Marxist and calling himself a Communist, he is an arm-chair sort of bird. I think real Communists would repudiate him as a 'Menshevik,'—though he can be eloquent on the fallacies of Menshevism."

On the 15th August 1927 we come to Spratt's letter to C. P. Dutt intercepted en route to Iyengar, P. 2329 P. (1), a letter with which I have already dealt in some detail. Some of the references in this letter have already been explained. For instance when Spratt accused in this letter speaks of Amb's letter of a week or two ago giving an account of a Mem. recently issued by the University convention, it seems fairly clear that he is referring to his own letter to Page Arnot of the 21st July 1927, P. 1968 (F. C. 224). Then we come to the discussion of affairs at Lahore, in which there occurs the sentence "There is no Methodist organisation here though a Young Christian Association with very similar ideals was established a year or so ago." We now know that by Methodists Spratt accused means W. P. P. so we can feel

little doubt that by Young Christian Association he means the Naujawan Bharat Sabha of Lahore.

O. P. 392. During the same period with which I have just been dealing, there are a number of letters written by Ghate, Spratt and Muzaffar Ahmad. The last of these is perhaps the most interesting, namely P. 2134P, (I. C. 58) from Spratt at Lahore to Muzaffar Ahmad accused at 37 Harrison Road, Calcutta. This is the letter in which Spratt apologises to Muzaffar Ahmad for his non-appearance and agrees to some extent with his opinion of Dewan Chaman Lal. This is also the letter in which there occurs the passage in regard to Fazl Elahi, which I have quoted already. It also contains a reference to Mr. Shringarpuri, whom Spratt says he met in Bombay. He is, therefore, doubtless, the gentleman whose name was mentioned above in connection with Spratt's speech at Thana. This gentleman's name occurs again in connection with the Enlarged E. C. meeting of the Bombay W. P. P. in January 1928 and also in Muzaffar Ahmad accused's letter, P. 1970, (I. C. 60).

O. P. 393. Two letters of greater importance are the letters in which Mirajkar, under Ghate's instructions, and Ghate himself replied to the letter which evidently accompanied Spratt's letter, P. 2329 P. (1), of the 15th August. These are P. 1010 which is dated the 21st August but was finished on the 23rd, and P. 1011 which is dated the 22nd August. The references to Majid accused in these letters have already been dealt with. In Mirajkar accused's letter there are obvious indications of organisation, as he says: "On account of want of reliable address we had to keep quiet even about books to be sent to your centre. Calcutta got theirs in time." Then he goes on to the Kranti and says: "Paper is coming out regularly in spite of non-co-operation from Joglekar's side. I have considerably improved in my writing and I feel confident of filling the whole thing myself, if need be. Mr. Dange is also assisting to some extent; its sale is not very encouraging. T. U. circulation is increasing. Advertisement side is also hopeful; since the recent raid on the office and house we as well as the paper is well advertised." The raid referred to took place on the 28th July and P. 1014 is a list of the papers seized on that occasion, while P. 1830 is a list of books which were given back on the 3rd August. It includes "Modern India", "Soviet Russia", "Lenin as Marxist", and "Lenin as Cooperator". Mirajkar accused then goes on to Trade Union activities, which, he says, are slowly growing and developing. He himself is busy with the Bombay Port Trust Railwaymen's Union and says, "There are signs of my taking over charge of the B. P. T. Employees Union also," but complains of lack of time. Next he remarks: "Clerks' union has not been organised because they are rather awfully 'dirty' people to be organised." I suppose he means 'difficult,' but none the less he made efforts to organise them, vide the Kranti of 9th July 1927. After this he turns to the strike in the Apollo and Manchester mills, which is being conducted by Joglekar accused and Mayekar, and criticises their tactics and says that he himself is not enthusiastically participating because "the tactics adopted by those two people are in our opinion wrong." At the end of this discussion he says: "Mr. J's attitude is just the same. I may say worse than before. He is practically dropped." Now in spite of his failure to participate enthusiastically, as he calls it, Mirajkar accused did take part in a procession of strikers in connection with this very strike, vide the Kranti of the 20th August 1927, P. 1375. The occasion of this procession seems to have been used in true Communist fashion for the training of orators. According to the view of "our people" this was the proper time to have amalgamated the two unions, i.e. the G. K. M. M. or Girni Kamgar Mahamandal and the B. T. L. U. or Bombay Textile Labour Union.

O. P. 394. Further on in the letter he speaks about Party consolidation to which he has been unable to attend because he has been too busy. Next he comes to the English paper and says: "It has not been started yet, because I am afraid its running is not yet assured. I mean economic." This letter clearly indicates that the absence of funds was the only reason why the paper was not started. There was no question of refusing to carry out the instructions sent out from Europe as Joglekar accused was inclined to suggest in his statement. The next paragraph of the letter is very interesting in connection with Ajudhya Prasad. In it he says: "Last mail I got some books from English friends and also two articles for the Kranti. The books are all important and will be of immense use. The article I am putting in the paper God's messenger has come from Brother and wants to meet you here. He will go first week of the month

(5-9-27). Please come and meet him." Now it is the prosecution case that the person referred to here is Ajudhya Prasad alias Abdul Hamid, and that that person is also referred to as 'the boy', Musa and "God's messenger." C. P. Dutt had already written to Spratt accused telling him to have a chat with Musa, and now 'God's messenger' wants to meet Spratt no doubt with a view to this conversation, and in P. 2329P (1) of the 15th August we find Spratt saying :
 "I have not yet heard from Musa," obviously because Musa or 'the boy' had not yet returned. According to Ghate accused P. 1011, (F. C. 62) 'the boy' returned yesterday, that is the 21st August. So a fortnight later on the 4th September Spratt could write "I have had a talk with Musa" and could suggest that money might be sent out from England by Musa, and it was only the next day after P. 1009 was written that Ajudhya Prasad alias Abdul Hamid sailed once more from Bombay for England in the S.S. Elysia.

O. P. 395. After this Mirajkar goes on to say : "I think my letter covers all important points ; the letter is to be handed over to M. just now." This is to be read in connection with the opening remarks of Ghate in his letter, P. 1011, (I. C. 62) where he says : "The main points with regard to the information that you require are being dealt with by Mirajkar in his letter." Ghate continues : "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." Ghate goes on to speak of the question of affiliation of Trade Unions with the Workers' and Peasants' Party, of which he is in favour, a subject also mentioned by Mirajkar, who says about it : "The problem of getting the Trade Unions' affiliation to the Party is, in my opinion, of distant future," from which it would appear that Ghate was in favour of the Bengal system of having unions affiliated to the W. P. P. in preference to the existing Bombay system of individual membership. After this there follows a passage which I have already quoted about the arrangements with Majid regarding future remittances. It will be enough here to say that one might well wonder why such arrangements were to be made with Majid, a resident of Lahore, unless these remittances were expected to come from somewhere in the North. In any case, of course, the accused have not suggested any explanation to take the place of that which has been suggested by the prosecution.

Ghate continues : "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." This letter must no doubt be P. 1012. Then after a reference to F. E.'s (Fazl Elahi's) father he comes to the matter of the English paper and 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. I am to blame in this respect as much as any body else." Ghate accused is in fact entirely au fait with all the plans for the furtherance of the conspiracy. The letter concludes with references to Mirajkar's Communist baby, to the strike in the Apollo and Manchester mills and the part taken in it by Joglekar and to the fact that both he and Mirajkar either are leaving or have left their jobs as clerks, Mirajkar in the French Bank and Ghate in Acharya and Co.

O. P. 396. On the 24th August 1927 Spratt accused wrote a letter to Muzaffar Ahmad, P. 1971, (I. C. 63) which contains a couple of interesting points. The first is a reference to finances about which he says : "I am now down to my last few rupees. But I hope to borrow money or receive some in some way or other soon." This remark about money is decidedly interesting since Spratt accused had by this time been in India barely 8 months during which time he has been proved to have received Rs. 8,056|10|0, the first instalment on the 18th January and the second on the 25th March. Bearing in mind that the only real defence on the subject of money put forward by Spratt is the suggestion that if the whole of the amounts received by him are added together and divided by the number of months he was at liberty in India, it will only give an income of about Rs. 500 a month, it is a little difficult to understand this admission by him of expenditure at the rate of more than Rs. 1,000 a month during the first 8 months of his stay. If, as the defence implies, Spratt was really living at the rate of Rs. 500 a month during the remainder of his stay, he must have received a number of remittances, which the prosecution have not succeeded in tracing, and indeed it is obvious that something of the kind did occur. The second item of interest in this letter is Spratt accused's remark : "We are also trying to set up a Union at the New Egerton Woollen Mills at Dhariwal,

O. P. 397.

with about 1,500-2,500 employees." There is evidence of prosecution witnesses on this very point, 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. P. W. 170 deposes to seeing Spratt and Majid accused with Miller of the N. W. R. Union starting for Dhariwal by lorry, having arrived at the station just too late to catch the train. Sub-Inspector Phoni Bhushan says that this was reported to him and that when the same three persons came back by train, he had their tickets checked by the ticket collector. Another piece of evidence in the same connection is P. 526 (47) (I. C. 100) dated 10-2-28, from Majid accused to Spratt accused in which he says : "The workers of the Dhariwal mills have gone on strike and their success does not seem probable. Your presence on the occasion may do a great deal of good to the cause of these workers." I suppose because the workers had met Spratt before and he had thereby acquired some sort of influence with them. Spratt's letter to Muzaffar Ahmad closes with an enquiry as to whether Muzaffar is going to see Usmani when he is released, as Majid is apparently intending to do.

Very shortly after this Spratt accused came to Bombay where on the 4th September he wrote the letter of which P. 1009 is the draft. It may well be that the appearance of untidiness and haste which we find in it is due to the fact that it was written in a hurry, because Abdul Hamid alias Ajudhya Prasad was sailing in the S. S. Elysia on the following day. This letter has already been discussed at considerable length, and I do not think there is anything to add to that discussion at this stage.

O. P. 398.

On the 6th September 1927 Spratt accused's room at the Y. M. C. A. was searched by P. W. 244, R. S. Patwardhan ; a search list Exh : P. 1005 was prepared and the documents which are Exhibits P. 1006 to P. 1013 were seized. This witness was accompanied by P. W. 215, Inspector Desai who on the 15th September arrested Spratt accused at the office of the W. P. P. Bombay and searched his person then and there, recovering the diary P. 1947 to which I have referred not infrequently already. Inspector Desai deposes that he then went with Spratt accused to Watson's Hotel, where he found in Spratt's room a suitcase and another box, which were sealed up in Spratt accused's presence. From the Hotel these boxes were taken to the office of the C. I. D. where they were opened on the 11th October in the presence of a clerk of Spratt's solicitor, Mr. Ginwalla. On this occasion an inventory P. 2520 was prepared. Included in that inventory are six files which contained the papers which have been exhibited as P. 1950 to P. 1985. There were also found on this occasion in Spratt's suitcase a bottle containing Tincture of Iodine, another containing Hydrogen Peroxide and a third containing Vegetable Oil. To the recovery of these articles I have referred at an earlier stage. Among the documents recovered on the 6th September were : "India and China", (D. 145 (35)), some copies of the "Masses" of India and also of "The Labour Monthly", a note-book, P. 1006, from which I have quoted earlier, and the file P. 1013 which contains the syllabus and the article "What the W. P. P. stands for", while among the documents recovered on the 15th were Dutt's "Modern India" and "The Golden Treasury".

D. P. 399.

Prior to his arrest Spratt accused presided on the 14th September at a public meeting held at the Marwari Vidyalaya Hall under the auspices of the C. P. I. to welcome Shaikat Usmani accused on his release from jail. P. 1684 is a report of the proceedings of this meeting prepared by P. W. 262, Deputy Inspector Chaudhri. On this occasion speeches were made by Joglekar, Dange, Nimbkar, Mirajkar, Usmani and Spratt accused. There is nothing very much in Joglekar's speech. Dange is reported to have 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 Shaikat Usmani and Ferozuddin, who has 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." He ended off by declaring 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 suppressions. After Dange, Nimbkar and Mirajkar accused spoke exhorting the people to follow the activities of the Communist Party of India and the Workers' and Peasants' Party and not to be frightened by the misleading propaganda of the Government and the capitalist press against the Communist activities. They were followed by Usmani accused who asserted that he was still a Communist as he was before and would give his life for the cause of Communism. The last speaker was Spratt accused.

- O. P. 400. There is not much of importance in this speech except for the implied admission that Spratt accused is himself a Communist of which fact there is ample evidence otherwise. After Spratt accused's arrest a defence committee was formed which issued an appeal of which a copy was found with Basak accused and is in evidence as P. 230. In the same connection C. P. Dutt wrote a letter, P. 1233, (F. C. 305), dated October 12, 1927, to the Secretary of this Defence Committee (recovered later in Mirajkar accused's search), mentioning that he used to know Spratt accused at the L. R. D. Another mention occurs in P. 2137 P. (I. C. 65) from Ghate to Muzaffar, dated the 24th September 1927. 5
- BRADLEY accused's arrival in India. On the 23rd September 1927 Bradley accused arrived at Bombay as a passenger on the S. S. Ranpura. The passenger list in which his name occurs is P. 672, and he is described in his passport P. 651 as an engineer. His nominal activity was that of an agent for his brother's firm The Crab Patent Underdrain Tile Company. Apart from his carrying round with him a number of visiting cards which described him as a colonial agent of this Tile Company, there is no evidence to show that he did any business whatsoever in connection with these tiles, nor in fact does he say that he ever showed any activity in connection with this or any other business unless trade union work is to be so regarded. On the 29th September Bradley accused wrote a letter P. 1673 P. to one Asaf of Hyderabad which he posted in a letter box near the Apollo Hotel. P. W. 262 Deputy Inspector Chaudhri was informed of this fact by a watcher and went to the post box and got the letter extracted and photographed. This was a letter beginning "Dear Asaf" and enclosing a snapshot of Bradley and two other men (P. 1673 P. (1)). In this letter Bradley says, "I have written a letter to Mac." On the following day the same witness received information that Bradley had posted a letter at the G. P. O. but that it could not be intercepted there. Witness accordingly went to the Mole, Ballard Pier, where the letters are sorted and while examining the London bags picked up a letter addressed to E. J. Horsman, 10 Ritching's Avenue, Walthamstow, London. This letter was both written and addressed in block capitals and the witness picked it up and examined it because the cover was of the same size and colour as other letters which he had censored written by Bradley. This letter begins Dear Mac and this was one of the reasons why the witness thought that it must be from the accused Bradley. It is the letter P. 1671 P. (F. C. 302) containing two small pieces written in number cipher. I have explained earlier the solutions of the two portions in cipher which give the address of Karanth, and the words "report follows". It may also be noticed that although the letter is written in block capitals there are some very close points of resemblance between the capitals and figures which appear in it and Bradley accused's habits in the writing of these capital letters and figures. 10
- O. P. 401. Spratt accused was I understand committed for trial in connection with "India and China" but was acquitted. At any rate the proceedings did not prevent him from attending the Cawnpore Session of the A. I. T. U. C., the official report of which has been filed by the defence as D. 393. In addition to this official report there is on record a document P. 2097 C, a copy of a letter, of which one copy P. 2097 C was intercepted by P. W. 85 Inspector K. S. Mohammad Ismail on its way to Muzaffar Ahmad accused and the other P. 1878 C by P. W. 159 S. I. Rashid Ahmad on its way to Abdul Majid c/o Mehnatkash i.e. Majid accused. P. W. 159 was not able to read the name of the signatory but the copy which was sent to Muzaffar Ahmad was signed S. A. Dange. There is no possible reason for doubting that a letter in these terms signed S. A. Dange was intercepted in the post and the question is whether this document can be attributed with reasonable certainty to Dange accused in the absence of proof of the handwriting : In this connection Crown Counsel referred to the ruling reported in I. L. R. 37 Cal. at page 467 wherein this question of proof of the authorship of a document was discussed and on page 524 Carnduff J. made the following remarks : "I am unable to concede and I do not find any authority for the proposition that a particular individual's authorship of a document can not be established by the force of circumstantial evidence." The only alternatives available in the present case are that this document was written by another real S. A. Dange or that someone forged the signatures S. A. Dange in this letter. So far as the second alternative is concerned there is of course no suggestion of fraud or forgery, and if there were the burden of proof would ordinarily be on the person alleging it. As to the other alternative there never has been at any stage of this case any suggestion made that there was any other S. A. Dange, much less any other S. A. Dange who could have been equipped with the knowledge which would enable him to write this letter. In my opinion in the absence of any 15
- O. P. 402. 20
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evidence in support of either of these alternatives or any reason to regard them as possibilities we are entitled to accept these two identical letters as having emanated from S. A. Dange accused, particularly as he is exactly the man who might be expected, from all that we come to know about him through the evidence, to write such a letter to these two particular accused. Of course these letters need not actually have been in Dange accused's handwriting. The point really at issue is, from whom did they emanate? It is interesting to note that in connection with this paper Dange accused who spoke of it at page 2581 of the statements of the accused did not attempt to deny it, while of the recipients Majid accused merely said that he did not remember if he had ever received it, and Muzaffar Ahmad accused, when this document was put to him, admitted having attended the Cawnpore sessions of the A. I. T. U. C. but made no remark whatever about this letter. With these two letters Dange sent a report (P. 1878 (1)C) on the work of the T. U. C. Left in the Cawnpore Session, under a covering letter, which is a part of P. 1878 C, to the members of the T. U. C. left for information and signature. This report opens with the remark that "in this session it was found that the policy on which the Congress is at present run needed a change and higher outlook. A few persons were found to agree on a set of principles and tactics which later on found expression in resolutions and amendments to the official policy of the T. U. C. An informal gathering of these persons decided to lay out a plan of a cohesive group and a plan for future work in order to foster real trade union activity amongst the workers." Incidentally it may be noted that Mirajkar accused in the course of his statement has supported the prosecution's view that this report emanates from a member of the Party and gives similar account of the work done by the Party at the Cawnpore Session by saying on page 1449 of the statements of the accused: "In Cawnpore our Party made an effort to consolidate the Left Wing of the T. U. C. and organise it on a proper basis to coordinate the activities of the various groups in different provinces (P. 1878 (1)C)." And now for the contents of this document. In it Dange points out that "we had to move several amendments to the report of the General Secretary" and he gives the reason, namely that "while mentioning strikes only names of the Right Wingers were brought in with special care. In opposition we enunciated the policy of omitting the names of the individuals as far as possible and giving credit of success to unions concerned. In the paras. greeting the British delegates and condemning the prosecution of labour organisers we moved the inclusion of the names of P. Spratt and Fazl Ilahi Husain, convicted in Peshawar to five years R. I." Then speaking of labour newspapers he says, "In the para. of recently started labour organs only the Indian Labour Review of Mr. Kirk was mentioned. We amended to include the Kranti (Bombay), Kirti, Mehnatkash (Punjab), and Ganavani (Bengal)", from which it is clear that according to the ideas of the previously dominant section of the A. I. T. U. C. the only recently started labour organ fit to be recognised was the Indian Labour Review, which is described in the Masses of India for April 1928, part of P. 1788 as a journal which "stinks of British Imperialism."

Going on to the resolutions Dange deals at some length with the resolution expressing sympathy with the aims and objects of the League Against Imperialism and Colonial Oppression which was suggested but not allowed, that is to say it was suggested in the E. C. meeting but not allowed to be put on the agenda for the general meeting of the Congress. This resolution he says was opposed by the official party supported by Purcell, a visitor from the British T. U. C., who condemned the League as an offshoot of the Third International. Presumably by way of a counter attack "we", says Dange, "exposed the somersaults of Purcell and the capitalist character of the Second International," and in order to show Purcell's somersaults "his attitude in 1925 was brought to light from quotations from his articles in the Labour Monthly on International Unity." One of these articles is to be found in the Labour Monthly for September 1925 (part of P 1796 at page 524) which was actually recovered from the possession of Dange accused, a fact which is in the circumstances a useful piece of support for the authenticity of this document P 1878(1)C. The report then goes on to mention resolutions of the previous year which were reaffirmed, and then mentions a number of resolutions evidently emanating from the Party of the writer, that is from the Communist Wing. These were a resolution (adopted unanimously) congratulating the U. S. S. R. on its 10th Anniversary, a resolution (adopted) condemning the refusal of passport to Saklatvala, a resolution (rejected by the President) condemning the encirclement of the U. S. S. R. by the Imperialist States and provocation to war, and a resolution (also rejected by the President) expressing sympathy for the work of the Pan-

Pacific Conference of Canton. This portion of the report ends with a note as to offices which were got for the members of the T. U. C. Left, namely that of the Organising Secretary of the Council of Action for Jhabwala, and that of the Assistant Secretary of the A. I. T. U. C. for Dange, while Spratt, Jhabwala, Dange accused were elected members of the Council of Action and the Committee to draft a Constitution. In this connection the defence tendered two notices addressed to members of the Council of Action and the Committee to draft a constitution, D 145 (29) and D 145 (24), both of these were sent to Spratt accused at Madras. D 145 (29) asks Spratt accused to accept office as a member of the Council of Action and to help it in its work. The other notice tells him that he has been appointed convener of the Committee to draft a constitution and encloses copies of two resolutions, of which one declares that Statutory Commission should be boycotted and the other declares that "meanwhile a Sub-Committee consisting of nine members including P. Spratt, S. H. Jhabwala, Kishori Lal Ghosh, S. A. Dange and D. R. Thengdi should draw up a labour constitution for the future government of India which will be presented to the Executive Council and to the working classes in the country and Mr. Spratt should be the convener of this committee." We shall come at a later stage to a letter and draft statement prepared by Spratt accused in this connection which are on the record as P 78 (the copy recovered in the search of K. L. Ghosh accused). Other copies recovered in other searches are also in evidence.

O. P. 406.

The report closes with an account of an informal meeting held at Goweltoli, Cawnpore, on the 29th November which "decided to concentrate mainly on building up new and penetrating the existing unions" which is I think an exact description of the policy which is always laid down for Communist work in the Trade Unions. The report continues, "The following attended the informal gathering and discussion to evolve a plan of systematic trade union work.

Bombay : Dange, Mirajkar, Ghate, & Joglekar ;

Lahore : Ferozuddin, Majid Ali, Gohar-Rahman, Bhaj Singh & Sohan Singh ;

Bengal : Muzaffar Ahmad, Dharni Kant Goswami, Bhoshak, Kidarnath Roy & Aftab Ali."

It was suggested at one stage that Majid Ali was not the same as Abdul Majid accused. It is obvious that there could be no force in that from the way P 1878C begins, as it bears the name Abdul Majid on it as addressee and yet opens with the words Dear Majid Ali. Furthermore in a number of letters which we have come across already we have found the name of Majid linked with that of Gohar Rahman as it is here, and it is clear that they are close friends, vide the mention of Gohar Rahman in P 526(24) from Majid to Muzaffar Ahmad both dated 23rd July 1928. The name of Basak accused also is spelt curiously in this document, but, so far as I remember, it has never been suggested that the reference was not to Basak and when this exhibit was put to him he made no comment on it but admitted that he attended the Cawnpore Congress.

The next public activity in which Spratt accused etc. took part was the Session of the Indian National Congress held at Madras at Christmas 1927. This was considered a suitable occasion to hold some sort of Communist Party meeting. P 2101C (I. C. 75) is a copy of a typed letter from S. V. Ghate accused to Muzaffar Ahmad accused dated and posted in Bombay the 9th December 1927 saying that he had received a telegram from Singaravelu suggesting the holding of a Communist Conference at Madras during the Congress week. Other friends he said had suggested that an ordinary meeting of the Party be held in Madras and no conference, and accordingly he asked for Muzaffar Ahmad's advice. The authenticity of this letter is easily to be inferred from P 1287 (4) (I. C. 76) a letter from Majid accused to Ghate accused (recovered in the search of Appaji Rao) in which he acknowledges Ghate's circular of the 10th December though he regrets that he and comrade Gohar Rahman will not attend the meeting because Madras is so very far away. There is one remark in Ghate's letter to which I think I should draw special attention, namely the following : "Please consult Spratt also about this and let me know."

O. P. 407.

En route from Cawnpore to Madras Spratt accused visited Calcutta where he stayed at the Continental Hotel, vide P 2117 and the evidence of P. W. 77, Mr. S. D. Robertson. P 2117 is the Hotel Visitors' Book and shows the arrival

on 12|12|27 of P. Spratt from Benares. There is one small point of interest in connection with this entry namely that Spratt's introduction to Usmani's book "Peshawar to Moscow" is dated Benares, 10th December 1927. Spratt apparently spent about 10 days in Calcutta, vide the passage in P 526 (29) a draft letter in Spratt accused's handwriting (recovered in the search of the Bengal W. P. P. office in 1929) in which he gives a few criticisms of leading people in the trade union movement in Bengal including Kishori Lal Ghosh accused, Kalidas Bhattacharya and others. Just before going to Madras, on the 18th December 1927 Spratt accused wrote the letter P 1863P (I. C. 78) to Dange accused at Bombay in which he forecasts the statement "Labour and Swaraj" which we find later on in P 78. In this letter he deprecates the drafting of a constitution at all as that "would possibly commit us to things which later we would want to repudiate." He goes on "for the moment I think what we want to aim at is a single Constituent Assembly. That is a good warcry and emphasises the national as opposed to the provincial or communal or linguistic aspect of the thing. It is for the time nothing but a warcry and so needs little further definition." Now here again we get one of those coincidences which I think are certainly not coincidences at all in the sense of being the result of chance. In the Masses of India for December 1927 part of P 1788 (recovered in Nimbkar accused's search) there is an article, a typed or proof copy of which was also recovered in Ghate accused's search and is P 1325, headed "The National Congress" and suggesting putting forward in the Madras Congress the idea and slogan of a Constituent Assembly. How little of a coincidence it must be is also to be inferred from P 23, "A Manifesto of the W. P. P. to the Indian National Congress Madras December 1927" published by Muzaffar Ahmad at the office of the Peasants' and Workers' Party of Bengal at 2|1 European Asylum Lane, Calcutta, and dated Calcutta the 22nd December 1927 (recovered in the search of K. L. Ghosh accused). There seems to be nothing at all genuine in this proposal for a Constituent Assembly as we might deduce from Spratt accused's letter to Dange. The same also appears in Muzaffar Ahmad's statement as an accused and in the joint statement. The idea was not a new one. In earlier days it had been supported by Lenin himself, who however, according to the account given by Kautsky, dropped it when he found that his own party had not got a majority in it. The official report of the Sessions of the Indian National Congress of Madras is on the record as D 182 and shows the part taken by the half dozen accused who were present. This is the Congress at which Jawaharlal Nehru's resolution declaring the goal of the Indian people to be Complete Independence was adopted. Another resolution adopted was that the Working Committee should be authorised to confer with similar committees and other bodies and draft a Swaraj Constitution and declaration of rights. This resolution resulted in the participation of the Congress in the All Parties Conference and ultimately in the drafting of the Nehru Report. A speech against this resolution for drafting a constitution was made by Nimbkar accused. A resolution to raise the delegates fee from Re. 1 to Rs. 5 which would obviously have a tendency to exclude the large number of people who could not afford the higher delegation fee was opposed by Joglekar accused in a speech and was not adopted. Other resolutions adopted were one for association with the League Against Imperialism, another on China and another on the war danger.

More directly interesting from the point of view of this case is the evidence in regard to the meeting during this Congress of the Executive Committee of the C. P. I. [vide P 1287 (2)]. The documents in this connection were found in a file P 1287 headed, "The Communist Party's File" (Note : the heading appears to be in Ghate accd.'s writing) recovered in the search of Appaji Rao to which I have referred already. In this search a number of papers relating to Ghate accused and to the Communist Party of India (P 1284 to P 1290) were recovered. I think it will be convenient to make some mention of some of these papers here. P 1285 is a letter dated Bombay the 18th December 1927 from S. A. Dange to S. V. Ghate Secretary, the C. P. I., accepting his appointment on the Presidium of the Party and stating that he is prepared to act up to the duties of the post. P 1286 is a circular die of the C. P. I. with a hammer and sickle in the middle; along with it were several sheets of note paper with the seal of the C. P. I. embossed thereon in red, and also several sheets of paper with the heading "The Communist Party of India, Central Office, Bombay." P 1288 is an incomplete typed copy of "A Call to Action." P 1289 is a copy of articles by Ghate dated 1920 and 1921 with which I need not worry and P 1290 is a declaration form for passport in Ghate accused's own handwriting dated 5th April 1927 which I think has been mentioned already.

ck to the contents of the file P 1287. P 1287 (1) is an application dated Bombay 29th December 1927 by Mirajkar accused to the General Secretary, the C. P. I. Bombay, asking for his enrolment as a member of the C. P. I. There is a note on this "recommended by S. V. Ghate. To be considered in March" which is shown and appears to be in Ghate accused's own handwriting. I shall refer to this document again shortly. P 1287 (2) is headed "Meeting of the Executive Committee of the Communist Party of India Madras 29[XII]27. It appears to be partly in the handwriting of Ghate but mainly in that of Dange (Col. Rahman P. W. 133 says it is all in Dange's handwriting but I think he is wrong in regard to the first few lines), and the signature on the second page S. A. D. is proved and appears to be the initial signature of Dange accused. There is a similar signature on the first page about which no evidence has been given but which is equally clearly that of Dange accused. I will return to the details of this after mentioning the contents of the other documents. It ends with the remark "adjourned till 30|12." P 1287 (3) is a paper headed "The Communist Party of India adjourned meeting at 2 p.m. 30[XII]" which merely mentions that the application of S. S. Mirajkar and M. Sircar are to be considered at the next meeting of the E. C. of the C. P. I. at Calcutta in March, date to be fixed later on, and is signed S. A. Dange (President of the Meeting). This signature of Dange is identified by Colonel Rahman, P. W. 133 and appears by examination which is also supported by the evidence of Mr. Stott, P. W. 277 to be that of Dange accused. P 1287 (4) is the letter from Majid accused, to which I have referred a little earlier. P 1287 (5) is an application from Usmani for enrolment dated 29-12-27. P 1287 (6) is Saklatvala's reply to Ghate's letter of welcome [P 1287 (14)] written from the S. S. Razmak on January 10, 1927. P 1287 (8) & (15) are addresses. P. 1287 (9) & (10) are letters from Begerhotta to Ghate accused. The remaining documents are of less interest at this stage.

O. P. 411.

O. P. 412.

Turning back to P 1287 (2) an attempt has been made by Dange accused to cast doubt on this document by reliance on the fact that P. W. 244, Inspector R. S. Patwardhan, who says he attended the Madras Session of the Indian National Congress in 1927, did not mention that he had seen Dange accused there. That in itself does not seem to have any particular value as he was not examined by the prosecution in regard to the persons whom he saw in the Madras Congress, and when in cross-examination he stated that he did go there and that he went there to see what Bombay people were doing there, he was never asked whom in the way of Bombay people he had seen there. Further reliance was placed on P 1287 (1), the implied suggestion being that because it was found in this file it must have been put before this meeting of the C. P. I. But as a matter of fact there is nothing whatever to show this and indeed we might perhaps reasonably infer from the fact that the notes on it are in Ghate accused's handwriting, whereas the notes of what actually took place at this meeting are in Dange accused's handwriting, that it was not laid before the meeting at all as evidently it could not have been if it is correctly dated Bombay 29th December 1927. Moreover if this formal application had been actually on the table at Madras before the Exec. Committee, there does not appear to be any reason why consideration of it should have been put back to the next meeting of the E. C. in March. It would seem therefore that the reason why Mirajkar accused's application was put back to March was that this particular paper, that is the formal application itself, was not before the Committee and they felt that they could not formally enrol him in its absence. Dange accused denied his presence at Madras, but there is really no evidence to support that denial, and he has not ventured to deny the writing of his initial signature on P 1287 (2) or his signature on P 1287 (3). And moreover I do not think that any one who makes a careful examination of documents in Dange accused's handwriting will feel any doubt that with the exception of the first few lines the whole of P 1287 (2) is in Dange accused's handwriting.

As to the business transacted at this meeting we find that the resignation of Janki Prasad (Begerhotta) was accepted. Another item of some interest is the election of S. Usmani on the Presidium. The attitude of Communists to membership of communal organisations was also considered and the conclusion reached that a Communist must not accept any declared post on a communal paper or any post except that of propagandist and organiser in a communal organisation; the decisions are however worded in somewhat confusing fashion.

With this document we come to the end of the year 1927. I think it may perhaps be convenient here to take a short survey of what we have found going

O.P. 413. on during the year. Put very shortly it may be said that both in Bombay and Bengal we have got Workers' and Peasants' Parties established or reorganised in the form suggested in letters and books from Europe. We have found (I have not indicated by any means all the evidence on the point) the members of these Parties making their contact with trade union organisations and applying therein the precepts contained in the authorities on Communism, and in the statutes and the precepts of the Communist International and its subordinate organisations. They have been taking part also in strikes, meetings and demonstrations. The Communist Party of India has also not been forgotten, although its activities have consisted in the main only of party meetings. As we might have expected the real work of the Party is being carried out by its individual members working in and through other organisations. In these activities it will be remembered that the following accused have been taking an active part namely Spratt, Ghate, Majid, Muzaffar Ahmad, Mirajkar, Joglekar and to a lesser extent Ajudhia Prasad, Jhabwala, Thengdi, Nimbkar, Dange and Usmani.

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PART IX.

- O. P. 414. Just about the end of 1927 or the beginning of 1928 Spratt accused must have received the letter, P. 526 (45) (F. C. 320) from C. P. Dutt, Acting Editor of "The Labour Monthly", asking him for an article on political imprisonment and political repression generally in India, or, if he did not like that, one on the National Congress and its line of development. In this letter Dutt also sent to Spratt congratulations on his triumph, presumably his acquittal in the "India and China" case. Spratt accused's reply to this letter is on the record as P. 526 (29) (F. C. 380), to which I referred in connection with Spratt's stay in Calcutta before he went to Madras for the Indian National Congress. This letter closes with a reference to the mill strike at Bombay about which he says: "The mill strike here is going on fairly, but I cannot at the moment predict developments." This was the strike in connection with the introduction of the three looms—two sides system, of which we hear a great deal later on in the year. He criticises N. M. Joshi and goes on to say that: "The Girni Kamgar Mahamandal is almost equally compromising, and is moreover divided internally." On the one side stands "D. R. Mayekar, the Secretary, who shares Joshi's views almost and is supported by most of the Committee," on the other hand "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." This letter is undated, but appears to have been written some time about February 1928. Somewhat before this on the 16th January Spratt accused replying in P. 2096P (I. C. 87) to Muzaffar Ahmad's letter of the 9th, P. 526 (26) (I. C. 85), apologises at some length for his failure to return to Calcutta. The reasons for this failure were: (1) The continuance of the Textile strike in Bombay which might extend to a general strike, (2) his failure to recover his typewriter, etc., from the Police, (3) his participation in the Committee arranging for the Municipal Workers' Hartal to take place on the date of the Simon Commission's landing, and (4) his lack of funds, a point to which I have referred in connection with Spratt accused's remittances. In connection with the Simon Commission Hartal he remarks: "This is a difficult work, which it is whispered, may land us in prison," and on this point there is a comment by Muzaffar Ahmad accused in a letter filed by the defence, D. 140 (1), where Muzaffar Ahmad says: "Do not go to jail. You only came out to study labour conditions" which is no doubt a very mild way of indicating the importance attached by Muzaffar Ahmad to the organisational work which Spratt accused was carrying out. This letter P. 2096P also contains a reference to the sub-committee of the A. I. T. U. C. for the purpose of formulating a Constitution for India, of which he is a convener. Lastly there is a reference to the approaching visit of Chaman Lal to Bombay in order to preside over a Bombay Presidency Youth Conference. D. 587 is a document, proved for the defence through P. W. 262, Deputy Inspector Chaudhri, which contains the resolutions passed at this Youth Conference. From this it appears that Spratt, Mirajkar and Dange accused took part in this Conference and supported different resolutions. This exhibit is printed as P. 1053, the number given to it in the Lower Court. It was rejected by the prosecution, but put in by the defence no doubt with the idea of using it in the way in which it was used in argument, when it was suggested that there was nothing Communistic in the whole affair including the manifesto, P. 546 (11), which was issued by the Workers' and Peasants' Party of Bombay to the Conference. In this argument stress was laid on the following sentence:

"The magnificent work achieved by organised youths in modern China, Turkey and Egypt as also in Soviet Russia, should inspire their Indian Comrades to unite themselves and participate in the struggle for freedom of the Indian nation against British Imperialism.....to lead victoriously the organised Indian people to Swaraj and build up the social economic and cultural life of the future Independent India." The point urged was that because the work of the youth in Turkey and in Egypt, at any rate, was rather bourgeois than Communistic, therefore there was nothing Communistic in the manifesto. This argument, however, misses the point, because the real issue is whether a movement is objectively revolutionary. If its tendency is to undermine Imperialism, then there can be no doubt that from a Communist point of view it

is an objectively revolutionary movement, and therefore one which the Communists may properly support, and the defence argument does not improve the position.

O. P. 417. P. 1111, consists of four sheets of notes proved and appearing to be in Spratt accused's handwriting, evidently prepared with a view to this Conference, since they include a resolution calling upon the students to answer the call of the Indian National Congress for mass demonstrations on the landing of the Simon Commission. The first resolution in these notes declares the need for the attainment of freedom from the exploitation of Imperialism and lays it down that "this can be achieved only by a mass movement of the people." "Therefore", it goes on, "the highest duty of the Youth of India is to assist by all possible means the formation, organisation and training of a mass movement of the exploited working class, peasantry and middle classes." Another resolution in these notes is one demanding adult franchise. An interesting comment on the idea underlying the participation of the members of the W. P. P. in this Conference is to be found in P. 826, the Secretary's report presented to the annual meeting of the W. P. P. of Bombay in March 1928. In this there is a paragraph headed "Youth Conferences" which runs as follows:—"Two Youth Conferences, the Bombay Presidency Youth Conference and the Maharashtra Youth Conference, were in some measure influenced by our Party members especially on resolutions regarding the Constituent Assembly, Franchise and economic demands of the people. The Youth organisations are not stable yet but ideology is being built up." No doubt it was for the purpose of this ideological building up that the three accused whom I have mentioned earlier participated in this Conference.

O. P. 418. The next event of importance in the history of the conspiracy is the Enlarged Executive meeting of the Workers' and Peasants' Party of Bombay which took place on the 29th January 1928. It can scarcely be doubted that the idea of an Enlarged E. C. meeting was derived from the same source as many ideas of the Party, namely the Communist International. Before I deal with this meeting, I may draw attention to the entries in the minute book of the Executive Committee of the Party, P. 1344, prior to that date. The minutes of meetings recorded in 1927 are few and far between. The first relate to a meeting on the 30th April 1927 at which it was resolved to start the "Kranti" (Revolution) and an Editorial Board consisting of Messrs. Parwati, Joglekar, Mirajkar, Nimbkar and Ghate was appointed. The members present at the meeting were Thengdi, Jhabwala, Joglekar, Nimbkar, Mirajkar and Ghate accused and Lalji Pendse. At another meeting of the 4th May these plans were varied somewhat, and it was resolved that a weekly paper in Marathi be started under the Editorship of Joglekar and Mirajkar, and it be named Kranti, and that Mirajkar and Joglekar be authorised to make all the necessary arrangements regarding the publishing of the same from the 7th May 1927. By another resolution a Financial Committee consisting of Joglekar, Mirajkar and Ghate accused was elected. An Editorial Board of no less than 8 members was appointed, but Mirajkar accused was to act as the official manager of the paper and the publisher of the same. P. 1373 (6) contains rough notes for the minutes of this meeting. The only other E. C. meeting in 1927, of which the minutes were recorded in P. 1344, was one held on the 17th November at which it was resolved that Nimbkar accused should act as Secretary in case Mirajkar was convicted. That is no doubt in connection with the publication of "India and China".

O. P. 419. Coming to 1928 the first minutes in P. 1344 are those of an adjourned meeting of the E. C. held on the 23rd January 1928, at which five members, namely Thengdi, Mirajkar, Joglekar, Nimbkar and Ghate accused were present and a resolution was adopted fixing the annual general meeting for the 18th February. It was further resolved that a meeting of the E. C. be held next Sunday, 29th January 1928, to consider resolutions put by the group leaders, where sympathisers will be especially invited to attend at 2 p.m. at the Congress House. Another resolution, evidently the sequel to the manifesto to the Madras Session of the I. N. C., was to the effect that the time is now ripe for all Party speakers to put forward in connection with the Simon Commission boycott campaign the slogan of a Constituent Assembly elected by universal adult suffrage as the only proper body to draw up the constitution of Independent India. The next document in connection with this Enlarged E. C. meeting is P. 1348 (50), which like P. 1344 was recovered from the office of the Bombay W. P. P. This is a document containing two lists, the first of comrades to be invited to attend

the Enlarged E. C. meeting on Sunday the 29th, and the second of gentlemen who have been invited to attend the Sunday meeting to be held at the Congress House at 12.30 P.M. These lists are almost but not quite identical. We are only really concerned with the first. In this after 13 names of regular members of the Party we come to a number of persons, some already interested or likely to be so one way or another, and some belonging to the kind of people whom the Party hoped to attract. For instance no. 15 Khardikar is the gentleman to whom I have already referred, who in one letter is called Jhurdekuq. After him is Gajanan of the Municipal workers, a man who is shown by the Kranti of the 15th October 1927, a passage translated at the request of the defence, to have been one of the representatives of the Union which waited on the Municipal Commissioner with a petition asking him to acknowledge the Union. No. 17 is D. B. Kulkarni of the G. I. P. Ry. Union whose name will recur frequently. After him is Sandanand of the Bombay Port Trust Employees' Union, of which Mirajkar said he was likely to take over charge. After him come Mr. Y. J. Meherally of the Youth Movement and Mr. Shringarpuri, both of whom we have come across already. Ramzan Ali of the Dockers' Union was doubtless invited because this was one of the Unions with which the Party was seeking to get in touch. Gopinath Singh of Lahore would appear to be the gentleman named in P. 1134, (I. C. 29), in connection with the meeting with Saklatwala at Delhi in March 1927. Then after Muzaffar Ahmad we get Mrs. Dange, followed by an actual woman worker of the Municipal workers and a peasant from Junnar Taluk. Next is one P. J. Bhatt, a student of the R. L. Trust, and after him T. V. Parvati and V. H. Joshi, both connected with the Cawnpore Conspiracy case Defence Committee. The next is a Mr. Natesan, and after him one Zhulmi Ram of the G. I. P. Staff Union, after whom comes the man who proposed the boycott resolution which was supported by Dange accused at the Youth Conference. This was Batliwala. The next entry is illuminating. It consists of two students from Wilson (i.e., Wilson College) "attending our class", which is no doubt a reference to the class mentioned by Spratt accused in P. 546 (10) (F. C. 455), where he says: "As to Bombay I do not know what has happened, as I have not been there since March. At that time a group of about 6 college students was meeting regularly and discussing with W. and P. members on theoretical subjects, and it was proposed to develop this into a genuine youth organ." Lastly we come to Babu Alve, who is no doubt the same as B. T. Alve, later on Treasurer of the Girni Kamgar Union. P. 1348 (41) consists of two sheets of note paper containing manuscript notes headed "The W. P. P. Bombay, Enlarged E. C., 29th February 1928. The word February is a slip of the pen as appears from the heading of the second sheet which describes this meeting as having been held on the 29th January "1927". These notes are in the handwriting of Ghate accused, the first appears to be in the nature of an agenda, and the second has on it the signatures of the comrades and sympathisers who attended the meeting. The comrades concerned are: Nimbkar, Jhabwala, Alve, Dange, Muzaffar Ahmad, Ghate, Mirajkar, Joglekar and Spratt accused, and in addition there are signatures of Parwati, Gopinath Singh, Shah, A. B. Khardikar and a few others. Other documents in the same connection are P. 836 (I. C. 92) and P. 526 (27) (I. C. 93), notices issued by Mirajkar as Secretary of the Party to Thengdi and Spratt accused on the 26th January 1928 and informing them that resolutions on T. U. movement, organisation, general political situation, Youth movement, Simon Commission and peasant movement will be considered. These are the same resolutions which are mentioned in Ghate's notes, P. 1348 (41), with the names of some of the intended movers attached. The names given in this list tally with those which we find in Mirajkar's report to Thengdi accused, P. 835, (I. C. 94), written the same night after the meeting was over, with which he sent to Thengdi copies of all the resolutions except that on Trade Unions. About these resolutions Mirajkar says: "These resolutions are in the form of theses wherein our policy on various questions has been clearly laid down. These resolutions are open for modifications at our next annual meeting." These resolutions are as follows:—

- (1) Trade Union, moved by Jhabwala, P. 831.
- (2) Organisation, moved by Mirajkar, P. 832 & P. 834.
- (3) Youth, moved by Ghate, P. 833.
- (4) Simon Commission, moved by Joglekar, P. 833.

(5) Peasants, moved by Dange, P. 885.

(6) General Political Situation, moved by Shah, P. 886, which is to be found printed as part of "A Call to Action".

O. P. 422. Subsequent to the meeting copies of these resolutions were sent to Muzaffar Ahmad by post, but were intercepted and withheld and are on the record as P. 2050 (1) to (5). Their interception gave rise to a somewhat acrimonious correspondence on the part of Muzaffar Ahmad, who held the Bombay people responsible for the delay, vide P. 1848 C. (I. C. 113), and Ghate's attempts to give the soft answer which turneth away wrath in P. 2055 C. (I. C. 117), P. 482, (I. C. 124) and P. 449 (I. C. 142), the last of which only relates to an attempt to have the loss of the registered packet investigated. There is a slight difference between the resolutions intercepted en route to Muzaffar Ahmad and those actually pointed, because the ones printed are those which were passed by the annual meeting, and, therefore, necessarily have a few differences from the drafts approved at the Enlarged E. C. meeting 6 weeks earlier.

Taking these resolutions one by one, the first is that on the Trade Union Movement, for which reference may be made to P. 831 (= 2050 (4)). In this after commenting on the failure of present-day leaders to make the best use of the weapon they had helped to develop, the resolution comes to the task of the Workers' and Peasants' Party. About this it says: "The task of the Party then is to transform existing organisations so that it will give expression to real working class demands, to make the leadership such that it will give a courageous, militant and correct lead to the workers." After stating the principle of one Trade Union for one industry, the resolution proceeds to state what must be the purpose of the Trade Union Congress in the following words:—

O. P. 423. "The T. U. C. must be made the coordinating body linking up the activities and struggle of the workers throughout India, and in this sphere the members of the Party must play a big part." Then it prescribes the duties of Trades Councils and the need for 100 per cent. Trade Unionism, and in this connection it lays down that "The Councils set up by the T. U. C. for this purpose must get to work and members of the Party should use every effort to achieve this." Then we get stress on proper organisation of the Trade Unions and the necessity that "the officers should be actual workers and the rank and file should take a much greater part in running the trade union." Then we come to Factory Committees and work among the Youth, and after that under the head of "Immediate Demands" it is stated that: "Members of the Party should wherever practicable be members of Trade Unions actively participating in the work of the Union and everyday struggle of the workers. It is necessary for our members to attend consistently to their work in the T. U. Branch, B. C. and Management Committees. They should group around themselves the left wing and best elements in an organised fashion. To get the policy of the Party supported and prepare the future leadership of the T. U. Movement, a constant fight is to be carried on against Reformist Leadership, and to organise Circles and Classes on Trade Unionism." Then we get a programme of immediate demands and finally the resolution ends with the following paragraph:—"It is necessary for the Party to work out a programme of immediate demands for individual industries, such as one for miners, one for Railwaymen, Textile etc., with slogans that will rally the workers of those particular industries around the Party in their struggle for better conditions." It will be noted that these are ideas with which we have become familiar in the documents of the Communist International and its subordinate organisations which I have quoted already.

O. P. 424. The second of these resolutions is that on Organisation, P. 832, (P. 2050 (1)). In this we get again stress on the importance of participating in the everyday struggle in the following words:—"The Party must show the workers and peasants that it is actively participating in their everyday struggle politically and industrially to rally them around the Party. Without this fundamental, all your energy will be wasted and the Party will gain nothing." Great emphasis is then laid on the need for the organisation of the Party. Under this head we get as part of the plan of organisation the setting up of groups in Factories, Railways, Mines, etc., to work on the Factory Committees, and also the setting up of fractions or groups in T. U. Branches, Management Committees, Executive Committees, etc. and also in Provincial Congress Committees. This applies to the T. U. C. and A. I. C. C. In addition Youth Organisations should get to work in the existing Youth movements, Trade Unions

and Congress Committees etc., and a Women's Section should be set up. Under the heading "Operation of Organisation" we find it laid down that: "Study circles must be started forthwith in order that members may understand and correctly interpret Party Policy, and most important the application." The
 of this resolution is devoted to details of organisation, such as the working of
 branches and groups, Branch Committees, Provincial Committees and the
 National Executive Committee.

O. P. 425; The third resolution is that on Youth, P. 833, (P. 2050 (2)). At the time of the enlarged E. C. this resolution had attached to it a resolution on the Simon Commission which naturally did not appear in the resolutions put before the annual meeting as the occasion had passed. The resolution on Youth is a very short one, and I need not quote much from it. The first paragraph states that: "The fundamental task of the W. P. P. is to bring about an organised movement of the workers, peasants and the petty bourgeoisie for the attainment of freedom from Imperialism, democracy and the emancipation of the toiling masses from poverty, ignorance and oppression." It proceeds to state that, "The working class is the only class which can undertake the leadership of such a movement. The W. P. P. must attract to its banner the awakening forces of the Youth of India who must be organised in an independent organisation with certain functions." The reason for selecting the Youth for this purpose is that it is the most vital section who are free from obsolete ideas and modes of thought, and have the idealism and energy necessary to conduct a persistent campaign of agitation, education and organisation among the working masses. The resolution on the Simon Commission which is linked with that on the Youth makes it quite clear that the W. P. P. are merely using the occasion of the Simon Commission, because it offers an opportunity to spread their doctrines. They say: "It gives the Nationalist movement a chance to rally the Nation once more to the call of Independence and the solution of its problems of poverty and misery. This opportunity must be seized." Then again they say: "We welcome support from any quarter. But we desire to warn the Nation in general against the dangers to be expected from the participation and the leadership of a certain section of the bourgeoisie." And the resolution goes on to criticise bourgeois nationalism on the usual lines and to recommend carrying on the campaign for boycott and independence with the greatest possible energy. In this connection "the Hartal must be made complete and strikes of workers be held on as large a scale as possible. Demonstrations must be held demanding independence and the solution of our pressing economic and political problems." Then the resolution proceeds to put forward the slogan of the convening of a National Constituent Assembly, elected by universal adult suffrage. The Party calls on the A. I. T. U. C. to insist in the name of the organised workers on a Constituent Assembly and to present to the conference (at Delhi) the demands, political and Economic, which the workers will make upon any Swaraj Government. At the end of this resolution are two paragraphs in the handwriting of Mirajkar accused which run as follows:—

" Party members must take part in the organisation of Hartals and strikes on February 3rd and must arrange a demonstration on that day with the following slogans:—

' Down with Imperialism and Simon Commission. Complete Independence. National Constituent Assembly. Votes for all. A living wage. The Eight hour day. Land to the peasants '."

It may be noted that a typed copy of this Simon Commission resolution, P. 1348 (42), which was recovered in the search of the office of the W. P. P. Bombay, has on it a note in the handwriting of Nimbkar accused. "Joglekar accused moves it, unanimously passed, to be sent to the press", which is exactly what appears from Mirajkar accused's letter, P. 835.

O. P. 427. The next resolution is that on the General Political Situation, which was intercepted on the way to Muzaffar Ahmad is P. 2050 (5). It is not printed under that number, but will be found with some very slight modifications in "A Call to Action." Another copy of it was item no. 9 in P. 1209, a file headed "Workers' and Peasants' Party", recovered in the search of the Karanti office (Search list P. 1200, P. W. 218, Sub-Inspector Tawade). This resolution is a very lengthy affair covering over 18 printed pages of foolscap. After an introduction it discusses the international position and under the heading "Prospect of War" lays stress, as do all such documents emanating from

- this particular source, on the danger of an attack on Russia, because the Soviet Republics constitute a menace to the stability of Imperialism and capitalist exploitation, and as in so many of their books we find the Party concluding that: "The political necessity of seeking support within the colonies combined with economic developments dictates the fundamental line of Imperialist political policy within India—the extension of the alliance with the Indian Upper Classes (Feudal rulers, Landlords etc.) to the bourgeoisie as a whole." This is followed by an analysis of the position of the British bourgeoisie in India, and it is stated under this head that "The Policy of Imperialism in India to retain its position of dominance is threefold. (1) It secures firm control of the chief industries, communications, administration, etc. and extends the area of its support among the ruling, landowning and bourgeois classes in India. (2) By encouraging internal conflicts of various kinds it disintegrates the forces of opposition to it. (3) It conducts a policy of direct suppression of movements dangerous to its rule." After enlarging on this subject the resolution deals with the position of the Indian bourgeoisie, concluding with the statement that: "The essence of the policy of the bourgeoisie as a whole and now even of the left section is compromise with Imperialism..... The bourgeoisie by the policy of acquiescence are obstructing the progress of India.... The bourgeoisie is opposed to the interests of the masses and is afraid of their movement. It deserted and broke up the N. C. O. movement for fear of mass action and for the same reason seeks to keep the labour movement under its control. The bourgeoisie as a whole can no longer be looked upon as the leader of the national movement in the interests of the mass of the Indian people. "The resolution proceeds to analyse the position of the petty bourgeoisie, peasants and the workers, and after a paragraph on recent developments leads up to what is called a "conclusion", in which the possibility of useful leadership by the bourgeoisie is rejected and the conclusion which we might expect from all the evidence alluded to earlier is reached in the following sentence:—
- "All experience of similar movements shows that the Industrial working class alone is fitted to lead this struggle through to the end, and to fight consistently for the interests of all the Indian people..... It is therefore essential that the working class organisations, the trade unions and T. U. C., fight and obtain freedom from bourgeois control, under which most of them now exist....."
- Under the leadership of the industrial workers, the movement of the masses can go forward to abolish foreign exploitation, to establish democracy, and those elementary pre-requisites of life which 95 per cent. of the population of India still lack. By means of strikes, demonstrations, hartals and the more laborious means of organisation and education, the class-consciousness and the solidarity of the masses will be raised to the level necessary before its task can be achieved." A little further on we begin to come to the functions of the W. P. P. in the following passage:—
- "This mass movement is slowly developing. But in the early stages it requires conscious and intelligent guidance and this is the function of the Workers' and Peasants' Party. The Party has its task to gather all sincere fighting elements from the ranks of the workers, the peasants, the exploited middle class and the militant National movement, and to fuse them into one united whole for conducting their united struggle. It will establish particularly close relations with the youth, the future leaders of the country, and the trade unions, the source from which most of its strength will be drawn."
- Then follows an estimate of the present political situation, which leads to the last division of the resolution headed "Tasks of the Party."
- The second paragraph deals with the Party programme in regard to the Simon Commission in terms similar to those we have met with already.
- "The policy of the Party must be to carry forward the campaign for the boycott of the Commission to the utmost extent in spite of any sabotage. Strikes and hartals must be encouraged and the masses brought into the movement by associating their demands with the national slogans. The campaign must demand complete national independence and must work for the calling of a Constituent Assembly, elected by universal adult suffrage etc." After this we come to programmes, which are on the usual familiar lines. In connection with International affairs I note that it is laid down that: "The League against

O. P. 428.

O. P. 429.

- Imperialism must be supported, and its propaganda for the alliance of the revolutionary Labour movement and the colonial revolutionary movements be assisted. Solidarity must be encouraged with the Russian and Chinese revolutions, particularly in view of the danger of war." It is important to note that in P. 2365 entitled "The Communist International between the 5th and the 6th World Congresses, 1924 to 1928," which is described as a report on the position in all sections of the World Communist Party and which contains sectional reports covering the period up to May 1st, 1928, we find in the chapter on 'India' a section headed "Communist activity" in which two of the passages, which I have quoted above, (1) that on the policy of the Party in regard to the boycott of the Simon Commission and (2) that on freeing the working-class organisations, the T. U.'s and the T. U. C. from bourgeois control, are quoted at length. The whole of the chapter on 'India' beginning from the middle of page 473 to the end is most suggestive in regard to the position and objects of the Workers' and Peasants' Party, and I shall have to refer to it again. It may be noted also that this resolution was moved at the meeting of the Enlarged Executive Committee by Shah, but at the annual meeting of the Party the mover was Dange, vide P. 1344, the Minutes of the E. C. meeting of the 15th March 1928 and the report in the same exhibit of the first annual general meeting on the 18th March. In this connection it will be remembered that in the notes P. 1373 (2) of a meeting held evidently at Madras on the 28th December 1927, the members present decided to formulate a thesis on the existing situation, international and internal, economic and political, and hence to devise a comprehensive programme of work and sketch of future lines of developments, relations to other parties and social groups and organisations. Comrades C. G. Shah and S. A. Dange were commissioned to prepare a draft of this thesis. That is no doubt why it was moved by Shah on one occasion and Dange on another.
- O. P. 430. On the 3rd February 1928 the Simon Commission landed at Bombay. The Workers' and Peasants' Party of Bombay took a considerable part in organising the demonstrations which took place on this occasion. The evidence of P. W. 253, Sub Inspector Kothare, on this point is as follows :—
- "I attended some meetings held under the auspices of the Bombay Provincial Congress Committee in January 1928 in regard to the Simon Commission boycott. They began about a fortnight before the Hartal, and were organised in different wards. The propaganda was carried on by the propaganda sub-committee of the B. P. C. C. In those meetings generally members of the B. P. C. C. spoke. Practically in all of them Nimbkar, Joglekar and Jhabwala accused and Mr. Ginwala and Jehangir Patel spoke and Spratt accused sometimes. Other Congress leaders also used to speak. The programme for 3rd February was prepared by the B. P. C. C. I know it through the circulars and the various meetings ;" from which it would appear that Jhabwala Nimbkar and Joglekar were taking a very active part in the organisation of the hartal under the auspices of the B. P. C. C. P. 544 (1) are notes recovered in the search of the Bengal W. P. P. office, which have been described as operation orders. They have a note on them "For Mr. Nimbkar. Municipal Union. Very urgent. 3rd Feb :"
- Item 7 in this document states that "all work is to be done under the auspices of the Hartal Committee with Mirajkar and Spratt as Secretary." Item 9 says : "Full programme to be reported to public continuously for 7 days from now." In this particular connection Nimbkar accused himself put in a series of issues of the Bombay Chronicle, D 202 to D 220, which so far as they state facts in regard to himself, are clearly relevant as admissions, and they show that from the 19th January right up to the 13th February, Nimbkar accused was making daily speeches outlining and preparing for the programme to be carried out on the 3rd February. There is a certain amount of other evidence, both oral and documentary, about this demonstration of the 3rd February, which deserves consideration. One of these is a document, P. 548 (5) rejected by the prosecution but put in by Spratt accused as a defence exhibit, one part of which consists of a letter to some newspaper from R. S. N., K. N. J., and P. S. writing as members of the Municipal Workers' Strike Committee, responsible for arranging the one day's strike on the landing of the Commission. Apart from the signatures the three most interesting passages are the following : In the paragraph marked (1) the writers say : "But any politician of sense uses such occasions as this for the rallying and organising of his forces. The strike of the Municipal Workers is not so much against the Commission, as a preparation for the day when the organised workers shall by direct action win Swaraj for India, and
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- themselves." In the paragraph marked (7) the writers say that they wish to express their resentment at the reflections on the character of Mr. Jhabwala and add : " It is hardly necessary to remind readers of a Bombay newspaper of the enormous amount of self-sacrificing work which Mr. Jhabwala is doing and has done for many years in the organisation of labour." Thirdly in what appears to be the actual third paragraph of the letter (Note : this document is not very easy to follow particularly in the printed exhibit) I may quote the following passage in which speaking of the importance of the Labour Movement being also a political movement the writers say : " This belief, (namely that political affairs are of no concern to workers) which we hold to be false, is very widespread in India, even in the Labour movement. The fact is that workers, perhaps more than any other class, are interested in the dominant political question of trade and must if Swaraj is to be attained at all, take a very prominent part, as they have in China in that attainment. It is the duty of a farsighted labour leader to train and educate workers to realise, the best means of such training being, as always, action. This duty is a difficult one, and a leader who undertakes it is liable at first to lose popularity and to be upset and ousted by any reactionary demagogue (always more influential than a progressive demagogue) who plays upon the natural fears which all men entertain in face of a dangerous policy, however necessary and salutary it may be. It is fatal to leave these things to politically minded, i.e. middle and upper class Indians."
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- O. P. 434. Another comment on the part taken in the Simon Commission Hartal, looking at what might be called the bright side of it, is to be found in P 826, the Secretary's report presented to the Annual Meeting of the W. P. P. of Bombay on the 18th March 1928. In this the Secretary writes, " In 1927 and 1928 the Congress 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.
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- In spite of that, we had occasion to demonstrate the correctness of our policy on the Hartal question on February 3rd, 1928. While other classes did play their part, the most active, prominent and organised part was undertaken and worked out successfully by the students 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."
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- O. P. 435. That was the Party view of the matter only a month or so later. Much the same point of view is to be found expressed in P 2365, from which I quoted a page or so further back, where the report on the Indian Section states, " It was by its (the Bombay W. P. P.'s) initiative in organisation that 30,000 workers of Bombay assembled in a separate political demonstration with revolutionary slogans on the occasion (of the visit) of Simon Commission to India and in connection with the national campaign of boycott against the Commission." Much the same point of view is also expressed in Spratt's letter to Page Arnot P 526 (38) (F. C. 368) dated the 11th February 1928 in which he says, " We had an excellent Hartal here and the students' and workers' strikes were a great success." Mirajkar accused directly claims that responsibility for the success of the demonstrations belongs to the W. P. P. He says on page 1444 of the statements of the accused, " I did participate and actively organised the Simon Hartal day on the 3rd February 1928. I was also a member of the Workers' Committee formed to organise this Hartal. The W. P. P. of Bombay was to a large extent responsible for the successful demonstrations and meetings that took place in Bombay on that day. But for the Party the Hartal would not have been stiffened and so actively organised as we did." Nimbkar accused deals with this matter on pages 3046-3048 of the statements of the accused and gives a very full account of the active part taken by himself and all the prominent members of the W. P. P. in working up the demonstrations on this day. But whatever he did then he now attaches a very special importance to the occasion as he says that " the 3rd February demonstration was the beginning of a new stage of development in which the masses entered the political field as an independent political force under the lead 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 arm-lets, with the slogans of their class demands such as, " Eight hours working day " and " Living wage "." Reference may also be made in this connection to P 548 (6), a leaflet issued by the Bombay Municipal Workmen's Union on this
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occasion which was recovered in the search of the office of the W. P. P. of Bengal.

Another exhibit which gives the W. P. P. the fullest credit for the results produced on this occasion is the Labour Monthly for June 1928, part of P 1212, page 338 a passage in the "notes of the month". A typed copy of these particular notes of the month was found in the office of the Kranti and is item 4 of P 1220. The important passage runs as follows: "Even more significant, the struggle of the workers has already taken on a political as well as economic character. In the demonstrations against the landing of the Simon Commission at Bombay, on February 3,.....the leading role was played by the workers under their own leadership and behind their own slogans. In defiance of the Government prohibition, 30,000 workers demonstrated in the streets, led by the Central Committee of the Workers' and Peasants' Party; and their slogans were: "Eight-Hour Day"; "Living Wage"; "Down with British Imperialism"; "Nothing Short of Independence"; and "Constituent Assembly". As against this, bourgeois nationalism attempted no militant demonstration; and its only slogans were: "Simon, go back"; "No Representation, No Commission" and "Swaraj is our Birthright". February 3, 1928, is a powerful first signal of the future form of the national struggle." And much the same view of the Hartal will be found expressed in the article headed "The Significance of 3rd February" in the Masses of India for April 1928, of which one copy was found with Sohan Singh Josh accused and is part of P 895 and another with Nimbkar accused and is part of P 1788. The real reason for the significance attached to public demonstrations of this kind which bring the workers into the streets emerges in the last three paragraphs of this article, where, after discussing the Hartal at Bombay, the writer goes on to describe the violent outbreak of the masses on the same day in Madras. There according to his account the masses "broke loose from the cramping leadership of the local Congress Committee and spread over the whole city striking terror in the heart of the imperialist oppressors. With nothing more left than stones in their hands they defied the Police to fire, laid siege to the imperialist institution of oppression called the High Court of Justice, and destroyed by fire and laid low by physical assault imperialist property and imperialist persons.

Instead of the bourgeois nationalist force of criticism there was for one day the proletarian criticism of force.

Imagine arms instead of stones in the hands of the masses; imagine a revolutionary programme of action and revolutionary slogans on their banners; a riot will then become an insurrection for the seizure of power."

Unfortunately the very fact that the work on this occasion was in the main carried out through the Bombay Provincial Congress Committee and under its auspices, resulted in the Party not getting all the credit that was due to them for its success. What dawned upon them later on was that in this matter they had really been submerged in the Congress, which had reaped the fruits of their labour. Some time in September 1928 there was a conference of leading members of the Workers' and Peasants' Party at Bombay to which I shall come in due course and of which we have manuscript notes in the handwriting of Spratt and Bradley accused. In P. 526 (32) there is a portion of the notes made by Spratt accused on this occasion. They are as follows: "Simon Hartal—W. & P. Party did not act officially—simply through Congress—Party issued manifesto and resolutions—submerged itself in Congress—President of P. C. C. altered resolution, and W. & P. fraction brought vote of censure still pending—allowed them to capture mass meeting." Bradley accused's notes in the same connection are as follows: "Bombay P. C. C. Hartal conducted by B. P. C. C.—W. & P. P. submerged itself in Congress but issued a manifesto—W. & P. P. conducted by P. members, could work—Mr. Naidu altered Benares resolution on boycott and was condemned by B. P. C. C." Both these sets of notes indicate that on further consideration, at a later stage, of the results of the Hartal the Workers' and Peasants' Party recognised that whether or not it was they who had really been responsible for its success, it was not they who had reaped the full benefit, and this may be the explanation of the fact that on the occasion of the second visit of the Simon Commission to India it was not the Bombay W. P. P. which took an enthusiastic interest but the Bengal Party, which had taken only a feeble interest in its first visit.

On the 8th February 1928, as we find from P 1344, a meeting of the E. C. of the Bombay W. P. P. was held in which the draft open letter to the All-Parties Conference was discussed and adopted and in which it was decided to send a circular letter to all Indian trade unions regarding the affiliation of the A. I. T. U. C. to the I. F. T. U. Two days later, on the 10th February, a copy of this open letter was sent by Mirajkar accused to Thengdi accused in P 1831C. This open letter follows somewhat similar lines to Spratt's statement "Labour and Swaraj" (P 78). It rejects the idea of framing a constitution and declares that the All-Parties Conference or the National Congress must decide to convene a national Constituent Assembly which shall undertake the tasks of drafting a constitution and beginning the solution of the pressing economic and social problems which confront it. The Constituent Assembly is of course to be elected by universal adult suffrage and other demands are made of the usual kind, for freedom of organisation, speech and the press, universal primary education, eight hour day, minimum wage, nationalisation of the chief services and basic industries and the like. Another point found in the minutes of this meeting is the appointment of 4 members to attend the E. C. of the T. U. C. to be held at Delhi. These were Dange, Joglekar, Nimbkar and Thengdi, and it was of course in connection with this meeting that the circular letter regarding the affiliation to the I. F. T. U. was to be drafted. P 1348 (46) is the original draft of this letter in Spratt accused's handwriting, while other copies of it are P 827 (1) (I. C. 102), P 828 and P 37 (recovered in the search of K. L. Ghosh accused). In this letter the E. C. of the W. P. P. speaking generally attack the Second International and the I. F. T. U., and recommend that if any affiliation is to be considered it should be in favour of the R. I. L. U. Mirajkar's letter P 827 forwarding a copy of this circular letter is dated 11th February 1928. On the 14th February Dange accused issued a personal circular letter of his own, a copy of which, P 1384 (3), was found with Mukerji accused in a file of Bengal North Western Railwaymen's Union correspondence which was composed mainly of correspondence of the A. I. T. U. C. In this he suggested that the reopening of the question which had been decided at the open Congress at Cawnpore was ultra vires and that a point of order should be raised. This was accompanied by a personal letter to Mukerji accused pressing him to attend the Delhi meeting and to oppose affiliation to the I. F. T. U.

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Spratt accused along with Dange accused attended the A. I. T. U. C. Executive Committee meeting at Delhi on the 26th February (Vide Spratt's letter to Muzaffar Ahmad, P 479 (I. C. 120)) as also did Thengdi accused. There seems to have been some idea of holding a C. P. I. Conference at Delhi then, as appears from P 2055C, a copy of a letter dated 27th February 1928 from Ghate accused to Muzaffar Ahmad in which he mentions Dange's absence at Delhi. The reference to this proposal is as follows: "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." Further on in this letter Ghate mentions the postponement of the Annual Meeting to the 18th of March. The contents thus contain considerable evidence of the genuineness of this letter which is also one of those in regard to the disappearance of the registered packet containing copies of the resolutions passed at the Enlarged E. C. Meeting in January. This letter also contains a reference to Gossain which is no doubt another name for Goswami, a fact which is indeed proved by the references in P 546 (4) and P 568 to a paper on "Present Day India" to be read by Gossain which P 568 shows was to be read by Goswami. An account of the E. C. meeting at Delhi is to be found in the A. I. T. U. bulletin, D. 274, but all that is necessary from the point of view of the case is obtainable from Spratt's own letter, P 479 (I. C. 120), and his notes taken at the meeting, D 145 (30). In this he says, "We succeeded for the time in stopping the attempt to affiliate to the I. F. T. U. Purcell, Joshi etc were very keen on it." So that the crusade against the affiliation to the I. F. T. U. was successful. The group's efforts in connection with the W. W. L. I. were less successful, as he writes, "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." Then there is an interesting little touch in regard to finances at the beginning of the letter where Spratt says, "I have every hope of being able to leave Bombay for Calcutta this week, in consequence of a resolution of the E. C. of the T. U. C. whereby Kishorilal and myself are to inquire into the Bengal Unions and report

O. P. 441.

on their existence or otherwise. My travelling expenses will be paid, so, apart from work here, there is no obstacle. Thanks for your invitation to the Peasants' and Workers' Party Conference." The remark about the payment of expenses makes it quite clear that, whatever he may say to the contrary, Spratt was not living on the 500/- monthly average income which he implies is what he was receiving. If he had been, the question of his travelling expenses being paid would not have been one of any importance.

On his way back from Delhi to Bombay Spratt accused appears to have gone to Lahore, as he mentions going there in a letter to Page Arnot dated Bombay the 9th of March P 526 (46) (I. C. 384) with which may be read the evidence of P. W. 170 P. C. Anwar Ali Shah and P. W. 171, Sub-Inspector Phoni Bhushan, who saw him leaving Lahore for Delhi on the 3rd March 1928, and P. W. 179, Sub-Inspector Arjun Singh who deposes that on the 3rd March 1928 he attended a meeting at Bradlaugh Hall, Lahore, at which Spratt, Dange, Majid and Sahgal were present.

O.P. 442. Spratt's stay at Bombay on this occasion was very short. On the 15th March an E. C. meeting of the W. P. P. was held (vide P 1344) at which Spratt does not seem to have been present, but at which it was decided that a new group be added called the Youth Group, and among the E. C. members proposed for the following year Spratt accused's name appears against the Youth Group although the resolution regarding the youths was to be moved before the Annual Meeting by Ghate accused. At the actual General Meeting on the 18th as the minutes show a motion was moved by comrade Joglekar and seconded by comrade Nimbkar to add a fifth group called the "Youth Group" and this was unanimously adopted and P. Spratt was elected group leader. All of this however took place in his absence, as by the time the General Meeting took place he had arrived in Calcutta.

The chief documents in regard to the Annual Meeting are : (1) P 826 the Secretary's report presented to the conference and giving an account of the work of the past year ; (2) the detailed minutes which form part of P 1344 and with which may be read the notice P 1348 (13) issued by Mirajkar accused as Secretary ; and (3) the short notice which is item 3 in P 1209 and is printed under that exhibit. Taking the last of these documents first there is not really very much in it of importance which does not appear in the other documents except the last paragraph near the foot of page 60 of the printed exhibit. In this the new Secretary S. V. Ghate, writing on the 20th March 1928, records (this report seems to have been intended for the newspapers) that "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." After mentioning the other theses of which I have spoken already the report mentions that one of the theses was a statement of the party's attitude towards the Congress and present labour leadership. This thesis has been mentioned earlier. Turning to P 826, this is clearly an authoritative account of the activities of the party during the year, on which we are entitled to rely as an admission on the part of all the members of the party. Under the head of Sectional Reports we get an account of the activities of the party under the heads Trade Unions, Congress Section, Youth Conferences, Propaganda Section (with sub-heading Meetings, Manifestoes and Publications) and Peasants. Under the first head we find it stated that "the T. U. Section could influence the Delhi Session of the A. I. T. U. C. (March 1927) which is apparent from the partially changed tone of the resolutions passed. Comrade Saklatvala also was a great asset to the Delhi Congress." Oddly enough there is no mention in this report of the Cawnpore Congress at the end of 1927 but that may very well be because the person responsible for this report was Mirajkar accused and he probably based it largely on T. U. leader Joglekar accused's report of the 21st April 1927, P 1348 (12). The report goes on "Party members have found their way to some of the minor offices of the A. I. T. U. C. But as the real work lies in directly organising the workers, members have concentrated on establishing contacts with some of the existing unions and also building up new ones. At present, Party members are more or less connected with the Textile Workers' Union (Girni Kamgar Mahamandal), the G. I. P. General Employees' Union, and are directly responsible for the Municipal Workers' Union, the Dock Workers' Union and the Press Workers' Union." After this there follow a couple of paragraphs dealing with the Textile strikes and the part taken by the Party therein. These

are followed by a reference to the E. C. meeting of the T. U. C. held at Delhi on the 26th February 1928 and to the circular issued by the Party opposing the affiliation to the I. F. T. U. which was there proposed.

In the Congress Section we get a mention of the election of Nimbkar and Joglekar to the A. I. C. C. and to the fact that the Secretary of the B. P. C. C. for two successive years has been a member of the Party. After this there are paragraphs on the Simon Commission Hartal and the Youth Conferences which have been quoted before and I need not therefore quote them again.

Coming to the Propaganda Section we get a list of the meetings for which the Party claims to have been responsible. The occasions of these were Lenin Day, Welcome to Saklatvala, Welcome to Dange on his release from jail, May Day Celebration, Welcome to Usmani on his release jail, Anniversary of Russian Revolution and Sacco-Vanzetti murder condemnation. This is followed by a list of manifestoes, namely those to the A. I. C. C. for its meetings in Gauhati, Bombay and Madras (the last 2 of these are P 843 and P 23), manifesto to the Bombay Presidency Youth Conference (P 546 (11)), another to the All India Youth Conference held on the 28th December 1927 which is described as newspaper publication, manifesto of Simon Commission (P 1348 (49)), and open letter to the All Party Conference (P 1831C). Under the head Publications we find the speeches of Sacco and Vanzetti before the tribunal, and the Kranti. The report relating to the Peasants Section takes up two lines only and states that the Executive is considering its policy on peasants question and will soon issue its report. This report may be said to be typical of the amount of interest which the Party took in the Peasants Section. It may be noted incidentally that at least one of these meetings, which are described as the work of the Propaganda Section of the W. P. P., was actually held under the auspices of the C. P. I. although as I have shown already the expenses were paid by the W. P. P. This was the meeting at which Usmani was welcomed on his release from jail, the report of which is P 1684. Another point worth noting is the strong family resemblance between the list of campaigns carried out by the E. C. C. I. with the support of the Agitation sub-department and the list which is given at page 40 of P 2365.

O. P. 445.

Coming now to the minutes of the meeting. The fair minutes are those recorded in P 1344, and some rough notes are on the file as P 1348 (17). In these minutes as in the Secretary's report P 1209 we find a mention of messages being read from Bakhale presumably on behalf of the A. I. T. U. C., from the C. P. G. B., and from the Peasants' League Moscow, which in the rough notes is described as Moscow letter. Another item of business of some importance was the consideration of the formation of the A. I. W. & P. P., as also the question of electing delegates to the A. I. W. P. Conference to be held at Calcutta in April next but which were left to the new Executive Committee. The rough notes also contain a reference to a suggestion that Nimbkar accused and Lalji Pendse should go as a delegation to Ali Bagh and explore the possibility of organising the peasants in the Colaba District. I do not think there is anything to show what if anything came of this.

O. P. 446.

There is an interesting piece of evidence of the very paternal interest taken by Moscow in the work being done in India by the Left Wing of the T. U. C. and the Workers' and Peasants' Party to be found in the Eastern and Colonial Bulletin issued by the R. I. L. U. recovered in the search of the Kranti office and marked P 1201 and in another issue of the same recovered in the search of the Bombay W. P. P. and marked P 1367. P 1201 contains 4 issues of this Bulletin but the one which is of interest in this connection is Volume I No. 8 dated January 15, 1928. In this we find first an article on the Eighth Indian Trade Union Congress held at Cawnpore in the course of which the writer says, "Another important feature of the last Congress was the formation of a Left Wing making its presence felt in energetic speeches, resolutions and proposals, while not numerically strong enough to carry its own resolutions through to the end and frequently suffering defeat in voting. This Left Wing was an undoubted factor in giving a labour character to the Congress. Its representatives helped the Congress to expose the true role of the British Labour Party and the British T. U. C. as the agents of British Imperialism. The growing importance of the Left Wing showed itself also in the elections to ruling posts in the Congress for next year. Thus as Vice Chairman was elected Thengdi, Chairman of the Bombay W. & P. P., one of the most active Left workers, Under-Secretary Dange, a Communist sentenced after the Cawnpore process in 1924 and not long ago let

out of prison." This article is followed by an article on the Indian Workers' and Peasants' Party. In this the writer says in the second paragraph that "the Workers' and Peasants' Parties which came into being in 1927 played an important part in arousing the class consciousness and activity of the Indian working class. These Parties exist in the following provinces, Bombay, Bengal, Rajputana (Ajmer) and Punjab. Before 1927 the only one of these Parties was in Calcutta, and all the rest sprang up during the last 10 months." (I think the writer was being a little previous in regard to the Punjab Party which was not really formally established for several months after this). The article goes on to give some account of the activities of the Bombay Party in the Indian National Congress. There is a good deal of repetition, it seems to me, in this article, but after dealing with the work in the National Congress and the A. I. T. U. C. the writer devotes a paragraph to the organisational work done by the W. P. P.s among the industrial workers in the principal centres of India. The details he gives however relate to Bombay only. "There", he says, "many Trade Unions have been set up with the direct participation of the W. P. P.s and have been carrying on under the leadership of representatives of the Parties. A big textile workers' strike was conducted by the Bombay W. P. P. in August 1927 ending in a complete victory for the workers. In 1927 this Party organised enormous demonstrations on May Day and the Tenth Anniversary of the October Revolution, drawing into these vast numbers of workers." And the writer concludes with the following complimentary remarks, "In conclusion it is not too much to say that the young W. P. P.s of India (especially that in Bombay) have accomplished great work during the short period of their existence. A definite programme of national revolution has been drawn up and extensive work developed among the toiling masses of India. With the cooperation of the Communist Party Left revolutionary groups have been formed in the A. I. National Congress and the Indian Congress of Trade Unions."

O. P. 448. In the next issue of this Bulletin dated February 15, 1927 (P. 1367) there is an article entitled "New British Imperialist Policy in India and Tasks of the Left Wing". In this article, on page 14, the writer speaks of the absence of organisations such as would have hindered the Government policy which he had described as being in operation. He goes on to say, "A Communist Party in India was organised only in 1926 and is still numerically extremely weak. It was followed by the organisation of Peasants' and Workers' Parties in the provinces of Bombay, Rajputana, Bengal, etc. The most important of these was the Bombay W. P. P. These Parties meet with great obstacles in their work in Bengal where the Swarajists are still strong. The revival in the Labour Movement in India in 1925 is shown by the increased number of the organised workers and the growth of the strike movement as well as by the springing up of the W. P. Parties. Strikes became more frequent on the railways, despite the fact that extremely moderate elements are at the head of the Transport Workers' Unions. Strikes were even declared by such backward categories of workers as the Madras Oil workers." And he goes in in a similar vein to discuss the Cawnpore Congress of the A. I. T. U. C. and at the bottom of the page says, "The creation of a Left Wing—the core of which are the W. & P. organisations, especially the Bombay Party—is a phenomenon of the greatest importance." So we can feel no doubt that the work done by the W. P. P.s in 1927 and early 1928 was exactly the work which the R. I. L. U. and therefore the C. I. wanted to see being done by Communists in India.

The Assembly
Letter.

O. P. 449.

In the attempt to keep events of importance in the history of this conspiracy as far as possible in chronological order I come next to the very important letter P. 377 (1) generally known as the Assembly Letter because it was read out in the course of a debate in the Legislative Assembly (vide Legislative Assembly Report for 10th September 1928, reported at pages 447 and 448 of Legislative Assembly Debates Vol. III 1928, being the official report of the 3rd Session of the Legislative Assembly, 1928). This is a letter from M. N. Roy (a fact proved by the typewriting and which might also be inferred from the internal evidence) dated the 30th December 1927 forwarded in the same envelope along with a covering letter P. 377 from J to Dear Muzaffar. Both these letters were contained in an envelope P. 377 E. addressed to Muzaffar Ahmad Esquire, 211 European Asylum Lane Calcutta. There were also written on the address side of this envelope the words "to be delivered personally" which however have been scratched out. On the back was written the name and address of the sender in the following words: "From M. A. Hakim No. Saha Aman Lane, P. O. Kidderpore, Calcutta." The covering

L.I.J.M.C.C.

letter is proved to have been typed on C. P. Dutt's typewriter and is dated February 5th, 1928. The evidence as to the recovery of this letter is as follows. P. W. 28 M. A. Hakim is a seaman who has been working as a cabin steward in steamers of the British India Steam Navigation Company for 9 or 10 years. In November 1927 he signed on as a cabin steward in the S.S. Merkara of that line and arrived at London after Christmas. At the docks there he met a Mr. Upadhyaya whom he describes as Secretary of the Indian Seamen's Union, London, who persuaded him to join the Union and gave him a card of membership P. 376 which he signed in the witness's presence. After visits to various other ports the Merkara returned to London on the 7th or 8th of February when the witness met Upadhyaya again and was entertained by him at a teashop on two occasions. On the second of these Upadhyaya gave the witness two envelopes, a large one P. 377 E. and a small one P. 378 E. He was asked to take these to Muzaffar Ahmad at 21 European Asylum Calcutta and to deliver the small one to him first and then the large one if he asked for it. Witness took the letters back to his ship and put them in a writing pad inside his box. When however he reached Calcutta about the 20th of March he forgot to deliver these letters and left them lying in his box. A little over a month later he signed on in the S.S. Margha for a voyage to Southampton and after leaving Colombo came across the letters still in the writing pad. He then thought the best thing to do was to post the big envelope to Muzaffar Ahmad and he accordingly took it to the Purser who told him to scratch out the words "to be personally delivered". He also wrote on the back of the envelope his own name and Calcutta address, a very usual practice among Indians writing letters in India. The letter was then posted in the box on the ship and despatched to India from Aden.

For the next stage in the history we have to refer to the evidence of P. W. 36 S. I. G. B. Roy who has deposed that he intercepted P. 377 E. and its contents P. 377 and P. 377 (1) in the post. The witness does not seem to have given the date of interception but it would be presumably somewhere about the end of May. This witness submitted the letter to the Assistant Commissioner of Police R. B. Ban Behari Mukerji, P. W. 156, whose statement is that some time in May 1928 Exhibit P. 377 and E. was intercepted by S. I. G. B. Roy of the Special Branch and produced by him before the witness and that he passed orders for its being withheld and then had copies made and sent to various officers. In cross-examination this witness stated that he received P. 377 and E. on the 29th May and sent out the copies on the 1st June. This witness was cross-examined at great length as indeed were all the witnesses in any way connected with this letter. But it does not appear to me that there is any good reason to doubt the facts to which they have deposed. In consequence of the writing of his name by P. W. 28 on the back of the envelope enquiries were made through the Assistant S. I. Abdul Rashid Khan, P. W. 90 who got information about Abdul Hakim (P. W. 28) at his father-in-law's house No. 6, Shah Aman Lane, Iqbalpore, Kidderpore. It was elicited in cross-examination that he subsequently made enquiries about Abdul Hakim at the Shipping Office or rather the office of the Shipping Master, where he learnt the name of the ship in which Abdul Hakim had sailed. The result of these enquiries was that when Abdul Hakim returned from England in the troopship Nivasa on the 10th September 1928 his box was searched by Customs and Police officers and the letter P. 378 was found in his possession. That letter bears the same signature N. J. Upadhyaya which appears on the Indian Seamen's Union membership card given by N. J. Upadhyaya to Abdul Hakim at the docks in London. This letter would establish, even if it were not already established by the typewriting, that P. 377 signed J emanates from C. P. Dutt, as Upadhyaya in P. 378 which is dated 8th February 1928 says, "Just a few lines to introduce Mr. Mohammad Abdul Hakim of 6 Shah Aman Lane Calcutta please find a letter from C. P. D. and reply." This signature also tallies with the signature on P. 2392 P. (F. C. 77) recovered by P. W. 4, Detective Sergeant Renshaw, in the search of the C. P. G. B. headquarters in London in October 1925. The witness who deposes to the search of Abdul Hakim on his return to Bombay in the S. S. Nivasa is Deputy Inspector Chaudhri, P. W. 262, who says that in the course of this search the membership card P. 376 and the letter P. 378 and E. were recovered. The witness prepared a search list of the articles recovered in this search P. 1596.

It may further be noted that the accused themselves impliedly admitted the correctness of this list by getting Abdul Hakim to prove a number of letters or

envelopes enumerated in it, namely D. 85 to D. 91, the last of which is a blank membership card of the Seamen's Union signed by Upadhyaya but not bearing the name of any member. Just why the defence got these proved I am unable to say but it seems to me clear that the fact that Abdul Hakim had in his possession letters addressed to other persons shows that he was in the habit of carrying letters for friends and was therefore a person likely to be willing to carry a letter for Upadhyaya.

At the time of this search of course the original P. 377, P. 377 (1) and the large envelope were not available in Bombay and in consequence Abdul Hakim was detained there after his first examination before the Presidency Magistrate until it arrived and his statement in regard to it could be completed. It was of course a little before Abdul Hakim's return to India that P. 377 (1) was read out in the Assembly but that does not affect the credibility of his evidence. It is not of course the prosecution case that Abdul Hakim was necessarily an innocent person. He may have known more about the contents of the letter or at any rate he may have known that the idea of entrusting it to him was to avoid transmitting it through the post. But that does not really affect the case at all. The documents are before the Court and it is impossible to doubt that they were transmitted from England by N. J. Upadhyaya, that P. 377 was typed on C. P. Dutt's typewriter, a fact for which P. 378 provides the strongest corroboration, and that P. 377 (1) was typed on M. N. Roy's typewriter and emanated from him.

O. P. 453. Moreover, there is another piece of corroboration of its genuineness, namely the letter P. 2099 C (I. C. 417). This is a copy of a typed letter signed M. A. (the signature also is typed) addressed to one C. L. Lease, Katherine cottage, Bergheath, Tadworth, Surrey, England. The letter was enclosed in an inner cover with the name "Brown" written on it inside the outer cover bearing the above address. The evidence in regard to this letter is the statement of P. W. 85, Inspector K. S. Mohammad Ismail, who deposes that on the 10th May 1928 Muzaffar Ahmad accompanied by Abdul Halim came to Howrah Railway Mail Service office and posted this letter. The witness intercepted it, took a copy of it and reposted it. In cross-examination he said: "P. 2099 also I did not submit in original to office but copied at the Post Office. At that time I used to go to Howrah Mail office on mail days. I knew Abdul Halim from before May 10, 1928. I watched them posting from a shed close by. They were together. It was Muzaffar Ahmad who posted the letter. The mail is cleared from Howrah Mail office at about 10 P.M." The contents of this letter are just such as might well have been written by Muzaffar Ahmad. Now there are a certain number of obvious references to matters dealt with in P. 377 (1) in this letter, which to my mind, clearly indicate that it is a reply to it, though of course it is possible that it is a reply to a letter written much about the same date. On the other hand, I do not think on the whole that that is probable. Roy was not in the habit of writing two or three letters all at once. On the contrary experience shows that he concentrates his energy on one letter which is in the nature of a tour de force. It may be objected that this letter P. 2099 C purports to be a reply to the letter of Dutt of the 26th January, whereas Dutt's letter P. 377 is dated the 5th February. That again, however, goes for practically nothing. I have already indicated that a very common method of endeavouring to secure the safe arrival of an important letter was to send a number of copies to different addresses or by different channels. It is quite likely that with a letter of the 26th January addressed to some cover address, C. P. Dutt sent to Muzaffar Ahmad another copy of P. 377 (1), so that Muzaffar Ahmad would have no difficulty in replying to the points given in P. 377 (1) at the beginning of May. There is also another indication that P. 377 (1) did reach conspirators in India long before it was published in the newspapers or came to their notice through being read out in the debate in the Legislative Assembly. In P. 1344 we find the minutes of an Executive Committee meeting of the W. P. P. Bombay, held on the 19th August 1928. The rough note runs as follows:—

"Workers' and Peasants' Party to issue a statement on Roy's letter—also C. P." In the actual minutes the passage runs: "The Secretary was asked to reply to the Roy letter "that appeared in the papers", taking the stand that the letter was a fabrication." The matter came up again at the E. C. meeting on the 29th August and the minutes on the subject are as follows:— "The question of Roy letter was again discussed, and the President (Thengdi

accused himself was presiding) wanted it to be made clear that the W. & P. was not a cover to the C. P. I. He said that this particular point was not made out in the statement that was issued by the Party. Some members suggested that the question need not be reopened. After considerable discussion the following resolution was passed unanimously :—

O. P. 455. "Resolved that as there seems to be much misunderstanding about the aims and objects of our Party as a result of the consistent Propaganda carried on against us by our enemies, the Anglo-Indian Press and the Government henchmen, the aims and objects of the Party should be published through the Press and it should expressly be made clear that our Party has no organic connection whatsoever with the Communist Party, which is a distinct Party existing in the country." Proposed by Joglekar and seconded by Dange." P. 549 (20) is a letter from Ghate accused, dated the 27th August 1928, enclosing cuttings from the papers, the statement on the Roy letter and the Trades Disputes Bill for Muzaffar Ahmad's information. One of these enclosures is a copy of a letter to the newspapers from Ghate as General Secretary of the C. P. I., dated the 25th August 1928, stating the belief of the Party that "the Roy letter is only an invention of the Imperialist Press for creating an atmosphere favourable for the introduction of repressive legislature in the form of Trades Disputes Bill and Public Safety Bill in the country." Another enclosure is a long statement by the W. P. P. on the Trades Disputes Bill. A third is a newspaper extract of the statement sent to it by Ghate as Secretary W. P. P., Bombay, in regard to the Roy letter calling it "the faked Roy letter." This statement contains a very definite implied admission that the Workers' and Peasants' Party is run by the Communists, which is no doubt why Thengdi accused did not like the statement as published. It concludes with the remark :—

"The W. P. P. believes that this letter is an invention of the capitalist press to make a strong case for the introduction of the Trades Disputes Bill, to once and for all put an end to the only legitimate method of strike".

O. P. 456. The last enclosure reproduces a portion of Ghate's letter as Secretary C. P. I. We can hardly be surprised to find that the beliefs of the C. P. I. and the Bombay W. P. P. about this letter are identical. But what is important about all this is that it took place before the end of August, and it was not until the middle of September that Roy himself could take any active part in the controversy. On the 29th August 1928 Roy wrote a letter to the "Forward" and presumably also another to the "Bombay Chronicle" on the subject of this "fictitious letter", in which he stigmatised the letter as invented and challenged the Government of India to produce the original of his mysterious letter with his signature, a challenge he could very safely issue in view of the fact that P. 377 (1) bore no signature, and I have little doubt that the same was the case with any other copies of it which were sent out to India by other channels. The position then is that the Workers' and Peasants' Party and the C. P. I. knew exactly what to say about the Assembly Letter before Roy himself had time to indicate the line to be taken in regard to it.

I might perhaps also add one other small point, namely that if we get an authoritative letter of this kind enclosed by C. P. Dutt in a letter to Muzaffar Ahmad accused, it is almost inevitable from the facts which we have already come to know that its author must be M. N. Roy, and that fact is corroborated in the very first paragraph of P. 377 (1), in which Roy speaks of things which happened while he was away, and we know that during 1927 M. N. Roy had gone to China. He says that the comrades, who were in charge of things, in his absence, provisionally answered the questions contained in letters from individual comrades in India, and that is exactly what we know took place, for example P. 2323 P. (F. C. 145), D. 374 and D. 371, besides the other letters of Sepassi, P. 2324 P, P 2325 P and the numerous letters of C. P. Dutt.

O. P. 457. Before I go further into the contents of P. 377 (1), I may perhaps indicate the main grounds of identification of typewritten documents produced by Roy's machine. They are in themselves quite conclusive, vide page 14 of Mr. Stott's evidence read with note 26 on page 6 of the printed portion inserted in the middle of his statement and opinion no. 38 A which also forms part of his statement and is P. 2578 (O). This gives very detailed reasons for the opinion given by Mr. Stott in regard to the identity of the typewritten documents alleged to emanate from M. N. Roy. In his evidence on page 20 he drew special attention to two particular points, namely the missing serif on the left hand

side at the bottom of the long down stroke of the small 'h', and the missing serif at the top of the 1st down stroke of the small 'u'. Another point which is particularly evident on a cursory inspection of all these documents is the heavy printing of the right pole or leg of the letter 'm'. Now bearing in mind the facts in regard to the recovery of P. 377 (1) which I have already set out, and the fact that the typewriting of P. 377 (1) tallies with certainty with the typing of letters like P. 1888, the letter intercepted en route to the "Forward", and P. 2092, another letter to the "Forward", dated the 12th November 1928, letters which bear exactly the same signature as is found on Roy's letters recovered in the search of the C. P. G. B. headquarters in London, namely P. 2380 (1) dated the 3rd July 1925 and P. 2379 and P. 2379 (1) also recovered in that search, no possible doubt can remain that P. 377 (1) emanated from M. N. Roy. Before I leave the subject, it may perhaps be as well to give the references in Osborn's "Questioned Documents", Second Edition, 1929, on the subject of questioned typewriting. These will be found in Chapter 32, pages 581 to 608 where he indicates that the same mathematical rules in regard to the combination of a number of different marks of identification apply in the case of typewriting as apply in the case of handwriting, and that these enable the work of a particular machine to be identified just as the combination of a number of physical marks of identification enables an individual human being to be identified with absolute certainty (cf. the remarks at the foot of page. 225 of Osborn's book).

O. P. 458.

The last point in connection with P. 377 (1) is the fact that the accused themselves after making the most strenuous demands to the Court that witnesses should be summoned from England to deny that they were responsible for certain documents etc. and give other evidence, demands made with the knowledge that it was impossible for the Court to summon those witnesses, withdrew that demand in the case of M. N. Roy, when the time for the actual production of defence evidence drew near, and omitted his name from their revised list of defence witnesses, and this at a time when M. N. Roy had come to India and had been arrested and was therefore available to be produced as a witness. And it is important to note that this was long before the Communist accused by way of a gesture refused to produce any defence witnesses on the pretence that it was useless for them to produce any witnesses at all, if the witnesses from outside India were not also produced.

Apart from the mere stigmatising of the letter as a forgery, two replies, or rather one reply and one argument, have been put forward in connection with it. The reply is a letter D. 148 (6) purporting to be written by Muzaffar Ahmad to the Editor of the "Statesman", apparently somewhere about the 20th August 1928. This is a newspaper cutting with an editorial comment, which does not concern us. The letter, which was tendered by Spratt accused runs as follows :—

O. P. 459.

"Sir,—In connection with the letter said to have been written by Mr. M. N. Roy to the Communist Party and the Workers & Peasants' Party of India and published in your issue of August 18, I am instructed to inform you that no letter in any way resembling this has ever been received by the Party concerned. I have also to inquire from what source your correspondent at New Delhi obtained the letter, and what authority he had for giving it publicity. My committee considers that it in common with the other Provincial Committees of the Workers' and Peasants' Party, and the Committee of the Communist Party, alone can authorise the publication of their private correspondence."

The letter purports to have been signed by Muzaffar Ahmad as General Secretary of the W. P. P. of Bengal. In the light of Muzaffar Ahmad's own denial or about the fact that Muzaffar Ahmad himself received either another copy of P 377 (1) or a letter resembling that letter in the closest possible manner. So much for the reply. The only argument put forward is an absurd suggestion that the letter cannot be genuine, because the Government did not publish abroad the fact that it had been intercepted the moment they got it. But no suggestion is put forward as to why the C. I. D., having intercepted a letter of considerable importance and therefore, as they hoped, prevented it from reaching its destination and its intended recipient from being able to profit by it, should publish that letter and thereby communicate its contents to the person who, it might be supposed, was waiting anxiously to receive it. The

O. P. 460. fact that the Government chose to make its contents public several months later in order to impress on the members of the Assembly the necessity of certain legislation which they were asking that body to pass into law, in no way casts doubt on its genuineness. On the contrary it should not be forgotten that outside of a Court of law it is exceedingly difficult to give proof of the genuineness of a document and exceedingly easy for anyone to get up and state publicly that a document, the publication of whose contents does not suit his interests, is a forgery. 5

Coming now to the letter itself, this letter was originally headed "Central Committee Workers' and Peasants' Party" but the heading was amended to read "Central Committee C. P. and Workers' and Peasants' Party." That may very likely be one of the reasons why the accused were so anxious to stigmatise it as a forgery, since it hints at an organisational connection between the two Parties. For the rest there is nothing in the whole letter which does not tally very closely with ideas at one time or another expressed by the accused, i.e. the Communist group among the accused. So much is this the case that it is really very difficult to quote from the letter, because once one begins quoting one is apt to feel that practically the whole of the letter ought to be quoted. In the second paragraph on page 351 there is little doubt that by Edward Roy means Muzaffar Ahmad. There is a mention of Edward in Ghate's letter of the 20th August 1927, forwarding Spratt's letter, P 2329P (1) of the 15th August to Iyengar for transmission to England. In that letter Ghate says to Iyengar "Ed. wrote to me to say that in case Bag has resigned we must accept his resignation. You will let me know your view in the matter." There is no actual proof that by Ed. Ghate means Muzaffar Ahmad, but Muzaffar Ahmad could well have written what Ghate says that Ed. had written him. In P 377 (1) Edward is referred to a number of times, for instance on pages 351, 353, 359 and 362. The last two of these references very definitely suggest the identity of Edward with Muzaffar Ahmad. On page 359 Roy writes that: "Judging from his letters, Edward considers the Calcutta paper (obviously the "Ganavani") as his personal business." Again on page 362 he says: "Some months ago, a representative of the Bengal W. P. P. arrived in M. (No doubt M. stands for Moscow.) Edward will tell you who he is." This evidently refers to Soumyendra Nath Tagore, a gentleman, many of whose letters to Muzaffar Ahmad have been intercepted and are in evidence. No one could explain better who Tagore was than Edward, if Edward and Muzaffar Ahmad are the same person. 10 15 20 25 30 35

Roy in the second paragraph of the letter criticises Muzaffar Ahmad's attitude and states the relation between the comrades outside and those inside the country in the following terms:— 40

"Our relation is that of comrades agreeing on the principles and programme of a revolutionary struggle for freedom." But he goes to insist on the necessity of the Indian working-class movement having international affiliation because "a revolutionary struggle against capitalism cannot be conducted successfully in national isolation." Then he comes to the individual subjects, which have been raised in the previous correspondence, namely (1) organisation of the Parties (C. P. and W. P. Party, their relation etc.) (2) International affiliation and (3) coordination of the activity of the Party in the country and its emigrant section. 45

O. P. 462. On the first of these subjects Roy very rightly says that there has been some confusion. I have already pointed to instances of difference of opinion on the subject of the existence of two Parties. Roy attempts the solution of the difficulties which are being felt on pages 352 to 360 (F. C.), and some of his remarks in the course of his discussion of the problem are very interesting and illuminating. He considers the existence of the C. P. I. to be quite essential, but the question arises whether it can be organised legally or not. In his opinion it cannot be organised legally for "a Communist Party can exist legally in India only if it abstains from the preparations to wage war against the King, that is legality can be had at the expense of the very raison d'être of the C. P.," which of course means that the very raison d'être of the C. P. is to wage war against the King, which is precisely the contention of the Crown in this case. Of course, it is true to say that the Government has nothing against Communism as such, that is against the holding of Communist opinions as long as no attempt whatsoever is made to put them into practice. In fact Roy realises that logically, as the prosecution contend in this case, the moment an attempt is made 50 55 60 65

to put Communist opinions into practice, it involves an unconstitutional attempt to abolish the existing form of Government, and that means committing an offence under Section 121-A I. P. C. Roy goes on to quote instances supporting the practical truth of this contention, and then puts the matter very plainly in the following passage :—

O. P. 463. " A Communist Party ", he says, " is not formed by a number of individuals declaring themselves Communists. It is done in actions, first for the propagation of Communist principles and programme among the masses, then organising those subscribing to these principles and programme in the fight for the realisation of those principles and programme, and then again leading the entire working class in every stage and form of the struggle leading up to and creating conditions for the overthrow of capitalism and establishment of socialism." Then he goes on to explain the precise necessity of participation by the members of the C. P. in the daily struggle of the workers and peasants. He says : " The proletariat and peasantry will not follow the Communist vanguard, will not have confidence in them, will not outgrow the influence of the bourgeois and reformist leaders, unless the Communist vanguard can place themselves at the head of the every-day struggle of the workers and peasants, support their immediate demands, show them in actual struggle that the realisation of the smallest demands of working class is closely connected with the broad issues of national and class struggle." And then it is also necessary for the Communists to make the workers know what it is that they really want. About this he says : " The Communists will become the trusted leaders of the masses by giving concrete form to the latter's unconscious demands. In the earlier stages of the class struggle the workers and peasants do not know clearly what they want," but " the struggle for the freedom of the working class cannot be postponed till every worker has acquired class consciousness, which can be developed only in actual struggle." Then he goes on to indicate that the moment activity in these directions is shown a legal party is going to find itself in trouble. About this he says : " Can these (the steps already indicated) be done without incurring the wrath, not only of the Imperialist rulers, but also of the native bourgeoisie ? No. Before the Communists have taken two steps in this direction of organising their Party, the narrow limit of " Communism as such " will be exceeded, and they will find themselves " waging war against the King ".

O. P. 464. But, he says " if they do not act in this direction, they will never have a party, will never be the leader of the working class, will never organise the struggle against capitalism and will never realise socialism." Hence Roy says that " we ", that is the comrades in Europe and presumably the C. I., " do not share the illusion that a C. P. can be organised in India legally." So, he says, " Fight for legal existence but organise the party illegally," and he goes on to explain in the next paragraph how an illegal party should be organised. After thus disposing of the programme in regard to the Communist Party, he comes next to the Workers' and Peasants' Party and explains that " we proposed the formation of the W. P. P. as a much broader organisation, to be the rallying ground of all the exploited social elements (proletariat, peasantry and petty bourgeois)." As to the position of the Communists in the W. P. P. he says : " The Communists should be in the W. P. P. and by virtue of their being the conscious vanguard of the working class will be the driving force of the Party." It will be seen that this idea is something of a compromise between the two views mentioned in P 1829 as expressed by Fazal Elahi and by the opposing group, where Spratt accused said that Teb " wanted a Methodist Church similar in plan to that advocated by your brother to be set up at once with the Faithful scattered abroad and unknown within it. We differed and wanted the Church to hold its skirts rather higher, and to form itself on a narrower basis, in fact more or less to take the place of the old Y. M." Roy goes on to set out the programme of the W. P. P. which is the programme which the C. P. would support as its minimum programme, the distinction between them being that the C. P. programme is a Communist programme whereas the programme of the W. P. P. is the programme of democratic revolution. A perusal of the statements of the Communist accused will show that they have accepted this formulation by Roy in its entirety. Roy goes on to point out that " the social elements ready to fight for this programme " (that is the programme of the W. P. P.) " are not all necessarily Communists and never will be Communists, but organised in the W. P. P. they will be under the influence of the proletariat and be led by the C. P. without subscribing to its programme of socialism." He next criticises the present form of organisation of the W. P. P. as obstructing its development, because the W. P. P. is too openly identified with the C. P. The facts to which I have drawn

O. P. 465.

attention in the course of this judgment completely bear out the accuracy of this criticism, but Roy's way of putting it is quite delightful. He says: "It is publicly known that practically all the members of the C. C. (Central Committee) of the C. P. are the leaders of the W. P. P. Of course, in fact, it should be so, but the cat has been unnecessarily let out of the bag by publishing the list of the C. C. of the C. P.," and he goes on to point out that this defect requires to be rectified and suggests how that can be done. He then proceeds to criticise the composition of the W. P. P. and says that in Bengal, for example, the W. P. P. tries to accommodate landlords with the Communists, and he names the President and ex-President, Atul Sen and Naresh Sen Gupta, as landlords and unsuitable for their position in such a party. It will be found that in P. 2099C (F. C. 417) Muzaffar Ahmad attempts to meet this criticism. 5 10

O. P. 466. On page 359 (F. C.) Roy turns to the urgent necessity of the organisation of the national party or A. I. W. P. P., for the formation of which a Congress should be convened, which will discuss the political situation and the task of the workers and peasants, the programme of the Party, the constitution of the Party, organisational tasks, international affiliation and election of the C. C. This is exactly what was done at Calcutta in December 1928. From this outline of the programme he goes on to some details saying that the W. P. P. should declare its affiliation to the L. A. I.; a C. C. of 11 to 13 members should be elected, and T. U. leaders under Communist influence should be elected on the C. C., as also should other auxiliary elements, although the Communists must have the majority on it as a guarantee that the W. P. P. will develop in the right revolutionary direction. The Congress should also elect a delegation of three to the next World Congress of the League against Imperialism. After this Roy proceeds to discuss the Party Press, which, he says, "is the main instrument to build up the Party." He criticises Edward's attitude in regard to the "Gauvani", and finally comes to the necessity for a central organ of the Party, which must obviously be in English. The last sentence in the paragraph regarding this central organ on page 360 is highly suggestive. In this he says: "Look over the ground, find the political forces required, explore the possibility for raising part of the finance in India, then we will see," i.e. part of the finance will be provided from outside India as soon as the conspirators outside India are satisfied that the time has come to do so. 15 20 25 30

O. P. 467. The second main question stated by Roy on page 352 (F. C.) was that of international affiliation. About this he says: "On this question there has been confusion and uncertainty. Let us make it clear once and for all. 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. Through that you will have the relations and aid you need, but will not be condemned of having connections with M." Then he goes on: (and this is important in connection with the relevance of a large number of letters which are in evidence from the League against Imperialism to Mr. Jawahar Lal Nehru). "Up till now the League has its relation with India through Jawahar Lal Nehru..... But we need not entertain much illusion about him. The league must have relations 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." I have discussed the position of the League against Imperialism separately in an earlier chapter, and I need not say any more about this now. 35 40 45 50

O. P. 468. Roy goes on to the international affiliation of the C. P. I. and about this he says: "The C. P. must unquestionably be a section of the C. I. It is practically treated as such, but no formal request to this effect has yet come from our Party in India." He discusses this question of affiliation at some length and concludes by saying: "I put to you the question frankly and hope you will make a clear decision. A Communist Party must be an organic part of the World Communist organisation. It cannot be otherwise and call itself Communist. Those who smell "foreign dictation" in this organisational principle of a body that carries on a relentless struggle throughout the world, are not Communists. They do not understand the A. B. C. of Marxism and Leninism and have faulty conception of the International nature of class struggle." In the light of the colossal statements to this Court by the Communist accused setting forth Marxist-Leninist theory in great detail for fear that the Court might misunderstand their attitude, I should not like to insult these accused by suggesting that it could possibly be said of them that they do not understand the A. B. C. of Marxism and Leninism. From this he goes on to some remarks about "proposals made by Saklatwala and Campbell for affiliation with the 55 60 65

Minority Movement in Great Britain, which, he says, "did not have the sanction of the C. P. G. B. or the C. I.", and "were in violation of the organisational principle of the C. I." The correct position he says is that "the centres in Berlin and Paris are the agencies of the C. I. to look after the Indian affairs. The C. P. of India will have its relation with the C. I. through those centres and not through London. Any British comrade that may come to India comes to work there under the supervision and in accord with the C. C. of the C. P. I. He has no superior right, unless he comes with a mandate from the C. I. as its representative. No such representative has as yet been sent to India. So you know the position." I must confess that it does not seem to me possible entirely to reconcile all the various pronouncements which are in evidence on the subject of Communist work in the colonial countries.

O. P. 469. From this Roy goes on to criticise the many defects of Soumyendra Nath Tagore as a representative of the Bengal W. P. P. in Europe though of course he does not mention his name. I do not think there is any point in going into this matter of Tagore at this stage.

Leaving that subject Roy goes on to the third main subject of his letter, "The coordination of the activities of the Party in the country and its emigrant section." The opening passage is highly significant and is as follows:—

"Indian Communists in emigration are members of the C. P. I. and are automatically members of the W. P. P., we expect to be treated by the comrades at home as such. We should not be looked upon as outsiders who could serve you only as financial agents. As members of the same Party nationally and Internationally, we must coordinate our efforts", and he goes on to explain how this may be done through the Foreign Bureau, which will be the organ of the C. P. abroad, as was decided by the last conference of the Party (vide P. 2322 (2) (F. C. 136) and P. 1207 (1)) uniting in itself representation of the C. P. and the agency of the C. I. The Foreign Bureau's functions are: to publish the "Masses"; to produce Marxist literature particularly for India; to educate Party workers, and (most important of all I think) to act as the organ through which the C. I. guides the activities of its Indian Sections. As to its membership he says: "The Bureau will have three members, namely the comrade in Paris (whom we have found good reason to suppose to M. A. Sipassi), C. P. D. and myself", and he goes on to say "a resolution of the Party concerning the Foreign Bureau should be sent to the C. I. in order that all possibilities of the misunderstanding and conflict as in the case of Sak's and Camp's visit will be eliminated for the future."

O. P. 470. He proceeds from this to enlarge on the importance of the "Masses" which he thinks it is obvious, could not be published in India, as "it is an organ of the C. I. to provide the Indian Communists with the ideological and political guide they need." Finally he says that: "As an organ of the C. I. the "Masses" is the Central Organ of the C. P. I." Next he suggests that some leading comrades from India should come out for a conference which will not be at the headquarters but will meet somewhere in West Europe. This paragraph ends with the suggestion that: "Together with a few comrades of ours, several T. U. and left nationalist leaders (Sasmal ?) sympathetic towards us can be sent," and in this connection again I think I should refer to P. 2099C. at F. C. 418 where Muzaffar Ahmad says: "I do not know the name of Shasmal was suggested to have him in the Party. Is he not a landlord and a pro-landlord?" This is the only mention of Mr. Sasmal anywhere in the evidence, and it is remarkable coincidence that Muzaffar Ahmad should have mentioned him in P. 2099C, unless a copy of P. 377 (1) actually reached him.

O. P. 471. In the last paragraph of the letter Roy comes to "the financial matter", and from the nature of his remark it seems quite clear that the letter, of which P. 1009 is a draft, actually reached him. He says: "Arrangements have been newly made to continue the aid for the three papers (that would be "Ganavani", "Mehnatkash" and the "Kranti") and also for the monthly in the North, if necessary. Besides provision has also been made for other necessities as specified in a report received two months ago." He then goes on to say that: "This is a temporary arrangement and things will be in a better shape in the new year. . . . The new arrangement will be according to a plan, which will be communicated to you in due time. Meanwhile, I may mention that the plan will include the publication by the W. P. P. of a series of small pamphlets dealing elementarily with the theoretical and organisational questions of working class politics," which may possibly be the origin first of the pamphlet "A Call

to Action" and later of the smaller yellow pamphlets reproducing the resolutions or theses laid before the first Conference of the A. I. W. P. P.

O. P. 472.

I have already mentioned that Spratt accused was not present at the General Meeting of the Bombay W. P. P. The evidence of P. W. 53, Inspector S. C. Ghosh shows that on the 18th March 1928 there was a meeting of the Scavengers' Union at Deshbandhu Park, Calcutta, at which Spratt, Muzaffar Ahmad and Goswami accused were present, Spratt accused presiding. This Scavengers' Union of Bengal had been formed in March 1928 under the auspices of the W. P. P., vide "A Call to Action", P 523, at page 47, where its history is given as follows: "(d) 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. A successful strike was fought by the Calcutta scavengers in March." The formation of this Union is also mentioned in P 1613C (I. C. 86) dated 16th January 1928 from Muzaffar Ahmad accused to Dange accused in which Muzaffar Ahmad writes as follows: "We have just formed here a Scavengers' Union. It seems that the Union will become a strong one. One Glassworkers' Union has also been formed. I am sending herewith a copy of the Hindi appeal issued by us to the scavengers." Another mention of it is to be found in P 548 (8) (I. C. 95) dated 31st January 1928 in which Goswami accused writes to Muzaffar Ahmad accused: "You will be exceedingly glad to know that our first general meeting of the Scavengers' Union was unexpectedly a successful one", after which introduction Goswami goes on to give a detailed account of the meeting, and ends by sending his love to Spratt, Ghate, Mirajkar, Dange and others. P 1614C (I. C. 101) is a letter dated 11/2/28 from Muzaffar Ahmad sending to Dange a letter from Goswami, Secretary of the newly formed Scavengers' Union of Bengal, addressed to the Secretary of the Council of Action, A. I. T. U. C. Muzaffar Ahmad asks Dange to request comrade Jhabwala, who it will be remembered was Organising Secretary of the Council of Action, to do his best for the grant of this money. The enclosed letter asks for a grant of Rs. 300 for organising scavengers. In the course of this letter Goswami says, "to make such depressed and over exploited section of workers class-conscious a continued educational propaganda is necessary and this alone can organise them on a firm basis." P 29 (I. C. 108) is another copy of this same letter which we have found enclosed by Muzaffar Ahmad with P 1614C, sent by Goswami to Kishori Lal Ghosh accused who was also a member of the Council of Action. This letter was recovered from Ghosh and serves to corroborate P 1614C. This Union is also mentioned in P 1615C (I. C. 119) a letter dated 2nd March 1928 from Muzaffar Ahmad to Dange in which Muzaffar Ahmad says, "We are faring pretty well with the organisation works. One more branch of the Scavengers' Union of Bengal has been formed at Dacca..... 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." This last is a very clear allusion to the letter just quoted addressed to the Council of Action. Two strikes were fought by this Union, one of which is the one referred to in "A Call to Action", while the other occurred later on in the summer from the middle of June to about the middle of July and is mentioned by Spratt accused in P 2419P (F. C. 607) dated the 23rd October 1928.

O. P. 473.

Very soon after Spratt's arrival in Calcutta we find correspondence between him and Ghosh accused. P 2044C is a letter dated 21st March 1928 intercepted and copied in the post but admitted and relied upon by Ghosh accused in his defence. In this letter Ghosh accused asks Spratt to meet him at Howrah on the 24th March in order to attend a meeting to be held at Chengail. This is not the only association between Spratt accused and Kishori Lal Ghosh accused which we shall come across in the next few months. For example Spratt accused on the 4th May received £200 in Travellers' Cheques and the address to which this was sent from England was c/o Kishori Lal Ghosh, 1, Kantapukur Lane. This amount was sent under the instructions of Hugo Rathbone. Again on the 12th June a sum of £40 was sent to Spratt by Page Arnot by T. M. O. addressed in the same way. Spratt accd. says that this was merely a convenient address, but it will be remembered that not very long before he had been having his letters forwarded from the Y. M. C. A. at Bombay to 2/1 European Asylum Lane. It does not seem very obvious why he should have preferred Ghosh's address for letters to the address of the office of the Bengal W. P. P. unless it was that in the case of the W. P. P. address he feared interception, while in the case of Ghosh's address he hoped that his correspondence might come through untouched.

O. P. 474.

During the second half of March Spratt accused was present and spoke at several meetings, for instance at Howrah Maidan to the Lillooah strikers on the 16th March, and on the 31st March, and again at Howrah on the 30th March to the strikers of Jessop & Co. He was also as he says himself present at the Annual Meeting of the Peasants' and Workers' Party of Bengal held at Bhatpara on the 31st March and the 1st April. P 523 "A Call to Action" to which I have referred on a number of occasions, and copies of which were found in a very large number of searches, contains the resolutions, theses and report (identical with P 52) presented to the Third Annual Conference of the Workers' and Peasants' Party of Bengal at Bhatpara. The E. C. report on pages 45—54 begins with the history of the Party which has been considered already. It goes on to deal with organisation and work and as might be expected the great bulk of the work is that done in the labour field. One of the most important items under this head is the work done among the jute workers about which the report says, "The Party conducted propaganda among the jute workers in conjunction with the Bengal Jute Workers' Association. The President, Vice President and the 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." In addition to this we find mentions of work done by the Party members in re-establishing the Dakeshwari Cotton Mill Workers' Union at Dacca, in reorganising the Bengal Glass Workers' Union, in forming the Scavengers' Union of Bengal and the Workers' Protection League, and in assisting in organisation and propaganda in the strike of Dock workers in Calcutta in December 1927. There is a mention of failure at Kharagpur and neutrality in the dispute in the Bengal T. U. Federation. The report under the head of work among the peasants does not indicate much progress there. On the other hand individual membership is shown as having increased to 125 and affiliated membership to over ten thousand. The report further deals with the publications, with parties in other provinces such as Bombay and Lahore and goes on to discuss the policy and duty of the Party. Then we have a mention of the representative abroad, also so described in P 377 (1), and to the victimisation of comrades working in the class struggle. The report concludes with protests against the proscription of literature and the interception of mails and in this connection I may note a reference to money sent by Tagore from Germany for a paper for jute workers. In the paragraph in regard to 'policy' on page 51 there is a passage which came in for severe criticism from Europe. It runs as follows: "The basis for opposition to the Swaraj Party is not that it is bourgeois but that it is not wholeheartedly for national independence", by which it is possible that Muzaffar Ahmad only meant that this should be the basis of their public criticism of the Swaraj Party. Unfortunately that was not what he said, and in consequence in P 526 (43) (I. C. 445) on the 14th June 1928 we find C. P. Dutt calling it a terrible statement. Tagore also refers to this in P 2120P (F. C. 420) dated 16th May 1928, a letter originally put in by the prosecution but afterwards rejected and tendered as a defence exhibit by Ghosh accused. Another criticism of it is to be found in P 2365 on page 476, where after quoting the passage the writer says that "the main weak point of the W. P. P. is that, in practice, it is acting more as a Left Wing of the Congress than as an independent political Party," a criticism which had already been made against the Bombay Party on the previous page on other grounds. P 2099C (I. C. 417) however shows that Muzaffar Ahmad already on the 10th of May only a month or so after the Bhatpara Conference realised the impossibility of doing any good with the Congress, and the criticism would appear to have been almost unnecessary by the time it was made. Among the office-bearers elected at this meeting we find Muzaffar Ahmad as General Secretary and Goswami Sectional Secretary (Labour), and as members of the E. C. Gopendra Chakravarty, Kalidas Bhattacharya (of the B. J. W. A.) and others. On page 41 of "A Call to Action" we find the 1928 Constitution of the Party in which it is important to note that the means stated is as follows: "The rallying of the people to mass action will be the principal means for the attainment and realisation of the above objects," whereas in the former constitution P 549 (8) it was stated that "non violent mass action will be the principal means for the attainment and realisation of the above object and demands." (cf. the statement of Muzaffar Ahmad accused at page 488 of the statements of accused).

In the protests about the interception of mails to which I referred just now there is a reference to "a registered cover posted to us in Bombay on 11th February which has not been delivered yet" and the report goes on:

" a second registered and insured cover posted later was so long delayed before delivery that it was useless for its original purpose." This is no doubt a reference to the miscarriage of Ghate's letters to Muzaffar Ahmad sending him copies of the resolutions or theses as approved by the Enlarged E. C. of the Bombay W. P. P. Ultimately Ghate sent these off by registered insured post, as he states in P 482 (I. C. 124). It was presumably because these also were delayed en route that the General Meeting of the Bengal Party had to be postponed from the 17th-18th March to the end of the month.

After the Bhatpara Conference we find Spratt on the 3rd April taking some part in the organisation of the Ichapur Ordnance Workers' Union, see P 548 (9) (I. C. 144) recovered in the search of the Bengal Workers' and Peasants' Party office. The office-bearers of this Union, which however does not seem ever to have made any progress, were : Spratt, President ; Shibnath Banerji, Vice President, and Kalidas Bhattacharji, Secretary. On the following day Spratt accused was present at a strikers' meeting in connection with the Lillooah strike on the E. I. Railway held at Mirzapur Park, Calcutta. Banerji, Muzaffar Ahmad and Goswami accused were also present and Spratt accused was introduced as a noted communist who had recently arrived from Bombay, a description to which Spratt himself raised no objection, as indeed why should he ? P 2175 contains some report of Spratt's speech which however is not of much importance.

O. P. 478. On the same day we find Muzaffar Ahmad writing a letter P 1348 (5) to the Secretary, W. P. P. of Bombay, informing him that at the Bhatpara Conference a Sub-Committee consisting of Muzaffar Ahmad himself with comrades Goswami, Roy and Abdul Halim was appointed to represent the Party in making arrangements to form the Workers' and Peasants' Party of India and hold an All-India Conference in December. He goes on " I believe such a Committee was also appointed by your Party on its last Annual Conference. Please do communicate to this office the names and addresses of those comrades who are constituents of this Sub-Committee." The result of this letter was that at the E. C. meeting of the Bombay W. P. P. on the 8th April (vide P 1344) we find " Comrade Nimbkar proposed that P. Spratt, S. A. Dange and S. V. Ghate be elected to the Provisional Executive of the All India Workers' and Peasants' Party, which were agreed to." Information of this was sent to the Bengal Party by Ghate in P 2024C dated 9th April. (I should perhaps note that all exhibit numbers bearing the suffix C are copies of letters intercepted in the post and sent on after being copied. In all cases where it is necessary to do so I have mentioned the corroborative evidence in regard to their authenticity. In many cases like the present one where a letter is a reply to another letter of which we have the original on the record it is hardly necessary to go into that question.) There is a whole series of letters and telegrams on the record relating to the meetings of this Provisional Committee which were ultimately held in Bombay from the 6th of September on-wards. I think it will be sufficient to summarise them quite shortly. The references are (1) P 1348 (22) (I. C. 174) dated 28th May 1928 from Muzaffar Ahmad to Ghate ; (2) P 2045C (I. C. 198) dated 23rd July 1928 containing 2 letters from Majid accd., one to Muzaffar Ahmad and the other to Spratt, of which the second was found in original at 21 European Asylum Lane and is P 526 (24). It is however the letter to Muzaffar Ahmad of which only a copy is available which contains the reference to the meeting of the Provisional Committee ; (3) P 1616C (I. C. 209) dated 3rd August 1928 from Muzaffar Ahmad to Ghate ; (4) there is a mention of correspondence, which seems to refer to letters which were not intercepted, in the minutes of the E. C. of the Bombay W. P. P. dated 3rd June 1928, where we find it stated that " correspondence was gone through. 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." After that there was perhaps some idea of holding the meeting at Madras where some comrades went for the Railway Federation Meeting. (5) P 1323 is a telegram from Muzaffar Ahmad to Ghate dated 2/8/28 in the following terms : " Spratt cannot go Madras come as soon as possible with Dange wire date." On the back of this there is a note : " Nothing can be done till the mill tide is over, i.e. at least before the end of this month." This telegram is partly explained in (6) P 1616C (I. C. 209) from Muzaffar Ahmad to Ghate in which Muzaffar Ahmad says, " Your telegram was duly received by us and I hope mine also reached you in time. Comrade Spratt did not like to go to Madras because he is not a member of any Railway Union.....I expect your reply

O. P. 479.

regarding the Provisional Committee Meeting every moment. Please let us make haste. On hearing from you we shall arrange to send you money. The Punjab people also expressed their willingness to attend. So I must inform them timely. Everything depends upon you. We have already neglected too much this important matter of the Party." To both P 1323 and P 1616C Ghate replied in (7) P 488 (I. C. 212) dated 6th August, recovered in original at 21 European Asylum Lane, and in this he says, "I think we can go over to Calcutta at the end of this month not earlier than 20th instant." But there is some confusion, as Ghate goes on to say, "So, I think you should put off this meeting to the last week of September." (8) In P 1617C (I. C. 213) dated 7th August Muzaffar Ahmad accused writes to Dange that it has been decided to fix the Provisional Committee Meeting on the 22nd instant and expresses the hope that this will suit him and comrade Dange.

O. P. 480. (9) P. 1373 (5) (I. C. 224) dated 28th of August 1928 is a telegram from Muzaffar Ahmad to Ghate asking him to reach Calcutta on Wednesday the 5th and try to bring Dange. The original despatch copy of this is P. 2084. (10) P. 487 (I. C. 226) 1st part, dated 2nd September, is a telegram from Ghate to Ganavani (telegraphic address of Muzaffar Ahmad) in the following terms: "Latest developments prevent departure. Muzaffar Spratt wanted here immediately." (11) P. 1373 (4) (I. C. 225) dated 2nd September is Muzaffar Ahmad's reply to this telegram and says, "Difficult for either to leave Calcutta. Wire if essential". (12) P. 487 (I. C. 226) 2nd part is Ghate's reply to this, which is in the laconic terms "absolutely essential start". (13) In consequence of this we find Muzaffar Ahmad wiring to Sohan Singh in P. 2184 (I. C. 224) "Postpone starting others not coming." (14) is a letter P. 416 (4) (I. C. 225) from Ghate to Muzaffar Ahmad dated 2nd September acknowledging the telegram P. 1373 (5) and a sum of Rs. 30, and stating that they had decided that none could be spared from Bombay at this juncture and had therefore sent Muzaffar Ahmad the telegram asking him and Spratt to come over to Bombay at once, and about this he says, "I hope you see the need for a joint meeting in Bombay of all of us immediately. It will be easier for two to come here, rather than for 4 of us to go over to Calcutta." The 4 would presumably be Dange, Ghate, Bradley and one other. So much for this correspondence which has been dealt with all together at this stage in order to avoid digressions to deal with each letter and telegram as it appears. We shall come to the conference which took place at Bombay as a result of this correspondence in due course.

O. P. 481. We must now go back to April and pick up the threads of what was going on in different parts of India in connection with this Workers' and Peasants' Party movement. An event of considerable importance in this month was the foundation of the Workers' and Peasants' Party of the Punjab. The references in this connection are not very numerous. The first piece of evidence is the account given in the Urdu Kirti for May 1928 (P. 747) at page 66. It is important to remember that by this date Sohan Singh Josh accused had been the manager of the Kirti for 7 or 8 months. He disclaims the responsibility for the editing of the paper but I attach little importance to that disclaimer. The editor had certainly to do what the manager told him, and that Sohan Singh accused was taking a very active part in the management is shown by the letters written by him to other accused asking for contributions to the Kirti. In my opinion the account in the Kirti is one which we are entitled to accept as an admission on the part of Sohan Singh accused himself. It is in the following terms: "Establishment of the Kirti Kisan Party" (Workers' and Peasants' Party). In order to organise labourers and peasants a meeting was held at the Jallianwala Bagh, Amritsar, on the 12th April at 6 p.m. at the invitation of Bhai Sohan Singh Josh and Bhai Bhag Singhji Canadian. The meeting was attended by Dr. Satya Pal, Bhai Gopal Singhji B.A. (National), M.A. Majid, Raizada Hansraj M.L.C., Lala Kedar Nath Sahgal, Ferozuddin Mansur, Master Kabul Singh, Lala Ramchandra B.A. and several others..... Afterwards it 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" (Workers' and Peasants' Party), and that those present should be regarded as its members. After this Bhai Sohan Singh Josh was elected as General Secretary and brother M. A. Majid of Lahore as the Joint Secretary of the Party. A Sub-Committee consisting of the following members was appointed to draw up rules and regulations: (1) Lala Kedar Nath Sahgal (2) brother M. A. Majid (3) Gopal Singhji B.A. (4) Gyani Hira Singh Dard and (5) Sohan Singh Josh. We hope that after framing rules and regulations soon some practical programme

will be started to organise the workers and peasants." In the light of this report it is impossible to feel any doubt about the authenticity of P. 2051 C. (I. C. 197) dated 14th July 1928, a typed letter from Sohan Singh Josh General Secretary W. P. P. c/o Kirti Amritsar to Muzaffar Ahmad, in which Sohan Singh Josh reports officially the formation of the W. P. P. in the Punjab which came into being on the 12th April 1928. In addition he says that the constitution of the Party is also complete and that they are arranging to hold a conference of the workers and peasants of the Punjab at Lyallpur on the 28th to 30th September over which they hope that Dange accused will preside and to which they propose to invite Spratt, Bradley and Muzaffar Ahmad accused. Sohan Singh also says in this letter " We will send our representatives to the All-India body when you ask us to do so." On the question of authenticity it may further be noted that Sohan Singh Josh accused has admitted this letter. It is obvious of course, from the fact that the Punjab Party only came into existence in April 1928, that the reference to that Party in P 1373 (2), the notes of the meeting held at Madras on the 28th December 1927, as a Party which " if in existence " should receive an invitation to the A. I. W. P. P., only means that the Party was not in existence in December 1927 and that it was not known whether it would or would not be brought into existence in time for the first conference of the All-India Party. This letter of Sohan Singh's was of course only a formal report because it is obvious from P. 1348 (22) of the 28th May in which Muzaffar Ahmad speaks of having written to Majid about the meeting of the Provisional Committee at Calcutta that Muzaffar Ahmad was already at that date aware of the formation of the Punjab Party, and indeed we might infer that from the very first sentence of P. 2051 C., in which Sohan Singh says that Muzaffar Ahmad's letter to comrade M. A. Majid dated May the 23rd, which is no doubt the very letter referred to by Muzaffar Ahmad in P. 1348 (22), " has been handed over to me to inform you officially about the formation of the W. P. P. in the Punjab," meaning of course that Muzaffar Ahmad already knew about it unofficially. The rules which were ultimately framed for the Punjab Party are to be found in P. 344, recovered from the possession of P. C. Joshi accused. The first of these rules states as one of the aims and objects of the Party " to secure complete independence from British Imperialism by every possible means, to liberate workers and peasants from every sort of political, economic and social slavery and to establish their united Socialist Republic."

O. P. 483.

Coming back to Bengal again we now once more come across Basak accused whose only appearance so far had been at the Cawnpore Conference but who must evidently also be one of the Party members who were said in " A Call to Action " at page 47 to be engaged in reestablishing the Dakeshwari Cotton Mill Workers' Union at Dacca. On the 18th April 1928 we find him writing the letter P. 526 (14) (I. C. 149) to Spratt accused at Calcutta. This letter merely gives an account of his activities in connection with the mill workers and scavengers and asks for news in regard to Lillooah and Howrah. He also has something to say about the publication of Dange's book " Hell Found " and suggests simultaneous foreign publication and also writing to the Labour Monthly and others for advertisement. Basak's next appearance is in P. 526 (19) (I. C. 166) another letter to Spratt in which he says that the " Dacca workshop workers, and the jute growers and jute balers are ready to be formed into respective unions. " "But Basak also says he is waiting for help from Calcutta and will call the necessary meetings when the comrades can come to Dacca. He also mentions an expected conference with the authorities of the Dakeswari Mill about which he says, " I do not know what I have to do then, as I am not familiar with the tactics they will play." Meanwhile Spratt accused was busy at Calcutta and had made speeches at Chengail on the 24th, 25th and 28th April, while on the 29th he wrote a letter, of which P. 526 (17) is the office copy, to the editor of the Chitramaya-Jagat of Poona apologising for his failure to complete an article on ' Russia and India ' promised for the 1st May with a view to its inclusion in the special Russian number of that paper. In this letter he says, " I am sorry that I have not completed it and my present continuous work in connection with the local strikes will prevent my doing so for several days."

O. P. 484.

Next, on the 1st of May Spratt took part in May Day celebrations (P. W. 53, Inspector S. C. Ghosh) and made a speech of which P. 2172 is a report prepared by that witness. In this speech Spratt accused made three main points : (1) He stressed the international character of May Day and in this connection referred to the request for monetary assistance from Moscow in the strikes going on at the time, which request he defended. (2) He criticised the Labour Party for

- supporting the British Government over the Indian question and stated that "it was the Left Wing in the British Labour Movement—the Communist section who are very sincere—who were actively supporting the Indian Labour Movement." He further said that "it was practically the Communist section who were giving their full support to the peasants' and workers' movement in India." 5
- O. P. 485. Finally he came to (3) the policy of the Labour Movement and quoted the instance of Russia where the workers were much benefitted by the introduction of Socialism. He said that "Russia was an example of what Socialism could do and he hoped the Indian working class would also fly the flag of Socialism and follow Russia." Other participants in this meeting were Kishori Lal Ghosh accused and Muzaffar Ahmad accused, besides a number of other persons like K. C. Mittra, Mrinal Kanti Bose etc., and members of the Press Employees' Association, the Seamen's Union, Bengal Mariners' Union, Port Trust and Marine Workers' Union, and Port Trust Employees' Association. 10
- On the same day Sohan Singh Josh, M. A. Majid and K. N. Sahgal accused were taking part in May Day celebrations in the Punjab, vide the statement of P. W. 159, Sub Inspector Rashid Ahmad and his report P 1879 which contains longhand notes in Urdu of the speech made by Sohan Singh Josh accused in Punjabi, and shorthand notes of the speeches of Majid and Sahgal. In the course of his speech on this occasion Sohan Singh accused says, "We wish that the raj of the Kirti (workers) should spring up in the world in the real sense of the term and that administration should fall into our hands....." Then he speaks of the coming war and says, "It is a matter of gratitude that even Congress has passed (i.e. resolved) not to help the capitalist English in the coming war. It appears that in that war the English would be on one side and the Russians on the other. I ask the labourers and the workers of India not to help the English in that war at all..... I again ask you to destroy this capitalism and Imperialism, and kirtis should join together and establish their own raj in their own country." The bulk of Majid accused's speech was devoted to the subject of religion and ended in an attack on religion to which members of the audience took exception. Sahgal's speech opened with an attempt to pour oil on the troubled waters in this matter of religion, and ended with a demand for the destruction of the Government of these Englishmen and the capitalists. May Day was also celebrated at Bombay, vide the evidence of P. W. 245, Inspector Sh. Hasan Ali Yasin, who attended a May Day meeting, held under the auspices of the W. P. P. and some other body, at which Jhabwala accused presided and Nimbkar, Joglekar, Dange, Mirajkar and Bradley accused spoke. The general current of the speeches was to advocate unity on the part of labourers, and Labour Raj. The Bombay Party sought a grant of Rs. 250 from the Bombay Provincial Congress Committee for the celebration of May Day but the demand was thrown out. Nevertheless in a letter to Muzaffar Ahmad on the 5th April Ghate writes, "We are organising this day here on a grand scale and I hope you will set about this as early as possible (see P 821 (I. C. 141) and P 449 (I. C. 142)). All these activities in India prior to May Day are touched upon in P 2365, the report on the position of all sections of the world Communist Party between the Fifth and Sixth Congress. In this report the writers express the opinion that the national movement in India is now (the reports deal with the period ending 1st May 1928) entering a stage far richer in revolutionary possibilities than any earlier ones. From page 473 to 477 we get a discussion of Communist activity and the Workers' and Peasants' Party. As a matter of fact almost the whole of this is devoted to the Workers' and Peasants' Parties and not to the Communist Party. The C. P. is dismissed in two paragraphs, the conclusion being stated in the second of these in the following terms: "The Party has not yet been able to develop into a genuine Communist Party first and foremost because it did not show any signs of revolutionary vitality in connection with very important events. The problem of the organisation of a genuine Communist Party as the vanguard of the proletariat which must be the leader of the National Revolution is still to be solved." Nevertheless, as was shown in the first earlier of these two paragraphs, efforts had been made and as a matter of fact were still being made right up to the date of the arrest of the accused in this case. At the same time the report by no means entirely condemns the Communist Groups as on page 473 we find it saying, "On the basis of this proletarian experience it has been possible for the only Communist group active in India to extend its activities and lay the foundation for mass revolutionary organisations. The success which has attended the efforts of these groups has been remarkable; the latest developments of the Indian situation—the new stage of the national revolutionary movement and the new character of the strike movement—are currently ascribed 15
- O. P. 486. 20
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- O. P. 487. 55
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by Imperialist publicists to "Communist influence". I have quoted a number of passages from this report already and I think that at this stage it will be sufficient merely to refer to the satisfaction expressed by the Communist International with the work of the Bengal and Bombay Parties in connection with recent strikes. The report says about this at the foot of page 476, "It is, however, in connection with the present strikes that both the Bengal and the Bombay W. P. P. s have shown themselves to be in the closest contact with the industrial proletariat in the big centres. Both in the railway strikes in Bengal and the textile strikes in Bombay the members of the W. P. P. have not only taken the most active part in organising strike action but have also gained the enthusiastic confidence of the workers to the extent of being chosen as their leaders in preference to the bourgeois reformists who have up till now led the Trade Union Movement." And this is followed by a reference to the proposal to hold a conference with the object of forming the W. P. P.s into an All-India Workers' and Peasants' Party. The chapter on "India" ends with the following hopeful pronouncement: "This means that the proletariat of India will build up, and has already begun to do so, its Communist Party whose leadership will guarantee victory."

O. P. 488.

Returning once more to the activities of Spratt accused in Bengal we find him taking an active part at Chengail. P 2145 (I. C. 161) which is written on Chengail Jute Workers' Union notepaper on the 8th May 1928 does not however relate to those activities but merely authorises payment of a money order to Muzaffar Ahmad and therefore illustrates the relations between them. P 2090 and P 2091 (I. C. 161) relate to the money order, in connection with which this letter was written. This Union at Chengail had been formed about the 18th of March with Malhubul Haq as President, Latafat Husain and Radha Raman Mitra accused as Vice Presidents, Bankim Mukerji as Secretary and Kishori Lal Ghosh as Organising Secretary. P 2044C (I. C. 126) Ghosh's letter to Spratt of the 21st March shows Spratt being asked to take an interest in this Union before the end of March. In P 526 (15) (I. C. 152) dated 23rd of April after the first strike had begun Ghosh accused asks Spratt to go if possible to Chengail with Radha Raman Mitra as the situation there is serious. This evidently suggests that Spratt accused was known to Ghosh to be taking an interest in this strike. Spratt's activities were not however limited to Chengail. On the 16th May he was taking part in the Lillooah strike and speaking at a meeting in the evening at Howrah Maidan at which Banerji, Muzaffar Ahmad and Chakravarty accused were also present. On the 16th he and Chakravarty were both present at another meeting at Howrah Maidan at which Spratt accused spoke and his speech was translated into Hindi by Chakravarty accused. On the 17th he, Chakravarty and Radha Raman Mitra accused were all present at a similar meeting at which Chakravarty spoke. He was also present at another meeting on the 19th at Kashipur Narkuldanga at which Muzaffar Ahmad and Goswami accused were also present. On the 20th May Spratt wrote a letter, P 526 (11), to the editor of the "Forward", the typed draft of which was found at 21 E. A. Lane. In this letter Spratt speaks of hints of a policy of expulsion of Communists and the members of the Workers' and Peasants' Party from the Indian Trade Unions which would be done "not because these people are disruptive but because they stand for the direct political action of the working class against Imperialism." He goes on, "British Labour (that is the British T. U. C.) will not contemplate a revolutionary policy, the only possible policy for Indian labour. But they realise that to advocate constitutional political action on the part of Indian labour is absurd. They are consequently forced to advocate a completely non-political movement.....". Further he says "I feel it necessary therefore to justify the attitude on this question of the British Communists and Left Wing who have always been in favour of assistance of Indian labour by British labour. They advocate this assistance only on the basis of the recognition by British labour of the right of India to complete independence and the right of the Indian workers to organise and fight for it." On this letter C. P. Dutt complimented Spratt in P 526 (43) (F. C. 445) dated the 14th June 1928. The same revelations on the part of the London correspondent of Forward on which Spratt commented in P 526 (11) are also referred to in Ganavani of 19th July 1928, P 519, where it is stated that the London correspondent of Forward has complained that the British T. U. C. wants to affiliate to itself the Indian T. U. C. and the object is to cut off the Labour Movement from the Indian Nationalist Movement.

O. P. 489.

O. P. 490.

Towards the end of May Spratt accused left Calcutta for a few days and went up the East Indian Railway line to Ondal with the object of extending the strike

up the line. According to Spratt himself, (vide P 2419P, (F. C. 607), dated the 23rd October 1928, the letter to Dear Robin) an attempt should have been made to extend this strike much earlier, and when K. C. Mitra consented "to let us try spreading the strike it was too late and the effort failed." From Ondal Spratt wrote on the 25th May a letter, P 501 (L. C. 171), which was intercepted, but was subsequently recovered in the search of the W. P. P. office at 2/1 E. A. Lane. In this letter Spratt asks Muzaffar Ahmad to send Nirod or Halim with some of the Bengali literature. With Spratt's letter there was enclosed a letter from Goswami accused to Muzaffar Ahmad asking for copies of "our Party programme", this year's report and other important papers necessary for propaganda. In addition Spratt writes that "the workshop men struck here this morning" and Goswami says: "We are getting nice response from the young men here. Of course these young men are all factory workers." To this letter Muzaffar Ahmad replied in P 526 (12) (L. C. 173), dated the 26th May, asking, in response to Spratt's suggestion, for an article preferably on the "Role of the Workers' and Peasants' Party." Muzaffar Ahmad also says that he is sending some literature in a separate packet and also some membership forms. He also sends an old set of "Ganavani" and urges recruitment of members from among the workers. In connection with this Ondal strike, there is another important document recovered in the search of 2/1 E. A. Lane, namely P 483, "instructions for new members at Ondal, Raniganj and Asansol", in Spratt accused's handwriting. In this Spratt recommends that "the new members should meet to form themselves into one or more branches as will be decided in consultation between them and Dharni (Goswami) and Kali.....The work of the branch for the present will be (1) self-instruction and education: The Party will send such literature as it can, and "Ganavani", so that a more thorough knowledge of Party principles and policy can be obtained. (2) Work within the East Indian Railway Union....."; in the course of which he recommends that "a sympathetic propaganda of our views be made among the men and when elections to the E. I. R. E. C. or other committees are made, one of our men should stand, and get the post if possible. (3) Work with other workers." For this purpose Spratt wants some comrades to "get in touch with workers" of certain named works. "One of these", he says, "should be tackled first, and only when substantial progress has been made should they go on to another. They should try (1) to get the best workers into our Party (2) to establish a Union there, under the leadership if possible of men with our ideas. (4) Circulation of "Ganavani", "Kirti", and our future Hindi paper" (apparently a reference to the proposed paper 'Lal Nishan'). In fact, the whole idea was to strike while the iron was hot immediately after the workmen at Ondal had come out on strike and were full of keenness.

In response to the request made by Muzaffar Ahmad in P. 526 (12), Spratt on the 6th June in P. 2077 P. (I. C. 183), sent to Muzaffar Ahmad a manuscript article on the "Role of the Workers' and Peasants' Party," which is in evidence as P. 2077P (1). The manuscript copy itself was, however, also found in due course in the search of the W. P. P. office, and is in evidence as P. 526 (41). It was also printed in "Ganavani" of the 14th June 1928. In this article after a long discussion of Congress policy, which I need not deal with, Spratt comes to the question 'why a separate Party?' As regards this, he first points out that whatever verbal concessions it may make, the Congress still pursues essentially its own old policy, and its leaders are entirely opposed to change of policy "in this direction", that is in the direction of a mass organisation. It is therefore for the W. P. P. "to gather together all the social material useful for the purpose of overthrowing Imperialism, that is for attaining the complete independence of the country. The W. P. P. is from the first a party genuinely fighting for the interests and needs of the masses. Then he points out that the two great sections, the working class and the peasants, lack almost any fighting contact and he says: "Their salvation lies in their co-ordination under a common aim—the overthrow of Imperialism—and a common direction, that of the Workers' and Peasants' Party," but he makes it clear that the overthrow of Imperialism and the obtaining of complete independence is not the only objective, since he goes on to say: "Finally, the Party holds out before the masses the goal which they have to reach, a goal to which independence is but a necessary step. It realises that after the destruction of the system of foreign exploitation, the only possible solvent for the miseries and poverty of India is socialism. The Party stands for the nationalisation, with workers' control, of the chief industries and services, as the basis for the reorganisation

and improvement of Indian economic life. This is the age of Imperialism—the age of the decline and death of capitalism—when all who care for the future must earnestly look forward to and prepare for the system which is to replace capitalism.” He thus makes it fully clear that the main objective of the Party is socialism. There is also another significant passage in the last paragraph but one, which I think I should quote in regard to the strikes, where he says : “Every strike, every struggle of oppressed peasants against land-owners or Government, must receive its support and assistance. The full implications of these struggles, which are but skirmishes preparatory for the great struggle for power between the exploiters and the exploited, must be brought out and demonstrated to the masses.”

Much about this time, on the 29th May, there is another letter from Basak accused to the comrades in Calcutta, P. 415 (12) (I. C. 176), recovered in due course in the search of the W. P. P. office. In this he gives some account of events in Dacca, particularly in connection with the strike in the Dakeswari Mills and he ends with a complaint that because in spite of his promises Spratt & Co. had not come to Dacca, the workers were becoming disheartened and the mill-owners becoming bold.

Just after this we get an incident which throws some doubt on the *bona fides* of Kishori Lal Ghosh accused. It appears that on the 31st May he wrote to the “Statesman” a letter, which has been tendered in evidence by him as D 174 (6), in which he implies that “Spratt accused is not a Communist.” I must confess that Ghosh’s defence of Spratt in this letter strikes me as somewhat laboured, but that is comparatively speaking of minor importance. What is important is that only a couple of days later on 2nd June Spratt himself at Ondal in a speech P. 922, vide the evidence of P. W. 59, Mr. B. N. Chatterji, claimed in effect that he was a Communist agitator and said in this connection : “I want to say, comrades, that I have no greater desire than to be called an agitator and a Communist. Some of the greatest men in the world’s history have been agitators and Marx, Lenin etc. have been Communists. We have a very high standard to follow.”

Spratt in fact was not only doing the work of a Communist agitator and worker but he was definitely claiming to be doing so. Another view of Spratt’s work at this date is to be found in Mirajkar’s report on the work of the propaganda group of the Bombay W. P. P., P 1348 (2), in which he says : “Our Party member, Comrade Spratt, is conducting the strike of the Railway workers at Lillooah with the assistance of Bengali comrades.” The statement is by no means strictly true, but again it is the claim made by the accused themselves.

On the 21st June Sohan Singh accused writing to the Editor of the “Kirti” asked Spratt, who was then at Asansol, to send him an article for the “Kirti”, as he had promised to do long before, and in reply to this request Spratt on the 13th July sent to the “Kirti” from Asansol a copy of the article on “Russia and India”, which he had recently written for the “Chitramaya Jagat” of Poona. The article in question is P 526 (35) in manuscript and P 526 (25) in type. This article is an interesting one and contains some interesting passages. For instance after quoting Lenin’s conception of the future he says that “all events during the years since he wrote have confirmed his view. Accordingly it is next the turn of China and India to follow Russia along the path which she has taken, the only possible path for a country which seeks to free itself from Imperialism. This then is the relation of Russia to India at present, and such is the importance of Russia to India. She is a guide, showing the way along which India must tread.” Further on he says that : “On these general grounds then, it is possible to say that India may “follow the Moscow Road”. India is now in the full sense within the orbit of Imperialism, and if she overcomes Imperialism, it can only be done completely following the Russian example.” Further on he deals with the argument “that the unarmed condition of India will necessarily prevent any action on her part”, to which he replies that “this consideration while decisive against any attempt at a sudden forcible coup d’etat does not weigh decisively against a policy of mass action.” And again a little further on he says : “It can now be claimed that this essay has shown (1) that there are only two possible lines of development before India, (2) that only one of these, that which involves a revolutionary policy roughly similar to that adopted in Russia, can possibly lead to the independence of the

country, (3) that this latter policy is at any rate not wildly impossible, (4) that already, in spite of the political backwardness of the country (compared with its objective position) these things are being realised, and political organisations and persons are gradually ranging themselves in two camps." In the later paragraph he asks: "What is the alternative to revolution?" and suggests that "whatever it is it is something which India does not want", and he concludes that "it is clear in any case that difficult and dangerous as it may be, the revolutionary path is no worse than the alternative. And apart from these difficulties and dangers, there can be little doubt that the revolution in Russia has thoroughly justified itself," and the corollary no doubt is that if the revolution has justified itself in Russia, it would be equally certain to do so in India, and therefore India should certainly follow the "Moscow Road".

Meanwhile there had taken place in May at Nagpur a Peasants' and Workers' Conference, not organised by the W. P. P.'s and about which they felt some anxiety, see P 1348 (4) (I. C. 137) from Thengdi to Ghate on the 3rd April and Ghate's reply, P 821, (I. C. 144), dated the 4th April. It was also mentioned by Spratt accused in P. 1118, (I. C. 189), a letter dated the 23rd June 1928 written to Joglekar accused from Asansol, which mentions the fact that Bradley accused presided over the conference, a fact in support of which there is a group photograph, P 665, recovered from Bradley accused's possession. Spratt's letter testifies to the readiness of Joglekar and Bradley accused to make the best of a conference, which had been organised by other people with quite different objects from their own.

O. P. 497. Another small item of activity to which I may draw attention before going back to the European correspondence is a letter P 2259C, (F. C. 490), dated the 18th July 1928, from Spratt accused to the Editor of "The Sunday Worker", 254 Gray's Inn Road, London, intercepted by P. W. 157, Sub-Inspector S. C. Chaterji, who searched for it in consequence of receiving a report from a watcher constable at the Mail Office that he had seen Spratt accused post four letters there. In this letter Spratt accused sent to the editor an article on the "Sufferings of the peasants at Atia." He sent a copy of this article the same day to Mr. Saklatwala in P 2258C, (F. C. 489), which was intercepted by the same witness at the same time. In a subsequent letter dated the 25th July, of which P 526 (22) (opposite to F. C. 500) is the draft recovered at 21 E. A. Lane, Spratt accused asked the Manager of "The Sunday Worker" to send him a cutting of the article, if published, and P 2068 is the reply intercepted and withheld by P. W. 36, Sub-Inspector G. B. Roy, the latter dated from "The Sunday Worker" office on the 20th August 1928, and enclosing a cutting from that paper of Spratt's article, P 2068 (1). Incidentally the last paragraph but one of this article contains a number of deliberate lies, which would no doubt be swallowed without hesitation by persons in England with no knowledge of the real conditions or law in force in India.

O. P. 498. We must now go back a month or so to pick up the threads of the European correspondence. On the 6th of June C. P. Dutt signing himself J. wrote the letter, P 674, (F. C. 425), to Dear Fred, that is Bradley, which was recovered after Bradley accused's arrest from an almirah in Sandwell's house which had been in Bradley's use. This letter has been discussed to some extent already. It begins by acknowledging letters of the 24th and 31st March and the 7th and 21st April and also a report on the cotton market of 12th May. Later on in this letter we got the reference to the cotton shipments and it was suggested that both these references were to money in connection with the Textile strike. Actually, I think the first reference to a report on the cotton market is merely a reference to a report on the Textile strike. Then he goes on to the matter of Jhurdekuq or Khardikar, and to references to money, to the cotton shipments, restarting of the "Kranti", the delegate of the Young Communist International and the unfortunate episode, when the lascar Abid Ali was searched, and thereby the cover address "Karanth" ceased to be useful any longer. After this in June we find two sums of £40 each being despatched on the same day to India by Page Arnot from the Chancery Lane Post Office and by L. C. Bradley from the Fleet Street Post Office, probably less than a mile away, with the messages "For representative Manchester Conference, Robin" and "Towards sending delegate Len". The relevant exhibits are P 2431 series and P 2428 series and P 1530 to 1534, (F. C. 432 to 436). In this connection it may be noted that Dutt in P 674 wrote to Bradley "you will have received

urgent messages about the New York meeting," and of course these messages were actually received on the 15th June, whereas P 674 would not have reached India before about the 22nd. On the 14th June C. P. Dutt wrote another letter to Spratt accused, to which I have already referred, namely P 526 (43), in which he discussed Spratt's letter to the "Forward" and also some points in his article on "Labour and Swaraj", and in this connection urged the view that the idea of capturing the Congress was an illusion. Then on the text of Spratt's having become the leader of a Trade Union, he goes on to stress the very urgent necessity of getting leaders from out of the ranks of the workers, and criticises the work in Bombay, because he sees all sorts of committees being set up, always with the old familiar names and with not even a single worker in addition. The next item in this correspondence consists of two identical letters, dated the 18th June from Mrs. L. C. Mellonie, a member of the Young Communist League of Great Britain, to Spratt and Bradley, P 546 (9) and P 654, (F. C. 454 and 459), asking a series of questions about the Indian Youth Movement. There is no evidence that Bradley accused ever replied to this letter, but in P 546 (10) (F. C. 455) we have a draft reply in Spratt accused's handwriting, dated the 22nd August 1928. The original was intercepted in the post and copied, vide P 2102C at F. C. 509. In this letter Spratt gives a fairly full account of the work done in connection with the Youth Movement up to the date of his letter. He refers, as Mrs. Mellonie had done, to the resolution on Youth, which, he says, was drafted jointly by members of the Bombay and Bengal Parties, apparently referring by this to P 833. "At that time, (i.e. in March)" he says, "A group of 6 college students was meeting regularly and discussing with W. & P. members on theoretical subjects, and it was proposed to develop this into a genuine youth organisation," but he was doubtful if this had been done. In the case of Bengal he says that: "a beginning is just being made", a fact of which we shall find evidence at a later stage. He goes on to say that it has been decided "to establish a 'Young Comrades' League." (The name was suggested by Saklatwala). "It will probably be announced in a few days." In reply to the question about the number of young 'workers' in the W. P. P.'s Spratt wrote that it was safe to say that none of the three W. P. P.s had any working-class membership to speak of, which is exactly what we have just found C. P. Dutt complaining of. In proof of this fact he stated: "I was recently asked to get hold of one genuine worker to send to a Youth Conference in England, but I could not find one, who would have been of the slightest use." In talking of the attitude of the Workers' and Peasants' Party to other Youth organisations he mentions the Bombay Presidency Youth League and the all Bengal Youth Association, and also refers to the Young India Society of the Punjab. In each case, he says, "The attitude of the W. P. P. is united front cum fraction work—in theory." Further on he says: "In the Punjab the Young India Society is entirely controlled by the W. P. members. In fact they are practically the same thing, I think. Again there would be no formal fraction work." At a later stage in connection with some documents, which he enclosed with this letter, Spratt mentioned that he was putting in a brown document from the Punjab, about which he says: "It was published by a sort of 'Ad Hoc' committee very similar in composition to the leading group of the Young India Society there. Kidarnath Sahgal (address Khabardar Steam Press, Lahore) is the President of the Young India Society and probably those here mentioned are its leading members. It is the sequel to a document called "An appeal to young Punjab", which I have not got." And there is another reference to this Punjab organisation in the answer to question 6 where he says that "All the Youth organisations that I know are very similar in outlook except that of the Punjab, which is definitely more radical than any other", all of which facts seem to have some small bearing on the case of Sahgal accused, at any rate in so far as they cast doubt on his claim to have been at heart throughout the whole of his history in connection with this case a Congresswala and nothing else.

The next group of letters is one to which I have already referred in connection with the cryptic remarks about Rhuden and Uke-Rhug. The first of these is P 2002C (F. C. 513), a copy of a typed letter, dated the 2nd August 1928, from J. (the initial signature also was typed) to Dear Philip. This letter was enclosed in an envelope addressed to Kishori Lal Ghosh and was intercepted and copied by P. W. 97, Sub-Inspector Amarendra Kumar Sen. The envelope was photographed and the original reposted, the explanation of course being that the envelope bore longhand writing, while the letter was typed. The

witness's notes, to which he referred in the course of his cross-examination, showed that inside the outer cover there was an inner cover with no address on it. This is a letter in connection with which it was subsequently discovered that a mistake had been made, and that the copy proved by the witness was not the original one made in the Special Branch Office in Calcutta at the time of interception, but another made later on, probably in the office of the Director, Intelligence Bureau, at Delhi. In connection with this mistake, the witness was subsequently recalled and his further statement will be found just before the statement of P. W. 279. The result of his evidence on this second occasion was that P 2002C was replaced by P 2002C (1). It will perhaps be sufficient to say about this witness that he did not show himself gifted with much intelligence, and I am quite satisfied that his original statement identifying P 2002C as the copy, for the preparation of which he was responsible, was entirely bona fide.

Now coming to the origin of this letter, there is good reason to suppose that the handwriting on the envelope is that of A. Glyn Evans with whose writing in P 2340 and P 1807 and P 1807 (1) it has been compared, vide also the evidence of P. W. 277, Mr. Stott and the juxtaposed photograph, P 2538. The question whether the letter was in an inner cover and whether that inner cover had the name of Spratt on it, is of course a question, which is really of greater importance in the individual case of Ghosh accused than for the general case. In this letter, after asking for news of Spratt, the writer, who must obviously be either J. himself or, as we might suspect from the handwriting of Glyn Evans on the envelope, someone else writing for J., says: "Have you any knowledge about a couple of fellows in Manchester, Rhuden and Uke-Rhug? There are also two more whom you are likely to know. I ran across them the other day, and I would very much like to know if they have any authority, and whether you would place any confidence in them." The names so given in code must probably be interpreted as Shafiq (although of course the name should more correctly have been codified Rhudep) and Ali Shah. There is another remark of some interest in this letter: "I am told that you have written an article for the first number of the revived paper", a very clear reference, in the light of the correspondence between Spratt at Ondal and Muzaffar Ahmad at Calcutta, to Spratt's article on the "Role of the Workers' and Peasants' Party", P 526 (41), which was published in the first number of the "Ganavani", when it began again in June, 1928.

On the 5th August this letter was followed by a telegram from John to Spratt c/o Ghosh, P 2189, (F. C. 514) which runs as follows:—

"Send Urgently Preferably Wire Information Confidence Placed Orm Massel two others in Manchester."

The two names in this telegram Orm and Massel would seem to represent Usm and Nessim, but the reply which was sent by Spratt accused on the 10th August, P 2190, (F. C. 517), shows that he was not by any means certain about its interpretation. The reply was "Telegram Unintelligible no Confidence Suggest Wire Bombay", and it was addressed to the Secretary Labour Research Department. On the day before this telegram was sent, that is on the 9th of August, a letter P 2401 P (F. C. 515) (vide the evidence of P. W. 1, Captain Booth and P. W. 8, Mr. Burgess) was written by one Alf to Dear J. enclosed in an envelope addressed to A. N. Badhuri, 63, Schluterstrasse, Berlin, Charlottenburg. This letter enclosed a copy of a letter, P 2408 (F. C. 496), dated the 20th July 1928, from Ghate accused to C. P. Dutt, a letter written under the instructions of the Bombay W. P. P. The very fact that this was enclosed would lead clearly to the inference that J. and C. P. Dutt are the same person, a conclusion at which we have already arrived. Another point in this connection is that the whole of the contents of this letter were enclosed in an inner envelope with the words "for Clemens" written on it. So far as the matter, which we are considering at the moment, is concerned, the important passage is the first sentence of the letter. "I had your letter on Thursday" (Note: the previous Thursday was the 2nd August) "and did the requests therein contained." The prosecution contention is that one of these requests was to send the letter, P 2002 C. Before I deal with the remainder of the contents of P 2401 P, I think it will be best to clear up this matter of the inquiries of Dutt about people in Manchester. On the 21st August 1928 Alf wrote another letter to Dear John also addressed to Badhuri at Berlin. Bearing that fact in mind and also the nature of the contents, there can be no doubt that this letter was also intended for Dutt, and the first sentence again is important. In this Alf says: "Since I had your note, I

sent the wire away to Des, but had a reply saying that the thing was unintelligible and upon further advice I sent it over to Fred. Up to the present I have had no reply." This letter, it may be noted, furnishes fresh evidence of the identification of Des and Spratt, and it shows clearly that Fred is someone in Bombay, since that was the advice, which Spratt had given. There can be no doubt I think now that by Fred the writer means Bradley accused. That is all we hear about this little batch of inquiries except the reference in Spratt's letter to Page Arnot, P 2419P (F. C. 607) dated the 23rd October 1928 at F. C. 611, a passage to which I have referred more than once already.

O. P. 505.

Turning back to Alf's letters, P. 2401 and P. 2402, there is a good deal more of interest in them. P. 2401 after his reference to Dutt's letter and request Alf goes on to say : " The little sum we had to send over was sent, and I had a reply from Fred on the 4th acknowledging the same. " Now on the 20th July Bradley accused had wired in P. 2181 (F. C. 496) to his brother, L. C. Bradley at 4 Elmsdale Road, Walthamstow, London as follows : " Len forward My Money Urgent " and the suggestion is that Alf means by this remark that money has been sent to Bradley as requested and an acknowledgment has been received. He goes on to mention that " the usual routine has been carried on at the office. " In this paragraph there are some cryptic remarks which run as follows :—

" The ' Cards ' have helped me in this way. (I am also arranging to send (some) cards over as soon as possible). I was only informed late last night and will take the course suggested at the outset." It is contended by the prosecution that this is a reference to sending Khardekar to Moscow, and there is a further reference evidently to the same matter in P. 2402 P. (F. C. 526), where Alf says : " Last Thursday I sent away a few Cards. I hope that all is O. K. because they were sent away under difficulties, having had no recomm. from anybody here. I wrote something and handed them over to Baker, who was going at the same time.

Make enquiries regarding them. "

O. P. 506. It may be noted that the word " Cards " in the bracketted portion of P. 2401 is underlined, while in P. 2402 the word is typed in capitals and the word " them " referring to ' Cards ' is underlined.

Alf goes on in the next paragraph to refer to " the fund " but remarks " I only sent early last week " forty " Jimmies to the S. I. R.—just before the news came through of the collapse of the same. " In this connection it should be noted that this money was actually sent by Saklatwala, vide the telegram P. 2177, (F. C. 541), dated the 3rd August 1928 to Bharucha at Bombay asking him to " Hand South Indian Railway Strike Committee Forty Pounds Collected by Workers Welfare League Bank Draft Following ", which of course goes to show that Alf is writing from the W. W. L. office.

O. P. 507. In the next paragraph he says : " As to letters, I have not had any to my address, and the only one I have had from other quarters is of no special importance. This week I had one addressed to you—a full copy I am enclosing herewith. It bears out your contention regarding the whole business. " This full copy is a copy apparently in Alf's own handwriting, (P. 2401 was also in long-hand), of Ghate's letter, P. 2408 P. (F. C. 496), which was itself intercepted and photographed. (P. W. 1, Captain Booth, and P. W. 8, Mr. Burgess). In the same paragraph there is a reference to Joss by whom the writer clearly means N. M. Joshi, as he refers in this to Joss's stuff as coming once every week, a fact which is also mentioned in the annual report of the W. W. L. I., D. 712, from which we may well infer that other references to Joss, as for instance in P. 674 at F. C. 426, are also really references to N. M. Joshi. There is another reference of interest in the last paragraph but one where he says : " Also did you get my letter and reference to the one that was returning to I. ; but I expect they knew him in Berlin ", which I suppose may be a reference to the accused Adhikari, though it is not very clear.

The letter received from Ghate of which a copy was sent by Glyn Evans to Dutt along with P. 2401, P. 2408 P. (F. C. 496) is a reply to Dutt's letter of 28th June, P. 1348 (34) (F. C. 467), a letter to which I have referred earlier in connection with the Workers' Welfare League of India. This was the letter in which Dutt as London Secretary of the W. W. L. I. wrote to Ghate asking for more particulars of Nimbkar accused's speech on the Bardoli Movement, because the W. W. L. I. was finding it difficult to make out what the declared policy of the W. P. P. in that matter was. That letter, as appears from P. 1344, was

laid before the meeting of the E. C. of the Bombay Party on the 15th July and thereupon 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. Comrade Parvate was then asked to prepare a manifesto of the Party on the Bardoli question to be placed before this meeting on the 22nd July and the Secretary was asked to reply to the other points raised in the letter. A little further on we find Parvate saying that the manifesto that would be issued would clearly explain the Party's attitude on the peasant question and pointing out the lines on which the manifesto would be issued. At the next meeting Mr. Parvate's draft reply to Dutt's arguments was read and the question of the manifesto was taken up. P. 2408 is evidently the letter which the Secretary wrote in reply to P. 1348 (34) pending the preparation of the manifesto etc. In this letter Ghate accused sums up the explanation in two lines by saying "attacking the attitude of the leaders towards our struggle here, surely does not mean that the Party is against the Bardoli fight." About the manifesto mentioned in the minutes he says, "in the meanwhile, the Party would be issuing a manifesto on the Bardoli question in a couple of days, a copy of which I shall send you when the same is published." It will be noted that although in the light of all the documents there can be little doubt that the person who wrote P. 2401 and P. 2402 to C. P. Dutt c/o Badhuri at Berlin is the same person as Glyn Evans, it is by no means essential to the prosecution case that it should be proved who the writer of these letters is. What is quite clear from the contents is that they are written by a responsible person in Dutt's office, that is in the office of the W. W. L. I., who copies and forwards to Dutt in Germany the correspondence received from India or informs him of the gist of it. It may further be noted that although there is no evidence as to the identification of the proved handwriting of Glyn Evans with the handwriting in P. 2401 and P. (1) and P. (E) or with the small quantity of handwriting in P. 2402, still there can be no doubt of the close similarity between these two handwritings. Unfortunately P. 2401 series and P. 2402 are photostat copies not very easy to compare with the original writings of Glyn Evans which are in evidence.

Coming now to the second of Alf's letters, P. 2402, we come at once to this matter of the cards which he says he handed over to Baker who was going at the same time. It is reasonable to suppose that as Saklatvala has been referred to as Baker in letters between Dutt and people in India some one who is writing to Dutt and mentions Baker must almost inevitably mean Saklatvala. And if the identification of 'cards' with Khardikar is correct this can only mean that Saklatvala took Khardikar over to the continent with him. In this connection it may be noted that P. 1604 which is Press Service No. 7 of 1928 dated September the 5th of the League Against Imperialism shows that an important session of the E. C. of the International League Against Imperialism was held in Berlin on August the 18th and 19th, 1928, which was attended by S. Saklatvala M.P. (England) along with a number of other persons whose names we know. Alf says that he sent away the 'cards' last Thursday, which would have been the 16th of August, which is just about the date on which Saklatvala would have been leaving England if he had to be present at the meeting of the L. A. I. at Berlin on the 18th. In addition to this we find Khardikar himself writing to Shah in P. 1281, a letter recovered in Shah's search, from 24, Friedrichstrasse, Berlin S. W. 48, Germany, and saying that he had come to Berlin in August 1928. Oddly enough the address which I have just quoted and from which Khardikar was writing is the address of the International Secretariat of the L. A. I. (see for example P. 1655P. at F. C. 742). It may also be noted that there is a letter from Khardikar, P. 2421 P. (F. C. 584), which supports the view that Glyn Evans is the author of P. 2401 P. and P. 2402 P. The evidence in regard to the handwriting of this letter is the statement of P. W. 243, D. K. Kelkar coupled with the evidence of Mr. Stott, P. W. 277, at page 8 of his statement. P. W. 243 hesitated to identify the handwriting in P. 2421 P. but said that the L in London on the envelope gave him some impression of its being like Khardikar's writing and he gave a more confident identification of the handwriting in P. 2457 P. and P. 2456 P. and P. 1281. This letter P. 2421 P. is dated Moscow 23rd September 1928 and contains a complaint that the writer has had no news from Glyn Evans for about a month. I may further note that the address of Glyn Evans which appeared on the envelop of this letter was 162, Buckingham Palace Road, London, which is the address of the Workers' Welfare League. Going back to P. 2402 once more, Alf goes on to remark: "I got a good show in the S. W. last week over the troubles out there and the Life will have something this week." This would seem

to be a reference to the publication of Spratt's article on Atia, as the date of the letter P. 2068 from the editor of the Sunday Worker to Spratt sending him a cutting of his article is the 20th August. Further on Alf, who, it will be remembered, is writing to someone who is either in Germany or to whom communications have to be sent through Germany says, "you seem to have a very interesting time over there as far as I can gather from the Govt. paper here in connection with New York." Knowing the way in which New York, Manchester etc. are freely used to conceal the name of some other place which it is preferable to keep undisclosed, we may well infer that by New York is meant Moscow. Next he refers to some letters from Fred in the following terms: "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." In this connection I have been referred to the next letter in the F. C., namely P. 1860 P. (F. C. 527) dated 23rd August 1928 from Potter Wilson, Secretary of the W. W. L. I. to Bradley accused, the first sentence of which runs as follows: "I have to thank you for the very interesting letters you have sent to me and also the photographs of housing conditions and meetings etc. also the receipts for the money the League has been able to collect from the British workers for the strike in Bombay." The coincidence between these two letters would be a conclusive proof of the identity of Fred and Bradley accused even if there was not other evidence leading to the same conclusion. Then in a P. S. Alf says: "Did you get Fenner's and also Kranti and Ganavani?" Overleaf there is a postscript: "I have just received a letter, or rather the Trinity has, from Anglo-American Sect. C. I. regarding a manuscript from Bengal. You know the thing. Will you see to it. I am sending it on to the above address." There is no evidence as to the meaning of this rather cryptic postscript but it looks very much as if it was a reference to a demand from Spratt for the despatch of money.

O. P. 511.

PART X.

O. P. 512. In September 1928 we come to a very important conference which was held at Bombay between the 6th and 10th, at which the leading members of the Bombay and Bengal Parties reviewed the position and considered their plans for the future. I have already mentioned in the last chapter the series of letters in connection with this conference, and before I come to the actual documents relating to the conference I may mention that we get a series of entries in Bradley's diary P 645 which evidently relates to it. These entries show that he had appointments with the Party at 2 P.M. on the 7th September, at 9 A.M. and 2 P.M. on the 8th, at 2 P.M. on the 9th and again at 2 P.M. on the 10th. Another mention of the conference is to be found in Muzaffar Ahmad's letter to Tagore P 1865 (1) (F. C. 562) dated 8th September 1928 in which he says in the opening paragraph : " On receipt of a wire from Bombay Spratt and myself came up to Bombay on Wednesday last (September 5). We are discussing here the future programme of our Party. The discussions have not yet ended. As soon as they are over we two will return to Calcutta. " P 526 (10) is a note written by Bradley accused to Spratt apparently at this time as it is dated 10th September 1928 asking Spratt to repay a loan of Rs. 200. It is not otherwise important.

Coming now to the actual discussions, the exhibits in this connection are Spratt's notes P 526 (39), P 526 (32) and P 526 (48) and Bradley's notes P 670. The first of Spratt accused's notes is P 526 (39) which has on it at the top of the page the date 6/9/28. The second sheet of his notes is the portion of P 526 (32) which begins with the words " Programme for fraction work. "

O. P. 513. Now it is only necessary to set the four sheets of Spratt accused's notes together to see that they are consecutive notes of the matters discussed at a conference. Ex : P 670 is made up of a number of sheets of paper not all of the same size recovered in Bradley accused's search and forming items 165, 166, 167, 168 and 169 of his search list P. 642. But when put in their proper order and compared with Spratt accused's notes it is quite evident that they all except two refer to the same discussions, although the comments or conclusions are not always put in exactly the same form. Before I go into these documents I should perhaps note that as printed in the exhibit volumes they are full of mistakes and liable to be very confusing and deceptive. In the course of arguments I compared my own copy of these exhibits in the general volumes of collected exhibits with the originals and endeavoured to put in all the necessary corrections but even then it is not possible to be certain that all the corrections are correctly made, particularly in view of the fact that Spratt accused's handwriting when he is writing notes of this kind is by no means always fully legible.

Beginning with P 526 (39) as that is the first of the notes, we find first of all a reference to the T. U. C. and the success achieved in getting three members of the Party elected as officials but against that the failure to oppose the move against the W. W. L. I. Bradley's note in this connection is " Failed to support W. W. L. at Delhi. " After this there are some criticisms of the T. U. C. work. For instance against ' C of A ' (Council of Action) we find a note " No money allowed. " In regard to the Bombay Provincial T. U. C. Spratt notes that it had " Annual meeting only—nothing—we had no representation—our strength increasing—No election of office bearers. " Then follow some notes on Unions, G. I. P., B. B. C. I., Municipal and Press Workers about which there is no very enthusiastic comment. Coming to the Tramway Union Spratt's note is : " workshop 80 per cent. line-staff not. " about which Bradley notes " Tramway's workshop 100 per cent. " Whichever is correct, it shows that this Union was strongly influenced by the W. P. P., which is no doubt why against a typed copy of the A. I. T. U. C. resolutions P 1348 (39) there is a note that they were submitted by Tramway Workshops Union. Then there follows a note about the Port Trust Railway Union and Employees' Union both of which are noted as being " with us ", but against the latter of which there is a note " danger of Europeans dominating ". Bradley's note is " Port Trust Dock Workers. Amalgamation. Anglo-Indian Control. Dock Workers, B. I. M. lost to us ". And in fact, as appears from P 1344, at the E. C. meeting on the 29th of August the question of the Dock Workers' Union was taken up and it was decided that Mirajkar should hand over the charge of the Union to the usurpers. Then there is a note " Textile Labour Union. G. K. U. B. M. W. U. we are up to date in control of strike. " about which Bradley's note is " Textile Labour Union. Girni Kamgar Union. Textile Mill Workers Union. Involved in strike. " After which Spratt accused writes " Taxiwalas. Motormen's Union. some influence. " while Bradley notes nothing more than " Motor drivers' Union. " Spratt goes

on to mention "Telegraph-men some indirect influence, Seamen. No influence. Small unions number Jhabwala's but useless. Textile workers Nagpur. Ruikar working more or less with us. Ahmedabad no. Sholapur textile some influence. Organised fraction work in Textile Strike Committee and G. I. P. only." Bradley's note is as usual more summary and is as follows: "Telegraphmen's Union. I. Seamen's Union. R. Wing. Bank Peons U. Clerks Union. Crawford Market Stall Holders Actors Union. Postmens Union. R. Wing. Sholapur—G. I. P. Mill Workers. Nagpur—G. I. P. Mill Workers Ruikar. Ahmedabad—Joshi and Gandhi." In both Spratt's and Bradley's notes we then come to a series dealing first of all with the B. T. U. F. and then with the A. I. T. U. C. The two sets of notes fit in, one with the other, rather like a Jigsaw puzzle but it is quite clear that they all refer to the same discussions. After suggestions for office bearers Spratt's note in regard to the Trade Union Congress Jharia meeting begins with a note: "pamphlet on R. I. L. U. and I. F. T. U. to be drawn up by Dange." which Bradley notes against or rather after resolution 13 in the form "Pamphlet on International T. U. Movement by Dange." This brings me to the resolutions mentioned in both lists but which I will give as listed in Bradley's notes P 670, as that is easier to follow. They are as follows: "(1) W. W. League (2) International Question." Spratt describes this as "R. I. L. U. Pan Pacific Secretariat and League Against Imperialism." "(3) Question of nominations—Geneva, Government." Spratt writes "Nominations to Geneva and Council." (4) Trades Dispute Bill (5) On supporters of the same (6) On Trades Councils (7) Public Safety Bill (8) Appreciation (9) On Nehru report. rescind clauses in rules." Spratt's notes are "All Parties Conference decisions. rescind this clause of const." "(10) Constituent Assembly (11) Indian Labour Year Book." Spratt adds to this "to be pub." "(12) Overlapping Unions. (13) Repressive action of Government." For which Spratt substitutes "Condemning repression by Govt." In Spratt's notes three of these namely (8) relating to appreciation of services, (10) relating to Constituent Assembly, and (12) relating to overlapping unions are scratched out and another on war danger is inserted.

Now it is important to note that these notes do represent resolutions which were not only decided upon but were actually drafted except in the case of the three which we find scratched out in Spratt accused's notes. P. 666 recovered in Bradley's search is a series of A. I. T. U. C. resolutions, so also are P 1373 (8) C, D & E recovered in the search of the office of the W. P. P. Bombay. And again P 549 (14) contains I. T. U. C. resolutions recovered in the search of the Bengal W. P. P. office at 2/1 E. A. Lane, Calcutta. Taking these three exhibits we find (1) Workers' Welfare League of India resolution in P 549 (14), P 666 and P 1373 (8) C, (2) International Affiliation Resolution recommending affiliation to the R. I. L. U. in the same three, (3) League Against Imperialism in P 549 (14) and P 1373 (8) D 2a., (4) P. P. T. U. S. in P 549 (14) and P 1373 (8) D 2b., (5) International Labour Office (corresponding to Bradley's resolution no. 3) in P 549 (14) and P 1373 (8) C, (6) Assembly and Council nominations in P 549 (14) and P 1373 (8) E, (7) Trade Disputes Bill in P 549 (14) and P 1373 (8) E, (8) Condemnation of Kirk and Shiv Rao etc. (corresponding to Bradley's resolution no. 5) in P 549 (14) and P 1373 (8) E, (9) Condemnation of the attitude of the nominated Labour members in P 549 (14) and P 1373 (8) E, (10) Protest against Police firing in P 549 (14) and P 666, (11) Indian Labour Year Book (corresponding to Bradley's resolution no. 11) in P 549 (14) and P 666, (12) Congress view on All Parties Conference in P 549 (14) only, (13) No resolution of this number, (14) Establishment of Trades Councils in P 549 (14) and P 666, (15) No resolution of this number in P. 549 (14), (16) Protest against Govt.'s attitude towards Soviet Republics (corresponding to war danger) in P 549 (14) and P 666. There is one other resolution in P 1373 (8) E, no. 8, a protest against Public Safety Act as a great infringement by the Imperialist Government upon personal liberty and as a measure which has been and will be operated to the detriment of the T. U. Movement. This really corresponds I think to Bradley's resolution no. 13 and was actually put up at Jharia. A typed copy of it appears in P 2037 (1) intercepted in the post en route to Muzaffar Ahmad. Another copy of these resolutions was sent to Spratt accused on the 12th October 1928 by Jolekar accused as Organising Secretary of the G. I. P. Railwaymen's Union, in P 2046P which corresponds more or less to P 549 (14), with the exception already noted. Another series of the same kind is P 905 recovered in the search of Sohan Singh Josh accused vide search list P 883. Still another is P 984 found in the possession of Dange accused, and another

still is P.1348 (39) recovered in the search of the office of the W. P. P. of Bombay. Not a single one of these exhibits however contains a complete set of the resolutions. Apart from the resolutions themselves there is a certain amount of correspondence on the record in regard to their being moved in the Jharia Congress. for instance one such letter is P. 1348 (30) (I. C. 237) from S. H. Jhabwala T. U. C. Group leader writing from the G. I. P. Railwaymen's Union on the 26th September to the Secretary of the W. P. P. asking him for a copy of the resolutions to enable him to get Party resolutions framed and forwarded on behalf of several Unions. P. 1901 P. (I. C. 238) is a letter from Ghate accused to Sohan Singh Josh accused saying that he has sent copies of the resolutions for the forthcoming T. U. C. at Jharia by registered post and saying "Please see that your group is present at the T. U. C. and that the Union that you will be representing supports the resolutions. Your suggestions for any addition or modification are welcome." And still another is P. 547 (intercepted and photographed as P. (I. C. 246)) from Joglekar accused to Spratt in which he says, "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. We are also doing the same from Bombay." It is quite possible that P. 549 (14) to which I have referred above is the very copy of the resolutions mentioned by Joglekar in this letter.

And not only were resolutions actually drafted as forecasted in these notes of Spratt and Bradley accused but a good number of them were actually moved at the Jharia Session of the A. I. T. U. C. in December 1928. D 305 is the official report of the Jharia Congress tendered on behalf of the defence. It shows that resolution no. 1 relating to the W. W. L. I. was moved and that its supporters were successful to this extent that the Congress decided to have no agent in Great Britain. The second resolution relating to international affiliation was moved but the Congress decided not to affiliate either to the I. F. T. U. or to the R. I. L. U. until international unity should have been brought about. Then in connection with the League Against Imperialism there were three resolutions in the Congress and no doubt because of the arrest of Johnstone the delegate of the League Against Imperialism, the Congress decided to affiliate itself to that organisation for one year. Coming next to resolution no. 3 of Bradley's list on the question of nominations to Geneva and Government the W. P. P. failed to prevent the appointment of delegates for Geneva which was approved in resolution no. 18. No resolution in regard to Assembly and Council nominations appears in D 305. Resolution no. 15 passed in the T. U. C. is almost identical with the resolution on the Trades Disputes Bill which we find among those drafted at or after this meeting. The next one in Bradley's list "on supporters of the Bill" is not to be found mentioned in D 305 at all. No. 6 of Bradley's list was passed at Jharia as no. 36 almost as drafted, as also was no. 7 in regard to the Public Safety Bill which appears as no. 16 in D 305. No. 9 on the Nehru Report reappears as no. 9 in D 306 but the T. U. C. only accepted it in so far as they rejected the Nehru Report. No. 11 relating to the Indian Labour Year Book was in the main accepted at Jharia where it is no. 17 in the report. No. 13 relating to the repressive action of Government was partially accepted at Jharia as resolution no. 14 relating to firing on the workers. The resolution in regard to war danger which appears in Spratt's list was accepted at Jharia where it is no. 6, in which however the portion relating to the encirclement of the U. S. S. R. was omitted. Finally the resolution relating to the action of nominated Labour representatives in Legislative Councils and in regard to the Simon Commission, no. 9 in P 549 (14) and no. 7 in P 1373 (8) E, was passed at Jharia as no. 7 exactly as it appears in the exhibits. It will be seen from this that the work done at this meeting was thoroughly practical and was not mere discussion, and in this connection it is important to note that all the resolutions which appear in P 1373 (8) C, D & E are in Spratt accused's own handwriting. In this connection I may well quote what the Communist accused themselves say in the joint statement at pages 2911-12 of the statements of the accused. In this passage they say that, "in the events in question in the sessions of the A. I. T. U. C. we played a prominent part; we put forward resolutions embodying our policy, and in this way contributed to a certain extent to the change of policy which was gradually brought about in the movement. Because of this the prosecution have tried to represent not only the events in the T. U. C. sessions but even the movement in the unions and among the workers in the country as primarily due to some conspiracy on our part. A consideration of the magnitude of the movement will be enough by itself to show that that conception is absurd. But it is true to say that in putting forward our policy we were interpreting the ideas which were forming at that time in the minds of a large number of workers."

Page 2 of Spratt's notes are those which appear as the third sheet in P 526 (32). They begin at the bottom of page 51 of the printed exhibits and end at line 7 on page 53. I should note that the pages of Spratt's notes of the business at these meetings are all numbered although they have been accidentally included in different exhibits. That is to say P 526 (39) is headed 6-9-28 and has at the top of the page at the left side the figure 1 in a circle. The portion whose limits in P 526 (32) I have just given has the figure 2 in a circle in the top righthand corner of the page. The sheet which is in evidence as P 526 (48) similarly has the figure 3 in a circle at the right hand top corner, and the last page, namely that which is printed in P 526 (32) from line 8 on page 53 to line 5 on page 54, has the figure 4 in a circle at the right hand top corner of the page. These notes quite evidently comprise a single set. The notes on the T. U. C. do not quite conclude on the first sheet that is in P 526 (39). Two items appear on the second sheet, viz. Programme for fraction work, and programme of demands for trades in question, and if there could have been any doubt about the sequence of these notes it would be cleared away by the fact that the very next item in Bradley's notes after the resolutions and the reference to a pamphlet on International T. U. Movement by Dange is as follows: "Fraction work.—a program of demands for individual interests and trades." Incidentally it may be noted that item 167 of Bradley's search list which is a sheet of paper exactly like that used by Spratt for P 526 (39) concludes with a few more remarks on the subject of T. U.s and seems to represent the conclusion of that day's discussion as he begins the next day with another folded sheet, item no. 168 of his search list, and his notes start with the heading "Congress Madras" exactly as Spratt's do. Spratt goes on to write, "Fraction of 7 A. I. C. C." and Bradley writes, "Subjects Committee. 7 supports." This was apparently a discussion of the work done and results achieved by the Party members at the Madras meeting of the Indian National Congress. Put shortly the results were that the Congress had associated itself to the League Against Imperialism; the Congress resolution on the war danger accepted the point which the W. P. P. wanted; the resolution in regard to the anniversary of the Russian Revolution had been dropped; that relating to complete independence had been carried in another form; the resolution on the boycott of the Simon Commission had resulted in the Congress dropping Hartal and strikes; the resolution putting forward the programme of mass organisation was dropped, and the one on China was passed in a different form from that in which it was put forward by the W. P. P. Bradley's comment on the whole thing is "Subject Committee work good" and Spratt wrote "Created impression. Open Congress. Spoke for and against. Successful in one point—keeping fees down," a fact which I think I have mentioned already. In further explanation of these notes we have the official report of the Congress, D 182, although I do not think that that was the object with which it was filed. Then we have some notes on the Bombay Provincial Congress Committee and those notes on the Simon Hartal to which I have referred already. They lead on to a more important point put by Spratt in these words: "General decision that capturing Congress is hopeless. We have to be there as critical force. Muzaffar's resolution. No Congress office to be accepted by Party members?" Bradley's summary of the discussion on this point is as follows: "Thought that Congress can not be captured. Should not take office as bearers. Middle class propaganda. C. C. can be used." This discussion of the possibility of capturing Congress may very likely be the result of Dutt's inquiry of the 14th June in P 526 (43) at F. C. 446 to which I have referred earlier, while it will be remembered that the subject of accepting office in the Congress had been mentioned by Muzaffar Ahmad in his letter to Dutt P 2099C (F. C. 417) dated 10th May. Spratt at the end of the discussion on this point had written the word "defeated" but it rather looks as if that word has been intended to be scratched out. In both sets of notes we get another reference to the Independence League about which Spratt writes, "Cooperate as Party: Letter to Jawahar Lal", while Bradley's note is "Party's attitude towards same — Association to League — no socialism — cooperate as a party to I. League." Then follow the notes about the All Parties Conference about which Spratt's note is "Condemn report and W. C. (Working Committee) — stands for Com. Ind. and mass movement and univ. suffrage" to which Bradley adds in brackets "should not be supported Constituent Assembly" followed by the word "slogan" which appears to mean that it had been decided to drop the demand for a Constituent Assembly. After this there follow notes on the All India Congress Committee resolutions which Spratt notes as (1) "condemning Nehru Report and W. C." (2) "sympathising with strikers etc." (3) "P. S. & T. D. Bill". Bradley

O. P. 521.

O. P. 522.

O. P. 523. puts the same thing in slightly different words. There are in evidence, as P 1373 (8) B two of these resolutions in Spratt's own hand which are headed "Resolutions for Calcutta A. I. C. C. 1928 Oct." and a typed copy of the same resolutions was intercepted on 29/9/28 in the post addressed to Muzaffar Ahmad vide P 2037 (3). The last notes on this sheet of Spratt's notes relate to the Calcutta Session of the Congress and are as follows: " (1) Change of creed to Independence, (2) Against war danger, (3) Anti-working class legislation and asking working class and peasants to organise on basis of class struggle and (4) Condemn Bengal Congress Party for attitude on Tenaney Bill." (Note. The word Congress in this resolution is written over Swaraj or vice versa. It is not very easy to say which). Bradley's list of resolutions is: " (1) Constitution (change of goal), (2) War danger, (3) Statement on China, (4) Anti-working class legislation, (5) Mass organisation of working class and peasants & (6) Condemn Congress Party Bill." Bradley's notes of the day seem to end here with a note " Mr. Nimbkar R. S. very retiring nature " a remark which does not appear in Spratt's notes and which for any one who knows Nimbkar accused is rather difficult to understand. These resolutions for the Congress were recovered in the search of the W. P. P. office in Bombay and we get them as P 1373 (8) A in Spratt's handwriting and also as P 1348 (28) a typed copy. They were also intercepted in the post on the way to Muzaffar Ahmad accused and those copies are P 2037 (2). I do not think it is necessary to quote them.

The next sheet of Spratt accused's notes is the one marked (3) which is P 526 (48) and which begins with the words " Peasants' Movement " (which I may note have been omitted in the printed record). Bradley's notes are on the fourth page of the folded sheet on which he was making notes and begin like Spratt's with the words " Peasants' Movement ". Bradley's notes in this connection are in detail and run as follows: " Bengal—not revolutionary—not at all organised. Bombay—if organised it is loose fragments—press necessary. Special study should be made. U. P. good fragments here. Affiliation to T. U. C." Spratt's only notes on the subject are: " Peasants' Movement. Affiliation to T. U. C." Then we come in both Spratt's and Bradley's notes to some notes on Youth Movement. Spratt's notes are as follows: " Reactionary—Class opened—3 men regularly. After strike began collapsed. Nationalism—Nariman etc. Theosophy. Ind. Youth orgn. to be formed. Necessary. Students work of importance." And about this Bradley writes, " Youth Movement Bombay—3. Under influence of Nariman—small group. Bengal—promising group—course." That is the point at which Bradley's notes item 168 of his search list end. Spratt also drew a line across the page here and his next notes are headed " Party " and evidently correspond to Bradley's notes on the back of item 165 of his search list. Spratt's notes on the subject are, as follows: " Party—Indifference on question of recruiting. Associate members passed. Bombay membership 26." Bradley's notes are somewhat unintelligible and run as follows: " Party org: not sufficiently (this word is painfully illegible) to understand. Recruiting membership—Associate members—26." Then both of them go on to some remarks about groups. Bradley's notes on the point are very short and are as follows: " No meeting regular of groups. T. U. good—Youth—C. some." whereas Spratt writes at some length: " Groups Bombay. T. U. worked fairly well mainly textile but also others. T. C. set up. Congress—No. Youth—(apparently meaning a blank). Propaganda—Simon Commission. T. D. Bill etc. Statements and manifesto on T. D. Bill. Roy letters. A. P. Conference. Youth Conf. T. U. C. E. C." Against all the groups that is T. U. Congress, Youth and Propaganda we find a general remark " lack of money." I imagine that Spratt must have put in part of his notes under this head later and indeed the note at the side lack of money certainly conveys that impression. The reason I say, this is that Bradley deals with the subject of propaganda lower down, after a series of notes on the organs of the Party. His notes run as follows: Prop. Bombay. Some meeting—May Day—Simon Com. Lack of F. Party paper K. Paragraphs: A. P. Con. T. D. B. Roy letter. Youth Con: Delhi T. U. C. E." which notes obviously coincide almost exactly with Spratt's notes " lack of money, Statements and manifesto on T. D. Bill etc." These notes show a full discussion of the working of the Party and of the groups which it will be remembered were started at the time of the foundation of the Bombay Party at any rate. From this we come to a very interesting discussion of Party organs. Bradley's notes in this connection are as follows: " Organs. Spark.—K. Restarted 31 June by-weekly 2000. Ganavani loss 1200. Hindi—Lal Nishan. English—(followed by a gap). Iskra Bengal." Spratt's notes in P 526 (48)

are at much greater length : "Organs. Spark—Socialist Paper for but not an official Party organ. Kranti finish 29|10|27. Started again 31|6|28 (bi-weekly). Actually a strike bulletin but also Party policy is dealt with. Self supporting 2 pice—2000 circulation surplus of Rs. 50 p. m. Ganavani started again 14|6|28. Weekly. Price 1 anna—1000-1200. Heavy loss. Iskra Irregular news & propaganda sheet. Free. Lal Nishan Hindi weekly." The names of Spark and Lal Nishan appear in Spratt's notes in square brackets and it is apparent that the reason for this is that neither of these papers was yet in existence. And in this connection I may refer to Muzaffar Ahmad's letter to Tagore P 1865 (1) (F. C. 562) in which Muzaffar Ahmad says, "The publication of a Hindi Weekly entitled the Red Flag has been notified. I do not venture (to bring it out) because I have no money with me. If we had not come to Bombay it was to have come out this week. My visit here has entailed considerable expense. So I do not know if I shall be able to bring it out on my return from here."

O. P. 526.

The last sheet of Spratt's notes is that bearing no. 4 which comes at the end of P 526 (32). It begins with the words A. I. Party. Bradley's notes in this connection begin at the top of the front of item 165 of his search list on the sheet marked P 670, Spratt notes "votes : Bengal Party, Bombay Party, Punjab Party, C. P. and Berar Party, Gorakhpur Union (W. & P., Trichinopoly Party, All unions, All peasants, Rajasthan Seva Dal, Hindustani Seva Dal, Other individuals." Then he notes "Date 20, 21, 22 Dec. President : Sohan Singh. Fraternal delegates—list to be drawn up." Bradley's notes are much shorter. He writes : "A. I. W. P. P. Bombay, Bengal, Punjab, C. P., Gorakhpur U. P., Cawnpore, Trichy. Madras—All T. U.s and Peasants, Left Congress. 20.21.22. Bundelkhand Jhansi." Spratt's note about fraternal delegates was obviously put in where it now appears afterwards, as it appears much lower down in Bradley's notes. Both of them come next to the resolutions. In Bradley's notes these are : "On Org. and Tasks. On League against Imp. aff : Constitution etc. ; Resolution Peasants and Policy and Polit. T. U. All P. Conference. E. of C. C." Spratt's list, which is much cut about, is : "(1) Orgn. plans. Constitution for A. I. Party. (2) Political situation and policy. (3) Peasant (4) Trade Union (needs little change). (5) Affiliation to League Against Imperialism (6) All-Parties Conference (7) Independence League (8) Minor resolutions." Against these resolutions at the side there are 2 notes : "Reports of Provincial Parties" and "Election of E. C." Below these notes Spratt has some notes : "Preparation : Pamphlet on need for A. I. W. P. Party. Who to write ? Dange. Meetings. Propaganda in Calcutta in October. Reception Committee in Bengal hands." Bradley's notes on the same subject are : "Need for A. I. W. P. P. Dange. Frat. delegates. Reports of Parties. Basis of membership." In connection with this pamphlet, for which Dange's name is suggested, I may refer to Muzaffar Ahmad's letter to Ghate dated the 22nd October 1928, P 1654P (I. C. 261), in which he says, "While we had been there (obviously at Bombay), comrade Dange promised to write a manifesto on the role of the Workers' and Peasants' Party. I do not know whether he has done it or not. If he has not drafted it till now no purpose will be served by it. What is about the propaganda for the conference ?" The remainder of Bradley's notes in P 670, namely those in items 166 and 169 of his search list, do not seem to have any reference to this conference. There are however a few more notes of Spratt which are of interest. They run as follows : "Organisation of Party A-1. E. C. representing the constituent parties : Bombay (3), Bengal (3) Punjab (3) others (1) suggested. E. C. meeting quarterly. Seat of E. C. at Calcutta. Finance etc. details to be decided. Money to be arranged. Rs. 1,500 required. Resolutions etc. printed in 5 languages." This last subject of finances is dealt with by Muzaffar Ahmad accused in P 1611P (I. C. 281) dated November the 5th, 1928, addressed to Dange. (Muzaffar Ahmad of course always takes a very profound interest in all matters of money.) In this letter he says that the estimate of the expenses of the conference made at Bombay was an underestimate and he says, "Now we have found that nothing can be done with a sum which will be less than Rs. 2,000."

O. P. 527.

O. P. 528.

After this Conference at Bombay Spratt accused returned to Calcutta, whence on the 27th September he paid a visit to Jamshedpur in company with Shamsul Huda accused. As a matter of fact, I think this is the first occasion on which Shamsul Huda accused appears in the evidence at all. P 2210 (P. W. 103, Sheikh Samir) is the Dak Bungalow Visitors' Book at Jamshedpur, in which there is an entry in Spratt's handwriting, P 2210A, relating to the stay of Spratt and Shamsul Huda accused in the Bungalow from the morning of the 27th September to the morning of the 29th. In the course of this visit to Jamshedpur

Spratt accused made a speech, P 2206, vide the evidence of P. W. 101, Mr. S. P. Varma, who took down shorthand notes and subsequently transcribed them and also the evidence of P. W. 102, Sub Inspector M. M. Chakravarty and his report of Shamsul Huda's speech, P 2207.

Lyallpur Confer- The next event of importance in the history of the Workers' and Peasants' Party is the Conference held by the Punjab W. P. P. at Lyallpur from the 28th September. There is a large number of letters of invitation and other evidence relating to this Conference, and it may be noted that so far as the letters of Sohan Singh Josh accused are concerned, the exhibits are nearly all copies, and there was no particular evidence as to the handwriting, but Sohan Singh Josh accused himself has admitted most of them. I may summarise them quite shortly. 5

(1) P 1608C (I. C. 196) dated 14-7-1928 from Sohan Singh to Dange.

(2) P 2051C (I. C. 197) from Sohan Singh to Muzaffar Ahmad, dated also the 14th July. 15

(3) P 526 (24) (I. C. 198) dated 23rd July 1928 from Majid accused to Muzaffar Ahmad enclosing also a letter to Spratt accused. Only one of these is contained in P 526 (24), but both of them were intercepted together in P 2045C. 15

(4) P 549 (18) (I. C. 201), (see also P 1234), two letters from Sohan Singh Josh dated the 27th July 1928 to Bradley and Spratt. 20

(5) P 2093, (I. C. 238), an original letter from Muzaffar Ahmad to Sohan Singh, dated the 26th September and regretting that owing to a financial crisis he is unable to attend the Lyallpur Conference.

(6) There is a reference in the minutes of the E. C. of the W. P. P. of Bombay relating to the meeting of the 23rd September 1928 that Dange is not to go to Lyallpur, because his going there at this juncture would stand in the way of negotiations. (7). Another letter in this connection is P 2052P, dated the 14th September 1928, from Sohan Singh Josh to Muzaffar Ahmad pressing him earnestly to come to Lyallpur. (8). Lastly P 1393 is a Gurmukhi notice of this Conference, which was to be held on the 28th, 29th and 30th September, which states that "Dange who is a staunch patriot and a well-known Communist and was convicted in the Cawnpore Bolshevik Conspiracy Case, is to be the President", and that "besides him Messrs. P. Spratt, Bradley, Muzaffar Ahmad, Kidarnath Ji Sahgal and others will be present." The notice, of which a copy P 451 was also found at 21 E. A. Lane, is issued over the names of Sohan Singh Josh, General Secretary, Kirti Kisan (Workers' and Peasants' Party) Punjab, and Bhag Singh Canadian, Managing Director, the Kirti Magazine, Amritsar. Actually none of the members of the W. P. P. from Bombay or Bengal were able to attend the Conference and the W. P. P. members present were Sohan Singh Josh, M. A. Majid and Kedar Nath Sahgal. 25 30 35 40

Meerut Conference.

O. P. 530.

The next event of importance and one which has a peculiar interest of its own is the Conference, which took place at Meerut on the 14th, 15th and 16th October. When I say that it has a particular interest, it is because it is the prosecution case that this Conference was the occasion of the formation of the Workers' and Peasants' Party of the U. P. and Delhi, with Mukerji accused as President, Joshi accused as General Secretary and Gauri Shankar accused as Secretary of the Meerut Branch. I discussed the legal aspect of what took place at Meerut at a very early stage in this judgment on pages 12 to 15, where I quoted a number of rulings on which reliance has been placed. I shall at this stage go into the evidence in regard to the Meerut Conference fairly fully, and I do not think that, when I have finished doing that, there will be any doubt remaining as to the jurisdiction of this Court. The defence theory is that there was already in existence in 1928 at Meerut a Mazdur Kisan Sabha, and that this was merely a conference of the existing body at which no new body was formed. As I pointed out before, although it is impossible to doubt that a new party was formed on the occasion of this meeting, that is not really the point at issue, the only real point being whether acts in furtherance of this conspiracy were committed at Meerut or not. 45 50 55

To come now to the facts, it will be remembered that a conference at Meerut was mentioned in one of Spratt's earlier letters, namely P 479 (I. C. 120), in which on the 6th March 1928 he wrote to Muzaffar Ahmad: "There is a Workers' and Peasants' Sangha or something at Meerut. You have probably seen that it has invited Chaman Lal and Jinnah to preside over its conferences. 60

O. P. 531. Why the conferences are separate I don't know." The first exhibits in connection with the October Conference at Meerut are P 131 and P 132 (I. C. 205 and 207), which are two letters from P. C. Joshi accused to his friend Aftab Ali, recovered in Aftab Ali's search, in both of which Joshi accused mentions that a U. P. Workers' and Peasants' Conference will be held at Meerut on the 11th, 12th and 13th of October, at the same time as the Delhi Province Political Conference which is to be held under the presidentship of Jawahar Lal Nehru. Joshi's letter makes it quite clear that it is proposed to use this Conference for the purpose of founding a new party. In P 131 he says: "I wrote to you to come here immediately so that we may go to both (that is, the Conferences at Meerut and Jhansi) 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." In the next paragraph he says: "I am trying my best to get accepted the Bengal Workers' and Peasants' programme and have a permanent organisation." In P 132 he says: "As I wrote to you we should both go and attend these Conferences. We could see the provincial workers, find out what stuff they are and try to have a permanent org. with a policy. 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." Further on he says: "Wherever I go I would try to get accepted your Party programme (Aftab Ali was of course a member of the Bengal Party) and try to form a permanent and active org." These letters appear to have been written some time in September, though as is usually the case with P. C. Joshi accused, they are undated.

O. P. 532. The next documents in connection with this Meerut Conference are P 2197, P 1414, P 2089, P 2088, P 1466, P 1467, P 2196 and P 272 (I. C. pages 242 to 246). P 2197 is a telegram dated the 10th October 1928 (of which P 1414 is the delivery copy) from Gauri Shankar accused to Muzaffar Ahmad in the following terms: "Please come with Spratt 14th. 15th. Oct. Meerut Majdoor Conference wire Expenses." P 2089 and P 2088 are the documents in connection with the despatch of Rs. 35/- by T. M. O. from Gauri Shankar to Muzaffar Ahmad. Similarly P 1466 and P 1467 relate to the despatch of Rs. 20/- by Gauri Shankar on the 11th October to Kedar Nath Sahgal at Lahore. P 2196 is a telegram from Muzaffar Ahmad to Sohan Singh, Kirti office, Amritsar to the following effect: "Spratt myself attending Workers Conference Meerut fourteenth and fifteenth come there if can." Lastly P 272 is a Bengali letter from Muzaffar Ahmad to H. K. Sircar, recovered in Sircar's search in which he says: "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. We shall return as quickly as possible." At the end he says: "The Meerut Conference will meet on the 14th and 15th. We shall return to Calcutta by the 18th." The Conference was actually held at Meerut on the 14th and 15th of October, and I will for the moment pass over the evidence, documentary and otherwise, as to what actually took place and quote a few of the most salient admissions of accused in this case as to what was done at the Conference. P 1619 P (I. C. 249) is a letter dated Meerut the 18th October from P. C. Joshi accused to Dange which opens with the following very direct statement of fact. "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," and he goes on to ask Comrade Dange to write a pamphlet on Bardoli for the new party and also asks for copies of the Bombay Party publications and pamphlets and constitution. Then in P 1116 (I. C. 256) dated the 20th October 1928 Spratt in the fullness of the knowledge acquired during his visit to Meerut wrote to Joglekar as follows:—

"Can you conveniently attend the W. P. Conference to be held at Jhansi on the 27th to 29th of this month? The President (or Chairman) is the President of that Branch of your Union. I should like you to be there if you can, so that you can assist the newly-formed U. P. Workers' and Peasants' Party, and in particular see its Secretary, one P. C. Joshi of Allahabad, who will be there. Jhansi will of course form a branch of the U. P. Party." Then on the 21st October we find Goswami, Secretary of the Reception Committee of the first A. I. W. P. P. Conference in P 1627 P (I. C. 258), sending to the Secy.

W. P. P. of Bombay a copy of a notice to the newspapers in regard to this Conference. In the course of this notice he says that "The object of holding the Conference is to coordinate different W. & P. P.'s; especially (1) W. P. P. of Bengal, (2) W. P. P. of Bombay, (3) W. P. P. of the Punjab, and the newly formed (4) W. P. P. of U. P. and Delhi into a Workers' and Peasants' Party of India." Then on the 22nd of October we find Muzaffar Ahmad writing to Ghate in P 1654 P (I. C. 261) that : "Day before yesterday Spratt and myself returned from Meerut, where we went to attend the Workers' and Peasants' Conference. You will be glad to learn that Workers' and Peasants' Party of U. P. and Delhi has been formed." Now it is easy enough for Spratt accused to suggest that perhaps he misunderstood what was going on, but it is not the smallest use for Muzaffar Ahmad to pretend that he was under any misunderstanding whatsoever as to the proceedings which took place at Meerut and their object and results, and in fact only a week later on the 29th October we find Muzaffar Ahmad in P 317 complaining to Joshi accused that in the report which he gave to the press he had omitted a most important thing, that is the formation of the "Workers' and Peasants' Party of U. P. and Delhi". And these are by no means the only admissions on this subject. We get the same thing in more than one letter to Europe, for example P 2419 P (F. C. 607), in which Spratt accused writing to Page Arnot says at F. C. 610 : "I went also to Meerut, in U. P. recently, where there was held a fairly successful Workers' and Peasants' Conference, and we saw the formal establishment of the Workers' and Peasants' Party of U. P., with branches, I think, at Meerut, Allahabad and Gorakhpur." Another letter to Europe is P 2409P (F. C. 633), dated the 5th November 1928, from Joshi accused to R. P. Dutt, Editor of "The Labour Monthly", in which Joshi writes : "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." In the same letter Joshi claims that "a Young Comrades' League of U. P. and Delhi too has been started with branches at Delhi, Meerut, Jhansi, Allahabad and Gorakhpur." This fact was also mentioned by Joshi accused in a letter P 2069 P, dated the 19th October to Muzaffar Ahmad, in which he says : "I have organised a league of young comrades here (Allahabad) as also at Jhansi and Meerut."

Before I take up the evidence which relates to the actual proceedings at this Conference, it will be useful to consider shortly the political affiliations of those accused, who are particularly associated with the Conference or with the U. P. Party. The accused with whom we are concerned in connection with the U. P. Party are : L. R. Kadam, V. N. Mukherji, Gauri Shankar and P. C. Joshi. So far as P. C. Joshi is concerned, I think that I have already quoted such evidence as there is available in regard to him, namely the letters which he wrote to Aftab Ali before the Conference and the letters which he wrote to Muzaffar Ahmad, Spratt and many others after the Conference. Kadam accused's name does not appear in connection with the actual Conference at Meerut, but he was the person responsible for the Jhansi Conference, which followed only a fortnight later, and which, it will be remembered, was included in P. C. Joshi's programme of work as set forth in P 131 and P 132. The evidence in regard to Kadam accused prior to this Conference is by no means voluminous, but it is decidedly suggestive. On the 28th September 1927 he wrote a letter, P 1350 (1) (I. C. 67), which was subsequently recovered in the search of the Workers' and Peasants' Party office at Bombay, to the Secretary of that Party acknowledging a form of membership of the Bombay W. P. P. and some copies of Kranti. In this letter he says that he cannot afford to pay so large a subscription, but suggests that the subscription be reduced so that everyone may be able to afford it easily and become the member of the Party. "As regards Kranti", he says, "I like it very much but I am unable to subscribe to it." This letter Kadam accused followed up with another letter, P 1350 (8), dated the 9th October 1927, in which he repeated what he had said in the former letter adding a request to be enlisted as an honorary member, and also asking if he could be sent the Kranti free of charge. In addition he forwarded his application for membership duly signed and asked for a copy of the rules of the Party if they had been printed, "as I wish to open a branch here."

The next we hear of Kadam is nearly a year later, when we find him on the 17th September 1928 approaching Jhabwala accused to accept the office of President of the Bundelkhand Peasants' and Workers' Conference, which is to be organised side by side with the U. P. Provincial Political Conference to be held

at Jhansi on the 19th to the 21st October 1928. This letter is written on note-paper at the head of which Kadam describes himself as Municipal Commissioner, Secretary G. I. P. Railwaymen's Union, Workers' and Peasants' Party and District Congress Committee. As this letter was written prior to the Meerut and Jhansi Conferences, the Workers' and Peasants' Party indicated must evidently be something different from that which was inaugurated at Meerut at the Conference in October.

- O. P. 537. Coming to Mukherji accused, who was elected President of the new Party, the first occasion on which he appears in the evidence in this case is at the Cawnpore Session of the A. I. T. U. C. He is not mentioned in Dange's report on that Congress, but he appears in the group photograph taken at Mr. Vidyarthi's tea party, copies of which were found in a number of places. Mukherji's own copy is P 1383. In this photograph there appear the following accused : Mukherji himself, Muzaffar Ahmad, Usmani, Ghate, Majid, Dange, Mirajkar, Goswami, Shibnath Banerji and Kishori Lal Ghosh. Mukherji also got into touch with the Workers' and Peasants' Party, in his case the Bengal W. P. P., as early as the 25th January 1928, when he wrote a letter P 1413 (this is the draft found in Mukherji's possession), intercepted as P 2100C (I. C. 89), to Muzaffar Ahmad, in which he says : " Dear Muzaffar Ahmad—Glad to know that you are going to hold a Workers' and Peasants' Conference on the 3rd and 4th March 1928. 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 3 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." To this letter Muzaffar Ahmad replied on the 9th February 1928 in P 1414 (I. C. 98). In this letter he begins by explaining the delay and then goes on to say : " The proposed A. I. W. P. P. Conference has been postponed till December next. In the meantime we shall elect a provisional committee of the Workers' and Peasants' Party of India." Then after speaking of the W. P. P.'s in Bengal and Bombay and groups in the Punjab he says : " We shall be really very glad if the ' Gorakhpur Kisan and Mazdur Sabha ' will join us." Then he goes on : " 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 copy of those resolutions by the end of March next, by which time our Provincial Annual meetings will be over." Then comes the most important part of the letter : " 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 Muzaffar Ahmad enclosed two documents, P 1414A and P 1414B, of which the former is the Manifesto of the W. P. P. to the Indian National Congress, Madras, 1927, and the latter is a Bengali leaflet entitled " The Programme of the Bengal Peasants' and Workers' Party." On the 22nd February Mukherji as President of the Gorakhpur Kisan and Mazdur Sabha replied in P 2007C (I. C. 116) (see also the draft in Mukherji's possession, P 1415) as follows :—" 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." The two documents, which Mukherji accused had so carefully studied before he gave this reply, should certainly have shown him that the organisation, which he was so ready to join, was by no means a Congress organisation in the ordinary sense of the term. The manifesto P 1414A (P 23) concludes by indicating that the Congress has to be re-formed in the most radical manner, before it can make any real progress. The programme P 1414B is the same document of which there is a translation on the record in Ghosh accused's handwriting, P 2510. The first part consists of a statement of objects and reasons which coincides very closely with what has sometimes been called Mirajkar's " Whereas " document, P 1017, (see also P 807 entitled " Resolution on the need for Workers' and Peasants' Party ", recovered in Thengdi accused's search). The second part consists of a statement of demands and this corresponds closely with the statement of the Party's demands, which is to be found in all the documents named and also in the appendix to " A Call to Action " (page 56), which sets forth the demands formulated in the second Conference of the Peasants' and Workers' Party of Bengal, held on the 27th February 1927,
- O. P. 538.
- O. P. 539.

the Conference which, as I have mentioned earlier, was regarded as practically starting a new party. I do not think that Mukherji could have read the preliminary statement or the demands very carefully without realising that this was not a Congress programme.

Lastly we come to Gauri Shankar, who like Kadam and Mukherji was already associated with some sort of peasants' and workers' organisation, a Mazdur Kisan Sabha rather variously described by the defence witnesses, but certainly an organisation with a certain amount of life in it though probably working in the main under Congress auspices and through Congress members. There is evidence that this Meerut Sabha held some sort of a conference at Garhnukteswar fair in November 1927 and another at the Nauchandi fair at Meerut itself in March 1928, which is no doubt the Conference referred to by Spratt accused in P 479 (I. C. 120). P 188 is a draft letter in Urdu signed by Gauri Shankar as Secretary, recovered in the search of the office of the W. P. P. Meerut. (Vide Search list P 183 and statement of P. W. 124, Mr. Rafiq Ahmad Deputy Superintendent of Police. I must note, however, that this document does not seem to have been included among those which were put to this witness. It was put to D. W. 8, Ram Chandra Sharma, who however did not remember having seen any notice like it. On the other hand it corresponds so closely with the remarks of Spratt accused, which I have mentioned above, that there can be no reason for doubting its genuineness and in addition it is to be noted that it is in effect admitted, as it was put in as a defence document and its translation proved by the defence through P. W. 216 Morid Hussain Urdu translator.) It is a letter to the editor of, presumably, a local paper informing him that a Workers' and Peasants' Conference will be held on the 22nd and 23rd March 1928 on the occasion of the Nauchandi fair Meerut, under the auspices of the Mazdur Kisan Sangh. It goes on to say that "Dewan Chaman Lal has consented to preside over the Labour Conference and Mr. M. A. Jinnah over the Peasants' Conference." P 187, which was duly proved by P. W. 124 to have been recovered in the same search (it was dropped by the prosecution but put in by the defence), is another office copy of a letter addressed to the Editor of the "Bir Hindu", Meerut, asking him to publish the proceedings of the Workers' and Peasants' Conference held on the 23rd and 24th March 1928 on the occasion of the Nauchandi fair. The report runs that "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." This document makes it quite clear, however weak the memory of D. W. 8, Ram Chandra Sharma may be on the point, that Shaukat Usmani presided on the occasion of this Conference. So that it was after coming into contact with Usmani at the end of March that 6 months later Gauri Shankar sent telegrams and money to Sahgal and Muzaffar Ahmad in order to get them to attend this Conference. Now it is important to note that the greatest care has been taken by the defence to keep concealed the true explanation of why these people were invited. Gauri Shankar says on this point in his statement to the Court at page 504 of the statements of the accused: "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 don't know who had sent the telegrams in my name. It was settled in my presence that they should be invited. I don't know why the telegrams were sent in my name." Further on he says: "Owing to my engagement in the Mazdur Kisan Samelin and the Provincial Political Conference I could not take much part in its proceedings at the time of the speeches". All this is obviously a most inadequate explanation of the documents, P 2197, P 2089 and P 1466, to which I have referred earlier. The defence witnesses did not really improve the situation, particularly when, after D. W. 8, Ram Chandra Sharma had named one Thakur Moti Ram as the person who had suggested the names of Muzaffar Ahmad and Spratt as proper persons to be invited to the Conference, this gentleman Thakur Motiram, although summoned and present outside the Court, was not produced. Pandit Indramani Vakil, D. W. 1's explanation was most child-like. He stated that accused Sahgal, Sohan Singh, Muzaffar Ahmad and Majid accused were invited "being known as best workers." This witness however stated that it was not his suggestion to invite any of them, and he disclaimed any knowledge as to who it was who actually did suggest their names. As a matter of fact, it further appears from the evidence of P. W. 173, Sub Inspector Mardan Singh, that

Joglekar and Dange accused were also invited to this Conference. The witness said just at the end of his examination-in-chief : " I remember some announcements being made in the Conference, I think by Sahgal accused, in regard to the absence of Joglekar and Dange. I do not remember if any reason was given." As no question was put to the witness in cross-examination in regard to this statement, we may take it as a fact that some announcement of the kind was made, from which it follows that Joglekar and Dange accused had been invited to or were expected to turn up at the Conference, and hence some explanation of their absence was found necessary.

The most important or perhaps I should rather say the most voluminous speech made at this Conference was that of Sahgal accused, of which we have two versions ; one is the report P 1101 of P. W. 126, P. S. I. Mangal Singh, and the other is P 198 (the same as P 172 and P 1456. The translation is to be found under P 172 T, although actually P 172 has been rejected). This last is a supplement to the " Desh Bhagat " newspaper dated 22nd October 1928, reproducing the Presidential address of Lala Kedarnath Sahgal, President of the W. P. Conference, held at Meerut on the 13th, 14th and 15th October 1928. P 198 was recovered in the search of Gauri Shankar accused's house, vide P 193 and the evidence of P. W. 127, Chaudhri Badan Singh Asstt. Superintendent of Police. There are of course considerable portions of P 198, which do not appear in Sub Inspector Mangal Singh's report, but all the important and material parts of the speech are reproduced in it. In a mass of rubbish the most striking features are the characterisation of modern India as a terrible country and of modern Russia as a wonderful one, coupled with the repeated declarations, " We want complete independence..... We openly say that now we are not prepared even for a minute to live under this bureaucracy..... We have now decided that we will not let this British Government also remain as rulers." Further on he says : " First hear what is it that we want. We want complete independence. We want Labourers' and Peasants' Government ", and from this he goes on to " equal distribution of land " and he says : " Now the object of peasants' and labourers' Government is that mother land should be regarded as the property of the whole nation, and that Republican Government should make arrangements for the nation." Another speech at this Conference reported by Sub Inspector Mangal Singh is that of Majid accused, P 1087, which contains a long series of complaints about conspiracy cases. (For some unknown reason the translator of this speech consistently used ' sedition ' instead of ' conspiracy ' as a translation for the Urdu word ' Sazish '.) From this he went on to the usual recital of the marvels of life in Russia since the revolution. The speech ends with an attack on religion. Another speech at this Conference was that delivered by Spratt accused on the 14th October, of which P 1457 is a report prepared by Sub Inspector Mardan Singh, P. W. 173, and in the course of which he criticised the demands put forward by the leaders at Bardoli on behalf of the peasants. Spratt said that he believed that on occasions like that of Bardoli they should put forward demands of fundamental requirements of the people, even if it were rightly apprehended that those demands would not be granted by the Government, because they were in movements for the independence of the country, and he added : " Defeats in such movements are valuable, because they serve for the preparation, training and education for the future propaganda and solidarity, which should work out to acquire those fundamental requirements." He criticised the importance attached at Bardoli to the non-violence principle. In this connection he speaks of " we Communists ". He went on to say that the Bardoli movement had opened the possibility of ' mass action ' by peasants, and he recommended such mass action in future, if the reassessment in the Meerut District should result in any disadvantages to the peasants. Incidentally it may be noted that Spratt accused kept some notes of or made some notes for this Conference, which were subsequently recovered in the search of the W. P. P. office in Calcutta and are in evidence as P 549 (16). They are headed " Meerut W. & P. Conference " and contain nine items (1) Nehru Report. (2) Demands (economic). (3) Social Demand. Communal. Educ. Sanitation. Child Welf. Housing. Women. Food Supply. (4) Peasants of U. P. against (?) 1929 Land assessment. (5) Next War. (6) Condemnation of Sw. P. for office, Levees etc. (7) Cong. (i.e. congratulations) to peasants of Bardoli (not leaders). (8) Formation of W. & P. Party. (9) Direct and indirect taxation.

These notes show an appreciation of what took place at the Conference much too accurate to allow the smallest weight to be attached to Spratt's

suggestions that he did not really know what was going on because he did not understand the language.

- O. P. 546. P 1088 is a translation of a resolution moved by Majid accused at the Workers' and Peasants' Conference Meerut on the 15th October of which notes were taken in shorthand at the time by P. W. 126, S. I. Mangal Singh Tewari who subsequently transcribed them. P 1090 is a similar report of a resolution moved by Sohan Singh Josh with his speech attached, and P 1091 is another report of the same kind of a resolution moved by Muzaffar Ahmad and of a speech by him. There is a remarkable contrast between these speeches and resolutions and what are apparently the draft resolutions for the Conference, P 186, for which see the Hindi translations. These draft resolutions relate to District Board taxation, the temporary abandonment of villages during range firing, war danger, the Bardoli Movement, the sale of municipal rubbish to owners of brick kilns instead of cultivators, the formation of village panchayats and the like, China's fight for freedom, war danger, Simon Commission and satta gambling. These resolutions were recovered from the office of the W. P. P. Meerut. Another set of resolutions partly coinciding with them was recovered from Gauri Shankar's house and is P 208. P 348 is a similar set of resolutions recovered from the possession of P. C. Joshi accused. All these resolutions were of course in Hindi and a translation of them will be found in P 175 T. Now in P 208 (and P 348) we get a large number of resolutions which do not appear in P 186, and the key to most of them is to be found in P 1088 and P 1090. The social resolutions which appear on the last page of P 175T are all to be found in Majid's resolution P 1088, at the end of which however there appears a further important resolution namely that "this conference requests the All India Mazdur Kisan Sangh (A. I. W. P. P.) to propose a strong organisation of the peasants in India, the object of which should be to try to secure reduction in the land revenue so that the present day peasants may be able to escape starvation and diseases." Then the resolutions described as "monetary resolutions" in P 208 (P 175T) appear for the most part in Sohan Singh Josh's resolution P 1090 (and also of course in the appendix to "A Call to Action"). There is one other resolution in P 208 which is also of interest namely the one on political prisoners, and it may be noted that this also appears in some sheets of notes of resolutions etc. found with P. C. Joshi at the time of his search which are in evidence as P 322. I may also note that a careful comparison of the monetary resolutions in P 208 with those in the appendix to "A Call to Action" makes it quite clear that these 'monetary resolutions' or 'economic demands' came direct from the Bengal programme, as indeed we should expect from what Joshi accused had said in his letters to Aftab Ali, P 131 and P 132.
- The most interesting resolution almost of whole series however is that moved by Muzaffar Ahmad in P 1091T. It runs as follows: "This Conference directs the Subjects Committee to form a strong U. P. Mazdur Kisan Dal, Delhi also be included in it. This Conference recommends to the Akhil Bharti Mazdur wa Kisan Sangh (All India Peasants and Workers' Association) which shall form the U. P. Dal, to send these members as representatives to the Calcutta Congress. It vests in these representatives the power to enlist other members. Names of members: Dr. B. N. Mukerji of Gorakhpur, Puran Chand Joshi M.A. of Allahabad, Gauri Shankar, Worker of Meerut, Balwant Singh, Feroz Din Mansur." It may be noted also that Muzaffar Ahmad concluded his speech with the remark: "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." Now there is certainly no doubt that even standing by itself the evidence of the report P 1091 coupled with the evidence of S. I. Mangal Singh, P. W. 126, would be a conclusive proof that a resolution in these terms was actually moved and, in view of the action subsequently taken, presumably passed. It does not appear to me that the statement of the witness was in any way weakened by cross-examination and in fact there has not really been any direct cross-examination in regard to P 1091. Moreover there is very good corroboration for P 1091 in the same notes recovered from the possession of P. C. Joshi, P 322. (P. W. 131 S. I. Abdul Hadi, whom I may note was not cross-examined at all, such cross-examination as was made in respect of Joshi's search being only of the search witness P. W. 132, Bishambar Nath.) In these notes we find on sheet no. 3 two resolutions: (1) This Conference directs the Subjects Committee to establish one more U. P. Workers' and Peasants' Party. Delhi would form 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) Bishwa Nath Mukerji. (2) Puran Chandra Joshi. (3) Gauri Shankar. (4) Balwant Singh. (5) Feroz Din Mansur. In the same exhibit we find another sheet of paper, page 7, which has on it notes of resolutions with names of movers and seconders, and among these resolutions we find a good many of those which are in Spratt's list. These notes also included copies of the monetary and social resolutions in P 208 (P 175T) and also on page 13 a copy of the last resolution moved by Majid in P 1088. Thus none of these pieces of evidence stands by itself. In every case there is corroboration, and we are left with the position that at the Meerut Conference there were moved resolutions putting forward, as Joshi had stated his intention to do, the Bengal Programme and along with these a resolution for the formation of the New Party of the U. P.

But the matter does not end here. P 431 consists of 15 copies of the Krantikari, recovered in the search of the house of one K. G. Sharma and the press and office of the Krantikari newspaper at Jhansi. The newspaper Krantikari describes itself as the chief national organ of the U. P. Workers' and Peasants' Party. Its first number, dated November 17, 1928, gives a statement of its objects, raises the standard of revolution and contains an indictment of religion, capitalists and soldiers and a declaration of love for workers and peasants alone. It also contains a notice of the proposed First Conference of the A. I. W. P. P. to be held at Calcutta on the 21st December next. The second number, dated November 24, 1928, contains an account of the formation of the U. P. Delhi Workers' and Peasants' Party, and as the Krantikari claims to be the chief organ of that Party this report may be taken as to that extent authoritative. It mentions that "in the Workers and Peasants Conference Meerut there came comrade Spratt and Muzaffar Ahmad from Bengal and comrades Sohab Josh, Kedar Nath Sahgal and Abdul Majid from the Punjab", and, the report goes on, "with the consent of the local brethren as well as these the Provincial Party was formed. The following were elected office-bearers : President Dr. Bishwa Nath Mukerji, Gorakhpur, Vice President Dharamveer Singh (discharged by the Committing Magistrate), Secretary Puran Chandra Joshi 34 Holland Hall Allahabad. The following branches have already been opened : Delhi Branch, Secretary Feroz Din Mansur, Meerut Branch, Secretary Gauri Shankar, Jhansi Branch, Secretary Krishna Gopal Sharma, Gorakhpur Branch, Secretary Bishwa Nath Mukerji." A few lines lower down the report says, "The U. P. Party has for other matters at present accepted the rules and regulations of the Bengal Party. The new rules will be framed at the All India Workers' and Peasants' Conference at Calcutta in December next." The report proceeds to state the object and method of the Party. Then it reproduces the resolution that we have in P 208 (P 175T), and goes on to add a list of tracts which it has been decided should be written for the popularisation of the resolutions. This report is over the name of Puran Chandra Joshi 34 Holland Hall Allahabad. We get further allusions to these tracts in correspondence between P. C. Joshi and the persons who were to write them. For instance in P 2069P (I. C. 253) (the enclosure P 526 (8)) we find Joshi thanking Spratt for the welcome tract and in P 1621P (I. C. 277) on the 4th November asking Dange if he has been able to write a pamphlet on Bardoli. Again in P 1620P (I. C. 282) on the 6th November he writes to C. G. Shah c/o Workers' and Peasants' Party Bombay for a pamphlet on the workers' and peasants' swaraj. Both Dange and Shah are mentioned in the Krantikari report as selected to write the pamphlets for which Joshi asks them in these letters. Another and more illuminating case of a demand by Joshi for pamphlets is P 526 (6) a letter to Spratt apparently dated about December which begins as follows : "This is again to remind you of the two pamphlets ! They can very safely be of 32 pp., size the same as A Call to Action. It is a pity Dange has not yet acknowledged my letter nor whether he would write the pamphlet on Bardoli." In the light of this letter it amazes me that Spratt accused could have the courage to suggest that he did not understand what was going on at Meerut. And the absurdity of his contention is enhanced by his own remark in P 2147 (I. C. 292) to Sohan Singh Josh on the 23rd November 1928, where he says after apologising for not sending a promised article for the Kirti : "I am therefore sending a copy of a thing I wrote as a pamphlet for the U. P. comrades which they propose to issue in Hindi." In addition to all this there is a whole series of letters in connection with the working of the U. P. Party mostly emanating from P. C. Joshi, to which I shall come in due course and which it is unnecessary to mention at this stage. It all of course serves to confirm the conclusion that whatever organisation existed

previously at Meerut this Conference was used for the formation of a new Workers' and Peasants' Party of the U. P. And if this was not what the persons who took part in it thought to have been its result, one wonders why they wrote the letters which I quoted earlier and why in the possession of P. C. Joshi accused there were found such things as P 310, the pad of correspondence forms headed "U. P. Delhi Workers' and Peasants' Party, Allahabad, weekly organ Krantikari (Hindi) (Jhansi)" with the names of the President Mukerji, Vice President Dharamveer Singh and Secretary Puran Chandra Joshi, and Hindi enrolment forms relating to the W. P. P. U. P. and Delhi (P 331) and receipt books for the subscribers to the W. P. P. U. P. and Delhi (P 333), and why Gauri Shankar, who claims to have been interested in his Kisan Mazdur Sabha only as a Congress activity, had in his possession a book of receipts for subscriptions and donations, to the First All India W. P. P. Conference Calcutta, the first eight of the receipts in which were already signed by Muzaffar Ahmad accused. Spratt accused sought to escape from the dilemma of his own admissions by casting a kind of cloud over them. He says at page 407 of the statements of the accused, "I attended a Conference at Meerut in October or so in 1928 and I spoke at two sessions of the Delhi Provincial Political Conference and attended some meetings of the Workers' and Peasants' Conference." The distinction between his accurate remembrance in regard to the sessions of the Political Conference and his vague ideas about the meetings of the W. P. P. Conference may be noted. He goes on "The prosecution has depended on P 549 (16) and P 2419 to show that the W. P. P. of U. P. was formed at the Meerut Conference." To put it mildly this is a most disingenuous remark. No one knows better than Spratt accused that P 549 (16) and P 2419 are only a minute fraction of the evidence in regard to the formation of the U. P. W. P. P. at the Meerut Conference. Then he says, "I do not remember definitely now. It may have been my impression at that time. But I would point out that as I did not know the language I could have had only a very vague idea of the proceedings." I can only say that it is rather odd that Spratt accused does not lay much stress on his vague understanding of any proceedings except those of the Meerut Conference.

O. P. 552.

Muzaffar Ahmad accused at page 494 of the statements of the accused deliberately evaded the whole question. All he said was "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 misreported. The reporter who took down the speech knew everything but reporting." This statement appears to be based on the well worn principle of attacking the other side's attorney.

Then there is Sohan Singh Josh accused, who always makes a great point of being very downright and straightforward. His explanation at page 312 of the statements of accused is: "I attended the Meerut Conference of the workers and peasants on being invited by the Mazdur Sangh:..... I moved the resolution on the abolition of landlordism Ex : P 1090T in the Conference. I delivered a speech also in placing the resolution before the Conference." Then he spends some time in criticising the report but concludes with the remark: "There are many other misrepresentations also, but I am not going to bother my head about them. The report fairly well represents my views and that will I think serve the purpose of the Court as well as the prosecution." It certainly serves the purpose of the Court very well, as satisfying the Court that on the whole it is entitled to rely on the reporting work done by S. I. Mangal Singh. Then he goes on, "It is not to my knowledge that any Workers' and Peasants' Party was formed at Meerut. I do not know anything about the paper Krantikari P 431 except that I heard its name when I was outside." I fear this statement is not as straightforward as it might be.

O. P. 553.

Majid accused's statement is also feeble when he comes to the real question at issue. He says at page 513 of the statements of accused: "In October 1928 I not only attended the meeting of the Meerut Workers' and 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 (that I think is strictly speaking correct), nor do I remember if at that meeting any foundation of the Workers' and Peasants' Party was laid." In that case it can only be said that his memory is most defective.

Gauri Shankar accused devotes a good deal of his statement to the organisations in which he took a leading part prior to the Meerut Conference. I have

already quoted the passage in which he pretends ignorance of what actually took place in the proceedings of the Conference. His statement about what happened afterwards, though no doubt coloured by the line of defence which he was taking up, casts some light on the Conference itself. He says, "Some time after the Conference some forms of membership (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 had no information of the condition of the peasants, but through the 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." All of which goes to imply quite clearly that after the Conference an attempt was made by P. C. Joshi and Muzaffar Ahmad to guide Gauri Shankar as if he were the Secretary of a local branch of a Provincial Party, which is exactly what the documents on the record suggest. I do not of course necessarily accept Gauri Shankar's view of his attitude to his mentors.

O. P. 554.

Sahgal accused at page 1524 of the statements of the accused 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 did I sign any such resolution in token of being carried out." Further on he says, " I am not the writer of the document (P 431) (that is Krantikari). But this much I can say with perfect certainty that no decision to the effect that tracts of any description should be written was arrived at in the meeting presided over by me. I can only say so much with regard to it. I do not know anything more." Well, there is a good deal more in the Krantikari report about which it can only be said that Sahgal accused's ignorance is somewhat surprising.

O. P. 555.

Lastly we come to the statement of P. C. Joshi accused at page 226 of the statements of the accused. He answers the first question put to him in a paragraph for whose straightforwardness he deserves congratulations, which is more than can be said for the rest of his statement. In this paragraph he says, " I was Secretary of the Workers' and Peasants' Party of U. P." (that Party which the defence for a long time sought to argue never came into existence at all) " and the member of the National Executive Committee of the All India Workers' and Peasants' Party. In briefest terms the aim of the Workers' and Peasants' Party was the achievement of independence from British Imperialism through a revolution for the establishment of a Workers' and Peasants' Republic. A Call to Action and the theses, for example, Trade Union Movement, Political Resolution, W. P. P. principles and policy, which were passed by the A. I. W. P. P. Conference, are the authoritative expositions of our programme and methods of work." Than this statement nothing could have been more straightforward.

It appears to me that all these letters, resolutions, speeches and statements leave no room for even the very faintest shadow of doubt that the Workers' and Peasants' Conference at Meerut was utilised by the leading members of the Workers' and Peasants' Parties to preach the doctrines of those Parties and to found a new Party to spread the gospel in the United Provinces.

O. P. 556.

On the 16th October 1928 Spratt accused made a speech at a public meeting at Meerut, P 1459, in which he began by stating that " he belonged to that section of the working class of Europe and particularly of Britain which was turning in a revolutionary direction." Further on he said that " his Party had its headquarters in Moscow as it was only Russia which had so far obtained complete success in the struggle, while countries such as China and Germany were only attempting in that direction." He then proceeded to trace the history of socialistic, bolshevik and communist theories and to describe the works of Marx, Lenin etc. Then he went on to preach strikes and later on to deplore the non-violence principle which he said was stupidly preached in India. Next he came to the war danger, aimed of course at Russia, alleging that armies were being prepared on the frontier of India for the crushing of Russia. He talked in the usual laudatory terms about the Russian Revolution, and quoting the instance of Russia he said that he believed that Communists were justified in their revolutionary methods. He also held that " if they succeeded in overthrowing the British rule in India they (Communists) would have acquired a great success because the freedom of India would mean an end of the British Empire ", which I take to have been an admission in the boldest terms that the object of the Communists was

to overthrow the British rule in India, that is to deprive the King of his sovereignty of British India.

Very soon after his return to Calcutta from Meerut we find Spratt accused on the 23rd October 1928 writing to Page Arnot in P 2419P (F. C. 607) and giving him a summary of the position and the work done at this time. In this letter, after a reference to Khardikar, Spratt says, "Since then (March) I have been in Bengal almost all the time. I am sorry I missed the Bombay textile strike, which seems to have been a very instructive affair. But there was plenty to do here, where I took a more or less active part in about five strikes." Before going any further I think I should note that when Spratt says that he has taken an active part in some five strikes there are really only two alternatives in regard to the objects with which he could have taken part in them, remembering that he is not a worker himself. He might either have taken part as a labour organiser working for the T. U. C. or he might have taken part as an organiser working for the propagation of Communism, that is as representing the Left Wing or Communist Wing. He was certainly never at any time taking part as an ordinary labour organiser for the A. I. T. U. C. and in fact it is his own claim that he took part as an organiser of revolution and not of negotiation. That of course does not mean that revolution was to be aimed at as an immediate end. The whole theory of mass organisation involves thorough preparation before the mass organisation can begin to move. That does not however render it any the less dangerous. In fact if it were a sound defence to say that persons engaged in organising a mass movement can not be interfered with until such time as, all their preparations having been made, the mass movement becomes an acute danger to the body politic, then it would be almost impossible to meet such a movement effectively by the ordinary processes of law. It is no doubt a fact that in the ordinary way preparation for the commission of an offence is not punishable except in a case which falls under section 122 I. P. C., but where preparation involves 'conspiracy' as in a case under section 121-A the distinction between attempt and preparation really disappears. In effect you can not attempt to commit a conspiracy nor can you prepare to do such a thing. Participation in a conspiracy under section 121-A is in fact a form of preparation which, like the preparation described in Section 122 I. P. C., is punishable under the law.

Spratt accused in the course of this letter discusses the part taken by the Bengal Party in the Lillooah Strike, the Second Calcutta Scavengers' strike, the Bauria Jute Mills Strike, and in connection with the troubles at Jamshedpur. At F. C. 679 he mentions his visit to Bombay where he says he went six weeks or so ago i.e., as we know, from 6th September. In the Bombay Textile Strike he says he found an improvement "in the shape of a number of workers taking an active and intelligent part in leading the day-to-day activities, making what I was told were very good speeches and so on. But even there the actual conduct of the strike was left largely to the outsiders," that is to say to the members of the W. P. P. From this Spratt goes on to mention his recent visits to Eastern Bengal on the one hand and Meerut on the other. Other subjects discussed are : Congress and Independence League, Varga's theory of a change of British policy in regard to the industrialisation of India, research work, Joe's "Orm Massel" telegram and lastly his lack of money, about which he writes (and it should not be forgotten that this letter is addressed to the Director of Research of the L. R. D.) "Can you manage that the cash shall come rather more regularly ? I have been in a very awkward position for some weeks owing to the lack of money." Surely this is a passage which requires more explanation than Spratt accused has offered for it. At almost exactly the same time, on the 26th October 1928, we find Bradley accused also sending home a report of the situation. This is P 2412P (F. C. 616), addressed to Mr. Potter Wilson, W. W. L. I., 162 Buckingham Palace Road. This letter shows Bradley carrying out to the best of his ability the suggestion which I mentioned earlier that he should follow the example of Donald Campbell, that is by devoting himself to T. U. work. In it he says that he has been very busy with the textile strike and also travelling on the G. I. P. and B. B. C. I. Railways organising railway workers, and hence has not had time before this to write in regard to the termination of the Textile Strike in Bombay. As regards his having been busy a reference to Bradley's diary P 645 entirely confirms the truth of that statement. He goes on to point out that the settlement was unavoidable and says further "our position is still as strong now with the workers as it was during the strike", and this in spite of the fact that "it was not a good settlement for the

O. P. 559. workers." For that reason the slogans now are that the settlement is only a truce and that preparations must be made for next May. Then he says : " The Union is organising the workers round a definite programme of demands ", a remark which is quite typical of Communist methods. Lastly he refers to the meeting of the A. I. Railwaymen's Federation at Simla and the proposed meetings of the A. I. T. U. C. and A. I. R. F. at Jharia which he hopes to attend as a delegate of the G. I. P. Railwaymen's Union. He also speaks of deputations which are to wait on the Agents of the G. I. P. and B. B. C. I. Railways and which he hopes to attend.

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Turning back to Bengal we find Spratt accused again active at the end of the month, vide P 548 (10) recovered in the search of the Bengal W. P. P., in which is included a notice of a meeting on 28th October of Calcutta dockmen, over the signatures of Spratt, Muzaffar Ahmad, Goswami, Shamsul Huda and Abdul Razaq of the Bengal Peasants' and Workers' Party. Here again we get this favourite method of stating for the workers what the rights are which it is their duty to claim from their employers. It has always to be realised that it can not be expected that the workers will know for themselves what their demands are to be. These must be formulated for them by the outsiders. Once the workers have grasped what wonderful things they are entitled to, then they become good material ready to be moulded as the Communist agitator wants them.

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RYAN.

At the beginning of November we come across a new figure, Jack, that is Jack Ryan who came to India in the hope of getting the affiliation of the A. I. T. U. C. to the P. P. T. U. S. The relevant exhibit is a letter P 1806P (F. C. 630) dated 1st November 1928. This is a letter from Ryan, whose writing in it tallies with the writing on P 1328, a piece of paper recovered in Ghate's search bearing the address J. Ryan, Labour Research and Information Bureau, Trade Hall, Goulbourn Street, Sydney, Australia and with that, in P 1506, a receipt given by Ryan to Thos. Cook & Sons, Bankers, for a sum of Rs. 650 sent to him by a telegraphic transfer from Sydney, Australia. He is writing to a Miss A. McConville at Sydney whom he addressed as " Dear Al." He begins by mentioning that the Congress has been postponed until about the 22nd of December so that his arrival was actually a month too early. Then we get a mention of Bradley though of course he is not named. We are told that Bradley is short of money because the C. I. D. is holding it up. He goes on to explain his own position which has not been improved by his helping Bradley. Next he says, " I am going to Calcutta next week. There is an Englishman named Spratt at Calcutta, he may be able to assist me. I have also read a notice in the paper to the effect that an American named Johnstone has landed at Calcutta to attend the Congress." This of course was J. W. Johnstone who came to India as a delegate of the L. A. I. to the A. I. T. U. C. and whose arrest resulted in the A. I. T. U. C. agreeing to affiliate to the L. A. I. Ryan then goes on to his own particular job and says, " Regarding the P. P. (that must of course be the Pan-Pacific) the position here appears to be decidedly unfavourable." In the next paragraph he says, " I was received rather coldly by Joshi and Bakhale." As of course Joshi and Bakhale fully realised that Ryan as a representative of the P. P. T. U. S. represented the Red influence in the Trade Unions and regarded them as reactionaries and reformists, this cold reception is not perhaps very surprising. In the same paragraph also he says, " Affil. to R. I. L. U. is also on the agenda." This ' agenda ' appears to be the agenda paper of the Municipal Employees' Union of Bombay mentioned in the preceding sentence.

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O. P. 560.

Johnstone of the L. A. I. also arrived in India rather too early for the Congress and we find him mentioned by D. W. 27 P. C. Bose writing to Ghosh accused in P 84 dated 25th November 1928 a letter recovered from Ghosh accused's possession.

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O. P. 561.

About this time, that is the beginning of November, we also hear once more of the activities of Gopal Basak accused. This is in P. 470 (I. C. 269) which includes two letters from Basak to Goswami, Labour Secretary of the W. P. P. of Bengal, dated 22nd October 1928 and 1st November. As usual he complains of getting no reply to his letters, and as usual he presses Goswami to come to Dacca for organising work with both Chakravarty's, Kali Babu and Spratt.

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To go back a little, on the 28th and 29th October there had been held at Jhansi the Bundelkhand Peasants and Workers' Conference organised by Kadam accused. The first document in this connection is a letter, P. 1629 P, (I. C. 230), from Kadam as Secretary of the Reception Committee, Workers' and Peasants' Conference, to Jhabwala accused, asking him to accept office as President of this

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Conference. P. 1630 P (I. C. 235) is another letter from Kadam to Jhabwala to somewhat the same effect and further asking Jhabwala to send a copy of his Presidential address as early as possible, so that it may be translated and published in Vernacular. On the 17th October Kadam accused wrote to Muzaffar Ahmad in P. 289, intercepted and photographed as P. 2073 P, (I. C. 251), asking him to grace the occasion of this Conference with his presence. P. 1631 P. (I. C. 252) is a similar letter to Mirajkar accused. Another letter in connection with this Conference is Spratt's letter of the 20th October to Joglekar, P. 1116 (I. C. 256), to which I have referred already. The evidence in regard to the Conference itself consists of the statement of P. W. 126, P. S. I. Mangal Singh Tewari, who took shorthand notes of Jhabwala accused's presidential speech and prepared the transcription, P. 1093. There are also on the record, recovered in the searches of Kadam (P. 1092), Joshi (P. 329) and Jhabwala (P. 878), copies of the Presidential address of Jhabwala accused, as drafted by him and sent to Jhansi before the Conference. This address is more important really in connection with the individual cases of Jhabwala and Kadam accused, but I may quote just a few passages to show the kind of thing. We get, for example, in P. 292 an allusion of the usual kind to the war danger, and in this connection Jhabwala says : " Therefore they (the workers' and peasants' community) must aim at organisation of the Soviet Republics for a practical and scientific emancipation of the world and for socialist reconstruction of society." Then he alludes to the necessity of following the example of the marvellous achievements of Russia and points to the good work done by Indian workers, namely the Bombay Textile workers, " with only a crumb of Russia help to back them up," and in this connection he goes on to say : " 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." Going on further he has a good deal to say about the organisation of workers and peasants, and particularly the necessity for a Central All India Party of peasants and workers. Then in the portion entitled " Final word " he says : " We are maligned as Communists, extremists, revolutionaries, etc. I do not hesitate to cheerfully subscribe to all these attributes rolled into one." And if it be considered that this is capable of being misunderstood, I may refer to the final passage of his address, in which he refers to a Soviet Raj as the ultimate objective, for which the speaker is presumably working. The passage is as follows :

" Having evolved a national guarantee we may have a wider outlook in 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 a European and Asiatic interest. In these International connections India is bound to emerge a most successful and competent revolutionary help in the establishment of a happy millennium of Soviet Raj in the world." Of course anyone, who knows Jhabwala accused, would hardly need to be told that when he came to give his address his tongue ran away with him at once. What was worse was that on this occasion he tried to speak in Hindustani. In the course of the address he gave a wonderful description of the revolution in Russia concluding with the following passage :

" Brethren—the means of your liberation consists in the example set by Russia. Do the same today. Make your own organisations. Let all join them. Organise yourselves and unite. This is the way and there is no other path." He goes on to say that though he is a Congress man still he is busy himself with mass organisation and with starting Unions. Later on he comes back to this subject in the following passage : " I have spoken to you just now about organisation—mass organisation. Start peasants' unions, workers' unions and labourers' unions. We have no national fund today nor any other fund to help those who work for this. 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," and later on he urges that the Congress should this time " belong to the masses ". This Conference according to the evidence was held in the same Pandal as the political Conference. P. 1094 is a note prepared by P. W. 126, P. S. I. Mangal Singh, of some mottos or texts, which were hung up in the Pandal. One of these is an extract from Tolstoy and two are extracts from the writings of Karl Marx, while the other three are equally non-Congress in tone.

So much for the Conference itself. As to what was achieved by it, I may refer to the subsequent correspondence. On the 2nd to the 5th of November we

get a number of interesting letters from P. C. Joshi accused. The first of these is P. 1875 P. (I. C. 271) dated 2nd November to Feroze Din Mansur in which Joshi spreads himself a bit about the progress of the U. P. Party at Jhansi. He says : " At Jhansi I made up for all this (disappointment with Hari Har Nath Shastri at Cawnpore). They have affiliated their org. with the Party. They are 3 absolutely sincere wholtime workers though not very intellectual and have in their hands a Railway Union with 5,000 members. What is more they have started a Hindi weekly Krantikari for Jhansi, that will be the Party organ."

O. P. 565. He goes on to ask Mansur for an article and asks him to treat the request as urgent. Then there is a mention of the League of Young Comrades of U. P. and Delhi which, he says, " is not a body of Party men but a recruiting ground for future Party workers." On the same date Joshi wrote to Gauri Shankar in P. 209 (I. C. 274). In this also he enlarges on the success achieved at Jhansi. He also informs Gauri Shankar that Dr. Mukherji has accepted the Presidentship, and later that he (Joshi) is going to make a Party of all the study circles to be called the " League of Young Comrades ". Then on the 4th we get his letter to Dange in which after pressing Dange to write the pamphlet on Bardoli he says, " You will be glad to learn that a 16 page Hindi Weekly Krantikari will be published from Jhansi. It will be our official organ, the first number being out in a day or two." He asks Dange to contribute to the Krantikari and to ask other comrades there (that is at Bombay) to do the same. The articles, which will be got translated at Jhansi, should be highly popular expositions of ideas and strategy." On the 5th November we get another letter from Joshi accused this time addressed to R. P. Dutt, Editor of the Labour Monthly, P. 2409 P. (F. C. 633). This letter, to which I have referred before, is full of information and optimism. It mentions the new Party with its branches at Delhi, Meerut, Gorakhpur, Jhansi and Allahabad, the new Young Comrades' League, the publication of tracts, the starting of the Krantikari and the need for books. In the course of this letter he asks for permission and authority to translate Dutt's publications and the publications of the Labour Research House. The last sentence of all deserves to be quoted word for word : In it he says : " I am writing to comrade Spratt to write to you about my credentials." It may be noted that in the list of tracts in this letter Joshi actually names the tract " The Role of Labour " which we already know from P. 2147 (I. C. 292) to have been written by Spratt for the U. P. comrades. There is a special interest in this letter as showing the way in which the new recruit to the movement at once proceeds to get into touch with the European end of the movement and to seek assistance from it, and takes steps to get himself vouched for by the representative of the European end of the movement in India whom he knows to be best known to R. P. Dutt.

O. P. 566. Early in November Spratt and Goswami accused went to Malda where there was held a District Youth Convention. P. 546 (3) recovered in the search at 2|1 E. A. Lane is a notice and programme of the Malda District Youth Convention to be held on the 7th and 8th November 1928. At this Convention Spratt accused made a speech on the 7th November, of which P. 1915 (V a. 309) is a full report (P. W. 59, B. N. Chatterji, Shorthand reporter). In the course of this speech Spratt says that in his opinion a political turning point has been reached, and that some recent events show a change from the old movement, which was essentially a bourgeois or upper class movement, into a mass movement. Then he goes on to preach the general gospel of historical materialism, and endeavours to demonstrate that capitalism has now developed to the stage of Imperialism, which is in a state of collapse or at any rate of decline in many places, and in which a crisis has been reached. In subject countries what results is a double conflict between the Imperialist power and the subject power, and between the oppressed classes within the subject power and their ruling classes. Then he goes on to quote the example of China, and from that to suggest that the same sort of thing is really the cause of the present unrest in India. There also he suggests that a mass movement is developing, but along with it there is developing the conflict between the ruling classes in India and the masses. He alludes to the proposal, which he attributes to Lala Lajpat Rai, to organise the masses for the purpose of revolution, but suggests that in his own view the only healthy movement for India would be a movement from below, that is revolution for the masses and not the masses for revolution, and as an indication of the development of the movement from below he alludes to the workers' demonstrations in Bombay on the occasion of the arrival of the Simon Commission on the 3rd February 1928.

O. P. 567:

But he concludes that the time is not yet ripe for the establishment of a Socialist state. Then there is a paragraph which is worth quoting in full. He says : " After all we want to establish socialism, we have to work for the revolution of the working class, for the purpose of its dictatorship. Though I think it is a physical impossibility, we have, however, to encourage the movement of the masses in whatever way it may develop in its revolutionary tendency for the purpose, primarily, of overthrowing British Imperialism. That is all we need worry about. At present we need not specify whether it is going to be a socialist movement or any other movement, a revolutionary movement of the masses for its own purposes. It may be put in another way by contrasting the two slogans of these two different classes, " Revolution for the masses " and " Masses for the revolution ". " Spratt's point in fact is that the essential thing to aim at is a revolutionary movement among the masses, of which the immediate purpose is the overthrow of British Imperialism, and such a revolutionary movement must be a movement growing up from below and not one sought to be organised from on top. The next speech in evidence at this Convention is that of Dharni Goswami, which is reported in P 1892 T. (V a 305) (P. W. 87, S. N. Bhattacharya, Bengali Shorthand reporter). In this speech Goswami claims that he and Spratt are students of the same school. He suggests that he and Spratt have been invited as representatives of the W. P. P. of Bengal. Then he goes on to give some explanation of Spratt's speech and to emphasise the point that a real national movement must spring up from below, that is from the masses, otherwise it will do no good. He refers to the terrorist movement and also to Gandhi and his getting frightened at the sight of blood, whereas in fact " no leader has probably yet been born who will be able to make a success of the national movement without a show of blood. "

O. P. 568.

On the 8th November Spratt accused made another speech at Malda, of which P 1916 is a report (V a. 319). In this speech again he preaches the same doctrines and argues, for example, that " capitalist society is at the present time on its own without our interference experiencing a period of very great storm and stress. " Coming to the colonial countries he says that the same picture of life as in capitalist countries is presented in more lurid colours, and in this he includes an allusion to the War danger. Then he goes on : " Considering all this it seems to me that we who are Communists, need not apologise, 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 ", which is exactly what is contended by the prosecution. He goes on : " We shall not also disguise the fact that in the course of attainment of our aims 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. " Finally, in equally cynical vein, he says that " It is not very clear what youth organisation has to do with all this, but it is no doubt a very good thing to have such new ideas put before a body of people, who have got some freedom of thought and perhaps some enthusiasm. "

O. P. 569.

On the same day Spratt accused delivered another speech, which is reported in P 1917 and is addressed specifically to the members of the working class and peasants. The first lesson he preaches in this is that of organisation. Secondly he stresses the need for a programme of demands, such as increase in the rates of wages, reduction of hours of work, holidays, sanitation, ventilation and so on. The essential thing, he says, is to organise in a militant and ruthless manner for the prosecution of their own interest as a collective entity. If this is done, the peasants will be waging the only war worth waging, that is the class war. He ends by pointing out that the movement is a world-wide one.

From Malda Spratt returned to Calcutta where he took some part in the Bauria Mill Strike by sending jointly with Mittra accused a telegram, P 115, (F. C. 665) to Saklatwala asking for help. That was on 21st November 1928, and on the same day Muzaaffar Ahmad sent a similar cable asking for help to Tagore c/o Miss Smedley Berlin, vide P 115, (F. C. 665). Very much about the same time presumably Radha Raman Mittra sent two cables, P 109 (F. C. 666), asking for help for the Bauria strikers to " Interfed Amsterdam, " that is I.F. T. U. and " Ankolina, Berlin, " that is to say the League against Imperialism, P 119, a Bengali note-book, recovered from the possession of Radha Raman Mittra accused, contains an account of expenses of telegram sent to Saklatwala, Tagore, etc. So we may take it that the person who paid for these telegrams was Mittra

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O. P. 570. accused. It was immediately after this that Spratt wrote the letter, P 2147, (I. C. 292), to the Editor of the Kirti. This I have already quoted in reference to the pamphlet for the U. P. Party. In the postscript Spratt treats the Editor Kirti and Sohan Singh Josh as one and the same person, as he says : " 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." The article entitled " The Power of Labour " enclosed with this letter by Spratt is the one which is mentioned in the " Krantikari," Issue No. 2, in the list of tracts which are to be written for the popularisation of the resolutions of the W. P. P. The title given to it in that list is " What the labourers of the world are doing, and what can the Indian workers and peasants do ? " The original Mss is P 526 (36), but a typed copy of it was also found at 21 E. A. Lane and is P 527 (3). In this Essay Spratt preaches the enormous differences between the rates of pay and conditions of life of workers in India and workers in Europe, the only way to alter which he says is by organisation. Then he goes on to " what the workers and peasants have done in other countries ", for example, the success of Labour in England. Then he comes to Russia, where since 1917 there is a Workers' and Peasants' Government, from which he draws a moral. " We can learn many lessons from the work of the Russian working class. We learn for the first time by practical example that it is possible for ordinary poor ignorant workers to conquer power from the rich and to construct a Government and economic system suitable to themselves, that is, for the benefit of the great majority. And we learn in detail how it can be done—how it is necessary to build up the workers' revolutionary party, to lead the struggle for power, and to lead the effort of the masses to consolidate the power and to construct a new socialist economic life." Next he looks at China and endeavours to derive lessons from it also. About this he says : " The Chinese workers' experience can teach us much. As they found there so we shall find here, that while we remain under the rule of the foreign Government we shall not achieve much improvement in our position. It was this fact which led the Chinese workers' Unions to take up their fight against the foreigners' rule, and we shall have to do the same. We shall find that we are obliged to take a leading part in securing national freedom, and until we have done that, however hard we fight, we shall not get satisfactory conditions." " Secondly ", he says, " we learn the need or the independence of the Workers' and Peasants' movement. We must take part in the political movement, but as an independent force. We must not rely for leadership or assistance upon the upper classes, or at any rate we must free ourselves from that leadership as soon as we can. We must develop strongly our own ideas, our class-consciousness and our independent organisation." Next he comes to the question " What have we done up to the present ? " and he concludes that very little if anything has been done. But, he says, " there is coming into existence the W. P. P., which is trying to unite together the Unions of workers and peasants and to organise the others who have not yet joined Unions. It tries to invigorate the Unions, to free them from bad leaders and to give them a militant policy." After this he deals with the organisation and programme of the Party on familiar lines.

O. P. 571.

O. P. 572. During this period preparations were being made for the A. I. T. U. C. Conference at Jharia. An interesting letter in this connection is P 2078P (I. C. 311), dated the 30th November 1928, from Joglekar accused to Spratt accused. In this he speaks both of the A. I. T. U. C. and the A. I. R. F. and says : " I am sure you will bring from Calcutta good contingent for fraction work at Jharia. You must not fail to be watchful about the A. I. R. F. which meets two days prior to A. I. T. U. C. If possible we have to thrust the policy of united front on all Railways at the Federation meeting. Therefore don't fail to take proper precautions about getting yourselves and other fraction elements on the executive of the Federation through Calcutta Railway organisations. Similar precaution you will have to take about getting sufficient fraction men through all possible Unions in Calcutta for the T. U. C. work." The letter concludes with a paragraph, in which Joglekar contrasts ' ourselves ' with the nationalists, moderates and trade union reformers. Joglekar accused was not the only one of the accused who was thinking seriously about the A. I. T. U. C. at this movement. P 24 (I. C. 319) is a letter or rather the draft of a letter, dated the 7th December 1928, from Kishori Lal Ghosh accused to N. M. Joshi, partly in regard to the Bauria strike but going on to an attack on the Communists and a discussion of the voting strength and right to vote at Jharia of certain Unions including the Bengal Jute Workers' Association.

Not long after this we come across a curious episode in regard to Spratt's financial position. Early in October Spratt accused had been wiring to the Labour Research Department for money, see P. 2192 (F. C. 589). On the 23rd October the situation was no better as I mentioned in dealing with P. 2419 P. (F. C. 607), and it was still just as bad in the middle of November as is shown by P. 2201, Spratt's letter recovered in the search of Abdul Ghani at Jubbulpur ; yet on the 13th December Spratt accused could send a sum of Rs. 500 to Bradley at Bombay, vide P. 2114 and P. 2081 P (I. C. 330-331). 5

O. P. 573. Another event of interest at just about this time was the arrival in India of Adhikari accused on the S. S. Pilsna on the 10th December. He was detained in Bombay for some little time, but reached Calcutta in time for the A. I. W. P. P. Conference. 10

Meanwhile on the 18th December the A. I. T. U. C. Conference took place at Jharia. The official report is on the record as D. 305, to which I have referred already, and there are also in evidence a number of other reports, which are all of them, one way or another, the work of Bradley accused. They are not all quite the same of course, but it is not necessary to worry with the differences between them. These reports are P 650, P 661, P 1206 (1), P 1896 (1), P 2417P (1), P 2413P (2), P 2416P (1) to (3) and P 1259. The most important day of the Congress was the third as, to quote Bradley's own words, "all the important questions had been left." The first of these important questions was the question of sending delegates to the International Labour Conference at Geneva. About this Bradley notes that "the opposition to sending delegates 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 opposition was not successful in this matter. The next difficult question was of affiliation to the I. F. T. U., but this was shelved until unity should be brought about by the Internationals concerned. The question of the P. P. T. U. S., Bradley says, was postponed, although he with others made strong attempts to get the T. U. C. affiliated. Then there came the question of the W. W. L. I., in regard to which the supporters of the W. W. L. I., that is Joglekar, Bradley and others, failed to carry their point. The T. U. C. however agreed to affiliation to the League against Imperialism and elected K. N. Joglekar and D. R. Thengdi to represent the T. U. C. at the next World Congress of the League to be held in Paris in July 1929. Then there was a contest for the presidentship between Jawahar Lal Nehru and D. B. Kulkarni, whom Bradley describes as "our nominee and a worker." Jawahar Lal was successful by a narrowish margin. Dange was re-elected as Asstt. Secretary, and Kulkarni, and Majid and Muzaffar Ahmad accused were elected Vice Presidents. In the open Session Bradley and Spratt accused and R. S. Ruikar were put on the E. C. The report concludes with the remark that "J. Ryan, P. Spratt, myself and others left that night for Calcutta." In his article on this Conference, P 661, Bradley makes some interesting remarks. For instance he says : "Within the T. U. Congress at Jharia there appeared a strong fraction led by the Communists who were conscious of this position (that is the position of the Indian working class on the defensive, struggling against capitalist attacks) and who led the fight to make the T. U. C. use the power of the workers in their struggle against capitalism." Further on Bradley attacks Dewan Chaman Lal for preventing affiliation to the R. I. L. U. and the P. P. T. U. S. At the end he expresses the opinion that "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 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." 15
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O. P. 575. We come now to the All India Workers' and Peasants' Party Conference, 1st A. I. W. P. P. for which the members of the Workers' and Peasants' Parties had been making preparations throughout the whole of the year 1928. I have quoted numerous letters and other references to this proposed Conference prior to the September discussions at Bombay. The last document referred to was P 1627P (I. C. 258), which was quoted in connection with the U. P. Party. It is a notice which was sent by Goswami as Secretary of the Reception Committee to the Secretary of the Bombay W. P. P. with a request that he would get it published in the English and Vernacular newspapers at Bombay. Goswami adds that "it has already been published in all Calcutta papers." On the 30th of October we find Muzaffar 60
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Ahmad in P 213 (I. C. 263) anxious as ever about the financial side of the matter and reminding Gauri Shankar that he and other comrades at Meerut promised to raise at least Rs. 250 for "our coming All India Conference." He tells Gauri Shankar not to sit idle, and to use the receipt book which has been left with him. P 1849P (I. C. 278) dated the 4th November is a letter from Muzaffar Ahmad to Ghate accused pressing him to make collections for the Conference and stating that Rs. 2,000 will be required, and P 1611 (I. C. 281) is another letter from Muzaffar Ahmad to Dange on the same subject. Again on the 6th November in P 316 (I. C. 283) Muzaffar Ahmad presses Joshi in regard to funds for the Conference. Then on the 11th Ghate replies to Muzaffar Ahmad in P 421 (I. C. 285). That is one side of the preparations. P 122 (I. C. 288) is a letter (recovered from the possession of R. R. Mitra accused) from Goswami as Secretary of the Reception Committee informing the addressee that he has been elected a member of the Reception Committee and informing him of the rate of subscription. P 1798 P (I. C. 300) dated 26th November is a begging letter from Muzaffar Ahmad to Mr. Lotwala of Bombay asking him for a contribution to the funds necessary for holding the Conference. Doubtless many letters similar to this and to P 122 were issued about this time. P 1873P (I. C. 302) is a letter from Goswami to Sohan Singh Josh, Secretary W. P. P., Punjab, dated the 27th November 1928, informing him that he has been elected President of the A. I. W. P. P. Conference. Ghate was informed of this fact by Muzaffar Ahmad in P 1348 (35) (I. C. 312) on the 30th of November, a letter written almost in a tone of despair. There are numerous other letters in connection with this Conference on the record, for example, P 1801 (I. C. 314), P 1348 (36) (I. C. 318), P 468 (2) (I. C. 321) (Ghate to the Secretary Reception Committee sending the names of the Bombay Party delegates), P 2151P (I. C. 322) from Sohan Singh to Muzaffar Ahmad, P 467 (3) (I. C. 323) an invitation to attend the Conference addressed to an individual, P 114 and P 467 (2) (I. C. 324 and 325), similar invitations to organisations. More important than most of these are P 467 (7) & (6) (F. C. 632), which show that on the 1st November 1928 invitations to send delegates to this Conference were issued to the following organisations :—

The E. C. C. I. (Moscow), W. W. L. I., C. P. G. B., N. M. M., Indian Seamen's Union, Labour Research Department, the Socialist Party of India, the Profintern (Moscow) the Workers' Party of U. S. A., Perhimpunan Indonesia (Batavia, Java), Krestintern of Moscow, the C. P. of Germany, the L. A. I. and the P. P. T. U. S.

O. P. 577. There are several exhibits containing accounts, more or less complete, of this Conference ; P 1763 containing some notes of the first day's proceedings and P 1764 containing numerous Mss notes of resolutions and proceedings, as for example the names of the Draft Committee, were found in the possession of Nimbkar accused, but for a complete report of the Conference we may refer to P 669 recovered from the possession of accused Bradley. Other copies of the same exhibit are P 334 (3) found with Joshi accused and P 465, an incomplete copy found at 21 E. A. Lane Calcutta. The report opens with a description of the banners and slogans, which can scarcely be described as Congress in tone. Then coming to the proceedings, these began with the reading of a telegram from the W. W. L. I., and of this telegram we have also on the record both the English despatch copy, P 2437 (F. C. 720) and the delivery copy found in Nimbkar accused's possession, P 1761, (F. C. 721). Then followed Sohan Singh's presidential address, after which there were speeches from Ryan, Bradley and Thengdi, and this was followed by the election of a Draft Committee, in which we find the names of Ghate, Joglekar, Bradley, Mirajkar, Sohan Singh, Kadam, Joshi, Gauri Shankar, Goswami, Muzaffar Ahmad and Spratt accused. On the 2nd day the proceedings opened with the moving of the political resolution by Spratt accused. This political resolution was found with a number of accused. One copy, and this is the number under which it will be found printed, is P 56 recovered from the possession of accused Ghosh. It opens with a discussion of British policy in India from the historical point of view. It contains frequent mentions of the Nehru report as revealing the true nature and aims of bourgeois nationalism and then comes to the Independence for India League. It points out that the policy of the League must be nothing short of mass revolution if taken seriously, but that actually its programme is not intended to rouse the revolutionary energy of the masses in pursuit of their economic demands, but is calculated to bring Indian industrialism into line with modern bourgeois practice, including its methods of keeping the workers under control. On this

O. P. 578.

point the resolution says : " It is essentially a programme for the bourgeoisie, in which items are included not as demands by the workers but as promises of what will be done for them by the bourgeoisie when bourgeois independence is established, so that the independent workers' movement may be held in check. In particular it has no revolutionary significance at all." That is to say, the whole thing is a fraud, claiming to be something quite different from what it really is.

Coming to the Workers' and Peasants' Party the resolution says that " In conditions of rising mass movement the Party has (1) to assist the growth of the movement to the utmost, (2) to clarify its very confused ideas, and (3) to improve its organisation, especially that of the working class vanguard of the movement, and to widen and strengthen the Party." And then we come to a very interesting passage insisting on the independent role of the W. P. P. The resolution states that for the first purpose united front with all suitable organisations is necessary, "but for the remaining purposes it is essential to insist more strongly than has been done previously upon the independent role of the W. P. P., as the only organisation which has a correct policy and can unite and lead all the mass revolutionary forces of the country. The Party can be content no longer to act primarily as a section or wing of another organisation." This is stated in even clearer terms further on where it is said : " The appropriate expression of the old relations between the movements was that the W. P. P. constituted itself a left wing of the national movement, and worked as a section of the Congress.

O. P. 579.

This can no longer be the situation. The W. P. P. is the representative of the advancing mass movement. The W. P. P. must henceforth play a definitely independent part." Can it possibly be only a coincidence that this is exactly what was suggested in P 2365, the report on the position in all sections of the world Communist Party, published by the C. P. G. B. in July 1928, in which the Communist International criticises the limitation by the W. P. P. of its political activity to work within the National Congress (see the passage at the foot of page 475 which I quoted at an earlier stage) ? Even more pointed is the remark at line 10 of page 476 :

" The main weak point of the W. P. P. is that in practice it is acting more as a left wing of the Congress than as an independent political party ", after which the Communist International goes on to indicate the necessity of the W. P. P. emancipating itself entirely from the influence of bourgeois politicians. The political resolution does, however, contain some defence of the policy followed in the past and an indication that it cannot be entirely given up as it says that " while the Congress maintains its composite character of a loose organisation with indefinite creed under bourgeois leadership, but with a petty bourgeois following including different social strata and different political tendencies, some of a potentially revolutionary nature.and while the W. P. P. remains relatively weak and unorganised in the country, it will be necessary to follow the traditional policy of forming fractions within Congress organisations for the purpose of agitation, of exposing its reactionary leadership and of drawing the revolutionary section towards the W. P. P. This policy however is only temporary." In the passage which follows we get the fruit of the September discussions at Bombay. The passage is as follows :—

O. P. 580.

" The W. P. P. can have no intention of dominating or capturing the Congress : the function of its members within the Congress is a purely critical one. Party members cannot therefore be allowed to take office in Congress organisations ", and this exactly sums up what we found in Bradley's note P 670, " Thought that Congress could not be captured, should not take office as office-bearers ", and in Spratt's notes, P 526 (32) " General decision that capturing Congress is hopeless. We have to be there as critical force. Muzaffar's resn. No Congress office to be accepted by party members ? ", and in the same connection I may refer again to C. P. Dutt's letter, P 526 (43) (F. C. 446) and Muzaffar Ahmad's letter to C. P. Dutt, P 2099C (F. C. 417).

In connection with this resolution Joglekar accused moved an amendment that the clause forbidding the entry of Party members into the Independence of India League be deleted. The view stated and accepted unanimously in the end was that as the Independence League was " a bourgeois organisation whose policy is an insincere travesty of that of the W. P. P. and whose object is in large part to prevent the independent growth of the mass movement, W. P. P. members cannot enter the Independence League as members, as to do so would

O. P. 581.

be to attribute to it before the masses a seriousness and importance which it does not possess. The W. P. P. can only work with the Independence League in a united front." That again agrees with the decision in September, "Cooperate as a Party to Independence League" (Bradley) and "Cooperate as a Party" (Spratt). An interesting document in this connection is P 806, a note-book of Thengdi accused containing at page 7 a copy of a letter dated the 22nd December 1928 from Thengdi to Spratt, asking Spratt (who was the mover of this resolution) to explain to the audience under what circumstances they shall have to fight the Independence Party. Another interesting piece of evidence in this connection is the entry in P' 1344, the minutes of the E. C. meeting of the Bombay W. P. P. dated the 3rd February 1929, in which item 2 is "Withdrawal of members from Independence League, Circular to be issued to members for withdrawing from the League." The resolution concludes by stating certain principal points which the W. P. P. must emphasise as opposed to the Independence League. They are as follows :

"(1) The W. P. P. must expose the Nehru report as a whole and especially the pretence that it is possible to support simultaneously the report and independence.

(2) There must be left no doubt as to the meaning of independence. It involves the destruction of Imperialist political and military control and economic penetration and hence necessitates revolution." In the light of this definition of independence I find it difficult to see what particular value as a defence attaches to the argument that the immediate object of the accused was not a Communist revolution but complete national independence by means of a social democratic revolution.

P. 582.

"(3) The independence of the Labour movement from bourgeois control must be insisted upon, and the necessity of its pursuing its class struggle against all exploiters.

(4) The abolition of landlordism, in principle without compensation, must also be put forward, and the consequent necessity of the agrarian revolution."

(5) In regard to the states the policy of the Nehru report (which it is stated would in effect leave the states under their present feudal regime) must be opposed for reasons which are given at some length. The resolution concludes by calling on the Party to wage a far more intense campaign against the Trade Disputes Bill, to conduct a campaign of propaganda against the war danger and particularly against the war preparations against Soviet Russia, and to emphasise in concrete manner the international nature of the revolutionary nationalist and working class movement.

P. 583.

The arguments put forward by the Defence in connexion with this document are typical of all the arguments put forward by the learned counsel who argued the case for the Communist group of accused, i.e. for those of them who did not argue their own cases. He said that this political resolution did not anywhere from beginning to end suggest anything that would lead one to infer, or which would justify the inference, that there was some underlying hidden communist agency working in the framing of it. He said that the resolution was perfectly capable of an interpretation which was thoroughly consistent with the conditions obtaining in India during the years 1927 and 1928. What that interpretation was, he did not say, but what he meant, and this was the way in which he treated every document, was that taken by itself without reference to any single other piece of evidence on the record, it was not communistic and it was not possible to attach very much importance to it. Unfortunately that is an impossible way to treat a document which is linked with literally hundreds of other documents. Another perfectly amazing argument which he put forward was that item 2 of the principal points which I have just quoted means something quite different from its obvious meaning. He said that the destruction of imperialistic political and military control could not be a synonym for an armed revolution. On the contrary he suggested that it had a reference to certain abstract ideals, something similar to the ideals underling the League of Nations. But nobody has ever suggested that the ideals of the League of Nations necessitate revolution. On the contrary they very definitely depend upon evolution, while the idea of, by implication, likening his client to adherents of the League of Nations must have been, to say the least of it, a grievous insult to them.

The next resolution considered at the Conference was the resolution on the principles and policy of the Party which will be found printed as P 138, which is the copy recovered at the search of the Bengal Jute Workers' Association Office at 97, Cornwallis Street, Calcutta.

- O. P. 584. This resolution serves to throw an even more glaring light on the absurdity of the defence suggested for the political resolution. After taking stock of the position of the bourgeoisie and characterising it as definitely counter-revolutionary and incapable of taking any part in a genuine movement for independence, the resolution states that the W. P. P. creates no split in the nation's ranks, but merely proposes to take intelligent account of the actual situation. A little further on it says that the struggle, having as it does the object of destroying the imperialistic control of India, must be a revolutionary one. But scepticism is very prevalent as to the possibility of revolution in India, since the supremacy of a very efficient autocratic Government renders the task of revolutionary organisation extremely difficult. Then the resolution criticises the terrorist method of secret preparations for armed up-rising, but only on the ground of expediency, namely because secrecy and arms are both almost unobtainable. In their place it proposes the mass revolutionary movement. This is not on the score of the objection to violence. On the contrary the Party states its views on that question in the resolution in this form :—"The W. P. P. does not deny the general utility in Indian conditions of non-violence as a tactic, but maintains that it will not be necessary for the Indian movement to use this tactic at all times and in all conditions." Further on we get some idea of the methods to be used, where it is stated that "the line of action of the Party is to develop to the fullest extent the organisation and consciousness of the masses in a revolutionary direction. . . . All occasions are to be seized to draw the workers into political action by demonstrations, meetings, strikes, etc." This is very reminiscent of what we have read in communist instructions emanating from the fountain-head. The resolution concludes that "the whole movement, united and led by the Workers' and Peasants' party, demands complete independence from imperialism. . . . To enforce these demands a mass movement using the weapon of demonstrations etc. and direct action, must be organised leading up to a general strike of workers and a mass campaign of non-payment of rent and taxes by peasants."
- O. P. 585.

- The next item on the agenda was the resolution on the T. U. movement moved in English by Goswami and seconded in Hindi by L. N. Kadam accused. (Note :—Kadam is sometimes called L. R. Kadam otherwise Lakshman Rao Kadam, and sometimes L. N. Kadam otherwise Lakshman Narain Kadam, his father's name having been Narain. There was some sort of suggestion at one stage that this was not correct, but there are documents on the record signed by Kadam himself as L. N. Kadam,—see for example P. 1110, I. C. 111, and P. 1629 P., I. C. 230.) This resolution will be found printed as P. 51. The right note is struck in the very first paragraph of this resolution where it is stated that "in the course of the T. U. struggle, the need is felt for the entry of the working class into the political field and eventually for it to take direct political action with revolutionary aims. The necessity then arises for the political organ of the working class which takes the leading part in its political struggles. The importance of the T. Us. in the political sphere lies in the fact that they are a means of preparing the workers for political action and in that they are the basic mass organisations of the workers which can rally even the relatively backward sections to take part in the struggle in an organised way". The resolution goes on to preach the importance of the struggle and says that "the policy of industrial peace, which has proved so ruinous even in prosperous and well-organised countries, must be definitely thrust out of the Indian Trade Union movement. . . . The object of Trade Unionism is to fight employers for improvements," and it goes on to denounce the defeatist view that the policy of strike is unwise and it comments that "no strike in spite of any immediately disastrous result it may have, can be looked upon as a loss. Its lessons to those who take part and to the working class generally, must be utilised to the advantage of the movement". . . . "The workers are now prepared to realise that if small strikes fail, they must have big strikes. The general strike is an extremely powerful weapon which the Trade Union movement must not shrink from using." The resolution goes on to suggest that as in the case of the economic strike so in the case of the political strike it is true to say that if small strikes fail, big strikes must be organised. The resolution next proposes a forward policy and lays down several points of policy which must be observed. Then there follows a very clear statement of the attitude of the Workers' & Peasants' Party to the Trade Union movement. It is stated as follows : "The Workers' & Peasants' Party, as the chief organised
- O. P. 586.

radical group in the country, has a special responsibility towards the Trade Union movement. Its contact with the movement is through its affiliated unions and through its individual members who are also members of unions. Its object is to organise a federation of T. Us. with peasant and other organisations primarily for the purpose of a political struggle for the independence of the country, but also for the general improvement of the position of the masses." This I think is the first occasion in which the primary object of the interest taken by the W. P. Ps. in the T. U. movement has been clearly and openly admitted. It is in flat contradiction to the statement in the first sentence of the resolution, but it tallies exactly with what is laid down in Communist Party Training, P. 2366, at page 20. 5 10

O. P. 587. In the next paragraph we get a reference to the Young Comrades League, and finally in the last paragraph the proper line to be taken in the international sphere is laid down and it is stated that the T. U. Congress must affiliate with the B. I. L. U. Moscow and that it is desirable that it be also affiliated to the Anti-Imperialist Pan Pacific Trade Union Secretariat (Shanghai), as also to the League Against Imperialism. On the following day the proceedings opened at midday with the reading of a telegram from the League against Imperialism. The report states that a fraternal message was also later received from the E. C. C. I. and this no doubt has reference to the letter from the E. C. C. I. to the All-India Conference of Workers' and Peasants' Parties, copies of which were found in a number of different searches, for example P. 478 at 2|1 European Asylum Lane, P. 1760 with Nimbkar accused, P. 334|2 with Joshi accused, P. 602 in the office of the Young Comrades League and P. 1209|1 in the Kranti office. It was also published in the Urdu Kirti for March, 1929—P. 747. Another copy of it was addressed to Ghosh accused in P. 2001, a letter from C. P. Dutt dated the 12th December in which he asks Ghosh to see that Philip gets this letter with the least possible delay. Unfortunately it was intercepted and withheld so that Ghosh was helpless in the matter (P. W. 97, S. I., A. K. Sen). Still it will be noted that the interception of this one letter entirely failed to prevent copies of the document from reaching its intended destination. In this document the Communist International sends greetings to the workers and peasants of India through the All-India Conference of Workers' & Peasants' Parties, which it describes as "your organisation, albeit not part of our international body", which inevitably raises the question as to why the C. I. is addressing this organisation. This document puts forward a good many ideas with which we are familiar, particularly the modern view that the organisation of the Workers' and Peasants' Bloc does not imply by any means the fusion of the workers and peasants into one party. This letter also includes some rather critical comments on the Communist Party of India as an organisation existing only on paper. Towards the end of this document the E. C. C. I. states that one of the questions which the Conference would have to discuss was that of separating the workers' organisations from the peasants' organisations. I think it will be quite clear that a suggestion like this could not have been made except by an organisation which was in fact, if not in theory, directing the operations of the organisation to which this letter was addressed. It will also be found—see for example P. 1296—that the Communist Party of India at its meeting on the 17th of March 1929 took into consideration at least one of the suggestions contained in the penultimate paragraph of this letter. 15 20 25 30 35 40 45

O. P. 588. The next business on the agenda was the resolution moved by Muzaffar Ahmad and seconded by Ghate proposing the formation of the All-India W. P. P. It was of course carried unanimously, and was followed by resolutions affiliating the Party to the League Against Imperialism, condemning the Trade Disputes Bill and expressing sympathy with the Bauria strikers. The Conference then went on to discuss the draft of the constitution of the All-India Party and in the course of this discussion the first signs of the split which subsequently came about in the Bengal Party became visible. After that the Conference adjourned and a procession marched to Sraddhananda Park, where a procession of workers was formed which proceeded to the Congress nagar shouting the usual slogans en route. Near the Congress nagar a meeting was held at which Sohan Singh and Radha Raman Mitra spoke. 50 55 60

On the following day the proceedings were held at No. 121 Lower Circular Road and began with the reading out by one A. Dass of a manifesto from the Young Comrades League of Bengal. Several resolutions were then moved before the Conference took up the remaining clauses of the constitution. It 65

O. P. 589. then proceeded to the election of the National Executive Committee in the course of which a dispute arose necessitating an adjournment. On the resumption of the election, the report says 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." There are other documents in regard to the split in the Bengal Party, but it will be convenient to leave that to a later date. The N. E. C. as finally constituted was made up as follows :—

Bombay.....	Joglekar, Nimbkar, Dange, Ghate.	10
Punjab.....	Sohan Singh, Bhag Singh, F. D. Mansur, M. A. Majid.	
U. P.....	P. C. Joshi, L. N. Kadam, Dr. B. N. Mukherji, Gauri Shankar Sharma.	
Bengal.....	Muzaffar Ahmad, Goswami, H. K. Sircar, G. K. Chakravarti.	15

Kadam accused contends that it was not he who was elected, but Lakshmi Narain Sharma, but that is a point which may be left for consideration in connexion with Kadam's individual case.

Calcutta C. P. I. meeting. On the 27th, 28th and 29th December, 1928, meetings of the C. P. I. were held at Calcutta, in connexion with which we have five documents on the record. These are P. 1300, some rough notes of the business transacted on the first day, P. 1303, some confused rough notes of the business transacted on the 28th and 29th, P. 1309 which appears to be a rough agenda, P. 1310, a document of uncertain date which may be compared with page 23 of P. 1764, the file containing papers in connexion with the A. I. W. P. P., and P. 1295 which appears to be a fair or final note of the business done on all three days. All these documents are in the handwriting of Ghate accused. P. 1310 may be disposed of first, as it does not apparently represent anything which actually took place. It is headed "C. P. I. Fixing of Nos. of Central Executive. Three from Bombay, Bengal and Punjab, two from U. P., The names proposed are—Dange, Joglekar, and Ghate for Bombay, Muzaffar Ahmad, Goswami and H. K. Sirkar for Bengal, Sohan Singh and Abdul Majid and Ferozdin for the Punjab and P. C. Joshi for the U. P., the other U. P. seat being noted as vacant. As a matter of fact P. C. Joshi does not seem to have ever been a member of the C. P. I. and this slip probably represents merely Ghate's ideas of how the Central Executive might be constituted.

P. 1309 is a short slip headed "Agenda." with only three items on it—
"1. Expulsion of Hasrat Mohani and Hasan, 2. Question of reorganisation and reconstruction of the Party, 3. Any other business." It is dated the 26th December, 1928.

P. 1300 and P. 1303 are evidently the rough notes on which the final fair report P. 1295 is based. I may note that P. 1303 is printed in entirely the wrong order. The correct order is as follows :—Page 1 begins with the date 28/12/28. Page 2 begins at Usmani and ends with the words "Kulkarni..... to be admitted." The upper halves of page 3 and page 4 are missing and the lower half of page 3 as printed is by no means correct. It consists only of the three lines containing the words "Muzaffar Ahmad, Mirajkar", and, "Adhikari's suggestion." The remainder of the printed exhibit represents the lower half of page 4.

However, the fact that this document is not in very satisfactory condition does not matter much, as P. 1300 and P. 1303 are so obviously merely the rough notes and we have in P. 1295 the final minutes of these meetings. On the first day we get Adhikari and Mirajkar both admitted to the Party, and Hasrat Mohani and Hasan expelled. Then there is an item—"Question of Swami was raised by Nimbkar. Hamid said that the Press was sold by him and money utilised for the personal advantage and hence he was expelled." It is quite possible that 'Swami' stands for Krishnaswami Iyengar as it will be remembered that there was a Press at Madras. We know nothing of any Hamid in connexion with the C. P. I. unless it be the case that Ajudhia Prasad accused is referred to here under his lascar name of Hamid, which is quite possible, and it may be remembered in this connexion that Ajudhia Prasad had at one stage

in the history of this case spent a good deal of time at Madras and Pondicherry and was in touch with R. C. L. Sharma through whom he might easily have come to know of any misdoings on the part of Iyengar.

Item 4 runs as follows :—" Question of making the Party active, doing propaganda in the name of the C. P. I. decided upon." This passage reads rather significantly in the light of the comments by the E. C. C. I. in the letter with which I have just dealt.

Next we come to the composition of the Central Executive, which, as finally constituted, consisted of Mirajkar, Dange, Nimbkar, Joglekar, Ghate, Muzaffar Ahmad, Halim, Shamsul Huda, Abdul Majid and Sohan Singh, with Ghate as General Secretary. Other interesting items are :—Item 14 which states "Application to be made to Comintern for affiliation"; and Item 13 which reads "Thesis laying down the programme and policy of the party to be proposed".

On the following day we find another item relating to a thesis which is as follows :—" The thesis of the Comintern was gone into and it was decided to accept it as a basis for work. Possibilities of an open party to be tested." The rough notes in this connexion read as follows :—P. 1300. "Thesis to be prepared." P. 1303. "Discussion of thesis. The interpretation is that this should be taken up as a basis and changed according to the conditions in India. Possibilities of an open party should be tested." We shall come to this thesis of the Comintern very shortly.

On the last day of these meetings, it was decided that Usmani should go to the Punjab for organising N. W. Railway and Hamid, who may again be Ajudhia Prasad, to Jubbulpore. Then there was a discussion of the central organ of the party which it was decided should be published from Calcutta. Sohan Singh and Kulkarni were admitted as members and finally the question of the delegate to the E. C. C. I. was considered, the names of Mirajkar, Muzaffar Ahmad and Joglekar being suggested. Ghate notes that it was decided to select one from the first two and that later Muzaffar Ahmad was selected. Curiously enough in another of these sets of notes recovered from Ghate's search, and proved to be in his handwriting, P. 1305, we get three different mentions of Muzaffar Ahmad which may have some connexion with this matter. These notes are on three different pieces of paper. On the first we find "Discuss—(2) Muzaffar's not going", and on the second "Muzaffar's failure to go" with a line leading to the name Usmani, and lower down "Usmani to be despatched in case Muzaffar is unable to go."

Now it might have seemed that apart from the Assembly Letter and the E. C. C. I. Letter which I have just mentioned the movement in India had not been keeping in touch with the fountain-head in Europe to the same extent as it had done in 1927. There are reasons however for thinking that this is not a fact. For one thing when we come to the individual case of Usmani we shall find strong reasons to suspect that after Usmani left Delhi early in June 1928 (vide P. 2043 C. (I. C. 184), in which on the 7th June he writes to Muzaffar Ahmad that he is leaving Delhi today and indicates that he will reach Calcutta in about a week and go on after a week's stay to Madras; after which we hear no more of him in India until December) he went to Russia and spent some time there. I have alluded to one of these pieces of evidence already, namely the "Orm-Massel" telegram. If Usmani did visit Russia in the summer of 1928 it was in order to attend the Sixth World Congress of the Communist International, of which we have the official reports in the file of Inprecorr P. 1204, recovered in the search of the Kranti office in Bombay. The prosecution have referred to a number of passages relating to this Congress in this collection of Inprecorr. The first of these is in Volume 8 No. 41 dated 30th July 1928 at page 734 and occurs in Bukharin's report of the E. C. C. I. on the international situation and the tasks of the Comintern. This is a passage from a paragraph headed "New processes in India". After stating that he does not share the opinion that India is ceasing to be a colonial country, and that a process of decolonisation is going on there, Bukharin says, "On the contrary recently following the period of concessions British Imperialism has increased its colonial oppression of India in general and of the Indian bourgeoisie in particular. This compels the Swaraj Party once again to manoeuvre against British Imperialism. It is manoeuvring, but this is a far cry from armed struggle." In the next number of Inprecorr, that is no. 42

O. P. 592.

O. P. 593.

dated 1st August 1928, at page 744, there is the speech of comrade Schuller of the Young Communist International, who presents the report on the activity of the Y. C. I., and at page 744 dealing with experiences of colonial work in India says : "In regard to India we are of the opinion that the bourgeoisie in that country is not playing a revolutionary role, that it has rather taken up the attitude of a more or less loyal opposition which will soon be converted into treachery. Consequently we consider as our main task in India the formation of a Young Communist League." He then discusses the proposed formation of a Young Comrades League instead, which should be not Communist organisation but first and foremost a students' and not a workers' organisation, and rejects it on the ground that it will only benefit the bourgeoisie. In this connection I may remark that Chakravarty accused put forward as a sort of defence that the formation of the Young Comrades League was contrary to the wishes of the Communist International. It might have been contrary to the opinion of the C. I. as expressed in this speech of Schuller on the 19th July 1928, but as Spratt accused himself mentioned in his letter to Mrs. Mellonie the name was actually suggested by Saklatvala, and it is clear that it would not have been so suggested had the idea of a Young Comrades League been contrary to the expressed opinions of the Comintern at that date.

O. P. 594.

In Inprecorr no. 44 of the 3rd August 1928 we come to the discussion on Bukharin's report, in the course of which at page 775 we find comrade Sikandar Sur (India) expressing appreciation of Bukharin's draft thesis on behalf of the Indian delegation. He goes on :—"At the same time I have to complain of the negligence of the Communist International as no definite step has been taken during this period of last 9 years to bring about the formation of a Communist Party in India. It is high time that this Congress realises the potentialities of the formation of a strong Communist Party in India in view of the unprecedented revolutionary wave now developing there." He concludes his speech as follows : "At present there is in India a strong movement which can be utilised as a revolutionary force against British Imperialism. We are heavily suffering under the shortage of organisers. Without a band of organisers we cannot lead the masses in a revolutionary direction. It is therefore very necessary that the Congress here should give special attention to the movement in India and help us to organise a strong Communist Party there." Another speaker from India is comrade Raza whose contribution will be found at page 783 of the same number of Inprecorr. In the course of this speech comrade Raza talks about the new industrialisation policy of the British Government and its war agrarian policy or uplift movement. Then he comes to the Workers' and Peasants' Parties and criticises Bukharin's report in the following terms : "Thirdly he does not mention anything in his thesis about the existence of the several Workers' and Peasants' Parties working in the different provinces of India though it cannot be overlooked that they have so far been the organisers of the workers in their present struggle against the bourgeoisie. I must say that in this struggle every credit must be given to our comrades who are Communists and who are influencing the whole movement through the Workers' and Peasants' Parties." Then he comes to the necessity for an Indian Communist Party and says, "It may be argued that Workers' and Peasants' Parties are playing quite the same role (as a Communist Party) for the present, but these Parties can only be regarded by the Indian Communist Party as auxiliary forces," and he concludes : "I am convinced that in India we must have a strong Communist Party whose business will be to organise the working class and peasantry, capture the trade unions, utilise the auxiliary forces, create the revolutionary youth movements and direct them properly.....and finally organise propaganda work in the army with the ultimate view of shattering to pieces the foreign domination and ushering in its place a democratic proletarian dictatorship." In Inprecorr no. 55 dated 25th August 1928 we find a speech of comrade Mahmud (India) devoted mainly to the Youth Movement as illustrated by the Naujawan Bharat Sabha. But the most interesting part of the report of this Sixth World Congress is to be found in the report of the discussion on the revolutionary movement in the colonies. The prosecution have referred first of all to Inprecorr of the 4th October 1928 Vol. 8 no. 68, in which at page 1228 Kuusinen criticises the theories of decolonisation and agrarian reform and says that it is not these which are in course of formation but agrarian revolution, and that "when the knowledge acquired in the Great War that the white sahib is vulnerable has spread throughout the Indian villages and when Indian soldiers

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O. P. 596.

and also their circles realise that they were donkeys not to have turned their arms first and foremost against their own oppressors, the time for the agrarian revolution in India will have come." In the discussion of this report which will be found in Inprecorr of the 8th November Vol. 8 no. 78 we find comrade Raza again in disagreement with the policy of the Comintern. At page 1454 he again criticises the suggestion that the W. P. P.s existing in the various provinces of the country are nothing less than a proletarian party as suggested by himself. About this he says, "Permit me to clear the situation. In the first place these Workers' and Peasants' Parties are not Communist groups, secondly their programme is an elastic one so as to include all those who are interesting in the welfare of labour. And thirdly they have no peasantry affiliated to them. They are so to speak mere unions of workers." Then he renews his attack on the Comintern for its failure to organise a Communist Party in India in the following terms: "At the same time we must criticise the policy of the Comintern in conducting the organisation of the Workers' and Peasants' Parties while altogether ignoring the organisation of the Communist Party in India. It is just as absurd as to put the cart before the horse. This policy must be revised." But it will be noted that this is really an admission of the fact, of which there is so much corroborative evidence on the record, that in the last resort it is the Communist International which is responsible for the organisation of the Workers' and Peasants' Parties which we have come across in this case. The policy may have been found at a later stage to have been a mistaken one, but none the less it was the policy which the Communist International initiated and put into practice and persevered with until they realised the risk of these Parties being captured by the bourgeoisie.

The colonial thesis was ultimately adopted at the 40th session held on the 1st August 1928, vide Inprecorr no. 81 dated 21st November 1928 at page 1529, which shows that there were only 14 dissentient votes and that these were reduced to 12 by the statement reported on page 1530 of comrade Sikandar Sur (India) who declared that the Indian delegation voted against the colonial thesis owing to a misunderstanding in the translation. The thesis so adopted is reproduced in the Inprecorr of the 12th December 1928, Vol. 8 no. 88.

Now it is very clear that the reference to the thesis of the Comintern in P. 1295 and P. 1303 in the meeting of the 28th December 1928 must be a reference to the colonial thesis. But the complete edition of this thesis which is on the record as P. 90 contains a printer's note that it was first published in January 1929 and the envelope in which this particular copy came to India bears a London postmark of the 7th February, so that it is clear that the copy or edition of the thesis which the Party had before it on the 28th December was not this one. Moreover as late as the 3rd January 1929 C. P. Dutt in P. 526 (42) (F. C. 744) was complaining of the delay in printing the thesis and saying, "I regret to say that copies of the long statement arrived at after a full discussion of the colonial question at Manchester" (another proof that Manchester stands for Moscow) "are not yet out of the press. In a few days at most I hope that it will be possible to get you the copies and I hope also that you will let me know when you have received them." This is a letter which was recovered at 2/1 E. A. Lane and also appears to have been intercepted in the post.

I doubt if it is worth while going in into a very careful examination of the question how the accused came to be in possession of copies of this colonial thesis as early as the 28th December. It is obvious that if comrade Usmani did go to Russia and did attend the Sixth Congress of the C. I. as a delegate he would probably have found it possible to bring back with him some sort of copy of the thesis. Another possibility is that the copy put before the Calcutta meeting was brought to India by Adhikari accused. Copies of this thesis or of extracts from this thesis were found with many of the accused. P. 1488, the copies recovered from Adhikari at the time of his arrival in Bombay, P. 334 found with Joshi accused, P. 1033 found with Hutchinson accused and P. 1115 found with Joglekar accused are identical. They do not agree either with the Inprecorr report dated 12th December, as one would naturally expect since Adhikari had actually landed in India on the 10th December before the publication of that number of Inprecorr, nor do they agree with P. 90 and that too was to be expected. The extracts P. 7, P. 336, etc. appear to be derived from P. 90. P. 1228 is another copy of the official pub-

- O. P. 599. lication (P. 90). But whatever version of the thesis on the revolutionary movement in the colonies it was that the Communist Party of India had before it at Calcutta does not matter very much. The thesis was adopted and copies of it evidently reached India with very little delay, in fact even before the publication of the thesis in Inprecorr, and it was taken up and carefully considered by Communists in India at once. 5
- So far as this case is concerned this thesis is to be read along with the programme of the Communist International together with the statutes of the Communist International, published in February 1929 and on the record as P. 2339 (P. W. 5, Detective Inspector Foster deposes that he purchased P. 2339, Programme of the Communist International, at 16 King Street London on the 6th March 1929). This is a document which shows clearly that the ideas of the Communist International have not recently changed but are still the same as they have been all along. For example on page 23 we find the principle of the necessity of violent revolution clearly stated in the following passages : 10
- “The conquest of power by the proletariat does not mean peacefully “capturing” the ready-made bourgeois machinery by means of a parliamentary majority..... The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist State apparatus (that is bourgeois armies, police, bureaucratic hierarchy, the judiciary, parliaments etc.) and substituting in its place new organs of proletarian power to serve primarily as instruments for the suppression of the exploiters.” This of course involves civil war which ends with the establishment of the dictatorship of the proletariat but is followed by a continuation of the struggle in another form. In connection with this statement that “the conquest of power 15
- O. P. 600. by the proletariat does not mean peacefully capturing the bourgeois state machinery by means of a parliamentary majority” it is interesting to refer to the Communist International No. 20 New Series, apparently published some time in 1926, in which at page 61 is reproduced the answer given by the C. I. to some questions put to it in 1920 by the Independent Labour Party. In these answers the Communist International had stated its opinion that “in view of the inevitable resistance which would be put up by the British bourgeoisie the workers of Great Britain should prepare not for an easy parliamentary victory but for victory by a heavy civil war.” 20
- Coming to the colonial and semi-colonial countries (China, India, etc.) the Communist International in P. 2339 lays it down at page 40 that “the principal task in such countries is on the one hand to fight against feudalism and the pre-capitalist forms of exploitation and to systematically develop the peasant agrarian revolution, on the other hand to fight against foreign Imperialism for national independence. As a rule transition to the dictatorship of the proletariat in these countries will be possible only through a series of preparatory stages as the outcome of a whole period of transformation of bourgeois-democratic revolution into socialist revolution.” This is of course only a general statement of theory in regard to the colonial revolutionary movement. 25
- It is in P. 90 that the whole matter is gone into in detail. This thesis is professedly based on the thesis drawn up by Lenin and adopted at the Second Congress of the International in 1920, vide P. 2395. In the course of the chapter on “Communist Strategy and Tactics in China and similar colonial countries” we come to a section headed “Tasks of the Communists”, in the course of which it is pointed out that the degree of maturity attained by the revolutionary movement in the separate colonial countries results in the necessity of formulating the immediate tasks differently and it is laid down that “it is necessary to carry through much work in the building and consolidation of the Communist Party and trade union organisations of the proletariat, in the revolutionisation of the trade unions, in the development of economic and political mass demonstrations and in the winning over of the masses and their liberation from the influence of the national reformist bourgeoisie, before it is possible to advance in these countries with definite prospects of success to the realisation of such tasks” as were carried out in China at a certain period. The same theme of the kind of work to be done is amplified on page 32 where the thesis prescribes that “the Communists must learn how to utilise each and every conflict, to develop such conflicts and to broaden their significance, to connect them with the agitation for revolutionary slogans, to spread the news of these conflicts among the wide masses, to awaken these masses to independent open manifestations in support of their own demands etc.” Then on page 36 there is a discussion of the development of the revolutionary movement in the 30
- O. P. 601. 35
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following terms : " The revolutionary experience of the masses signifies experience of struggle ; in the first place liberation from the influence over them of the bourgeois and petty-bourgeois parties. Since these prerequisites for the first big mass outburst of the revolution, even in the best circumstances, are present only to an insufficient degree, an unusually deep revolutionary crisis and an unusually high and persistent revolutionary wave are required for it to be possible for the bourgeois democratic revolution with the aid of this one wave of upheaval to lead to the complete victory of the proletariat and peasantry. Such a possibility is most easily presented, for example, when the ruling Imperialism is temporarily distracted by a long continued war outside the frontiers of the colonial country concerned," a suggestion we have come across before. At the end of this chapter we get prescribed as a task for the Communist Party of China the propagation among the masses of " the idea of soviets, the idea of the dictatorship of the proletariat and peasantry, and the inevitability of the coming revolutionary mass armed uprising." That is a stage of course which it is not suggested has yet been reached in India, but it is to be understood that it is a stage which is expected to be reached in due course. Chapter 4 of this thesis relates to " The Immediate Tasks of the Communists," and in this chapter at para. 29 on page 44 we come to " Trade Union Work in the Colonies " whose importance is heavily stressed. In the next section, headed " Work among the Peasants ", on page 45, we come to the criticism of the Workers' and Peasants' Parties. The proposal now made is that these Parties must be organised separately as Workers' Parties on the one hand and Peasants' Parties on the other, since " special Workers' and Peasants' Parties, whatever revolutionary character they may possess, can too easily at particular periods be converted into ordinary petty bourgeois parties, and accordingly, Communists are not recommended to organise such parties. The Communist Party can never build its organisation on the basis of a fusion of two classes and in the same way also it cannot make it its task to organise other parties on this basis, which is characteristic of petty bourgeois groups." Instead of periodical joint conferences and Congresses of representatives of revolutionary peasant unions and trade unions are recommended.

This pronouncement was severely criticised in the course of the discussion in the Congress 36th Session vide Inprecorr Vol. 8 No. 76 dated 30th October 1928 by comrade Dutt (India), who said that " the question of the Workers' and Peasants' Parties can not be dismissed with a phrase of this sort: . . . the characteristic feature of the Workers' and Peasants' Parties in the present stage of development in India is that they are forming an important route through which the Communists are finding their way to the masses." Further on he said that " it was essential to deal with the relation of the Communist Party to the Workers' and Peasants' Party but this could not be done in a single phrase."

In the section headed " India " in which " the basic tasks of the Indian Communists " are prescribed, the Communist International lays it down that " the union of all Communist groups and individual Communists scattered throughout the country into a single independent and centralised Party represents the first task of Indian Communists. While rejecting the principle of the building of the Party on a two-class basis, the Communists must utilise the connections of the existing workers' and peasants' parties with the toiling masses for strengthening their own party, bearing in mind that the hegemony of the proletariat cannot be realised without the existence of a consolidated, steadfast Communist Party armed with the theory of Marxism." There is much more of interest in this thesis but so much of it is material with which we are familiar already that it is hardly necessary to make further quotations. The most important part from the point of view of this case is the section headed " India ", " The basic tasks of the Indian Communists " copies of which were made separately and have been found with a number of accused.

The last event of interest in the year 1928 was the Session of the Indian National Congress at Calcutta in the last days of the year. A curious incident in connection with this Session was what has come to be known as the " Raid on the Congress," an occurrence which took place on the 30th of December, when a large procession of workers accompanied by Goswami, Mittra and Banerji accused and others came to the Congress enclosure and after some delay obtained permission to hold a short Labour Conference inside the Congress Pandal. What the precise significance of this occurrence was remains in doubt, and no reliance has been placed upon it by Crown Counsel

as evidence supporting the prosecution case. The only purpose for which it has been used by the Crown is to show the impossibility of putting any reliance on the statements of some of the accused.

Coming to the Congress itself the defence tendered the official report of the Congress, D 163, and got some evidence in support of it from P. W. 49, Sub Inspector D. N. Roy and P. W. 254, Rai Bahadur N. V. Trivedi. The report, in corroboration of which there is also a resolution paper, which is the second part of P. 550, shows an active part taken by Nimbkar and Joglekar accused in the Congress. For instance Nimbkar accused moved an amendment to the resolution on the All Parties' Conference report, to the effect that this Congress reiterates that the goal of the Indian National Congress is the attainment by stages of complete political independence as determined by the Madras Congress of 1927. P 550 also shows an amendment to the resolution on the future programme of the Congress, in which Joglekar accused, seconded by Nimbkar accused, proposed in the place of the Congress programme a mass programme. Possibly this amendment was never reached, as it is not mentioned in the official report. The official report also shows Joglekar opposing Gandhi's resolution at page 135, and Nimbkar opposing the resolution for raising the Delegation fee from Re. 1 to Rs. 5. And so ends the year 1928, except in so far as it will be necessary to go back at a later stage and consider such matters as, for example, the Lilloah strike and various strikes in Jute mills in Bengal and the General Textile Strike in Bombay.

O. P. 605.

PART XI.

- O. P. 606. Early in 1929 we find C. P. Dutt writing to Spratt in P 526 (42) (F. C. 744) on the 3rd January and again in 526 (44) (F. C. 749) on the 10th January. In both letters he calls for reports of the many different Congresses in which Spratt must have taken part recently, and asks for "a real first-hand review of events." Dutt also criticises an article in the Ganavani, and follows that with a paragraph on the W. P. P. Conference which is worth quoting in the light of the speech made by Dutt (India) at the 6th World Congress. He says here: "Results of the Congress of the W. P. P. are awaited with the greatest expectancy. The way forward here is full of difficulties and they are not made less by the attempts of the Independence Leaguers. Nevertheless I think that there is a very real danger of the petty bourgeois elements getting hold of the W. P. P. in its form so far, and I sincerely hope that the working-class element at the Conference did find some means of combatting this danger." Dutt also wrote to Bradley accused on the same day, 10th January, in P 1659 P (F. C. 747), complaining of the absence of news about what took place in the T. U. C. at Jheria and expressing a hope, but no expectation, that the reactionary decision to cancel the agency of the W. W. L. I. was rescinded. The letter also contains a suggestion that Bradley should get himself appointed as an official representative of the "Sunday Worker" so as to get the right to send cables at press rates with a view to quicker receipt in England of news of the results of future conferences.
- O. P. 607. On the 19th January 1929 Spratt accused took part in the anti-Simon demonstration in Calcutta, vide the evidence of P. W. 85, Inspector K. S. Mohammad Ismail, who submitted an ordinary report of the proceedings, which is, however, not in evidence. A procession was organised on this occasion by the Bengal Provincial Congress Committee and other Congress committees and the W. P. P. of Bengal. The W. P. P. had a number of flags with slogans of the usual kind including "Long live Revolution" and "Long live Soviet Republic." Muzaffar Ahmad and Spratt accused took part in this procession. A number of speeches were made at the Ochterlony Monument, including two speeches by Mitra accused; P 1937 and P 2469, and a speech by Goswami, P 2470. The W. P. P. were apparently rather pleased with the results achieved on this occasion as we find Muzaffar Ahmad writing to Ghate in P 1346 (I. C. 349) on the 22nd January as follows:—"On Saturday last a big demonstration passed through Calcutta streets to protest the arrival of Simon Commission. Our Party took the most prominent part in it. We came out with red flags and Party slogans in black and white. Aftab and another member were arrested on the spot for carrying a poster inscribed with "Long live the Revolution". "Muzaffar Ahmad mentioned this matter again in writing to Ghate on the 11th February in P 1335 (I. C. 368), in which, speaking of the prosecution of Aftab Ali, 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." The case has been instituted by the Government for carrying these two banners."
- O. P. 608. On the following day, the 20th January, a Lenin Day meeting was held, and on this occasion again several speeches were made, for example, P 2472 by Spratt accused, P 2471 by Muzaffar Ahmad and P 2459 by Mitra accused, vide the evidence of P. W. 88, Abdul Wadud, Urdu Reporter, P. W. 55, R. S. J. M. Mitra, Bengali reporter, P. W. 82, N. H. De, Bengali reporter, and P. W. 49, Sub-Inspector D. N. Roy. Spratt accused's speech, P 2472 does not differ very much from other speeches of the kind. In it he talks a certain amount about Lenin and the situation in Lenin's early days and says that "it is necessary to consider the position in which the democratic revolutionary movement in the world generally was at that time. This movement is essentially based upon the industrial working class." Then he speaks about the early leaders of the movement, about whom he says that "they had no illusions about the possibilities of peaceful evolution of capitalism then existing, they 'knew' that socialism had to be achieved by forcible revolution", which of course implies that their view was in Spratt's opinion the correct view. Further on he decides to look at Lenin from the practical point of view and he says that the chief practical achievement of the Russian Bolsheviks and the thing in which Lenin took a pride was the formation of a revolutionary workers' party. Then he speaks in high terms of the Bolshevik Party with its organisation and discipline. Then

- after some discussion of reformism he comes to the colonial question and says that "Lenin with the Bolsheviks first pointed out that it was necessary to support by every possible means the movement in the colonies for the freedom of the colonies from the Imperialist control." Then he comes as usual to the war danger, and after drawing some amazing inferences from occurrences of no very special importance concludes by saying "Perhaps the most sacred duty in the present period of your revolutionary movement is to defend the first revolutionary Government, the Government of the Socialist Soviet Republic, against the attack which the Imperialist powers are now developing upon them." 5
- O. P. 609. Muzaffar Ahmad's speech, P 2471, purports to be an attempt to give the gist of Spratt's speech. Mittra accused's speech at the Sraddhananda Park, P 2458, is a long speech containing many references to Lenin and Marx, capitalism and so on and recommending all of his audience who are not already workers to declass themselves, since in any conflict it is the labour interest which must stand first. The speech does not seem to come to any logical ending. 15
- Meanwhile in Bombay the Spark was just about to begin publication, and we find Spratt accused sending an article to it on the Public Safety Bill, P 526 (40), vide P 1251 (2006) (I. C. 363) and P 526 (4) (I. C. 362), both dated the 4th February 1929. In the Punjab the second Session of the Naujawan Bharat Sabha took place at Lahore, vide the Presidential address of Sohan Singh, published in the Urdu Kirti for March 1929, P 207. 20
- In P 2423 (I. C. 392), dated the 8th March, a joint letter of resignation of membership of the Bengal Branch of the A. I. W. P. P. by Kali Sen, Goswami, Basak and others, and P 2161 (1) P (P 549 (19)) (I. C. 397), a letter from Basak accused to Spratt, we come to the split in the Bengal Party. There is a good deal of evidence about this split, but it is noteworthy that all those accused who are concerned with it have observed most scrupulously the rule laid down by the International Control Commission in the Maslow case in regard to what is becoming a Communist charged in a bourgeois court, by abstaining from saying anything whatever about the exhibits which relate to the split. 30
- O. P. 610. So far as the general case goes it is not necessary to go very deeply into the matter, but this letter of Basak contains, as do some other documents, some valuable admissions. In the course of the letter 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 real opportunists." This subject is also mentioned by Spratt accused in his letter, P 527 (1) (F. C. 846) dated the 14th March 1929, replying to Dutt's letter, P 526 (44), in which he says that "the Bengal events are nothing short of a tragedy." He goes on to mention having written an analysis of the split, and this also we have in evidence as P 527 (8). In view of Basak accused's remark and the letter which I have just quoted, I do not think it will serve any purpose to go into the split in any detail at this stage. The main reason for it no doubt was dissatisfaction with Muzaffar Ahmad's autocratic methods and a desire to push him out of his position as Secretary of the Bengal Party. 40
- In this same letter Spratt accused refers to the Youth movement and mentions the Young Comrades' League, which, he says, was formed some 8 months ago, that is to say in about August 1928. "Unfortunately," he says, "when it might have begun to make contact with the working class, it was 'captured' by the opposition, who swamped it with class-conscious young "Bhadralok"." I suppose that what happened was that when the split in the Bengal Party took place, Goswami, who was the active spirit in the Young Comrades' League, carried it with him in his desertion of the Party. Spratt encloses in his letter a copy of the "Statement of Programme and Policy" of the Y. C. L., of which we have two copies on the record, P 9 found with Goswami accused and P 546 (5) found at 21 E. A. Lane. In this letter Spratt accused also mentions a conference at Kustia at which the Bengal Peasants' League was inaugurated. He also refers to the article he had written on Atia. The letter ends with the significant remark "I should say, by the way, that I have heard practically nothing yet of British Party affairs, nor even anything of value about the International." 45
- O. P. 611. In this same letter Spratt accused refers to the Youth movement and mentions the Young Comrades' League, which, he says, was formed some 8 months ago, that is to say in about August 1928. "Unfortunately," he says, "when it might have begun to make contact with the working class, it was 'captured' by the opposition, who swamped it with class-conscious young "Bhadralok"." I suppose that what happened was that when the split in the Bengal Party took place, Goswami, who was the active spirit in the Young Comrades' League, carried it with him in his desertion of the Party. Spratt encloses in his letter a copy of the "Statement of Programme and Policy" of the Y. C. L., of which we have two copies on the record, P 9 found with Goswami accused and P 546 (5) found at 21 E. A. Lane. In this letter Spratt accused also mentions a conference at Kustia at which the Bengal Peasants' League was inaugurated. He also refers to the article he had written on Atia. The letter ends with the significant remark "I should say, by the way, that I have heard practically nothing yet of British Party affairs, nor even anything of value about the International." 50
- On the 16th March 1929, P. W. 262, Deputy Inspector Chaudhri, intercepted a letter, P 1676, dated Berlin 27th February 1929 addressed to Miss Chattopadhyaya, 5 Napier Road, Fort, Bombay. Inside it was another envelope addressed "for Suhasini," and inside this there was an unsigned letter to Dear Suhasini, enclosing a letter for "our friend Adhikari" signed R. and therewith 60

an article on the " Role of the Proletariat in the National Revolution " over the typed signature Abdul Rahman. The writer asks Suhasini, that is to say Mrs. Suhasini Nambiar wife of A. C. Nambiar and sister of Miss M. Chattopadhyaya, to pass on the enclosed letter to Adhikari, who can be found, if necessary, through his people, who live at D/16-17, Simplex Buildings, Paowalla Street, Girgaon. It may be noted that this is the address given by Adhikari himself in his baggage declaration form, P 1477. It is also the address which appears on the envelope of P 1825, a letter typed on Roy's typewriter and signed Raymond, which is addressed to Jagannath Adhikari.

O. P. 612. This letter P 1676 is also proved to be typed on Roy's typewriter, and we shall find that certain remarks in the letter agree with certain facts of which we have other information. The letter begins by informing Adhikari that his letters have all been received and that Roy is glad to hear that things sent by him are also reaching their destination. He says: " Except on one or two occasions, I have sent something regularly every week ", and when we come to the draft letter of Adhikari, P 1174, which is on the record, we shall find him acknowledging receipt of something in the shape of ' articles.' Then he comes to some personal matters and says: " You know I have been happily relieved of the administrative responsibility of our affairs, and therefore am not in a position to be of much practical assistance or to know why people at home are in such conditions." This is evidently a reference to Roy's dismissal from the responsible position which he occupied in the Colonial Department of the Comintern. There is no direct corroborative evidence on the point, but Kuusinen's report to the VIth World Congress contained a very strong criticism of Roy's supposed de-colonisation theory, and Roy himself wrote a reply to Kuusinen's report, which is in evidence as P 1207 (6), an article headed " On the Indian question in the 6th World Congress ", recovered in the search of the Kranti office. This also is of course not a document, about which there is any evidence that it is, for example, from Roy's typewriter, but in the same draft letter P 1174 (F. C. 855), found in Adhikari's possession, quite evidently addressed to Roy (as it acknowledges articles received from Roy, one of which is the very article on the " Proletariat in the National Revolution " which was enclosed with P 1676), we shall find Adhikari acknowledging receipt of the ' Anti-Kuusinen thesis ', which would be an excellent description of the article P 1207 (6). This article also ends on a very personal note which suggests that it is Roy's reply to Kuusinen's attack on him. The last sentence is as follows:—

O. P. 613. " Looking at the matter dispassionately Comrade Kuusinen will admit that I have not committed such a crime as he sought to depict in his report." This is not the only evidence of Roy's " fall ", because we find the accused in this case all treating him as a back number, so to speak, and, for example, talking of him as " our ex-Comrade Roy " (cf. Muzaffar Ahmad at page 481 of the statements of the accused). Another piece of evidence as to the identity of the writer of P 1676 comes in another sentence in the same paragraph, where he says: " All I can possibly do under the present condition is to hope that you might find a publisher for the book, for in that case the money got for it could be some relief to you all." This is evidently a reference to Roy's book on China, about which he had written some weeks earlier to Messrs. Chakravarty, Chatterji & Co., Publishers, Calcutta, in P 1512, (F. C. 754), enclosing a summary and asking if they would undertake its publication. It may be worth noting here that in that letter Roy asked that replies should be addressed to Mr. A. C. N. Nambiar c/o Rhode, Berliner St. 66, Berlin, Charlottenburg, Germany. Next, about the difficulties felt by people at home, i.e. in India, Roy says: " Now that the agent who visited the Head Office is back I should think that matters would be in better shape." It is not very easy to say who may be referred to in this remark, as we know that there were various representatives of India present at the 6th Congress, but it is possible, if the theory that Usmani visited Moscow in the summer of 1928 is correct, that this may be a reference to him. Then Roy comes to a discussion of the " Spark " about which he had said earlier that " it was very very welcome." He asks whether it is " the outcome of private initiative or officious " (official). He does not quite understand its difficulties or why it has been called " A Socialist Weekly ", and why it should speak in tones of admiration of the " Daily Herald ". The whole of Roy's remarks quite clearly indicates that he had been led to think that the " Spark " was the long expected English Central Organ of the Communist Movement in India, but that there were things in it which made him doubtful. Then he says that he is

O. P. 614.

enclosing two articles, but there is a postscript which shows that he has sent these two articles to "your prof. friend" and is enclosing another one, which is for the "Spark" and is a copy of an article sent by the last mail. Then at the end he mentions the great events in Bombay, which may possibly be a reference to the Bombay riots, and also having written a letter about Adhikari, that is to say something in the way of credentials, and he says: "It must have gone astray. I am adding here a few points which should do, if the matter is not already settled as I believe is the case." The note which he encloses runs as follows:—

O. P. 615. "To whom it concerns. G. A. was employed in the firm here, and therefore is entitled to employment in our Indian concern. Everybody who came in contact with him has full confidence in his integrity and considers him a valuable asset for our firm." Now this letter of Roy is dated the 25th February and was intercepted on the 16th March. As no letter from Roy was intercepted in the previous week, it is obvious that if in that week a copy of the same article, "The Role of the Proletariat in the National Revolution, reached India, it should probably have been recovered in one of the searches, and that is exactly what did take place. In P 1200, the search list of the Kranti office, item 104 is described as consisting of a typed article headed "The Role of the Proletariat in the National Revolution" by Abdur Rahman. It is not very surprising that the first copy of this article should have been found in the Kranti office, as P. W. 217, Inspector Shirazi, deposes that that was where he found Adhikari and some suitcases bearing Adhikari's name. In this article Roy speaks in terms of the greatest approval of the Calcutta Demonstration, that is the "Raid on the Congress", and the Bombay and Colombo riots. He says: "The proletariat in Bombay and Colombo challenged the power of the State and proved that, organised on a wide scale under revolutionary leadership, mass action can defy and ultimately overcome the formidable forces of oppression. It should not be forgotten that Colombo was practically ruled by the workers for three days." He regards the Calcutta Demonstration and the Colombo uprisings as events of the highest historic significance and glorious landmarks in the history of Indian revolution and concludes with the remark that "History has bestowed upon the Indian proletariat the role to hold high the standard of national revolution." I do not of course mean by this that I accept Roy's account of the Raid on the Congress as correct.

O. P. 616. Now as I have pointed out Roy's letter implies that he had written to Adhikari sending him something by the last mail. P 1174 (F. C. 855) found in Adhikari's possession is a typed draft letter, dated the 15th March. It begins by acknowledging a letter of the 20th February, which as the date of Roy's covering letter to Mrs. Nambiar in P 1676 is the 27th February, would have been the date of the previous mail and would therefore very probably be the letter with which he enclosed the original copy of the article on "The proletariat in the national revolution." In his letter Adhikari acknowledges the receipt from Roy of five such articles. They are as follows:—

(1) "Anti-Kuusinen thesis."

I have already referred to this in connection with Roy's dismissal. It is evidently P 1207 (6) found in the Kranti office.

(2) "Article about National Congress."

An article headed "The Lessons of the 43rd Congress" dated January 11, 1929, was enclosed by Roy with his letter, P 1897 P (F. C. 753), dated the 13th January 1929 and addressed to Darbar & Co, P. O. Box—14, Amritsar, Punjab, a letter in which Roy asked that the Kirti should be sent to him addressed to Badhuri c/o Arnheim, 44 Jagow St. Berlin, and is P 1897 (1) P. Another copy of it typed on Roy's machine is P 1255 found in the possession of accused Desai. The original of P 1897 (1) P was also typed on Roy's machine. Another point which perhaps I should mention before I leave P 1897 P is that in it Roy stated that he would sign his articles with a pseudonym "M. Rahman", a promise which he however only carried out in part as instead of signing them "M. Rahman", he signed them "Abdur Rahman".

(3) "About W. P. P."

This is no doubt a reference to P 1256, another article found with Desai accused, which was typed on Roy's machine and also bears his signature.

(4) "German reconstruction."

This also was found with Desai accused, vide search list, P 1240, item 150.

O. P. 617. (5) "Proletariat in national revolution", with which I have dealt already, and which besides being intercepted a week later was also found in the Kranti office and appears as item 104 of the searchlist, P 1200.

Then we come to an interesting passage containing a number of references which strongly suggest that the person spoken of is Usmani accused. Adhikari writes : "Your warning is unfounded. He and another man from over there alone understand the necessity of having a disciplined and strong party." Then he speaks about the Bombay group and says : "The Bombay group has achieved the following result. They have been successful in forming one of the biggest unions in the country. The men have tremendous enthusiasm. They are eager to learn and to act. But there is a lot of feudal reaction among them which has not been sufficiently strongly combated by our comrades. Conditions in the group itself are anarchic. It is at present nothing more than left-wing Trade Unionism. Yes, the objective situation is rapidly developing, but the vanguard is a rear-guard. Party-discipline!—? But where is the Party?" Then he comes back again to the friend, that is the friend alluded to earlier in the matter of the warning, and writes : "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 here is making any propaganda against you. Urdu paper is being edited by my friend." Now in this passage there are some phrases which make it quite clear that the friend against whom Roy had warned Adhikari must be Usmani. In P 1344 we get at the very end the minutes of a meeting of the E. C. of the Bombay W. P. P. held on the 17th February 1929 and under item 2 we find the following :

"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 the individuals like feudal chieftains." And there is a hint of Adhikari's presence in this meeting in the note at the end : "Kranti Question. Committee suggested of Adhikari, Deshpande and Dange arranging sales, advt., etc."

Then again in Adhikari's own possession there was recovered a document, P 1170, headed "Technical Mistakes made by the Party", which is in Adhikari's own handwriting. This consists largely of notes referring to this very meeting of the E. C. The first note is "Individualism in leadership (Party did not function as such)." Later on we get the following : "III. Individualism in leadership (Party did not function as such). Usmani :—Monday regarding Volunteers' attack."

It will be noted that the passage quoted contains an allusion to Roy's dismissal. It also suggests that Roy thought that Usmani had something against him, and if the prosecution theory that the person called Sikandar Sur in Inprecorr is really Usmani, is correct, we find on considering his speech at the 6th Congress on the 4th October 1928, vide P 1204, Inprecorr, Vol. 8 no. 68, dated the 4th October 1928, at page 1247, that there was material in Sikandar Sur's speech, which might lead Roy to think Sikandar ill disposed towards himself. Speaking of the decolonisation theory on that occasion Sikandar Sur said : "This theory can be promulgated only by those who are sitting far away and have lost all contact with India. If we consider the social composition of India, it is easy to understand that this theory falls to the ground." And he concluded by saying, "In conclusion, I will say that there is a great deal of misunderstanding on the situation in India. Comrades who have been here for about 10 years cannot properly deal with the situation. They therefore grope in darkness and formulate such absurd theories as 'decolonisation'."

Another reason for thinking that Usmani is the person referred to as "My Friend" is the remark "Urdu paper is being edited by my friend", which of course agrees with the fact that at this date Usmani accused was editing the Urdu paper Pyam-i-Mazdur.

Then there is a reference to 'Iskra' which in this case must evidently mean the 'Spark'. For one thing Adhikari is obviously referring to Bombay papers. He says, "Urdu paper (Pyam-i-Mazdur) is being edited by my friend. I write in the Marathi organ (Kranti). Iskra is in other hands but we control it to a certain extent. Want of English material." I may remark that the words "Marathi" and "want" and 2 or 3 other words between here and the end of the letter

had been scratched out in ink. When this was done it was impossible to say, but I strongly suspect that it was done after the hearing of the case began, because the erasures spoil the sense. It would be absurd for Adhikari to write "I write in the organ" or for him to say about Iskra, "If we could finance it we could get guaranteed control of English material". The next sentence in which there are erasures comes soon afterwards; as printed it reads:—"The should immediately if he is serious about work" but it originally reads "The small man should immediately come if he is serious about work". It is not possible to be absolutely sure that the word scratched out after "extent" is "want" but that is the conclusion which I have reached from a careful study of the document. It was suggested that the reference to Iskra here should not be understood as a reference to Spark but as a reference to 'Iskra, Bengal' mentioned in P 526 (48) and P 670. But there seems no reason to suppose this to be a reference to any non-Bombay paper much less to an irregular news sheet published in Bengal. Adhikari accused is a man who would be particularly likely to speak of Iskra when he meant the Spark, because as we know he is a man who prides himself on being particularly well up in everything to do with the history and theory of Communism.

O. P. 620.

O. P. 621.

O. P. 622.

The last event in the development of the activities of the accused in the period covered by the charge is the meeting of the Communist Party of India which was held, presumably in Bombay, on the 17th and 19th March 1929. P 1296 is a sheet of notes in the handwriting of Ghate accused. The meeting was devoted to considering the question of the relation of the Communist Party with the Workers' and Peasants' Party and the question how to proceed with the organisation of the Communist Party, the two questions which naturally arose out of the discussion in the Sixth Congress, the Programme of the Communist International, P 2339, and the Thesis on the revolutionary movement in the colonies, P 90. In regard to the Workers' and Peasants' Party we find the question propounded whether the W. P. P. should be left in the background. Mirajkar and Usmani both urged that the dissolution of the Party would be wrong while Khan was evidently supporting the C. I.'s point of view. Usmani put forward the point of view that it was the W. P. P.'s function to hold joint conference between workers' and peasants' conference. He agreed on the intensive organisation of the C. P. in 5 departments,—T. U., Peasant, Agit-Prop., Organisational and Polit. The wording of the notes implies that the meeting was attended by 11 persons including Dange, Usmani, Mirajkar, Nimbkar, Joglekar and Ghate accused.

On the 19th March there was held another meeting, with Usmani acting as Chairman, of which we have on the record Ghate accused's notes P 1297. In this they went on to a further discussion of the secretariat and the political department and we get at the end the following: " (1) Reorganising the Communist Party of India (2) 5 departments—mentioned before on the 17/3/29 (3) Sub Committee to be appointed to draft out a detailed plan of work: (1) Adhikari (2) Khan (3) Usmani (4) Ghate, Secretary." This corresponds very closely with P 1171, some notes in Adhikari accused's handwriting found in his possession which run as follows: " Decisions (1) to organise the C. P. which is to be the basis of all Communist work (2) to organise the 5 departments: (1) Trade Union (2) Peasant (3) Agit. Prop. (4) Polit. (5) Org. (3) to appoint a Sub Committee to submit a detailed plan of work, as regards the work of the 5 departments: (1) S. V. Ghate (2) Adhikari (3) Usmani (4) Khan." P 1172 is another set of notes in Adhikari's hand which is closely related to P 1296 and P 1297 and headed "C. P. Meeting (group) Agenda." This begins with "discussion on the immediate expediency of organising a Communist Party (for the present for Bombay)—Why is it necessary? (a) What should be its relation with the existing W. P. P.? (b) How should one set about organising it?" And this is followed by a list of the 5 departments which are mentioned in the other exhibits. P 1173 another paper in Adhikari's hand-writing purports to contain the agenda for a Communist group meeting. The two main subjects are: (1) 'the danger of having W. P. P.' and (2) the tasks of the Communist Party at the present juncture.

There is one other paper relating to the C. P. I. which should be considered here, namely the Draft Constitution of the Party found at 2/1 E. A. Lane, Calcutta, P 416 (7), "C. P. I. Constitution 1929," for which Muzaffar Ahmad accused claims sole responsibility. The most important feature of this constitution perhaps is item (1) which runs as follows: " (1) Name. The name of the Party

shall be the Communist Party of India (section of the Communist International)." The second and third regulations are also important. They are as follows : "(2) Object. The object of the Party is the attainment of socialism through the overthrow of Imperialist and capitalist rule, the seizure of power by the working class, and the establishment of the dictatorship of the proletariat ; in accordance with the programme of the Communist International and the policy adopted from time to time by the Party with the agreement of the Communist International. (3) Membership. Those shall be members who shall subscribe to the object, programme and discipline of the Party, shall pay membership dues and shall perform organised work under the direction of the Party." The statute relating to the Foreign Bureau, no. 12, appears to be exactly the same as the one which we found in the earlier constitution of the Party. It may of course be a fact that the Communist Party of India had not yet been affiliated to the Communist International at the time of the arrests of the accused on the 20th March 1929. But when it comes to assertions of fact as contrasted with admissions of facts otherwise proved there is one thing quite clear and that is that no reliance can be placed on the statements of the professedly Communist accused for very obvious reasons which I have made clear at an earlier stage, and it should not be forgotten that the C. P. I. had decided as far back as 27th December 1928 to apply to the Comintern for affiliation. Whether or not that application was held up by the events of the next month or two it is impossible to say. I see no particular reason why it should have been unless perhaps the criticisms of the C. P. I. contained for example in the E. C. C. I. letter led the Party to think that they had better wait and try to reorganise before applying for affiliation. In any case I do not consider that the question whether formal affiliation was or was not actually effected can affect the decision of this case.

O.P. 623.

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PART XII.

- O. P. 624. In order to keep the above narrative of events during the years 1925-1929 as consecutive and intelligible as possible it has been necessary to pass by a number of important matters which would have entailed digressions so serious as to involve a danger of the whole thread being lost. Before summarising my conclusions in regard to the general case of conspiracy therefore it is necessary first to go back and dispose of a number of points which have been left on one side. The first of these matters is the history of the Mill strikes in Bombay and the Lillooah and Jute mill strikes in Bengal. The importance of these strikes is that the most important of the 'public' activities of most of the accused in this case is their participation in these strikes. The defence of course which is put forward in regard to all this participation in strikes is that it was in the course of ordinary trade union work and that (a completely irrelevant point) it did not involve the commission of any offence. That looks very simple and straightforward on the face of it, but we have to remember that for example the activities of the accused in Bombay began in 1927 with such phrases as "we are now making our contact with the trade unions", from which it is an obvious inference that when the members of the Bombay Party began to take part in trade union work it was as part of a plan, and a plan which Thengdi accused said almost in so many words aimed at "the dictatorship of the proletariat". Proceeding from the probability therefore that the trade union work of the accused was not intended to be ordinary trade union work, as it is understood outside Communist circles, the point we want to verify in connection with the strikes, since these represent the chief 'public' activities of the accused (apart of course from the participation in the Trade Union Congress conferences and the like) is (1) what are the instructions of the Communist International and its connected organisations in regard to strikes and (2) did the accused put those instructions into practice? With a view to examining this question we have first to get a general view of the strikes in Bombay and Bengal in which the accused took part. We can then go on to examine the instructions of Communist organisations in regard to participation in strikes and to see how far these were carried out.
- O. P. 625. In the case of Bombay we get a lengthy account of the history of the Trade Union Movement in the statement of accused Alwe, which however I cannot recommend as a very lucid account. There is further evidence in the statement of D. W. 23, Tawde, but the bulk of the information is to be found in the statement of P. W. 244, Inspector R. S. Patwardhan. At the beginning of the period covered by this case the only active trade union in the textile industries in Bombay was the Girni Kamgar Mahamandal of which in 1926 accused Arjun Atmaram Alwe was the President and Mayekar the Secretary. This is no doubt the union referred to by Roy in the 'Patna friend' letter P 2320 (F. C. 111) at F. C. 113 where he says, "The union formed in Bombay under the leadership of Atmaram will serve as a basis of our trade union work in Bombay. The Bombay Textile Labour Union, as the Second Annual Report D 398 shows, was formed on the 1st of January 1926, and other evidence shows that it was registered in December 1927. Its President was Mr. N. M. Joshi and among the Vice Presidents were Mr. Ginwalla and at one time Jhabwala accused. It was to the G. K. M. that Joglekar devoted his attention after the formation of the Bombay W. P. P. and his election as T. U. Group leader, and in his report dated 21st April 1927 P 1348 (12) we find him saying that "Mr. Joglekar and Mr. Mayekar are in the Textile Union (the name Girni Kamgar Mahamandal appeared in the report in Marathi and is therefore not printed in the exhibit) and the union activity is satisfactorily going on." Further on the report says that the Group leader has done everything that he could to start the working of this group but shows that he found it easier to get them to work in organisations like the T. U. C. than he did in the actual unions. In August 1927 strikes broke out in the Apollo and Manchester Mills probably owing to the introduction of the 3 loom system in the place of the 2 loom system. This strike is referred to in correspondence in Mirajkar's letter P 1010 (I. C. 60) of the 21st August and Ghate's letter P 1011 (I. C. 62). Mirajkar in his letter says that he himself is not enthusiastically participating "because the tactics adopted by those two people are in our opinion wrong. This was the proper time to amalgamate the two unions viz. G. K. M. and B. T. Labour Union." He says that the B. T. L. U. people were willing but "Mayekar is very obstinate and I think Jog. is encouraging him indirectly." Ghate also criticises the prolongation of the strike as due really to egoism and says that he has warned Joglekar of the consequent
- O. P. 626.

reaction in case of the failure of the strike. At the same time Mirajkar did take some part, vide Kranti of the 20th August 1927, P 1375, in which there is an account of a grand procession of the strikers led by Mirajkar who was accompanied by Alwe, Joglekar and others. The report mentions that Alwe, Mirajkar, Mayekar, Joglekar and others delivered speeches at the corners of roads on the objects of the procession and the reasons of the strike and held a meeting at which further speeches were made after the procession had come back to the place it started from. 5

O. P. 627.

The defence asked the Court to have a very large number of extracts from Kranti translated and this was duly done. But when it came to the point they referred to very few of them indeed. One of these translations, of the Kranti for the 13th August 1927, translated at the request of Joglekar accused gives an account of the dispute which gave rise to this strike and of the demands of the strikers. Another translation also made at Joglekar accused's request from Kranti of the 27th August 1927 shows that the strikers were making some efforts to bring out the workers of other mills in their support. This report says, "Signs are therefore clearly apparent that the strike of all the mills cannot but take place in a day or two. The workers really aim at E. D. Sassoon Company and the Strike Committee has decided to confine strike in the beginning only to the mills of the Sassoon Company. There is another extract from Kranti of the 3rd September 1927 headed "The strike became successful" and the writer after congratulating the workers and the G. K. M. on making the owners of the Apollo Mills accept their demands, says that "the strength which the Mahamandal has acquired in this strike should be expended by it in increasing the power of the Union." The article goes on to emphasise that the war between the owners and the workers is a continuous war and that the workers should aim at the leadership of their union being vested in the workers themselves. There are two articles on the subject in this issue of the Kranti, the second of which shows that the strike ended on the 31st of August. In the course of his statement to this court Joglekar accused at page 1987 of the statements of the accused says that "it was in the course of this struggle that the workers realised the difference between the militant class policy followed by the W. P. P. and the welfare policy of Mr. Mayekar. 10 15 20 25 30

O. P. 628.

In January 1928 fresh strikes started in the Spring Mill and the Sassoon Mill owing to the introduction of the 2 sides (frame) system and certain methods of work recommended by the Tariff Board. As before the question of there being genuine grievances is not in issue in this case. It may be supposed if necessary that there were genuine grievances. The two Unions, that is the B. T. L. U. many of whose members were workers in the Spring Mill and the G. K. M. which was strong in the Sassoon Mill, were opposed to the idea of a general strike, although Dange accused in his statement (at page 2420 of the statements of the accused) shows that the opposition of the B. T. L. U. was not on the ground of principle but on that of expediency. The G. K. M. also seems to have thought (vide page 2421) that the workers in other factories could do more good by going on working and thereby being in a position to help the men of the E. D. Sassoon Company who had gone on strike. On the other hand, as Dange accused says, there was one trend that argued that without a general strike these grievances would not be solved. It was the Workers' and Peasants' Party which represented this trend of thought and preached this doctrine, vide P 1016, a leaflet which P. W. 244, Inspector R. S. Patwardhan saw Spratt and Joglekar accused distributing in Bombay in January 1928 which concludes with the following words: "It is clear to us from outside circumstances that you will gain a speedy and sure success if you resort to a general strike. You are therefore requested to give up ignorance and make bold to resort to a general strike." This very document mentions among other facts that the President of the Mahamandal is a member of the W. P. P., which shows that Alwe accused was a member a couple of months before his formal application which bears a date in March. The leaflet also claims that the Party is working for the people's livelihood and that its members, who are striving for the organisation of all workers, are actually working in such institutions as the Railway Workers' Union, Municipal Workers' Union, Dock Workers' Union, Peasants' Union etc. The leaflet complains that Mayekar who is the object of attack throughout the leaflet has called the members of the Party agents of the Bolsheviks and "has brought false allegations against us that we incite people to riots and disturbances." No doubt the members of the Party thought it particularly necessary to answer such charges when made by Mayekar who had had some connection with the W. P. P. 35 40 45 50 55 60 65

O. P. 629.

at its inception. He appears, for instance in P 1355 (7) C as having been originally proposed as T. U. Group Secretary. In this exhibit Mayekar's name is scratched out and that of Pendse substituted. The fact that the W. P. P. did actually preach a general strike as early as January is also impliedly admitted in Dange accused's statement at the foot of page 2426, where however he goes on to explain it by saying that "the isolated attacks of the owners were part of a general attack and it was necessary for some one who had the perspective of the whole industry to study the trend of attack, its reasons and modus operandi, and apprise all the workers of it. In the absence of an all-embracing trade union organisation this task had to be done by the W. P. P." That a general strike was being considered at this time is also stated in Spratt's letter to C. P. Dutt (P 526 (29)) which was evidently written some time after the middle of January as he says he is sorry he did not get 'the article' ready in time for the February issue (of the Labour Monthly). This letter also shows that N. M. Joshi was opposed to a general strike as also was Mayekar, though Alwe, President of the G. K. M., "would instantly plump for a general strike if there should be any further provocation." The attitude of the Mahamandal is shown by a handbill from which Dange accused quotes at page 2422 of the statements of the accused. This handbill, D 439 (30), is one of those which were translated at the request of the accused Nimbkar. It undertakes to give public notice in case the Mahamandal comes to the conclusion that a general strike is necessary, and it concludes with an attack on "mischievous persons who are trying to mislead us by issuing handbills of various kinds with the intention of causing trouble to our people." "These persons," it says, "are making efforts with the intention of creating some confusion with the only intention of trying to see if they can attain their object by raising a false scare." Joglekar accused gives a long account of this strike beginning at page 1988 of the statements of the accused, in which he makes a vigorous attack on Mayekar. In the course of this strike a regular battle took place between Mayekar and the W. P. P. Joglekar accused claims to have taken a very prominent part in this battle and in the work of the strike and the decision to call it off. Joglekar then goes on to mention the short strike in the Textile mill which was compromised on the 25th of February, after which he sums up the result of the unsuccessful strikes and the work done by the W. P. P. members as follows: "By our correct lead and consistent work", he says, "I had now won the confidence of the textile workers and they were now completely in favour 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 technical term I was doing consistently the "boring" work on behalf of the Party. Mr. Hasan Ali (that is Inspector Hasan Ali, P. W. 245) says that I was responsible in introducing my other colleagues of the W. P. P. in the G. K. M. I accept this charge if charge it can be." There is strong support for the correctness of Joglekar accused's statement that he had gained the confidence of the Mahamandal and that Mayekar had lost it in resolution no. 2 of the meeting of the Mahamandal held on the 28th February 1928, vide D 420, which has been translated and reads as follows: "All the things of the Mahamandal, files, register books, receipt books, vouchers and all other correspondence, all the papers from the beginning of Mahamandal, that is from the year 1923, are with General Secretary D. R. Mayekar, he should bring them and hand them over in the office of the Mahamandal. If he does not hand them over, a notice according to law should be served upon him." The minutes of this meeting are signed by Alwe accused as President of the Mahamandal. Another resolution in the minutes of this meeting condemns the "Kamkari" the newspaper run by Mayekar for the Mahamandal for its attack on the President, and the last resolution orders that a general meeting of the G. K. M. should be held at Nagu Sayaji Wadi on the 2nd March and it should be considered in what way the work of the office bearers of the Mahamandal is going. There is further evidence that Mayekar had completely fallen out with the Mahamandal in the minutes of the 20th, 24th and 27th March. By about the middle of March Alwe accused had ceased to wobble on the question of the general strike, vide the notice D 439 (31) (P 1464) which appears to have been published between the 15th and the 26th of March as it says that the Textile Mill has gone on strike (which happened on the 15th) and the Simplex is also on the verge of going on strike (and the Simplex actually went on strike on the 26th). In this notice Alwe says, "The owners are going to kill you individually. We workers can not be able to cope with this unless in the end we all become one and tenaciously declare a general strike. The G. K. M. is attempting a united organisation and forming a committee for every

mill. All must join the Mahamandal if we want to defend ourselves and win victory. Therefore all should form a committee of their respective mills and become members of the Mahamandal for the preparation of future general strike." D 439 (29) is another notice issued by Alwe as President of the G. K. M. about this time in which he says, "If you want to maintain your wages there is only one remedy for it. Our unity is that remedy. The men in the mills in Bombay must declare general strike if they have to give a fight to this insolent capitalism and must keep all the mills in Bombay permanently closed until our demands are granted."

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Just about this time also the position as it appeared to the W. P. P. is summed up in the report of the Secretary presented to the First Annual Conference on the 18th March 1928, P 826. In the Sectional report on Trade Unions we get a general summary of the whole matter and it is stated that "a united policy could not be agreed upon. The Party under the guidance (?) advocated mobilising of the textile workers against the new system on the slogans of "No reduction in wages" and "No increase in machines for each worker". The Party could not take the lead being in its infancy and because of a serious split in one of its Textile unions (i.e. the G. K. M.). Neither could the other Union (i.e. the B. T. L. U. under Mr. N. M. Joshi) persuade the workers to accept its policy of agreeing to the new system." P 1462 is a Marathi leaflet issued over the signature of Alwe accused and the Managing Committee of the G. K. M., which includes Kasle accused, denouncing Mayekar for his mismanagement of the affairs of the G. K. M. and supporting the allegations made against Mayekar by Joglekar accused. The next notice of this kind is P 1463, a public notice declaring that Mayekar has been removed by the Committee of the G. K. M. from the post of Secretary and mentioning that Mayekar has kept the records and the public should be warned against him. Next, on the 9th April 1928 we come to a notice P 1465 issued by Alwe accused as President of the G. K. M. in which he points out that the attack of the owners on wages cannot be averted without a general strike for which the G. K. M. is making preparations. He asks all workers to help in the determination of the workers to make the strike successful and to join the Mahamandal to conduct the work of the strike and the preparations for the next general strike with perseverance. On the 30th April the minutes of the G. K. M., D 420, show that in the E. C. Alwe accd. explained the circumstances of all the mills and as soon as he brought to the notice of all how the workers have been oppressed, how wages were being reduced and how these complaints would not be redressed without a general strike, the question was put to the vote and the resolution (that a general strike should be called) was passed unanimously, none dissenting. This was followed on the 17th by the issue of a leaflet D 439 (28) in which Alwe accused as President of the G. K. M. addresses all mill workers as follows: "We mill workers have therefore been obliged to declare the general strike as a last resort to fight lawfully with these oppressive owners. Join the strike unitedly in order to offer resistance to the oppression..... and to make the workers' demands with one voice."

O. P. 633.

O. P. 634.

O. P. 635.

According to P. W. 245, Inspector Hasan Ali, Alwe, Joglekar, Mirajker and Nimbkar had begun to take part in meetings towards the end of March at the time of the strike in the Textile mill. At this time Alwe was pressing the workers to hold on and asking them to prepare for general strike. From the middle of April, the witness says he saw Jhabwala, Bradley and Dange in addition to the other four. He says that he also saw Kasle, and Ghate was always present but never spoke. Bradley only spoke occasionally. The general strike developed from the 16th April onwards and became complete, except for one or two mills, on the 26th April. After the middle of April he says that other speakers including the accused named by him began advocating general strike in addition to Alwe who had been advocating it from towards the end of March. P. W. 245 also tells us that on the 18th of April a Strike Committee of 85 persons was elected at a strikers' meeting presided over by Alwe accused at Nagu Sayaji Wadi. On the same day there was a meeting of the B. T. L. U. at Dehisle Road presided over by Mr. Ginwalla, but before the proceedings ended Nimbkar accused with a crowd of strikers arrived and took charge of the whole proceedings and suggested that the B. T. L. U. should have two representatives on the other Strike Committee already elected that morning. It is said that Mr. Ginwalla agreed. Subsequently on the 27th or 28th April the Joint Strike Committee was formed consisting of 30 members, 15 from the B. T. L. U. and 15 from the G. K. M. and Bombay Mill Workers' Union (Jhabwala's Union). Nimbkar accused was elected one of the Joint Secretaries and Dange accused

one of the Joint Treasurers. This witness also named Bradley, Mirajkar and Jhabwala accused as members of the Joint Strike Committee. Apparently the first Strike Committee came to nothing and was replaced by this comparatively small Committee of 30 members. D 498 a notice headed "A question to the citizens of Poona" and beginning with an account of the strike is a document recovered in the search of Alwe accused's room at Sheoram's Chawl, Elphinstone Road (P. W. 199, S. I. Kothawala). In this document, which purports to be issued over the signature of the Joint Strike Committee, it is stated that as soon as the strike commenced a Joint Strike Committee consisting of 30 members in all, drawn from the public meetings of the strikers and the Executive body of the workers' unions and from the Workers' and Peasants' Party was appointed. This document makes it quite clear what the position of the accused on the Joint Strike Committee was. Some of them represented the unions but the bulk of them represented the W. P. P. Their position gave rise to some doubts and it was perhaps with the idea of settling these doubts that on the 2nd of May a resolution was passed in the Executive Committee of the G. K. M. to the following effect: "This meeting resolves 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 strikers 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 misconception is not correct. These men at present are working on behalf of the strikers. The Mahamandal is not responsible for any strong speeches delivered by them." This last may perhaps be with reference to the speeches on May Day.

O. P. 636

The G. K. M. at this time had an Advisory Committee of which Joglekar accused was a member and on the 30th April we find from D 420, the minutes of the G. K. M., that Joglekar who was out of Bombay was removed from this Committee and in his place Dange, Jhabwala and Nimbkar were elected. This advisory body of the G. K. M. evidently continued to grow since in the E. C. meeting of the 15th May a resolution was passed that two signboards should be prepared, one giving the names of the President, Secretary, Treasurer and the E. C., and the other giving the names of the advisers to the E. C. namely Jhabwala, Nimbkar, Dange, Mirajkar, Joglekar, Ghate, Bradley, and Thengdi, a list which must coincide very closely with the list of the members of the E. C. of the Bombay W. P. P. at this time.

O. P. 637.

At the next meeting of the E. C. on the 21st May we find a resolution stating that "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 G. K. M., it was decided that a legal notice should be served and a case launched to the court and that the G. K. Union should be established and registered." This whole business is fully explained in Ghate's letter to Dutt P 2408P (F. C. 496) dated 20th July 1928 answering the inquiry about Nimbkar's speech on the Bardoli Movement. In the course of this letter he says that "Mayekar went to the Registrar and got the Union registered with himself and a group of 7 as President and Executive." He goes on, "The only course left open to us, the real G. K. M. M. whose name was stolen by Mayekar, was to take a different name and the real G. K. M. M. got renamed the Girni Kamgar Union and got itself registered with Alwe as President, Dange as Secretary, Bradley, Nimbkar as Vice Presidents and myself and a worker as Treasurers. The Managing Committee is composed of the workers, and some of our members." As a result therefore of Mayekar's fraudulent registration of the G. K. M. with which he was no longer connected, the G. K. M. with its advisory body composed of W. P. P. members, was replaced by the G. K. U. with a number of W. P. P. members among the office-bearers. The minutes of this new Union are on the record as P 958. The G. K. U. was registered as a trade union on the 23rd May 1928 and through it and the 'Kranti,' which was restarted at the end of June (vide the minutes of the E. C. of the W. P. P., P 1344, dated 24th June 1928) the Party were able to take a very influential part in the strike. It will be convenient to examine more critically the activities of the accused in the course of the Bombay strike along with what the accused in Bengal did in the strikes which were going on there very much about the same time.

O. P. 638.
BENGAL
STRIKES.

In the case of the various strikes in Bengal also we require first of all only a rough sketch of their history to serve as a setting, as it were, for the facts and evidence in regard to the activities of the accused in connection with them, which

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have to be next considered. The strikes to be considered are those of the Scavengers in Calcutta, of the E. I. Railway workers at Lillooah, Ondal and Asansol, and of the Jute workers at Chengail and Bauria. About the Scavengers there is practically nothing to be said except that the Scavengers' Union was organised in January 1928 under the auspices of the W. P. P. of Bengal, and a successful strike was fought by the Calcutta scavengers in March and another less successful in June. The so-called Lillooah strike of the workers in the E. I. Railway Workshops at Lillooah began as a kind of Satyagraha (that is the workers came into the workshops and having got there refused to do any work), and went on as a lock-out. The strike was run by K. C. Mitra, Secretary of the East Indian Railway Union, D. W. 20, whose Head Office was at Dinapur (Patna), vide the statements of P. W. 47, Sub Inspector M. L. Bhattachariya and P. W. 94, Inspector J. M. Chattarjee, the latter of whom states that K. C. Mitra opened the branch office of the E. I. R. Labour Union at Lillooah at the end of 1927. It appears from a letter of D. W. 29, Mr. N. M. Joshi, D 208 (17) dated 25th March 1928, that in the early stages of this strike K. C. Mitra was being influenced or thought to be being influenced by Mukandlal Sircar and Singaravelu Chettiar. On the 28th of March a deputation attended on the Agent of the Railway, and some trouble occurred while the deputation or its supporters were on their way back, as a result of which there was firing by the Police at Bamangachi. On the 8th April we find Mr. Joshi writing to Ghosh accused in D 208 (15) and asking him to write about the present situation regarding Lillooah. This letter again alludes to the probability that Sircar and Singaravelu Chettiar are taking a part in the Lillooah dispute. In April K. C. Mitra apparently turned to the Bengal Trade Union Federation, of which Ghosh accused was Secretary, for assistance and a resolution was passed on that date in the Bengal Trade Union Federation, appointing a committee to take charge of propaganda, raise funds and to administer relief to the lock-out workers and to the factory workers of Burn, Jessop and Martin. A number of public meetings took place at which of course speeches were made, and ultimately it was decided to extend the strike along the line, and for this purpose Spratt, Goswami and Radha Raman Mitra went to Ondal and Asansol, as I have mentioned in an earlier chapter. The result of their labours was that the strike spread to Ondal and Asansol by the end of May. The strike dragged on through the month of June and was finally called off on the 10th July.

The strikes in the Jute industry, with which we are concerned, are those at Chengail and Bauria. Up to this date there was no Jute Workers' Union at Chongail or Bauria, but the A. I. T. U. C. at the E. C. meeting at Delhi in February 1928 voted a sum of Rs. 250 for organising the jute workers in Bengal. In consequence, when a strike broke out at Chengail in March 1928, advantage of the opportunity was taken (although it was too late to do any good in the strike itself) to start a Jute Workers' Union under the guidance of the B. T. U. F., which is the Provincial Branch of the A. I. T. U. C. In this Union Radha Raman Mitra was appointed a Vice-President and Ghosh accused was given the post of legal adviser. D 84 (7) relates to a meeting on the 18th March, at which this Union was formed and contains the names of the office-bearers. D 87 really relates in the main only to grievances. D 84 (11) appears also to relate to the meeting of the 18th, while D 84 (10) relates to a general meeting of the Union held on the 24th March, at which Ghosh accused made a speech. On the 23rd April another strike broke out, the reasons for which are said to have been (1) that the Secretary Bankim Mukerji was prevented from collecting subscriptions in the coolie line, (2) that the manager refused to accept the letter from one Mahadeo Sirdar, who was supposed to have brought it from the B. T. U. F. and (3) that the same man Mahadeo was dismissed. On the very same day we find Ghosh accused writing to Spratt and saying that if Spratt can manage to go to Chengail with Radha Raman Babu, it would be very helpful. P. W. 98, Sub Inspector H. V. Basu and P. W. 27, Sub Inspector Ashutosh Mahapatra, have given useful evidence in regard to the organisation of this Union and subsequent events. This strike came to an end on the 10th May. There was another strike at Chengail from the 19th November to the 4th December 1928, in which Ghosh, Chakravarty and Shamsul Huda accused all took some part, vide the evidence of P. W. 37, Sub Inspector Tincouri Sen.

At Bauria there were three mills belonging to the Fort Gloster Company. There appears to have been a meeting here on the 15th of June, and there certainly was one on the 23rd, at which Spratt accused was present and made a speech, of which P. W. 98, Sub Inspector H. V. Basu, took a gist report which

- is P 2221. In this speech Spratt accused recommended that the Bauria people should join the Chengail Union to make it stronger. He recommended one Union for each industry, with small unions as their branches, and urged the workers to form a Union at Bauria as soon as possible, and in doing so not to depend on outsiders, but to select strong men from among themselves and carry on the work in an organised manner. Ultimately the Union was formed on the 15th July, vide Radha Raman Mitra's note-book, P 118, which was rejected by the prosecution but put in by Mitra accused himself as a defence document. This note-book also mentions a strike at the Ludlow Mills, Chengail, beginning on the 4th June. There is however nothing to show when it came to an end. In the Bauria Union Ghosh accused was elected President and Mitra accused became Secretary. The strike which started at Bauria somewhat before the formation of the Union dragged on for months and did not finally collapse until the 24th January 1929. There is a whole series of letters on the record in connection with a sum of money promised to Ghosh accused for the Bauria strikers at the time of the A. I. T. U. C. Conference at Jheria. This money was voted by the G. K. U. on Bradley's return to Bombay at the beginning of January, but ultimately instead of coming to Ghosh accused came into the hands of Muzaffar Ahmad, who for some reason or other made considerable difficulties about paying it over to Ghosh. The prosecution has not attached much importance to these letters except as evidence in regard to the relations between Ghosh and Muzaffar Ahmad accused. That there was friction of some sort between them, is clear. The question is whether it was due to personal feeling or to their belonging to different political camps. At this stage I think it will be sufficient to mention the numbers and dates of the letters or documents concerned. They are :—
- O. P. 642.
- (1) P 86 (1628 P (I. C. 341) dated the 3rd January 1929 from Ghosh to Dange accused). 5
 - (2) P 526 (2) (I. C. 346) dated the 14th January 1929 from Bradley to Spratt accused. 10
 - (3) A resolution in the minutes of the E. C. of the Girni Kamgar Union, P 958, dated the 16th January 1929, that Rs. 1000 be given as help in the matter of the strike at Bauria, Rs. 500 be sent at once and the balance afterwards, if required. 15
 - (4) P 395 (2) and P 395 (1), both dated the 18th January 1929, from Dange to Muzaffar Ahmad accused, sending the instalment of Rs. 500 about which in P 395 (1) Dange says : " You will see through which channel this assistance should be utilised. If there is a Union leading the strike and commanding allegiance, so much the better. If there is none such, the Party that is leading the strike correctly should see that assistance is rendered in the right direction." 20
 - (5) P 1346 (I. C. 349), dated the 22nd January 1929 from Muzaffar Ahmad to Ghate, acknowledging this sum of Rs. 500 and saying that he has asked Mitra accused to call a meeting of the workers and will make over the money to him in the presence of the strikers. 25
 - (6) D 208 (8), a telegram from Bakhle, D. W. 35, to Ghosh accused, telling him that Rs. 500 have been sent by Bradley. 30
 - (7) P 70 (I. C. 88), dated the 24th January 1929, from Muzaffar Ahmad to Ghosh telling him of the receipt of Rs. 500 from the G. K. U. about which he is wiring to the G. K. U. for instructions. This is evidently in reply to a note from Ghosh. 35
 - (8) P 396, (I. C. 89), dated the 25th January 1929, a telegram from Dange to Muzaffar Ahmad : " Sorry Bauria Collapsed Your Telegram Spend On Them As You Think Best." 40
 - (9) P 416 (8), a receipt, dated the 25th January 1929 from Ghosh accused acknowledging the sum of Rs. 100 received from Muzaffar Ahmad, out of Rs. 500 received by him from the G. K. U. on account of the Bauria strike. 45
 - (10) P 75 dated the 29th January 1929 from Muzaffar Ahmad to Ghosh with a draft reply from Ghosh on the back. 50
 - (11) D 35, a resolution of the B. J. W. A., suggesting an attempt on the part of that Association to get hold of this money from the Secretary of the W. P. P. 55

(12) D 208 (4), a letter dated the 9th February 1929 from Mr. N. M. Joshi to Ghosh in which Mr. Joshi says : " Of course the Communist Union in Bombay does not want to hand over the money to you."

(13) P 1335, (I. C. 368), dated the 11th February 1929 from Muzaffar Ahmad to Ghate saying that he is spending the G. K. U. money in conducting the cases of the Bauria workers. 5

(14) D 565 dated the 16th February 1929 from Ghosh accused to Dange, complaining of Muzaffar Ahmad's retention of the money.

(15) P 73 dated the 19th February 1929 from Muzaffar Ahmad to Ghosh accused, also in regard to this money and complaining that nobody knows what Ghosh has done with the various moneys he has received, and stating that he, Muzaffar Ahmad, is personally responsible for this money, and not the W. P. P. 10
O. P. 644.

(16) P 955 (1) (I. C. 382) from Muzaffar Ahmad to Dange, General Secretary, G. K. U. explaining that he has spent Rs. 300 on the defence of the criminal cases against the Bauria workers and saying that he has informed them (apparently the office-bearers of the Union) 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." 15

PART XIII.

- O. P. 644. Apart from one or two digressions which still remain in connection with the Bengal Jute Workers' Association, which affects mainly the cases of Banerji, Chakravarty and Goswami accused, and correspondence between Soumyendra Nath Tagore and Muzaffar Ahmad, which while it has some bearing on the general case of conspiracy, affects mainly the individual case of Muzaffar Ahmad, the account which I have given in the whole of this judgment hitherto of the history of this movement as shown by the documentary and oral evidence and the history of the above strikes, provides the setting, in which we have to consider what the instructions of the Communist International and its subordinate or auxiliary organisations are and how far the accused put those instructions into practice. Now it will be realised that attention has already been drawn to the bulk of these instructions from time to time in the course of the preceding pages, but in order to get a clear idea, that is to say in order to be able to apply in the case of the accused the test whether they put those instructions and tenets into practice, it will be useful to make again a quick survey and summary of what they are, indicating where they are to be found. Then we can see the way in which they were carried out and lastly we can examine what is the explanation, if any, given by the accused of what they did. 5
- O. P. 645. Now the basis of the whole of the work done in India according to the prosecution case is that it is the theory of Communism that the emancipation of the workers cannot be brought about by constitutional means. It involves revolution and not evolution, and therefore class struggle and not class collaboration. Then as the main organisational form of the workers is the Trade Union, it follows that it is in the Trade Union movement that the Communists must work. They call the Trade Unions the schools of Communism, that is the schools in which it is possible for the Communists to preach their views and schools through which the class struggle is to be fought. The quotations in support of this proposition could be multiplied unendingly, but it will be sufficient to refer to a comparatively recent and authoritative pronouncement by Comrade Kuusinen in his Report on the Revolutionary Movement in the Colonies addressed to the 6th Congress of the Communist International, which is reproduced in Inprecorr, Vol. 8, No. 68 (part of P 1204 and P 259), dated the 4th October 1928 at page 1232, where he says : " Modestly and yet perseveringly must we begin in India with the work in T. U.'s and during strikes, with the education of Party workers." Now I think myself that Kuusinen in saying this was very much behind the times, for that necessity had been realised fully a year and a half earlier in the early days both of the Bombay W. P. P. and Bengal W. P. P., but it has this value that it shows that there never was during the period covered by the charge any change in the main idea. 10
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- O. P. 646. Coming to the details of the application of this general idea, the prosecution has referred to a number of exhibits as those in which the details in regard to strategy and tactics etc. are best expressed. Going back to the fountain-head we find Marx in the famous manifesto of the Communist Party (P 21) at pages 51 and 52 laying it down that " the Communists fight for the attainment of the immediate aims, for the enforcement of the momentary interests of the working class, but in the movement of the present they also represent and take care of the future of that movement." 25
- O. P. 647. Then coming to the first really authoritative pronouncement of the Communist International, P 2395, we find at page 54 the strongest emphasis on the rush of the enormous working masses into the Trade Unions and the objective revolutionary character of the economic struggle which the masses are carrying on, and therefore the immense importance of Communist work in the Trade Unions. And as to the method of this work we find at pages 16, 28 (para. 9), 40 (para. 18) and 41, references to the formation inside other organisations of groups or nuclei of Communists. Next at page 45 in paras. 7 & 9 the importance of strikes and mass demonstrations is brought out, while on page 50 in para. 6 attention is drawn to the necessity that in such demonstrations the Communist members must occupy the most conspicuous place—at the head of the proletarian masses. Then at page 28, para. 10, the necessity of carrying on a struggle against the Amsterdam International of Yellow Labour Unions and supporting the International unification of Red Labour Unions (realised not long afterwards in the foundation of the R. I. L. U.) is inculcated, see also at the top of page 41. At page 14 we find references to the necessity of struggling against 30
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and denouncing reformist tendencies and leaders having those tendencies, and on page 28, it is laid down that Communist Parties should carry on propaganda so as to prevent war against the Soviet Republics. Lastly on page 68 is prescribed the struggle to be carried on against the reactionary mediaeval influences of the Clergy, Christian missions and similar elements.

O. P. 648.

Next in 1921 we come to the pronouncements of the Third Congress of the C. I., which are set out in the official report, P 2396. In this at page 12 we have the emphasis on a fighting policy. The Communist units must be the vanguard in all proletarian mass organisations, must teach the backward masses how to fight by formulating practical plans for direct action and by urging the workers to make a stand for the necessities of life. (It is the old story. The masses do not know what they want and the Communists have got to teach them.) The Communists have got to prove that they are able to lead in the practical struggle of the proletariat, and "by promoting these conflicts" the Communists will succeed in winning over the great masses of the proletariat to the struggle for dictatorship. On page 13 the report stresses the importance of participation in the struggle of the masses for actual and immediate necessities of life. It is pointed out that it is essential to make use of all the economic needs of the masses as issues in the revolutionary struggles. The destruction of the capitalist system is the chief aim and immediate task of the Communist Parties, but in order to achieve this aim they must put forward demands and fight with the masses for their fulfilment, regardless of whether they are in keeping with the profit system of the capitalist class or not. On page 14 we find the value of partial demands emphasised. "The workers fighting for partial demands are automatically drawn into the fight against the entire bourgeoisie and its machinery of State." But it is the Communist Party, which is to formulate these demands and in so doing "the Communist Party must take heed that these demands based on the deeply rooted needs of the masses are such as will organise the masses and not merely lead them into the struggle." On page 12 the report emphasises the importance of widening the area of any given struggle. On pages 20 and 21 the lesson that civil war is inevitable emerges most clearly. In paragraphs 23 and 24 at pages 37 and 38 the lesson of the participation of the Communists in all the elementary struggles and movements of the workers and especially of mobilising in full force in times of strikes, lockouts and other mass dismissals of the workers is emphasised in the strongest terms. These are the opportunities for awakening the spirit of solidarity in the workers and also for acquiring the reputation among the struggling masses of being courageous and effective participators in their struggle. This does not mean stirring up and inciting the workers to nonsensical strikes and other inconsiderate actions, but it does mean participating in the struggle, however small and modest the demands of the workers may be.

O. P. 649.

Next we come to the policy for India enunciated in P 2582, the report of the Enlarged E. C. C. I., in 1925, in which it is prescribed that the Communists should continue work in the National Congress, in the left wing of the Swaraj Party. All nationalist organisations should be formed into a mass revolutionary party and all-Indian Anti-Imperialist bloc. The slogan of the People's Party, having for the main points in its programme, separation from the Empire, a Democratic Republic, universal suffrage and the abolition of feudalism, is stated to be correct, and the Colonial Commission in its resolution on India instructs the Indian Communists "to direct their efforts towards securing leadership over the masses of the peasantry and to facilitate and encourage the organisation and amalgamation of Trade Unions and to take over the leadership in all their struggles."

The prosecution further referred to Dutt's "Modern India", P 290, where in the chapter on 'programme', headed "What must be done", at page 149 it is laid down that the line of organisation must reach out to the masses. This necessitates both widespread and continuous agitation, propaganda, demonstrations and campaigns and at the same time detailed work in the villages and industrial centres all over the country, forming groups and building up peasants' and workers' organisations. Next in P 2366, Communist Party Training, we find at pages 20 and 22 the object of this participation in the struggles of the Trade Unions clearly expressed in this way. "The interest of the Communist Party in the economic struggle and, therefore, in the trade unions is purely political. Our objective is the seizure of power by the working class. Therefore we enter into the economic struggle and the work of the trade unions, not merely to secure improvements of conditions." The writer

O. P. 650. goes on : " The partial economic struggles of the working class are a most important means for teaching the workers the limitations of economic demands, and leading them to a recognition of the need for waging the political struggle, and to lead up to the revolutionary struggle for power." On page 22 the nature of Communist work in the unions is defined in the clearest terms : " Our work in the unions is to permeate them with Communist ideas and establish our influence within them in order to convert them into revolutionary mass organisations of the proletariat and efficient organs of its struggles. For this purpose..... we need the continuous organised activity of all our members inside the unions in order to build up our leadership. Our methods of work in the unions are :

(1) To take part actively in all economic struggles, whatever their character, with a view to their extension right up to the ultimate struggle for power ;

(2) To take part actively in all trade union work, branch meetings, conferences, etc., with a view to establishing our influence ;

(3) To spread our ideas through the trade union press, through classes and by individual propaganda ;

(4) To foster and crystallise all minority elements striving for an active militant leadership inside the unions."

O. P. 651. Coming next to the Colonial Thesis, that is " The Revolutionary Movement in the Colonies ", P 90, I have referred already to some important passages in this at pages 30 & 31. In this we get the stress on the necessity for work in the building up and consolidation of the C. P. and Trade Union organisations of the proletariat, in the revolutionisation of the Trade Unions, in the development of economic and political mass demonstrations and in the winning over of the masses and their liberation from the influence of the national reformist bourgeoisie. On pages 44 and 45 we find detailed instructions in regard to work in Trade Unions and among the peasants with stress on the importance of giving a revolutionary character to both movements and on pages 52 and 53 there are special instructions for Indian Communists in regard to their work in Trade Unions and peasant organisations, with special reference to the importance of unmasking the national reformism of the Indian National Congress and criticising openly the opportunist and reformist tactics of the leadership of those organisations, in which the Communists work.

Lastly in P 2339, " The Programme of the Communist International " in the chapter on ' Strategy and Tactics ' at pages 61 to 64 we come to the tasks of the Communist Parties in the colonial and semi-colonial countries and the tactics which they should follow according to the circumstances at the time. Separate paragraphs are devoted to the tactics when a revolutionary situation is developing, when the revolutionary tide is rising and when the revolutionary tide is not rising. These include directions in regard to strikes, demonstrations, partial slogans and demands, united front tactics, work in the trade unions and mass proletarian organisations, struggle for the unity of the International T. U. movement, struggle against Imperialism and the war danger and so on.

O. P. 652. The prosecution also referred in this connection to P 1153, " India's Problem and Its Solution " by Roy recovered in the possession of Joglekar accused, in which speaking of work among the peasantry he stresses the immense value of strikes and demonstrations in the following words :

" Our object will be to create discontent everywhere against the present system and intensify it wherever it exists. And mass struggles and demonstrations should be organised at every available opportunity to give vent to this growing discontent." Of course these strikes will not always be successful, " but every strike, every demonstration will awaken the consciousness of the masses, will develop their revolutionary determination." And the last point to which the Crown has drawn attention is the importance of the experience of Russia. An example of the use of the lessons of the Russian revolution is to be found at pages 90 and 91 of Stalin's " Leninism ", P 8, where in the short space of 2 pages there are no less than three references to the lessons to be derived from the practical experience of the Russian revolution.

But not only are these ideas and methods preached in the documents of the Communist International ; they were also preached in the most direct manner by Spratt accused in many of his articles and notes. For instance, we have P 1981, P 1982, P 526 (41), P 544 (2) and P 527 (4), to which we must add the

- resolution on the Trade Union Movement, P 51. This last states the general proposition, to which I have alluded above, in very clear terms by declaring that "the importance of the T. U's in the political sphere lies in the fact that they are a means of preparing the workers for political action and in that they are the basic mass organisations of the workers, which can rally even the relatively backward sections to take part in the struggles in an organised way," after which it goes on to prescribe the policy of class struggle and of strikes, including the General Strike. In P 1981 entitled "Trade Union Work" we find Spratt accused emphasising the importance of Trade Unions in the class struggle and alluding to the Trade Unions as schools in which the workers learn their political lessons, and which are on occasions directly used as instruments of political struggle. "Our task in the unions", he says, "is to use them to the fullest extent as a means of educating the members, and secondly to assume the leadership in action, even of the most partial kind, as a preparation for action on the whole front. "He points out the advantage of getting in on the ground floor and getting an even firmer hold than would otherwise be possible by undertaking organisation from the very beginning. Under the head "Practical" he points out the necessity of a political programme and an organisational programme, a programme of demands for particular industries and for general use, agreed methods of work and immediate allocation of tasks to individuals. Under the first head he includes "Opposition to Imperialism" on general and on political subjects such as China, and particularly the transport of troops and munitions there. Under the head "Organisation" his main point really is energising the Unions by getting the real members, that is the actual workers to take an active part. On the subject of 'demands' he says that "a programme of general labour demands has been drawn up and should be used. For particular industries the chief grievances must also be seized upon for organising and fighting purposes." Under the head "General methods of work" he emphasises the importance of Party organs, special campaigns on May Day or Chinese intervention etc. The members of the Party should aim at establishing confidence in the party as opposed to the individuals as a sound guide to the workers. Party members who are eligible must become members of their unions. Those who are not eligible should obtain contact by becoming members of "advisory committees." Under the head "Individual allocation" he suggests concentration on the most vital industries, seamen, railwaymen, dock workers, cotton mill-hands. P 1982 which is also Spratt's is much the same document as P 1981, but it contains one or two more points under the head "Methods of work"; for example, "propaganda on the basis of the above mentioned programme; work as fractions in branch, committee, and other meetings; get influence in running union journals; get control of educational classes etc. In general let the workers find that the Party members are energetic and reliable fighters for their interests—Party must establish itself as the Party of leaders of the working class. W. P. members should not be afraid to introduce political subjects into the unions, and e.g. get it to pass resolutions on China, and such subjects. The educational value of a simple discussion on the working-class significance of the Chinese would be very great."
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- In P 526 (41) Spratt brings out the importance of participation in strikes etc. He says, "We are faced with a first class political crisis and a first class industrial crisis at the same time. In accordance with its general policy, the Party will bring the two into close relations—for all economic conflicts are political or vice versa. Every strike, every struggle of oppressed peasants against land owners or Government must receive its support and assistance. The full implications of these struggles, which are but skirmishes preparatory for the great struggle for power between the exploiters and the exploited, must be brought out and demonstrated to the masses."
- In P 544 (2) he brings out the distinction between conciliation and the methods involved in the Trade Disputes Bill on the one hand and the militant movement on the other. What labour should depend upon is not the abstract justice of its cause but its own organised strength and militancy of spirit.
- The bulk of the instructions to be derived from the various books and reports will be found summarised in P 527 (4) recovered at the search at 2/1 E. A. Lane the last page of which has somehow been mixed with P 527 (3) and will be found printed on the upper half of page 33 of the printed exhibit. This is entitled "Elementary course for workers etc." Crown Counsel gave in his summing up a list of the tasks and duties derived from these exhibits which he urged were shown by the evidence to have been carried out by the accused in this case. Nearly every one of these is covered either by the evidence on the

O. P. 656. record or by admissions made either in the individual statements of the members of the Communist group of accused or in the joint statement made on behalf of these accused by Nimbkar accused. I do not think I can do better than reproduce this list as he gave it. It indicates as he suggested some of the obvious items to be looked for in the public activities of the accused. Any single one of these items of activity by itself might not be a proof that the person concerned was trying to carry out a plan with a Communist origin. But if we find the accused individually or as members of a Party putting into practice of large number of these injunctions it is impossible to resist the inference that they were doing so as part of a deliberate plan. These injunctions are as follows :—Concentrate on organisation ; take part in the every day struggle ; do not disregard the smallest demand ; draw attention to abuses and help to formulate demands ; be conspicuous in all strikes and demonstrations ; every strike large or small is a lesson ; train leaders from the rank and file ; inculcate discipline ; expose reformists ; oppose all phrases about non-violence or passive resistance ; deprecate tactfully the influence of religion ; denounce capitalists ; explain that Government always helps capitalists ; that it is in fact a capitalist Government, therefore denounce Government ; introduce political subjects and issues ; emphasise that no lasting betterment is possible under the capitalist system ; stress therefore the necessity of revolution and the establishment of a Workers' Raj ; create discontent and intensify it where it does exist ; demonstrate the international character of the class struggle ; praise R. I. L. U. and denounce Amsterdam ; draw illustrations from Russia and China. 5 10 15 20

Education of workers. Now as regards the second of these items, " taking part in the every-day struggle ", the evidence to which I have alluded and to which of course many more allusions will be necessary in dealing with the individual cases shows the extent to which individual members participated in the every-day struggle of the workers particularly in the strikes. It is scarcely necessary also to quote individual instances of accused being conspicuous in strikes and demonstrations. The number of speeches made and the very much larger number claimed to have been made by accused like Nimbkar, Mirajkar and Joglekar in the Bombay strikes, the part taken by Mirajkar, Spratt, Jhabwala and Nimbkar in the Simon Commission demonstration at Bombay in February 1928, and the work of Spratt and Goswami at Ondal and Lillooah and by other accused in the Bengal strikers to which I have alluded recently are only a few examples of the observance of the injunction to be conspicuous in strikes and demonstrations. 25 30 35

O. P. 657. Coming next to the matter of training leaders from the rank and file, with which may be taken education of the workers generally ; it is the proud boast of the Bombay accused that at least 2 meetings a day were held throughout the Bombay Textile General Strike for the specific purpose of educating the workers. Dange accused for instance says, at pages 2476-7 of the statements of the accused, that in the course of the strike at least 250 meetings were held and 700 speeches delivered. He argues that the prosecution evidence fails to prove their point as to the use of the speeches because it only contains a very small proportion of the speeches delivered. But he goes on to make statements which amount to an admission of the correctness of the prosecution contention. He says, " The strike period is the only period when the cultural level of the workers can be raised on a mass scale. One lecture on any subject in the strike is more valuable than one month in a night school. So one of our reasons in holding such a large number of meetings was to carry on education on a mass scale. 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." And the Communist group of accused also claimed that their main contribution was in the sphere of ideas. They said at page 2910, " This is shown by the eagerness with which new political ideas were taken up by the workers, when we ourselves among others began to put them forward," and at page 2911 they say, " Our contribution was largely in the sphere of ideas " (that is to say in the direction of education). " But it is true to say that in putting forward our policy we were interpreting the ideas which were forming at that time in the minds of large number of workers. By formulating our policy in this way we not only interpreted and clarified the workers' ideas ; we also contributed directly to their formation. In doing this we performed the essential task of leadership. But the events show that we were on the right lines. We interpreted the workers' ideas correctly, and supplied what they wanted." It is a good way of expressing the fact that the 40 45 50 55 60 65

O. P. 658.

workers wanted what the leaders of the movement told them they wanted. And that their training work was successful in producing what we have found to be one of particular needs of the movement namely, leaders from the rank and file, is shown by the presence among them and the active part taken by men like Alwe and Kasle accused who, whether they were conspirators or not (I leave that question for the moment), at any rate very successfully imbibed some of the ideas peculiar to the Communist creed. As might be expected in the light of the prominent part which we find him taking in the Workers' and Peasants' Party throughout and in the earlier days of the "Kranti", Mirajkar accused's speeches provide the best examples of educational work carried on in the course of the Bombay strikes by the accused. Crown Counsel referred to no less than 7 of Mirajkar accused's speeches in this connection. (Note :—The quotations from Mirajkar's speeches which follow are from the new volume of translations made by the court translator from the Marathi transcriptions prepared by Inspector Abheyankar and Inspector Deshpande from their original Marathi shorthand notes. The original records of these speeches were direct translated transcriptions but as these could not be checked in any way steps were taken at the instance of the accused to bring on the record the actual Marathi transcriptions of the notes taken at the time, along with translations made for the purpose of the case by an independent translator. Unless otherwise stated therefore all references to Bombay speeches made in Marathi between the 14th June and the 28th September are to be obtained from the new volume of translations.) For example in P 1697 Mirajkar says, " For now the workers have begun to understand day by day what their rights are. No one had so far told them what their powers were, what their rights were, how they were being robbed, how persons were getting rich, how less wages were being paid though they were producing more cloth, how wages were lowered. They have now begun to realise all this." So that as early as the 25th June the process of education was making good headway.

O. P. 659. Then on the 22nd July in P 1702 he says, " Formerly our workers were ignorant, they did not know the strength of unity. They did not know how to use the weapon of strike. Day by day they have begun to understand it quite well. They did not know how the owners robbed them, how the owners tried to pocket profits by using old and new tactics. The workers in Bombay did not so long properly understand how the owners sucked blood like leeches. The persons who would make them understand have not come so long among you. But they (owners) should properly bear in mind that such people have come and the workers have correctly understand the situation that the owners are like mosquitoes.....and that there is no salvation for workers until that community is entirely exterminated. These mill workers, railwaymen, dock workers, municipal workers, all workers have now realised this thing." And at the end of the speech on page 39 he says, " Learn to think yourselves over all these things that have been told. Courage does not lie in the outsiders coming to instruct. Persons from the workers themselves must begin to think. As Mr. Alwe has been trained from among the workers hundred Alwes like him must be trained here.....Train the young men that are to be trained from among us to carry the present movement forward."

O. P. 660. Again on the 15th of August in P 1714 at page 99 he says, " The owners are today cursing the names of those few persons who did the work of awakening them (workers).....How many meetings of workers had you seen before in which the workers conducted the work of their meeting though no one else came there. But today such has become the state of things that whether outsiders come or not.....the workers have become prepared today to conduct their own business, the workers have become prepared to conduct the work of their union, the workers have become prepared to conduct their own movement."

O. P. 661. Again on the 23rd August in P 1719 at page 130 he says, " But during the last four months our workers have been so much trained that they properly carry out the proceedings of the meeting, (whereas formerly 4 or 5 of us used to come every day to conduct the meeting)..... The workers have during the four months learnt this much that they must carry out their movement systematically, peacefully.....But now-a-days the workers have begun to be wiser day by day. It is a matter of greater joy that men from among the workers have come forward to take the leadership of the workers." Later on in the same speech he says, " Did you during the last ten years see something new being told in every day's meeting, the worker being educated, things of their benefit being explained to the workers, their rights being explained to the workers ? "

Then again on the 25th of August in P 1721 at page 139 he says, "The ignorance of the workers has been removed. The workers have begun to see the road. Owing to the lamp of knowledge given to the workers it has become apparent how the workers' movement must be carried on."

Again on page 174 in P 1729 dated 16th September he says, "I tell you that during the last five months you have understood what is Communism. If there has been any gain during the strike of five months it is that the workers have come to know what their rights are, how the capitalists suck our blood like leeches." In fact no strike is wasted even if it is unsuccessful. The same theme reappears in P 1736 on the 28th September at page 216 where he says, "These five to five and a half months you have come to know what a meeting is. The state of things formerly was that when a meeting took place, the workers did not attend it..... You become wiser by hearing the ideas of our men. This you must have realised in five months and a half. Therefore, hereafter, you must not fail to come to those meetings which will be held as soon as the strike is settled..... wherever workers' meetings may be held, workers ought to be present there. They must take part in the meeting. Speakers from among the workers must come forward. 15 to 20 men have been trained to make speeches, those men must get further education, must learn to read. We are going to start a class for these men. The movement is to be explained to them, they are to be made good speakers by teaching them how to make good speeches. And when good speakers get trained, good men from you are to be elected and taught to start a union. They are to be taught how they should conduct the workers' movement, how the workers should advance and how the organisation of the workers should be effected."

O. P. 662.

Kasle accused did not take long to learn the lesson and was ready to preach it himself by the 12th of August when in P 1712 at page 88 we find him saying, "Each of my workmen brothers should remember this. When a meeting will be held we workers should proceed with the meeting. So long as leaders from among the workers do not come forward our struggle will remain in disorder in this manner..... every leader must be from among the workers..... So long as we will place trust in others we cannot carry our struggle to its end. I received a telephone that I should go and carry through today's meeting." And so he takes the opportunity of preaching the lesson he had been taught himself. Kasle dwells on the same theme in P 1726 on the 11th September at page 166 where he says, "Leaders have spoken. When will the leaders of the workers come forward..... We must be intent upon when we shall learn to speak." And on the 13th September in P 1727 at page 170 he says, "Within two or four days this Government is going to deport Bradley Sahib and Spratt Sahib to England. They teach us, impart knowledge..... But where have you got yourselves trained? You do not speak, do not act, do not make speeches in meetings."

O. P. 663.

Then in P 1731 on the 21st September at page 188 he says, "If any one has today imparted as much wisdom to our worker brothers as was necessary, it has been imparted by my respected guru Nimbkar Saheb and others. How to conduct the workers' movement, what are the ideas of the workers, what is the strength of the workers, all this has been told by Nimbkar Saheb." And on the next page he says, "It will not do merely to carry on only this movement. We must learn who we are. Every worker must learn to speak."

Alwe accused also harps on the same point. In P 1707 on the 3rd August at page 67 he says, "I am a leader from among you..... You people are ignorant. They (the leaders) are trying to impart the knowledge to you because capitalism deceives you. You will have to suffer hardships. You must think over it. Every endeavour will be done on our part, on the part of the leaders." At page 124 in P 1717 on the 18th August he, like Kasle, boasts that the workers have now learnt to be able to carry on a meeting without the assistance of the leaders. He says, "But now it so happens that if there is a meeting at any place workmen amongst us are able to carry it through without having to wait for any leader. I am thankful that they have realised much, have begun to understand."

Then there is a speech by Nimbkar accused on the 25th August, put in by himself, D 643, in which he says, "I have to tell you what you are to do next..... You should carry on the struggle by keeping before your eyes the things that we have told you and the lessons. We have already informed the men of their rights. Let us see that the brave Bombay labourers save their unions and remain fighting in our absence."

O. P. 664. Then again we find Bradley accused on the 14th September saying in P 1728 at page 172, "What a big offence I have committed for which I am to be sent to jail. The offence is this. 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." 5

And again in P 1729 on the 16th September at page 178 he preaches the lesson of workers learning to be leaders and says, "I have to say to you in that matter that you yourselves must take the leadership of your union. Workers from among you must become the leaders to do union work. For the unions to be organised hereafter all the leaders must be supplied by you. And you must go before the owners and yourselves tell them what your complaints are, what your grievances are. In our union in England all its leaders are workers themselves. our unions in England are being managed by us workers." And as to his own attempts to teach them he had said a little earlier, "I have to request that instead of keeping quiet after the strike is settled learn the "mantra" of unity—which it was my task to teach after awakening the Indian workers—organise unions etc." 10
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The same lesson is to be found in the speeches of Joglekar accused, as for example in P 1735 on the 27th September at page 206 where he says, "In order that men from among you should be wise, should come forward of their own accord to do the work of the union, we seek to teach the other men with us to make speeches, to do things. We seek to give them an idea about the union and some men come forward." 20
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O. P. 665. Another accused who was endeavouring to educate the workers was Jhabwala accused, who speaking in P 1698 on the 5th July at page 15 says, "You had 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." 30

It would be possible to quote from many other speeches in regard to the necessity for the workers being trained not only to be the leaders of their unions but also to make speeches. And this idea of training speakers and lecturers was kept in the foreground right up to the end of the period with which we are concerned. For instance in P. 966, a Marathi leaflet issued over the signatures of Dange, Nimbkar, Mirajkar, Alwe and Kasle accused about the beginning of 1929 (see the first sentence of the leaflet), the workers are called upon to make preparations to fight with the owners, to organise a Red Army of 500 volunteers and a corps of 100 lecturers who would explain the arguments for the fight by giving lectures before meetings, and who would enlist help from their other workmen brethren by going to the gates of the mills. P 967, issued over the signatures of Bradley, Alwe, Joglekar, Kasle, Dange, Nimbkar and Mirajkar accused and one Gadkari on the 12th October, just after the strike had come to an end, puts forward the same aims. 35
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O. P. 665A. And there is further confirmation of the prosecution case that the strike was used for educational purposes in the statements of the accused; for instance at page 1437 of these statements Mirajkar says: "During six months of the General Strike our 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." (These remarks about the Red Flag are in answer to some rather weak defences in regard to the use of the Red Flag put forward by Alwe accused.) In regard to the use of the strike for educational purposes Mirajkar accused is supported by Joglekar accused who quotes from Engels the statement that "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." On this same subject Joglekar further says at page 1990 (a): "The point only is that the correct policy of militant activity in the course of day-to-day struggle of the workers, that was being pressed for by the Party, was now accepted by the 50
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Managing Committee of the G. K. M., and in this lies the acceptance by the workers in general of the policy of the W. P. P. By April the militant section of the Textile workers was won over to the policy of the W. P. P., and the Party earned the confidence of the workers..... 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 interest." And a little further on he says : " The strike was fought under the leadership of our Party, and though there was a Joint Strike Committee, still the main policy was considered and decided by the Executive Committee of the Party, which met from day to day to review the situation ", and this is no doubt the truth, although it is not a fact which some of the accused felt it entirely wise to admit during the actual strike, see, for example, Jhabwala accused's speech, P 1730 (1), on the 18th September 1928, at page 182 of the new volume, which I have referred earlier, where he suggests that the responsible body is the 30 members of the Strike Committee.

Another aspect of this matter of education is the establishment of study circles. In this connection I may refer to Graham Pollard's report to the C. P. G. B., P 2391P (3) dated the 3rd June 1925 (F. C. 37), in which he says that " the formation of a study circle (at Oxford) will certainly be set on foot. But it must be absolutely secret." Then Spratt accused himself in an address to the Young Comrades League on the 1st Sept. 1928 on the " Working Class Movement " speaks of the subjects " which we shall have to attend to in this study circle." From P 546 (4) we find that the papers read to this circle were on Capitalism, Imperialism, Working Class Movement, Socialism, Present-day India, and Youth Movement. Another reference to study circles is in P 832, the resolution on organisation accepted by the W. P. P. of Bombay and also taken over and adopted practically as it stands by the Bengal W. P. P. and printed in " A Call to Action " at page 37. Under the head " Operation of organisation " the first direction is that " study circles must be started forthwith in order that members may understand and correctly apply Party policy." And there are quite a number of instances of study circles being actually organised by accused in this case. For example there is one which I have just quoted above, namely the Young Comrades' League. Then there is Hutchinson accused's Circle of Progressive Youth of Bombay, and that this was no mere coincidence is shown by Hutchinson's speech at the People's Jinnah Hall, Bombay on the 26th March 1929 at a meeting held under the auspices of the Bombay Youth League, when, after protesting against the arrests of the other accused in this case, he ended by saying, " Organise demonstrations of protest against the arrests, form study circles, read, prepare yourselves for India's freedom."

Another accused who took a considerable interest in study circles was Gopal Basak ; see his letters P 2016P (I. C. 185) dated about the 8th or 9th June 1928, P 2018 (I. C. 199) dated 24th July 1928 and P 2020 dated 31st July 1928.

So also did Joshi accused, who in P 126 (I. C. 178) asks Aftab Ali his opinion as to Joshi's starting a study circle at Allahabad. This letter appears to have been written some time probably in July 1928. It is a favourite subject with him as on the 19th October 1928 in P 2069P (P 526 (8)) I. C. 253 he says, " I have organised a league of young comrades here as also at Jhansi and at Meerut. I mean to begin by forming them into study circles." And again writing to Gauri Shankar in P 209 on the 2nd of November he says that at Jhansi " there are two Parsi young men who will open a study circle."

We come next to the matter of " exposing the reformists " which of course includes denouncing the bourgeois. In the latter form it occurs so frequently and in so many articles and summings up of the political situation and the like that if one were to begin to quote it would never end. A typical example of this in its most direct form occurs in Spratt accused's speech P 2472, delivered on the 20th January 1929 on the occasion of the demonstration in connection with the fifth anniversary of Lenin's death when he says, " I want to point out that in India we are in the hands of reformists and this is a situation of the gravest danger. And we have no greater tasks before us than to fight within the trade union movement, within the working class movement for the exposure and destruction of the reformist theory." And that in fact is exactly what the accused did and claim to have done particularly in the A. I. T. U. C. At the top

O. P. 668.

of page 2913 of the statements of the accused, in the course of the joint statement, Nimbkar accused says, "This was the reformists' policy, to act so far as possible as a break on the workers." Then summing up the results of the developments between 1925-1929 in the T. U. C. he says, "For the time the movement is defeated and weak but the next period of advance will show that the experience of the last few years has not been wasted. For the first time the workers have been able to see the reformist policy and the militant revolutionary policy in action together, to compare them and to decide which deserved their support. The reformist policy was exposed even more decisively in this period than it had been before." And this passage follows an account of the way in which the accused had put forward in the T. U. C. their own conception of the working class movement as opposed to the reformist conception, about which Nimbkar says:—"We stood always of course for the attitude of struggle by the workers against employers, as opposed to the reformist tendency to surrender or adopt conciliation if any chance presented itself." Finally he says, "We began to introduce our more general ideas of the political nature of the T. U. struggle by opposing cooperation with the Government, by boycotting Geneva and the Simon Commission etc., by bringing forward the idea of international affiliation with the revolutionary working class movement and by discussing general political affairs such as the Russian and Chinese revolutions, the prospects of war and the like." And from all of this it is clear that it was the accused themselves who had carried out the exposure of the reformist policy, as indeed is clearly implied in such documents as Bradley's report of the Jharia Conference of the A. I. T. U. C. And the reason why they attacked reformism and also Gandhism is that as the exponents of Gandhism have frequently boasted it stands between India and revolution, a fact which the accused themselves state to be the substance of their opposition to it." (Page 2923).

O. P. 669.

Of course Gandhism is also mixed with non-violence and passive resistance, which are, so far as a Communist is concerned, purely matters of expediency and have no value as principles. As slogans they are to be rejected and definitely opposed, of which we have practical examples, in the statements of the accused, and they are also denounced by Spratt and Joshi for example during the period covered by the charge. In P 415 (13), an article in Spratt accused's handwriting on Bardoli, we find him saying, "The lesson is that nothing can do India good but revolution and the only useful way to wage such conflicts as these is with a revolutionary objective in view." A little further on he says, "Fortunately peasants are sensible people and they will not be deceived by the gush of the Swarajists or the non-violent rubbish of Vallabhai." P. C. Joshi's remarks in P 346 "The Role of the Congress" are in clearer terms. In the course of these he says, "The Congress is bound to fight Imperialism by all peaceful and legitimate means. If this "Ahimsa" strategy is sincere, then the Congress people have not read their history with profit and betray unpardonable ignorance of the org. strategy and tactics of Imperialism."

They (the non-Congress Party) do not advocate organised armed mass revolution because of the secret joy they derive from handling a rifle but on the knowledge that militarism and navalism are the essentials of Imperialism and that the only way to destroy force is by massing against it still greater force. Power rests on force and can be captured by force alone.

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."

O. P. 670.

The subjects of class struggle, of denouncing of capitalists, the demonstration that no lasting betterment can be effected under the capitalist system and therefore revolution and the establishment of workers' raj are a necessity, are dealt with in speech after speech and article after article but there are some particularly good instances of the method of treatment in the speeches delivered in the course of the Bombay General Strike. For instance Alve accused in P 1699 on the 14th July at page 17 associates Government with capitalism and says, "This Government is so shameless that it must keep safe the mill machinery where three or four lakhs of people are starving..... Today while a lakh and a half of the workmen are starving the Government has kept a continuous guard day and night for twenty four hours in order that the machines of capitalism may remain clean." This implies a wicked Government and wicked Governor, hence "it is the duty of every workman to drive away such men in authority and to take their reins in our hands..... The Governoi

and the Commissioner are the underlings of capitalism." That is why the workmen are being kept starving and he addresses the Government as follows :
 " You recall the policemen kept for the protection of mills. 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 this city of Bombay." Later he reiterates much of this and says, " We have no power, we must make efforts to obtain that power." And again he says in P 1717 on the 18th August 1928 at page 125 : " 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 strikes that took place in 1925 and 1923 were different..... This movement is for removing the misfortune of India..... My only request is that by establishing the workers' raj in India you make all workers happy through joy..... 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."

O. P. 671.

Kasle accused in P 1712 dated 12th August at page 89 argues on the same line. He says, " So long as you have not become ready our police, our capitalism will keep on harassing us..... So long as you are not equipped, this arrogant mean capitalism will keep on doing just like this. Every worker must become ready to overcome them." Again in P 1734 on the 25th September at page 198 he says, " Our fight is that capitalism and Government are to be brought under our control." And in the same speech on page 204, " So long as the Government has not become ours till then this will remain hanging." And in P 1733 on the 24th September at page 196 he says, " In truth we must get our independence." And on page 197, " Everyone must try to take part in this and it is not possible to establish our raj unless they are driven away from India." The same is to be found in the speech P 1731 of the 21st September at page 188 where he speaks of " This capitalism, this Imperial Government ", and says, " the power of such an Imperial Government must come into our hands " ; a proposition which he emphasises several times further on in the same speech.

The same doctrines are preached in speech after speech of Mirajkar accused. For instance on the 15th August in P 1714 at page 98 he says, " The policy of our workers' movement must therefore be not only to make the strike successful. Our policy is to make the strike successful and after the strike is made successful the ownerism of the owners, capitalism, Imperialist Government and their resources are to be entirely knocked down..... Remember that this is the main work to be done by all the workers in the world, by the workers in India." Lower down the same page he says, " Therefore I have to say to you that if we people day by day maintain the unity in the way we showed in the year 1928, if we begin to work hand in hand, shoulder to shoulder with our other workers, we poor workers will be able to establish within a few days our raj in India.

O. P. 672.

In the same speech at page 99 he preaches revolution in no uncertain terms and says : " Though some persons, a few persons are killed, though a few persons die, even if some persons die, we outsiders shall bring about a revolution, and we workers shall rebel and shall raise the red flag of rebellion in order to defeat the attempts made by you oppressors of killing us by oppression, (and) to drive from this country all the owners of mills, the owners of Tramways, the owners of railways, the owners of other factories, driving away you English, you little Sahibs who rule (over us), the owners, the friends of the owners, the underlings of the owners." Further on he says : " I again tell you thrice that we workers and peasants have raised the flag of rebellion."

In another speech, P 1702, dated the 22nd July, at page 38 he says : " We shall remove these difficulties with our own hands. We shall start our unions, shall start schools on behalf of the unions..... We shall carry on Union movements. We shall conduct strikes, today of the mill-workers, to-morrow of the Railway, the next day of the dock employees and the day after that of the Municipality. We shall leave no shelter to the owners and the Government. We shall carry on minor movements so long as arrangements about revolution have not been made. One day taking the weapon in hand we shall fight with you. We shall cut your necks, shall drive you away, shall kill Capitalism. We shall

O. P. 673. establish the workers' Raj after driving away the Government. In this manner carry forward our workers' revolutionary movement. One day we shall hoist our Red Flag in India." A comparatively mild denunciation of capitalism and capitalists will also be found in D 498, the "Request to the citizens of Poona", issued by the Joint Strike Committee, in the paragraph headed "Reply to the question of the students" at pages 15 to 16 of the typed translation. (The document is a very long one and is one of many similar translations which it hardly seems worth while to print.). At the foot of page 18 of the same document the necessity for revolution with the alternative of slow starvation is stated as follows: "When such a condition arises (a decrease in the profits of the capitalists) only two paths remain open to the worker and peasant class, that either power of the capitalists must be destroyed or that they (the workers) should be ready to eat one morsel each less day by day." 5
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Another point is the demonstration of the International character of the class struggle, and in connection with this we find Jhabwala accused as early as the 29th August 1927 laying emphasis on the necessity of the international brotherhood of workers in his speech, P 2311, at the public meeting held to protest against the electrocution of Sacco and Vanzetti. This is a speech in which Jhabwala appealed to those present to become members of the Workers' and Peasants' Party. The point is I think better put in Hutchinson accused's speech, P 1507, dated the 21st April 1929, where 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 Imperialists can do nothing. To begin with base your programme on an International position and not on a national position." Closely linked of course with this subject is the subject of unity with the R. I. L. U. with which of course there naturally comes in the denunciation of the Amsterdam Yellow International or I. F. T. U. In this connection it will be remembered that the Workers' and Peasants' Party issued a general letter to Trade Unions calling upon them to reject the proposal to affiliate the A. I. T. U. C. to the I. F. T. U. and suggesting the R. I. L. U. as the organisation to which the A. I. T. U. C. should rather be affiliated. This subject was dealt with by Sohan Singh Josh accused in his Presidential address to the A. I. W. P. P. Conference. At page 16 of the printed exhibit he says: "Now that Capital is internationally organised and is suppressing the Labour Movement in all countries, 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, and because means of communication have destroyed time and space and every part of the world have become so accessible, therefore we must of necessity affiliate ourselves to the International movements." And he goes on to recommend affiliation to the League against Imperialism, the International of Moscow or the Peasant International (Krestintern) "because these Internationals are the real supporters of the political, economic and social emancipation of the proletariat and have shown by their attitude that they have been unceasingly fighting against capitalism and Imperialism." He also recommends the establishing of relations with the Pan-Pacific Trade Union Secretariat. This subject is dealt with to some extent in Ghosh accused's speech, P 2264 delivered at Deshbandhu Park on the 8th May 1928 in connection with the Lillooah strike. In this speech he mentions the I. F. T. U. and the R. I. L. U. and the object with which the I. F. T. U. is trying to get the T. U. movements in all dependent countries to join it. He points out that when help was asked from the British T. U. C. and the I. F. T. U. no help was forthcoming. On the other hand, the R. I. L. U. sent money without ever being asked. In P 2265 on the 11th May Ghosh again contrasts the generosity of the British T. U. C. with that of the R. I. L. U. to the great advantage of the latter organisation. 15
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O. P. 675. Then we come to the direction to be conspicuous in all strikes and demonstrations, to which might be added the organisation of demonstrations. As I have pointed out already, demonstrations were organised for Lenin Day, Simon Commission Boycott, Sacco-Vanzetti, May Day, welcoming Dange and Usmani accused on release from jail, and celebrating the 10th Anniversary of the Russian Revolution. The Simon Commission Boycott demonstration has been dealt with already and the welcomes to Dange and Usmani and the celebration of the Anniversary of the Russian Revolution all speak for themselves. It will be remembered that the Bombay Party felt that they had done most of the work 60
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in the organisation of the Simon Commission Boycott, but had failed to reap the full credit. Lenin Day is obviously an occasion entirely suitable for the propagation of Communist principles and through them of a Communist conspiracy. Among the accused Jhabwala, Joglekar, Ghate and Mirajkar took part in the celebration of Lenin Day in 1927, vide the report of Inspector Desai, P. W. 215, P 1942. The ideology of Jhabwala accused's speech seems to be somewhat defective, but it was in the right spirit. The holding of the meeting was part of the definite policy of the Party, as it appears in the list of meetings in P 826 under the heading "Propaganda Section", which opens with the following remark : " Under the Propaganda Section, meetings, lectures, anniversary celebrations, publications were undertaken, apart from the sectional meetings organised by each section for its particular work on hand." P 1690 is the report by Mr. B. R. Mankar of the Lenin Anniversary meeting held in Bombay on the 21st January 1929. At this meeting Usmani accused presided and speeches were made by him as also by Nimbkar, Bradley, Dange and Adhikari accused. In Bengal Lenin Day was celebrated in 1929, and speeches were made by Radha Raman Mittra accused (P 2459), Muzaffar Ahmad accused (P 2471) and Spratt accused (P 2472), to which I have referred already. It also appears from various mentions in the newspaper 'Krantikari' that a Lenin Day meeting was held in 1929 at Gorakhpur. These celebrations of Lenin Day in 1929 and the nature of the questions, which should be stressed in the speeches that day, were mentioned in a circular letter issued on the 14th January 1929 on behalf of the W. P. P. of India by Muzaffar Ahmad as member in charge of Education and Propaganda. Copies of this are on the record as P 212 found with Gauri Shankar, P 343 found with P. C. Joshi, P 403 found at 21 E. A. Lane, P 432 found in the Krantikari office and P 1769 found in the possession of Nimbkar accused. The subjects to be stressed 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."

This is very much on the lines of the method described in the speech of Comrade Bell, England, at the Agitprop Conference of the Enlarged E. C. C. I. reported in Inprecorr, Vol. 5, No. 58 (part of P 2491A) dated the 23rd July 1925 at page 799, where he says : " The C. C. of our Party prepares all the material for agitation and propaganda in advance. That is to say for special campaigns that it may be preparing or in preparation for any special event, which the C. I. or the C. P. is concerned. For example in commemoration of the death of Comrade Lenin we issued special leaflets and special theses, to be discussed by the locals and smallest groups in our Party, upon Leninism and what Leninism means." As regards Sacco-Vanzetti, the defence contention is that this demonstration was common to both Communists and socialists, a fact of which there is evidence in the statement of Mr. H. N. Brailsford. Mr. Brailsford, however, when asked whether he had described the execution of Sacco and Vanzetti as an example of class vengeance, said : " I think that in my article on Sacco and Vanzetti I put forward the view that the miscarriage of justice was an expression of the fear of the employing classes of the agitation, which was going on among the workers, and that the incident was an evidence of the actual antagonism between the classes under the present system of society," a reply full of circumlocution which was most typical of the evidence of this witness.

The same defence is put forward in regard to the celebration of May Day, though from some points of view I really failed to understand why it was put forward at all. According to D 281, a circular issued by Mr. N. M. Joshi as General Secretary of the A. I. T. U. C., the celebration of May Day all over the world as a Labour day is a sign of the international solidarity of the Movement. He suggests that efforts should be made to get it observed as a holiday, and that it would be a suitable occasion for passing resolution in favour of legislation enforcing the Eight Hour Day in India. The Communist view of May Day is different and is expressed in the plainest terms in the statement of

Joglekar accused at page 2035 of the statements of the accused, where he says :
 " May Day is celebrated now throughout the world with a distinct class outlook and as an avowed and open symbol of working-class struggle. It still plays the role as a military review of the forces of revolution and serves as a barometer recording the intensity and development of the revolution and the relation of forces between the proletariat and the bourgeoisie." Joglekar's statement that May Day plays the role as a military review of the forces of revolution is apparently true in the literal sense, for, according to Mr. Brailsford in " How the Soviets work ", P 1777, at page 91, it is the day on which the Red Army, which is regarded as a weapon of the class struggle, assembles for its annual parade, at which every man repeats his oath of allegiance to the cause of the workers and peasants of the Socialist Republic and the rights and interests of the workers of the world. It is in fact for Communists a day on which is celebrated the revolutionary struggle of the working class, and this was no doubt recognised by the Bombay Provincial Congress Committee, which in 1928 threw out the resolution for a grant for the celebration of May Day, vide P 821 (I. C. 141), a letter from Ghate accused to Thengdi dated the 4th April 1928, and P 449 (I. C. 142), a letter from Ghate dated the 5th April to Muzaffar Ahmad. In connection with the celebration of May Day 1928 we have also several references in the minutes of the E. C. of the Bombay W. P. P. (P 1344) on the 1st, 8th, 15th and 29th April, and a report by Mirajkar accused on behalf of the Propaganda Section of the Party, P 1373 (16). In regard to 1927 there is also the evidence of P. W. 244, Inspector Patwardhan and in regard to 1928 the evidence of P. W. 245, Inspector Hasan Ali.

We come next to the instruction to deprecate tactfully the influence of religion. There are not very many references in this connection, but what there are are clearly on the correct lines. For example we have as item no. 8 in P 1220, a file of articles recovered in the search of the Kranti office, an article on " The relation of Workers' Party to Religion " by Lenin himself. I have already quoted from this article the view that the fight against religion is to be taken up not on the basis of an abstract purely theoretical unchangeable preaching but correctly on the basis of class struggle, because religion is an instrument of bourgeois reaction, which serves as a shield for the exploitation and deception of the working class. Then religion is touched upon in a number of speeches made by the accused, for example, those of Majid and Sahgal on May Day of 1928 at Lahore, P 1879 (2) and P 1879 (3). Majid accused's speech on this occasion got him into trouble with the audience and Sahgal tried to smooth things down. At the same time he also hints that religion is a very dangerous thing and leads to unnecessary quarrelling. Sohan Singh Josh accused touches on the subject on more than one occasion, as for example in P 1883 (3) at Jullundur on the 26th May 1928, in which he indicates the dangers of religious divisions and Communalism. He also refers to it in P 1911, his speech on the 20th July 1928 at the Mahalpur Diwan, as also in P 1903, the speech which he made at the Second Naujawan Bharat Conference at Lahore on the 24th February 1928, in which he says that " religion is now only a means of exploitation." Lastly the subject is quite a favourite one with Hutchinson accused who expresses very much the same idea in P 1693, his speech at Matunga on the 2nd March 1929 on ' Youth and Politics ', see also his notes for this speech, P 1038. This attack on religion was also repeated in his speech, P 1695 on May Day 1929 addressed to the Worli Youth League.

One of the details in connection with organisation is what is called fraction work, which I have mentioned on a number of occasions. The necessity for doing fraction work is mentioned in P 56, the Political Resolution for the A. I. W. P. P. Conference, where it is stated that " while the W. P. P. remains relatively weak and unorganised in the country, it will be necessary to follow the traditional policy of forming fraction within Congress organisations." The constitution of the A. I. W. P. P. which was adopted at this Conference (appendix M in P 669) prescribes under the head " 12. Organisation " that " fractions or groups should be set up in Trade Union Branches, Management Committees, Executive Committees etc. and also in Provincial Congress Committees. This applies to the Trade Union Congress and All-India Congress Committee." Then under the head of " Operation of Organisation " : " Fractions or groups should meet every week " and again " fractions or working groups must elect group Leader, who shall be responsible to the Provincial or Branch Committee. These fractions must carry out decisions of a higher body

etc." and this follows exactly what we find in items 17, 18 and 19 of the Constitution of the C. P. I. 1927, which forms part of P 1207 (1). Similar provisions will also be found in the thesis on Organisation, which forms part of "A Call to Action", at pages 38 and 40. Further we find Sprätt accused himself giving very clear instructions for fraction work in P 483, a document in his own hand containing "Instructions for new members at Ondal, Raniganj and Asansol", in which he advises the new members in regard to fraction work inside the E. I. R. Union, and suggests their getting into touch with workers in other works at Raniganj and Asansol. But there is no need to quote the evidence in regard to fraction work at any length, since the accused themselves admit in so many words that this is part of their policy. For instance Mirajkar accused at page 1430 of the statements of the accused 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 line 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." Nimbkar accused in the joint statement at pages 2915 and 2916 is equally frank in his admission on this subject. He says, of course in the usual ridiculous vein of the defence, that "the prosecution in accordance with its usual Bolshevik-phobia has done its best to represent our formation of "fractions" "nuclei" etc. as a peculiarly Machiavellian underhand proceeding", whereas it is really very frank and open. He goes on a little further to say: "We can afford to be open about our fraction work and formation of nuclei etc. because our interests differ in no way from those of the workers. We are the genuine working-class party, and have no interest in concealing our identity and policy from the workers."

P. 682.

Another subject very frequently mentioned is the 'Tactic of the united front.' It was contended for the prosecution that the real object of this tactic was the exposure of the reformist leaders and not what one would ordinarily suppose it to mean, namely temporary alliance with someone of different views in order with his assistance to defeat a common enemy, after which, if possible, the ally should be thrown over board, or better still defeated himself. This latter is what I think Nimbkar accused is referring to at the foot of page 2918 where he talks of charge of making use of the national bourgeoisie, a charge which he repudiates with some heat. At page 2919 he supports the prosecution contention by saying that "the united front is intended frankly to expose this position of the reformist leaders." (By "this position" is meant the intention to betray the workers' interests under cover of a reputation for defending them.) I think Nimbkar accused really distinguishes the united front from what he calls at the foot of the page 'a temporary alliance with the reformist leaders', but I doubt if the distinction is genuine and if there was ever any alliance which was not used for the purpose of 'united front' in the sense of exposure of the weak points of the reformists. And this is indeed shown in this very statement, since whereas at page 2919 Nimbkar accused speaks of the alliance with the reformists in the Textile strike in Bombay as a case of a united front intended genuinely to secure the unity of the working-class forces in the struggle, in the paragraph beginning at the foot of page 2913 he practically admits that in this case too the ordinary policy of the united front was being applied and the result was exactly what was hoped for: "The exposure of the reformists was complete, and they have never managed since then to reestablish their position with the Bombay mill-workers." No doubt this was not the only justification for the alliance with the reformist leaders on this occasion, as is indeed contended by Dange accused at page 2431 of the statements of the accused, where he indicates that this alliance brought a large number of workers into a position to be convinced that the W. P. P. policy was the only right policy. It also gave the W. P. P. financial strength "without in any way making the members lose their direction of affairs and the right to criticise, if necessary, their allies", a right which Nimbkar's statement implies was used to the full.

P. 683.

P. 684.

The correctness of this interpretation of the tactic of the united front is also supported by two passages in Inprecorr and the Masses. In Inprecorr Vol 4 No. 62 dated 29th August 1924 part of P 2491 we get at page 665 a thesis by Lozovsky on "Our Tactics in the Trade Union Movement". In the third section of this, which deals with the Amsterdam International and its Left

Wing, Lozovsky lays down as the slogan of the near future "Ruthless exposure of the lackeys of capitalism and war to the knife against this bulwark of bourgeois capitalist and Fascist reaction", and in this connection remarks that "economic conflicts provide splendid opportunities for the application of united front tactics. For in such conflicts it should not be difficult for Communists to expose the Fascist strike breaking role of the reformist leaders." The passage clearly indicates that this exposure of reformist leaders is the real underlying object of united front tactics. The meaning of these tactics is explained in even clearer terms in the "Masses" for August 1926 part of P 2581 in the article on page 9 on "The Communist International—its foundation and growth." This article states that "the Enlarged Executive and then the Fourth Congress laid down the new tactics of the united front.....but in many countries united front tactics led to opportunist deviations which the C. I. criticised mercilessly. These deviations grew from a wrong conception of the united front. The social traitors cry out that the united front is "only a manoeuvre." Of course it is a manoeuvre—it is a manoeuvre to unmask the social democratic leaders before the masses in the course of practical activity. We raise some burning questions of the day and then call upon the Social Democrats, the leaders as well as the masses, to join in the fight for it. The workers are willing and anxious—but the leaders hesitate. Why? because they are not willing at the present stage of capitalism to make a serious fight even for reforms. Thus they are exposed." And the writer then, in order to explain, gives as one example of these united front tactics the movement for world trade union unity.

O. P. 685.

Next as to the injunction to 'inculcate discipline'; here again P 1207 (1), the 1927 Constitution of the C. P. I., and P 669, the constitution adopted by the A. I. W. P. P., are on similar lines. In the former paragraphs 15 and 16 relate to Party discipline, and there are further references in paras. 17 and 19. In the A. I. W. P. P. constitution para. 11 may be referred to and also the 4th paragraph in the section headed "Operation of organisation". The greatest emphasis is also laid upon it in P 527 (4), Lesson 6 "Party Organisation," Part 4 "Discipline" which is printed as part of P 527 (3) and will be found at the top of page 33 of the printed exhibit. In this there is a reference to Lenin's insistences on "iron discipline". The value and the importance attached to discipline is shown by the fact that Hutchinson accused put forward the suggestion that the reason why Liaquat Husain, P. W. 193, left the Circle of Progressive Youth was that he did not appreciate the discipline. And this of course implies that Hutchinson accused appreciated the duty of imposing discipline and tried to carry it out.

O. P. 686.

Coming to the question of the attention to be given to organisation this divides itself up into a number of heads: organisation generally, and organisation of specific kinds as the Red Army, and the Youth Movement. All these things are of course laid down not only in Communist books and the documents of the Communist International, but also, and in many cases in clearer language, in the many letters from the comrades in Europe to which I drew attention earlier in this judgment.

Taking organisation generally first. One of the most illuminating illustrations of the aims of the accused in connection with organisation is to be found in Mirajkar's speech P 1700 on the 21st July 1928 at page 25 of the volume of translations to which I have been referring, where talking about the bringing of army from Poona to Bombay he says, "The railway is a very important matter. Therefore efforts are being made (by Govt., he means) to see that the railway unions do not become strong, and railway workers are opposed to that." He goes on: "Remember that when the railway unions become strong and the mill workers and railwaymen begin to work hand in hand half the strength of the Government will be cut off and capitalism will fall to the ground." And this is the very same point which I mentioned in referring to Spratt's notes on the trade union question, P 1982, in which he suggested concentrating on the most vital unions, the railwaymen, Port Trust workers and the seamen in Bombay (In this connection see also P 527 (2)). And we have evidence in Mirajkar's own admissions and his letter P 1010 (I. C. 60) that Mirajkar had been getting into contact with the Port Trust workers, "making our contact" as he himself put it in an earlier letter.

Next is the organisation of the 'Red Army'. I have already quoted 2 leaflets P 966 and P 967 in which this phrase appears. Another similar leaflet is P 929 issued on the 12th December 1928 over the signature of Dange, General Secretary of the Bombay Girni Kamgar Union. In this he says, speaking of

O. P. 687. the future, "After the termination of the big strike all were told that we shall have with us 5,000 drilled volunteers ready. Were they in existence today matters would not have come to this pass (a reference to the police firing at Lal Bagh)." And this is no doubt a reference to the article in the "Kranti" of the 5th October 1928, part of P 986, which runs as follows : "Even if the strike is over the following things will be continued : (1) The agitating and militant leaders will carry on the struggle on behalf of the workers, (2) The W. P. P. will train up workers to become leaders and thus make preparations for the establishment of the Labour Raj, (3) The Red Army formed during the strike will become the drilled Red Army of the future." This is a passage which incidentally corroborates other contentions of the prosecution. Mirajkar accused who was captain of the corps of volunteers organised by the G. K. U. after the strike (P 958, Minutes of the 30th December 1928), in P 1691 on the 3rd January 1929 tells his audience that "Parel is now organising a Red Army of 5,000 volunteers for Indian revolution." And it is Mirajkar accused who speaks about this same organisation in his statement to the court and says at page 1443, "It was against this goonda organisation of the bosses that we called for 5,000 drilled volunteers of workers. The proposition of the prosecution that the call for a Red Army of 5,000 volunteers was the prelude to the development of an armed force to overthrow the Government is as ridiculous as it is fantastic." He goes on to explain the real objects of this organisation and concludes as follows : "We do not say that they were not formed on the basis of 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." As it appears to me this is a clear admission that the establishment of this corps of volunteers was the first step in the creation of a Red Army. No doubt it was not intended that they should at that stage try to overthrow the Government but they were the first step in the forging of a weapon, and the defence which is put forward is exactly on a par with all the other defences which urge that because the objective was still comparatively distant there is no crime in the acts committed by the accused with a view to the attainment of that objective.

O. P. 688. Joglekar accused adopts the usual line of utterly misconstruing the prosecution case, and says that "the prosecution turned the ordinary name of volunteers into something like a corps for mobilisation of the workers into an army for insurrection". But at page 760 onwards he describes how the working class volunteer organisations have to be replaced or supplemented by workers' guards who in due course are transformed into the workers' militia—Red Army—for the maintenance of the workers' control over the factory, over the means of production and distribution. So that we have direct from Joglekar accused an exact description of the course of development to which he looks forward as the revolution advances.

O. P. 689. Dange accused in a passage beginning on page 2501 enlarges on the functions of Red trade union volunteers. He also after giving a long account of the functions of these Red volunteers puts forward the same absurd contention that the accused were not organising the real Red Army. The evasion he puts forward is that the idea of the name was to stamp the corps with a different tradition. He says, "In order to stamp our corps with quite a different tradition, a tradition which is rich with the history of the international proletariat, was used to describe our volunteers as Red Army, Red Corps etc. But because of these epithets, it would be ridiculous to argue that we were organising a real Red Army. . . . Nor were we creating a real Red Army at that stage." Quite true, what they were doing was merely laying the foundation for the real Red Army.

YOUTH MOVEMENT.

Another important branch of organisational work by the accused is their work in the Youth Movement. The object of this movement is to enlist the aid of individuals from the petty bourgeois class, see the statements of Nimbkar accused (the joint statement) at page 2724 and of Chakravarty at 147 of the statements of the accused. The idea is to detach them from their class because it is as individuals with technical qualifications and not as members of the class that they can be useful. "This is why", says the joint statement, "we have always devoted considerable attention to the Youth Movement, the organisation of the petty bourgeoisie, and to the National Congress." In the words of Chakravarty accused, "the Young Comrades League was organised with a view to enlist the services of the radically minded petty bourgeois youths in the cause of the working class and to win them over consciously to the side of the mass

revolutionary movement." And he goes on to state that he was a member of this League. This is not quite the same idea as that which is put forward in "Communist Party Training" (P 2366). There it is stated that "the necessity for a Young Communists League arises not merely in the special interests of the young workers but principally to bring the mass of the young workers under the influence of Communist ideas. The C. P. and working class require the active assistance of the young workers in the struggle against capitalism. To neglect the many millions of the young workers would be a crime against the revolution and would mean leaving them at the mercy of the capitalists and their agents the Right Wing Labour leaders. The Party needs the Young Communist League as a preparatory school and a revolutionary reserve." The difficulty in India I imagine is that the young workers contemplated by "Communist Party Training" really do not exist in India. In so far as they are workers they can be got at in the same way as the adults in the workshops and so on. So far as they are children the organisation had not developed far enough to take them in. A Young Comrades League, as "Communist Party Training" suggests it, aims at reaching the young workers between the ages of 12 and 19 and is therefore limited in India to the petty bourgeois class. We have from time to time come across references to the name of Saklatvala in connection with the name of the Young Comrades League, and in this connection it is interesting to note that in Thengdi accused's search there were recovered two letters belonging to Saklatvala P 845 and P 846 (F. C. 183). The latter of these is a letter dated 14th February 1927 from the Young Communist League of Great Britain (written on their letter paper) and purporting to be signed by William Rust, Secretary of the League, in which he urges the formation of youth sections in the Indian trade unions and asks Saklatvala to bear in mind the possibility of contacts with students in order that the Y. C. L. may be able in future to carry on communication in regard to youth questions and the struggle for national liberation. The receipt of this letter may possibly explain the interest taken by Saklatvala in the subject during his stay in India. Spratt accused began to take an interest in the Youth Movement very soon after his arrival in India. We find him speaking on the 24th April 1927 to the Bombay Students' Brotherhood on "Revolutions and India" (see P 1979 and P 1941), and again on the 8th May 1927 at a meeting under the auspices of the Students' Brotherhood on the subject of "Congress—what next?" (P 1689), and still again on the 13th May at a meeting held at Thana on the subject of the "Task of organisation before the Indian Youth" (P 1554). In P 1013, the second part, entitled "What the Workers and Peasants Party stands for?", a document containing corrections in Spratt accused's own handwriting, he summarises the policy of the Party under the heads: Congress, Trade Unions, Peasants, Youths, etc. Speaking of Youths he says, "Youth Societies, Students' Societies, etc., which are in existence in some parts of India, with the Young Comrades' League suggested by Mr. Saklatvala during his recent visit, can be of great service to the national cause. They grow up relatively free from the traditions and superstitions of our elders, which have helped to hold India in political and intellectual bonds for so long. We shall make every effort to draw them into the national movement in an organised manner and to assist them to study the real facts of the modern conditions." Several other documents in connection with the Youth Movement have been mentioned already, as for example the Youth resolution put before the Enlarged E. C. of the Bombay Party (P 833), and the references in the T. U. Movement resolution (P 831) and the Organisation resolution (P 832) as also of course in "A Call to Action". I have also mentioned the efforts made by C. P. Dutt to get 'a regular rank and filer' sent to the Congress of the Young Communist International at Moscow in August 1928, and the long list of questions put by Mrs. Mellonie in her letters P 546 (9) to Spratt and P 654 to Bradley accused, to which Spratt accused replied in P 546 (10) (F. C. 455) which was intercepted and copied vide P 2102C (F. C. 509). This reply is dated 2nd August 1928 and mentions that "in Bengal a beginning is just being made. A group of a dozen or so including some one or two students and the rest bhadralog (nondescript middle class young men, unemployed etc.) has met two or three times and decided to establish a Young Comrades League. (The name was suggested by Saklatvala). It will be probably announced in a few days. Its address is not yet fixed."

*This brings me to the very confused set of documents which relate to the Young Comrades League with headquarters at 37, Harrison Road, Calcutta, which was founded towards the end of July 1928. What is apparently the first document in this connection is the series of notes in Spratt accused's hand in

P 565 beginning with the words " All Bengal Youths Association August 1927." After a number of notes which are not very intelligible we get the following : " We establish our own Youth organisation.....Meeting of selected persons as soon as possible named by Muzaffar for discussing following agenda :—

(1) Establishing—formalities. (2) Training Class—to be begun forthwith (syllabus to be prepared) (3) Practical work—(a) Ganavani etc. (b) getting hold of working class youth. (c) fraction work in other Youth Orgns. (d) Study of Youth Workers, Students, unemployed etc., (e) Contribution to Ganavani etc. (4) Pamphlet on needs—programme—organisation etc. of Youth Movement (5) Secretary and Committees (6) Finances.....(7)a. Library to be attached to Youth section. Age limit 30. Name, Young Comrades League. Secretary pro tem Nalindra Sen Gupta.....". In the same exhibit there is a note in Spratt accused's handwriting dated Saturday July the 28th in which I have just referred. These notes also contain a mention of donations promised by Muzaffar Ahmad, Goswami, Mitra and Spratt accused and several other persons. They also contain a mention of the W. P. P. and 100 copies of " Call to Action " wanted for the next meeting.

J. P. 693.

The next set of notes about this Y. C. L. is printed at the end of P 546 (4) (page 67 of the printed exhibit) and is in Spratt accused's handwriting. This note mentions the five half-hour papers which I have already referred to on Capitalism, Imperialism Working Class Movement etc. It goes on to mention that a syllabus is to be drawn up by P. S. by August 3rd, and also deals with recruiting, meetings, fraction work, selling of Ganavani, grievances, public meetings and finance. Under the head Fraction we get D. K. G. i.e. Goswami noted as in charge of fraction work in the All Bengal Youth Association and the Young India Society.

Next there is a meeting on the 3rd August which is referred to in P 558 and also in P 565. In both sets of notes we find the Secretary authorised to engage a room, to spend the money realised for preliminary expenses and instructed to submit a budget and to try to collect subscriptions. P 565 contains a draft budget which mentions sales from " Call to Action " expected " and " loan advance and guarantee from the Party expected." P 559 which is a Cash Book contains an entry dated 3rd of August of Rs. 5|8|- realised by sale of " Call to Action ". On another page there appears an entry of income " Sales of " Call to Action " 50|-, Sales of " Ganavani " 250 copies 4|-, Sale of leaflets, bulletins and publications 75|-. This same notebook contains some odd notes about students which run as follows : " Mentality :—B. Mentality. Compromising attitude. Heroworship. Capitalistic turn of mind. Mass revolution."

J. P. 694.

The next meeting appears to have been held on the 5th August see P 565 and P 558, the latter of which contains an agenda. Below this agenda is a note of the first sitting of the Sub-Committee for the drafting of the constitution and of the statement of policy and programme. Spratt and Goswami accused are present in this meeting and both of them are elected to the Sub-Committee, which is to report to the next meeting. Then we find a note that each comrade shall sell 5 copies of Ganavani. The constitution drafted by this Sub-Committee appears in P 565 at page 4 of the printed exhibits, and also in P 546 (6) which seems to be the final draft and has an addition at the end of Rule 2 (b) in Spratt accused's hand. In this constitution the object of the League is stated to be to organise a radical and militant movement of the exploited and oppressed young men and women for (a) the redress of their immediate grievances (b) the establishment of the Independent Republic of India on the basis of the social and economic emancipation of the masses. This also appears in P 562. The last item in P 563 at the foot of page 16 of the printed exhibits shows that Spratt accused was in the chair and Goswami accused present at the meeting of the 5th August in which after a discussion of an hour and a half the draft constitution and rules and regulations were formulated. That appears to refer to the Sub-Committee meeting mentioned in the middle of page 9 of P 565. In P 565 at printed pages 2, 3, and 4 we have notes of a meeting of the 11th August at which an executive was elected of which Spratt and Goswami were members. In the agenda there also appears submission of the constitution and statement of policy made by the Sub-Committee R. R. Mitra accused was presented at this meeting as a guest. Next we get in P 563 at page 15 of the printed exhibit a note of the E. C. meeting held on 21st August at which it was decided that comrade Hazra would read an essay on Capitalism and Imperialism on the 24th

J. P. 695.

August at 5 P.M. and that the statement of policy should be printed at once. Below this appear some notes headed "Statement of Policy" which run as follows : " (1) Appeal written by comrade P. Spratt. (2) Programme of work (a) Distribution of Ganavani and Lal Nishan (it will however be remembered that Lal Nishan had not yet come into existence and was only "expected shortly"). (b) Enlistment of members (c) To establish relation with other Youth organisations (d) To establish relation with Workers and Peasants Party of Bengal. To cooperate with T. U. for the organisation of the working class youths. (e) Propaganda and demonstrations (f) Study circle classes (g) Study of Youth Movements and working and other conditions of youths, collection of materials and library. (h) Immediate grievances of the youth :—(1) Living wages (2) State support for unemployed youths (3) Abolition of all social superstitions (a reference no doubt to religion, caste and the like) (4) Education (5) Physical culture. (i) To organise a Workers' Defence Corps." It will of course be noted what a large number of the things which, as I have suggested, are to be looked for in the public activities of the accused, are included in this list. No doubt as the result of the decision which I have noted in these minutes we get in P 564 at page 22 of the printed exhibits a notice, evidently sent by the Secretary of the Young Comrades League to the newspapers "Forward", "Bangla Katha" and "Ananda Bazar" for publication, that a study circle class and the first general meeting of the Y. C. L. would take place today (that would be the 25th August) at 5 P.M. "when all members and others concerned are requested to be present." This notice invited the attention of the general public and the young men and women of the country in particular to this organisation which it was stated "has been formed with the object of organising a radical and militant movement of the exploited and oppressed young men and women for (a) the redress of their grievances (b) the establishment of the Independent Republic of India on the basis of the social and economic emancipation of the masses." In the same exhibit we get, immediately following, comrade Hazra's essay on Imperialism, which is followed on pages 32 and 33 by an agenda and a list of members present at the meeting which of course includes Goswami and Spratt accused.

O. P. 696.

Another paper found in the same search of the headquarters of the Young Comrades League is a notebook P 560 which contains among other addresses those of Spratt, Goswami and Chakravarty accused.

O. P. 697.

Another general meeting was held on the 1st September along with a study circle class meeting at which Spratt accused read an article on the Working Class Movement, the notes of which are to be found in P 546 (8). I have mentioned this exhibit once before. There is much of interest in this paper of Spratt's from the point of view of this case. He proposes to deal with the rise of the Labour Movement and development of various kinds of organisations, the different schools of thought which the movement produced, and arising out of this the real historical significance of the Labour Movement in general, then the significance of the Labour Movement in the colonial countries and thence "the attitude which we as an organised and conscious revolutionary group must adopt towards the Labour Movement organisationally etc.; the type of movement which we must endeavour to bring about." Then he goes on to elaborate these headings and under the head Section 3, "Schools of Thought", we find notes in the margin "T. Us. as schools of Communism (also effective in revolution ?) Full account of relation between unions and Party and reasons." Next in Section 4, "Labour Movement in Colonies" he notes : "As ally or leader of revolutionary movement—but it is ultimately socialist i.e. Communist." In Section 5, which is headed "The attitude for us to adopt", he notes "(1) obvious revolutionary rather than reformist. This is keynote. (2) but also we are for socialism as a working class. Have to form W. P. P. to replace Congress. Unity with Congress. (3) Organisation in T. Cs.", and mixed up with this there is a note "i.e. working class need a C. P. even in colonies. (W. P. P. not enough)."

There are in P 563 further notes of an E. C. meeting which was also held on the 1st September 1928. The three sets of notes referring to this meeting run from the middle of page 13 to nearly the bottom of page 14 of the printed exhibit. In the agenda we find "arrangement for fraction works", and in the minutes "For fraction works in other youth associations Comrade Hazra and Goswami are selected. In the next Ex. meeting comrade Goswami will submit a list." There is another note item 2 in the minutes : "Comrade Goswami will do fraction works in the Young India Society." Comrade Goswami is also to

write something about the League in the Ganavani. The only note in regard to the meeting of the 8th September appears to be a list of persons present which appears in P 568 at page 19 of the printed exhibit.

O. P. 698.

Then there is a meeting held on the 16th September of which we have in P 568 at the foot of page 15 of the printed exhibit an agenda which mentions that comrade Goswami will read a paper on "Present Day India." Then on the 10th October another meeting was held and it would appear that it was at this meeting that Dr. B. N. Dutta delivered his lecture on Socialism which was item 2 in Spratt accused's notes printed at the end of P 546 (4). In the agenda of this meeting there is also an item "Consideration about the duties to be entrusted to comrades during the vacation" and in this connection we find in Spratt accused's handwriting a draft letter P 546 (7) addressed to all members who are leaving Calcutta in regard to the possibilities of work outside Calcutta during the vacation. In this note he suggests the following lines of work : " (1) collection of information in regard to political, youth, peasant or labour movements in the districts ; (2) study of economic situation specially of peasantry ; (3) propaganda for and establishment of branches of Y. C. L. and especially attempt to recruit young members of working and peasant classes." At the end of October we find the Y. C. L. getting into touch with the Tarun Bandhu Sanmilan of Mymensingh, vide pages 21 and 19 of the printed exhibit, P 564. This Sanmilan decided to become a branch of the Y. C. L. and on the 6th December the Y. C. L. asks the Sanmilan to send a list of delegates for the A. I. W. P. P. Conference. The letter from the Sanmilan mentions that " comrade Manindra K. Sinha laid down the following programme before his Young Comrades to work along with the peasants and workers of the country, in order to create a mass consciousness for the emancipation of the country." As this Manindra K. Sinha was a person of some importance to the W. P. P., a branch secretary of the B. J. W. A. and had been attending some of the meetings of the Y. C. L. (see for instance P 565, printed copy, at page 8) this formulation by him is not very surprising.

O. P. 699.

The next activity in connection with the Youth Movement which we come across is Spratt and Goswami accused's visit to Maldah early in November. Then on the 1st of December we find Goswami as Secretary of the Reception Committee informing the Y. C. L. that they are entitled to send 50 delegates to the A. I. W. P. P. Conference (see P 564 page 20 of the printed exhibit). To this letter the Secretary of the Y. C. L. replied in P 468 (4) submitting the names of 50 delegates among whom we find N. Sen Gupta, the Secretary himself, P. Spratt, G. Chakravarty, D. K. Goswami and also Upendra Sanyal, Secretary of the Tarun Bandhu Sanmilan.

O. P. 700.

In December 1928 there was held in Calcutta an All India Socialist Youth Congress of which notes are to be found in the Gurmukhi Kirti for December 1928, P 746. The Secretary of the Reception Committee was the same Bhupendra Nath Dutta who read a paper on Socialism to the Y. C. L. and his address to the Conference was tendered by the defence as D 151 (6). We hear of Dr. Dutta again as having joined the opposition in the Bengal split. P 145 is a document headed " Resolutions on the formation of (" a Young Communist League " scratched out) organisation of youths of Marxist views as vanguards of social revolution in India " addressed to the First All India Socialist Youth Congress Calcutta by Basak accused, and Basak accused states at page 54 of the statements of the accused that he moved this resolution at the All India Socialist Youth Congress which he says was not organised by the W. P. P. As a matter of fact I do not think that the prosecution have suggested that it was organised by that Party. This document contains some rather amazing admissions. He says : " After the arrest of those people who once launched terrorist movement specially in Bengal, it was brought home by some members of the same Society who were in foreign exiles—as to how the younger section was being exploited up to this day and so the younger middle class people demanding a thorough scrutiny of their past work, describing a future programme and their taking part therein, caused a wide conflict as the sincerity of cause and idea was in question, and resulted in a strong minority of it joining the workers and peasants party which was then in moribund condition and was made a fighting institute after those people have joined it and reconstructed it to lead a mass revolution in India." Then again he says, " The Government attitude towards these bourgeois nationalists in these years was unyielding and defiant but as Marx's teachings came to drive deep roots in the soil of India, due to the organisation of some Indian Communists in Russia

and other lands—who also sometimes belonged to the so called revolutionary party of Bengal.....Government became unresistive and when its policy of bringing dissension among the members of the W. P. P. has failed—it has now decided to capture the Congress groups with the least concessions it can give in bargain.” Later on he makes some comments on the Independence League and says, “ A few years back it could have no doubt given a practical shape to the thesis ” “ The Future of Indian Politics ” by comrade M. N. Roy, but today India has passed that phase, the bourgeoisie and the petty bourgeoisie combined are now out to betray the country.....and as now the proletariats are growing into class and the agrarian question is becoming more acute every day, an open organisation of workers, peasants and a section of lower middle class can speak for the proletariats and organise for a mass revolution. So it is with the youths who carry Marxist view to deal with the present issues that are confronting us.” His speech or resolution concludes with the following words : “ 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 civilization ; as such be it resolved that 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.” It will be noted that in his conception of the task of the Young Communist League Basak accused shows a very good appreciation of the most important items among those to which I have recently been drawing attention. Basak’s idea of a Young Communist League in preference to a Young Comrades League was evidently derived from Inprecorr for the 1st August 1928, “ The Report of the Congress of the Young Communist International,” which was found in his possession and is on the record as part of P 259. This All India Socialist Youth Conference then was not neglected by the members of the W. P. P. and the same is true of the Conference of the All-India Youth League which was held at Calcutta during the Christmas week and was attended by Bradley accused vide his diary P. 638.

There is another piece of evidence confirming the close connection between the Y. C. L. and the W. P. P. to be found in the resolution on the T. U. Movement adopted by the A. I. W. P. P. Conference, P 51, which talking about the W. P. P. lays it down that “ the membership of the Party must be made up to a very large extent of workers, and the Young Comrades League must be assisted to recruit and get better contact with workers.” P 563 contains notes of an E. C. meeting of the 3rd February 1929, and on the 4th February P 564 shows that notices were sent out for a general meeting to be held on the 24th. Next on the 8th February there was a general meeting, for which the agenda and list of members present appear in P 568 at pages 20 and 21 of the printed exhibits. The list of persons present includes Spratt, Chakravarty, Goswami and Mitra accused and also the name of one Ajudhia Prasad Varma, who may or may not be the accused Ajudhia Prasad, who was in Calcutta about this time ; he is named also as subscribing one anna on the 20th February. Item 2 of the agenda of this meeting was the reading of the statement of programme and policy of the League by the Secretary, and copies of this programme, one complete and several incomplete, are also found in P 568 although they have not been printed. The copy of the statement of programme and policy which is printed in the record is P 9, in which is reproduced the printed leaflet headed “ Young Comrades League, Statement of Programme and Policy ” printed by N. Sen at the Popular Printing Works and published by the same from the office of the Young Comrades League, 78-1 Harrison Road, Calcutta. Another copy of this, evidently belonging to Spratt accused as it bears his name, was recovered at 2/1 E. A. Lane & is on the record as P 546 (5). This is a lengthy document which contains many familiar ideas, such as we would expect to find in a Programme and Policy fathered by Spratt accused and the W. P. P. It begins with a criticism of Youth movements of the past and states certain functions for the future. Then it comes to “ Our Grievances ” which are dealt with under the heads of “ Unemployment ”, “ Education ”, “ Working conditions ” and “ Social customs.” Under the head “ Education ” we may note the reference to the lesson of Russia which is as follows :—“ Remember what Russia has done. A population which ten years ago was as backward as that of India is

expected in three years more to contain no illiterate person, old or young." Lessons are drawn from Russia under the head of "Working conditions" too, it being stated that "in Russia youths up to 16 work only four hours and up to 18 only six hours per day."

Coming to "The Remedy" the Programme states: "We propose to create among the youths a mass movement and agitation for the redress of many grievances." Then the usual lessons are preached about the hopelessness of expecting improvement under the present capitalist system. The Programme puts it as follows:—

"But we know there is no ultimate solution under the present system. This is an exploiting system, which by its very nature cannot allow decent and proper conditions for all. While pressing for redress of our immediate wrongs, 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." Then he comes to 'The ideas of today', the propoganda of which the Young Comrades' League has been established to carry on. The ideas are catalogued in five groups: (1) The idea of the International nature of the struggle. "It (youth) recognises that the struggle of India is but part of a world-wide struggle for freedom, and that it cannot remain isolated from the movements of other countries."

(2) A realistic revolutionism, that is a revolutionary policy based on scientific study and practical organisation.

(3) The class-struggle as the main spring of historical development, and the rise and organisation of the masses as 'the key to our problems.'

(4) Abandonment of the traditional attitude of hero-worship.

(5) Active intolerance of communalism.

The last section is headed "What we shall do" and in the course of this we get the usual reference to the war danger. "Even now", the Programme says, "it (Imperialism or Capitalism) is planning and preparing a new great war of conquest against our comrades and friends of the Soviet Republics." The Statement concludes with a programme of practical work which is on familiar lines.

Further meetings of the Youth League were held on the 24th February and the 7th March. I notice that Spratt accused was not present at either of these meetings. Goswami accused was present at the special general meeting on the 24th, but there is nothing to show who was present at the 7th March. The last meeting at which Spratt seems to have been present was on the 8th February (P 568 at page 21 of the printed exhibit). It looks rather as if this was the last meeting Spratt attended, as is quite possible in view of what he says about the League being captured by the opposition, see P 527 (1) (F. C. 846), Spratt's letter to C. P. Dutt, dated the 14th March 1929. Most of the documents, to which I have referred, were recovered either at 2/1 E. A. Lane or in the search of the office of the Young Comrades' League at 78-1 Harrison Road, Calcutta, but there is one item of evidence, which was recovered in the search of the office of the Young Comrades' League at 89/8 Lower Chitpur Road. This is P 584, a signboard or placard bearing the inscription "Long Live the Soviet India", which was found hung up on the eastern wall of the office room (P. W. 71, Sub Inspector, Shakurul Hussain). This search related to the office of the Young Comrades' League, Bara Bazar Branch, and the Transport Workers' Union, and it is not difficult to infer a connection between this office and the Workers' and Peasants' Party from the discovery there of copies of "A Call to Action", "Ganavani", handbills relating to the 5th Anniversary of the death of Lenin, a copy of Sohan Singh's Presidential address to the First A. I. W. P. P. Conference, a copy of the E. C. C. I. letter, W. P. P. Principles and Policy, and Sohan Singh Josh's letter to Spratt accused, P 609. I have referred already to the last document relating to the Young Comrades' League, namely Spratt's letter to Dutt on the 14th March, P 527 (1), in which he laments the capture of the Young Comrades' League by the Opposition and in which he sums up shortly the history of the rise and fall of the Young Comrades' League. In this he says: "I have been thinking about the working-class Youth movement. There is no such thing in existence yet, even in Bombay, so far as I know. Here we formed the "Young Comrades League" about eight months ago. Unfortunately when it might have begun to make contact with the working class, it was 'captured' by the opposition, who swamped it with class-conscious young

'bhadrak' . So, if anything is to be done, it must be started again from the beginning. I enclose a copy of its "Statement of Programme and Policy". That is the last we hear of the Y. C. L. The only other document in connection with the Youth movement is P 147 recovered in the search of the B. J. W. A. office at 97 Cornwallis Street, Calcutta. It is a document having reference to the All-India Youth League, bearing the signatures of Dr. B. N. Dutta, C. G. Shah and Kali Sen (of the B. J. W. A.), none of which are I think proved, but also those of Gopal Chandra Basak, Dharni Kanta Goswami and Gopendra Chakravarty. At the end there is a list of Provincial organisers containing the names of P. C. Joshi, U. P. and Gopal Ch. Basak for Bengal.

It remains only to consider what the accused themselves say about what they did in connection with the Youth movement. I have already quoted what Chakravarty accused says on the subject. Goswami accused, who was connected with the League from start to finish says about it on page 76 of the statements of the accused : " I don't deny that I was a member of the Y. C. L. 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 The idea of the organisation was to give the exploited youths of these classes (the lower middle class workers and poor peasants) 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 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 the social and economic emancipation of the masses." Then he criticises the failure of the movement hitherto to reach and establish contact with the masses and concludes by saying : " Considering all these defects of the present existing youth movement, it was felt necessary that an organisation and movement of the militant and revolutionary youths should be organised to overcome these defects and to do some real work on the basis of scientific social conception, that is on the basis of Marxian principles." All this was made a little bit clearer still by his explanation on page 78 of his speech at the Malda Young Men's Convention, about which he says : " I have 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 an impossibility 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." He then goes on to explain what is meant by national democratic revolution and says that the bourgeoisie and petty bourgeoisie have become or do become too conservative to carry out such a revolution, although historically the main task of the bourgeoisie and bourgeois democratic revolution is to achieve independence of the country from foreign control. Hence this task of democratic revolution will be carried through by the working class and peasantry ; after which he goes on to point out that by revolution he means a revolution conducted by means of rifles, bayonets and artillery. Gopal Basak accused devotes some 9 pages of his statement to the Young Comrades' League and the Youth movement generally, and is evidently working on the line of disclaiming any intention of achieving immediate results, which of course is no part of the charge. He says : " I must state that I was not trying to set up at the time an organisation for immediate insurrection." He goes on to say that he was trying to get the youths to study all sorts of things including the class struggle and the scientific outlook of Marxism. At page 52 he says that he was neither a member of the Y. C. L., nor can it be shown that he was entrusted by the Party with any work among the youths. Spratt accused on the other hand put the whole matter in a few words ; when asked about his connection with and activities in the Youth movement, he replied at page 423 of the statements of the accused : " This raises no new question of principle. My idea in working with the Youth movement was to promote essentially the same policy as that of the Workers' and Peasants' Party."

But, of course, the most important aspect of the organisational work, both as contemplated by the accused themselves and their co-conspirators outside India and as put into practice or sought to be put into practice by the Communist accused, was the work in the Trade Unions, and in regard to this I need do no more than quote their own reports. For the Bengal Party it will be sufficient to refer to page 47 of " A Call to Action ", which contains references to the work done in connection with the B. J. W. A., the Dakeswari Cotton Mill

O. P. 707.

O. P. 708.

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- O. P. 709. Workers' Union at Dacca, the Bengal Glass Workers' Union and the Scavengers' Union of Bengal and mentions also work in organisation and propaganda in the strike of Dock Workers and the attempt to establish contact at Kharagpur. That covers the period up to the end of March 1928. P 544 (3), a list of Trade Unions in Bengal with an entry in the last column in regard to their affiliation, shows that there must be added to the list of Unions in which the W. P. P. of Bengal were taking an interest, the Bengal Textile Workers' Union, the Bengal Paper Mill Workers' Union (Secretary, Chakravarty accused), the Garden Reach Workers' Union (President, P. Spratt accused), the Ishapore Ordnance Workers' Union (President, P. Spratt accused), the Angus Engineering Workers' Union (Secretary, Chakravarty accused) and the Bengal Transport Workers' Union (General Secretary, Shamsul Huda accused). In Bombay we find from the Secretary's report presented to the general meeting of the Party in March 1928 that Party members were more or less connected with the G. K. M. and the G. I. P. General Employees' Union, and were directly responsible for the Municipal Workers' Union, the Dock Workers' Union and the Press Workers' Union, to which must be added two Unions of Jhabwala accused, the Kisbi Karigars' Union and Jariwalas' Union. We also learn from correspondence that Mirajkar was trying to organise a Clerks' Union. The report or draft report of the Secretary of the Bombay Party, P 420, (which was perhaps prepared with a view to the First A. I. W. P. P. Conference) mentions the change of name of the G. K. M. into G. K. U., and further states that during this year the Party members were responsible for resurrecting the Tramway Workers' Union, but that the Dock Workers' Union had since been taken up by the moderate section of Trade Unionists, who had managed to oust the W. P. P. group entirely from the Union. On the other hand the influence of the Party had been growing particularly amongst the Textile workers. He further mentions that there were other Unions of Oil Workers and Mechanical Engineers, which were yet in their infancy. These also were presumably unions under the influence of the Party. This report concluded with the remark: "Reviewing the work of the Party as a whole in Bombay it has made considerable progress, particularly in the Trade Unions, where its influence has been growing owing to the fighting and militant policy that is being put forward every time."
- O. P. 710. Another thing we should expect to find in contrast to the denouncing of reformists, Amsterdam and the like is praise for Communism and for Communists with the natural corollary, namely allusions to the lessons which may be drawn from China and Russia, and I think it is a reasonable inference to draw from the statements, to which I shall draw attention, that this praise of things Communist amounts in fact to an admission that, in acting as they did, the accused were carrying out the suggestions and instructions of the Communist International. For example in P 2172, his speech on May Day 1928 in Calcutta we find that Spratt accused praised the Communist section as people who were very sincere and who were actively supporting the Indian Labour Movement. He condemned MacDonald's Party as supporting "Dominion Status or some nonsense like that" and said that it was practically the Communist section who were giving their full support to the Peasants' and Workers' movement in India. And again in P 1922, the speech at Asansol on the 2nd June 1928 he gives the Communists the highest praise possible by saying: "They may say that we people who are here asking you to strike are outsiders, agitators, Communists and Bolsheviks and all sorts of things. I want to say, Comrades, I have no greater desire than to be called an agitator and a Communist. Some of the greatest men in the World's history have been agitators, and Marx, Lenin etc. have been Communists. We have a very high standard to follow." Then we have Basak accused's little article on Lenin, P 251, which seems to be well flavoured with hero-worship, but the statements of some of the Communist accused in this Court are in even plainer terms and indicate clearly that all their activities and acts were modeled on the scientific programme worked out by the Communist International. Ghate accused not only gives the highest praise to the Communist International, but says in so many words that the Communist Party of India accepted its direction. He says at page 1583 of the statements of the accused: "The world Communist Party, that is the Communist International, is perhaps the most organised force of the working class and the oppressed peoples.....It is the dynamic force which organises the workers by participating in their daily struggle, and leads them to the final seizure of power.....The Party is to be at the head of the working-class fight." On page 1584 he comes to the Communist Party of India, and at the top of page 1588 he says: "The Party accepted the task laid down by the Comintern,

though it was not formally affiliated to it." Going on little further he says :
 " Following as it does the tasks laid down by the C. I. the Communist Party of
 India puts forward certain demands in accordance with the aims of the Party ",
 O. P. 712. and on page 1589 he continues : " The C. P. I. fights for these main demands
 At the same time the C. P. I. puts forward certain partial
 demands to facilitate in the mobilisation of the masses for revolutionary insur- 5
 rection for emancipation. With these objects the Party puts forward certain
 immediate tasks based on the correct reading of the political situation in the
 country."

And with reference to the organisational work in the Trade Unions of which 10
 I have just been speaking he says at page 1603 : " The W. P. P. of Bombay had
 to its credit the organisation and direction of the T. U. movement in Bombay.
 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 15
 G. K. U. was formed under the leadership of the Party.....The Red
 Flag Union (the G. K. U.) was able to rally the militant workers on its side
 because of its fighting policy. It had already shown what it could do by the
 success it had achieved during the general strike of 1928. It had shown the
 workers that the road of compromise and conciliation was not going to bring 20
 them anything but worsened conditions." And this again is corroborated by
 Mirajkar accused who says, at page 1434 of his statement : " the Union since its
 birth in May became the actual leader of the strike in spite of the General Strike
 Committee, which merely remained a deliberative body. The day-to-day propa-
 ganda and conduct of the strike remained in the hands of the G. K. U., and this 25
 policy was influenced by the W. P. P. of Bombay ", which is exactly the prose-
 cution case. On the following page he says : " There is no further proof neces-
 sary therefore to show that the G. K. U. was the mainstay and the leader of the
 strike, and its policy was moulded and put into practice by the W. P. P. of 30
 Bombay."

O. P. 713. Coming next to the references to China and Russia, the obvious object of these
 was of course to preach the lesson " Go ye and do likewise". The explanation
 which the accused themselves give is in Nimbkar accused's statement at page 2912
 of the statements of the accused, a passage which I have already quoted in con- 35
 nection with the educational use of the strike. In this passage he says : " Finally,
 we began to introduce our more general ideas of the political nature of the Trade
 Union struggle by.....and by discussing general political affairs,
 such as the Russian and Chinese Revolutions, the prospects of war and the like."
 Now that the view of the discussion of the Chinese Revolution which I have stated
 above is correct, is clearly shown by the introductory words, with which the 40
 thesis on the Chinese situation adopted by the Enlarged Plenum of the E. C. C. I.
 at the end of 1926 is reproduced in the " Masses " for June 1927. They run as
 follows :—" This resolution is not only a Party statement, it is the best theoret-
 ical exposition of the contending forces now battling in China. Its detailed ana-
 lyses of the tasks of the Chinese Revolution and of the Chinese Communist Party
 are full of instruction for India and will well repay the closest study." P 415 45
 (11) is a typed document headed " Report on China ", which was found in the
 office of the Bengal W. P. P. in Calcutta. A large part of the first chapter of this
 on the Canton Rising is an account of the work done by the Canton Party (Com-
 munist Party) Committee, which it is stated was in existence as an illegal body 50
 holding regular T. U. Conferences of factory delegates (underground), Party
 conferences etc. Then we find that it uses suitable occasions to bring the masses
 out into the streets, to organise numerous strikes etc. Then we come to a descrip-
 tion of the Haifung Soviet Government and the work done by it, and then again to
 the Political programme and Military preparations which culminated in the 55
 organisation of the Canton Soviet, which however did not retain power for very
 long, and the chapter ends off with a consideration of the mistakes which were
 made. There could be no particular reason for anybody to possess this document
 unless it was thought that it contained ideas or lessons which would be useful to
 the owner. The study of the Communist Movement in China was not limited to 60
 the possession of documents like this. The object of the accused was to utilise
 these lessons and that must be done by making them known. Hence no doubt
 Usmani accused's article on " The Canton Insurrection " which appeared in the
 Urdu Kirti for May 1928 and Gurmukhi Kirti for April 1928. Other articles
 on China by the accused are Nimbkar accused's " Role of Labour in China ", 65

O. P. 714.

P 1740 & P 1741, and Mukherji accused's "Modern India", P 1421, which ends with the following interesting passage :—

O. P. 715. "Therefore China has proved the best congenial soil for the spread of the doctrine of Communism, and there is no doubt 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" a sentence which certainly does not suggest any hostility to Communism on the part of the writer. Other examples of the interest taken in China and of the attempt to increase the public interest in events in China are Spratt accused's "India and China" and Roy's proposed book on China, of which he sent a summary to a Calcutta firm of publishers in P 1512. Then Roy also has written an article on the Canton insurrection, which appears in the "Masses" for February 1928 (part of P 1788) and is entitled "The heroic struggle of the Chinese workers and peasants". This article was also reproduced in "The Labour Monthly" for March 1928, P 1212, at page 162. The subject of China is mentioned frequently by Spratt accused, both in his notes, articles and speeches. For instance in P 1985 an article, "The Meaning of May Day", written in 1927 he says : "The attention of the workers this year is directed mainly to China"; (see also P 407), and in P 1981 he refers to Chinese intervention, and again in P 1982 under the head "Trade Union work" he says in a passage which I have quoted before that "W. P. members should not be afraid to introduce political subjects into the union, and e.g. get it to pass resolutions on China, and such subjects. The educational value of a simple discussion on the working-class significance of the Chinese would be very great." There is of course a good deal about China and the Chinese Revolution in his lecture on "Revolutions and India", see P 1941, and for a document of a later date we may refer to P 527 (3), "The Power of Labour." Another good example of drawing lessons from China is to be found in his speech at Malda on the 7th November 1928, P 1915.

O. P. 716. The subject of Russia and the lessons to be derived from Russia recur again and again throughout the articles and speeches of the accused. The greatest possible stress is always laid on the contrast between the terrible conditions in the past and the marvellous state of Russia under the present system of Government. Naturally this involves explaining how the change was brought about with the suggestion that what was done in Russia should be done in India. At the same time as a support for the proposition that everything Russian is better than anything in any other country, we get the contrast between the generous assistance given to the Indian workers by organisations in Russia and the mean contributions offered by, for example, the British Trade Union Congress, which does not send money to strikers in India without requests being sent and inquiries made, whereas the Russian organisations volunteer help unasked. The speeches made in the course of the Bombay strikes are of course full of references to Russia, but there are many others, and it would be impossible to quote anything like the whole of them. It will be sufficient to give a few references. For example I may refer to P 320, an article in Hindi by P. C. Joshi, and P 710, an article on the present Soviet Government of Russia, which it is said is the best Government in the world, found in the possession of Majid accused. Sahgal accused's speech at the Meerut Conference, P 198 (see P 172T) is full of highly coloured references to the advantages of revolution in Russia, and is calculated to convey the impression that Russia since the revolution is nothing less than an earthly paradise. Hints of the same kind as to conditions in Russia are contained in Jhabwala's speech, D 630, which forms part of P 1726. Mirajkar accused also speaks approvingly of the Workers' Raj in Russia in P 1700 at page 23 of the new volume of speeches. Another speech mainly devoted to Russia is that of Sohan Singh Josh accused on the 5th August 1928 at a meeting under the auspices of the Naujawan Bharat Sabha, Amritsar, at Jallianwala Bagh in the course of the "Friends of Russia" week. In all these speeches present-day conditions in Russia are described as heavenly compared with conditions in India, and the underlying idea conveyed is that the results which have been realised by a Communist Revolution in Russia are likely to be and in fact necessarily will be realised in other countries which follow the same road.

O. P. 717. Then there are numerous passages in which the sequence of events and the methods applied in Russia are cited in order to illustrate the proper method of arriving at the same state of affairs as is stated to exist in Russia. There is much of this kind of thing in P 527 (3), Spratt's article "The Power of Labour", in which he says, "We can learn many lessons from the work of the Russian working class. We learn for the first time by practical example that it is possible for

ordinary poor ignorant workers and peasants to conquer power from the rich and construct a Government and economic system suitable to themselves, that is, for the benefit of the great majority. And we learn in detail how it can be done—how it is necessary to build up the workers' revolutionary party to lead the struggle for power, and to lead the effort of the masses to consolidate the power and to construct a new socialist economic life." In another article, P 526 (25), entitled "Russia and India", contributed by Spratt accused to the special Russian Number of the "Chitramaya Jagat" and of which he also sent a copy to the "Kirti", he says, "On these general grounds then it is possible to say that India may "follow the Moscow Road". India is now in the full sense within the orbit of Imperialism and if she overcomes Imperialism it can only be done by completely following the Russian example." Elsewhere he says that the "importance of Russia to India is that Russia is a guide showing the way along which India must tread." There is a certain amount on the same lines in Usmani's article or booklet "A Page from the Russian Revolution", P 1574, which is printed as P 727, the copy found in the possession of Majid accused, at pages 81 and 82 of the printed exhibits. Another example of a reference to the revolution in Russia as an example to be followed in India is in P 2146, the report of a meeting held at Matia Burz on the 7th October 1928, in which it is stated that Dharni Goswami and Shamsul Huda referred to the revolution in Russia, and pointed out that what was possible among the workers of one country was also possible for the millions of workers in India. Another mentioned on these lines will be found in P 2237, a report of the speech of Nimbkar accused at Nagu Sayaji Wadi on the 11th May 1928 where he said, that "in Russia Czar was shot down, landowners and millowners were shot down. In India they should do the same thing and establish workers' rule and workers would get justice." The same kind of thing appears in several speeches of Mirajkar accused. For example in P 1696, a speech dated 14th June 1928 at page 6 of the new volume of speeches, Mirajkar says, "The people in Russia fought with the landlords there, with the Czar of that country. They have established their Raj in that country by putting the Czar to death, by killing other persons. We should keep before our eyes this instance, an instance of the movement of the workers in other parts of the world. And if we are able to carry on our movement following their footsteps our movement will be as successful as theirs was." In D 645, which is part of old P 1696, and is a record of another speech made on the 14th June we find Mirajkar saying, "In Russia the same thing (a fight with the Government and the capitalists) occurred and the people there now are happy." Similarly in P 1719 on the 23rd August, at page 135 of the new volume, Mirajkar says, "There are other workers in the world, there are workers in Russia. They have shown us the way that this is the high way, this is the workers' road. The workers have to go by this road. They have to go so long as our Raj has not been established." And again in P 1722 at page 147 of this volume he says, "There is a country called Russia. The workers established their Raj in that country. The workers created a movement that time to determine the establishment of their Raj. They had no army that time. The army was with the king. By entirely annihilating all the ruler there, industrialists there, the workers have established in that country their Raj, their Red Flag. The ultimate Delhi of the workers is the establishment of their Raj. So long as power is not coming to the hands of the poor men strikes will always go on like this." Similar is the moral suggested in Hutchinson accused's address on "The Road to Insurrection", P 1694. In this at the top of the 9th page he says, "In comparison with India, Russia and China I will now briefly tell you how Russia achieved its liberty, how she is very much similar and how she was very much similar to India." He goes on to say soon afterwards that "the Russian revolutionary Party took advantage of the favourable internal situation and the favourable international situation" suggesting that that is exactly what the Indian revolutionary party should do. Later on after saying that Communism has now given heart to the people of Russia he comes to China, which also took advantage of the favourable international and internal situation, but in which the movement was ultimately betrayed. Then he goes on to suggest that India should not remain isolated but the Indian revolutionary movement should attain unity with the working classes of the world. Another accused who quotes the example of Russia as one to be followed is Majid. In P 1884 (2) a speech at Jallianwala Bagh on the 18th August he says, "Today Russia has set an example 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. You should note this. At present Russia's revolution is a lesson". A similar reference is to be found in Sohan Singh Josh accused's speech, P 1911,

on the 20th July 1928. He says, "Russian brethren realised that they would not let injustice be done to themselves. They brought about a revolution. . . . You should foster the desire that you have to destroy this system and establish that under which all may eat their fill. . . . The people of Russia created a revolution. . . . The revolution of Russia has given this much. If you want to remove hunger and poverty from the world then I will say you have to get ready like Russia and create a revolution." Joglekar accused is another who quotes the Russian example. In P 1715 on the 16th August, at page 103 of the new volume he says, "The revolution in Russia was brought about by beggarly persons, those tormented by poverty, oppressed by hunger, whose stomachs had become empty and who had become extremely feeble. They overthrew and extirpated and intoxicated Emperor like the Czar within a minute and a half, and establishing the workers' Raj they brought about new changes there in order that the worldly existence of all may be more comfortable. This Government should take a note of that." And still more is it intended that the workers should take a note of that. Jhabwala accused in his Jhansi speech besides mentioning the Russian help in the Bombay Textile Strike refers to what Russia did 12 years ago. He also has a reference later on to the Chinese people. P 292 is of course only the draft speech, but in P 1093, the speech as actually made and reported, Jhabwala said a great deal more than this. He gives a marvellous account of the Russian Revolution and goes on at a later stage to say, "Brethren, the means of your liberation consists in the example set by Russia. Do the same today. Make your own organisations. Let all join them. Organise yourselves and unite." This accused fully realises that inferences are liable to be drawn from these references as in his statement as an accused, at page 781 of the statements of the accused, he says, "As regards the report of the speech (P 1093 (1)) transcribed by the police reporter 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. . . . My references therein to Russia I personally doubt."

O. P. 721;

Another group of references to Russia relates to the supply of monetary help from Russia. In this connection the prosecution have drawn attention to three points, (1) the importance attached to emphasising the source from which any financial assistance from Russia came, (2) the motive for the sending of this assistance and the knowledge on the part of the accused of that motive, and (3) the question of the particular persons to whom the money was sent. On the first point there are two interesting letters. In P 2027 (F. C. 379) Tagore writing to Muzaffar Ahmad on the 28th February 1928 speaks of a sum of 25,000 roubles having been remitted on behalf of the Trade Unions of Soviet Russia to Giri in aid of the Kharagpur strikers and says about this, "There is no news about it either. Inquire about it and print it in the paper. It is necessary that the fact of its having been sent should be made public." The second instance occurs in Glyn Evans' letter to Dange, P 1609 (P 1807 (1)) (F. C. 506 and 507) in which he sends a Bank draft for £20, a collection made at Tashkent, U. S. S. R., to be devoted to class war prisoners. He wants this money to be used by an organisation similar to the International Class War Prisoners' Aid Organisation in Britain if there is such an organisation. "Failing such organisation", he says, "then the Workers and Peasants Party should assume charge and distribute in the most advantageous way, publicity being essential. I am therefore leaving it to your discretion. Please advise the press of India and also forward an acknowledgment to. . . .". I suppose that the idea of publicity is as usual to mark the contrast between the generosity of Communist organisations and the comparative unreadiness to assist of reformist organisations, and thereby teach the workers who are their real friends.

O. P. 722;

The next point is in regard to the motive with which financial assistance was sent from Russia. The suggestion on behalf of the defence is of course that any money received from a trade union or organisation of trade unions in Russia is sent purely out of the desire of the workers of Russia to help their fellow workers in India who are in trouble. It was no doubt with the object of proving and supporting this contention that the defence tendered a pamphlet, D 516, entitled "Red Money", of which one copy was found with Ghate accused and was put in by defence counsel Mr. Sinha, and another was found among Nimbkar's property in Bombay and is item 140 in his search list P 1739. There is nothing to show why this document was put in but at the time when it was tendered Mr. Sinha was representing Joshi accused, one of the Communist group, and a number of other accused. This pamphlet contains a statement of the facts relating to the money

- O. P. 723. raised in Russia during the 1926 General Strike and Miners' Lockout in Britain, prepared by the All Russia Council of Trade Unions. The object of the pamphlet as appears from the Foreword is to show the method adopted by the Russian workers in collecting funds to aid the miners, and on the page facing this there is a note which runs as follows : " On page 27 it is stated that the Russian workers had contributed £400,000 up to July. Their contributions actually received by the Miners Federation of Great Britain up to the beginning of 1926 amounted to £832,000." The British Government's contention was that the Soviet Government should not allow the remittance to England of sums intended to support the General Strike but the underlying suggestion was that the money was really sent by the Soviet Government as appears from the Soviet's reply to the British note printed on the page facing page 1 of the actual pamphlet. Now these sums were sent to England in connection with the General Strike of 1926 which according to Bradley accused (P 1730 dated 18th September 1928 at page 187 of the new volume) was an attempt at a revolution. In that speech he 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. Then it is certain that we shall soon bring about a revolution in our country and that will be successful." No doubt Bradley accused knows what he is talking about, at any rate in regard to the past. Now first as to the authority responsible for the preparation of this pamphlet I have already quoted the passage in P 975 Lenin's "Left Wing Communism" at page 33 which shows that the people who were running this All Russia Council of Trade Unions were Communists, who were carrying out the orders of the Communist Party of the Soviet Republics. Secondly there are some very significant passages in this book. The first chapter contains an account of the spontaneous reaction in Russia to the news of the British General Strike and the suggestion is that everywhere the workers were voicing such sentiments as " the British workers' cause is ours." " We must not only show sympathy but must give practical help," and it is stated that these phrases were the expression of class consciousness. In the next chapter, which is headed "The voice of the masses" it is stated that " the prevailing desire was to furnish support and to declare that the strike had an international and not merely a national significance." Numerous resolutions are quoted which speak of the struggle of the British workers against their sworn enemies, the capitalists, or which send greetings to the British brethren who are entering a new phase in a class war. We get such phrases also as " no concessions to the mineowners, to the British capitalists, to the class enemies of the proletariat." Another message is " learn how to fight from the example of your Russian brothers ". Then after the General Strike was called off the resolutions and messages contained furious attacks on Messrs. Thomas, MacDonald & Co. One message to the workers of England runs as follows : " We hope that this lesson in treachery will serve you for an example as our own betrayal by Gapon and Zubatoff served us, and that after that you will say " these men are not our leaders, they are leaders of capital. Our leader is the Communist Party ". The author of the pamphlet remarks that this resolution bears witness to the ripe political intelligence of the rank and file among the workers. He points out that even after the General Strike the subscriptions did not fall off. I think we may clearly infer that the subscriptions were due not to mere human sympathy with the sufferings of the miners but to that political intelligence. And there is support for this in Chapter IV headed " The British Trade Unions and the British Labour Troubles ", in which on page 16 there is a speech of one Tomskey, who says about the General Strike, " Such a strike as this is a new phenomenon in history. Thanks to the collective participation of the British workers, the miners' lockout has developed into a gigantic general strike. Obviously it is important to give all the help in our power." Quite obviously it was. Subsequently the assistance offered by the trade unions in Russia was refused by the General Council of the Trade Union Congress. The body of the pamphlet ends with an interesting passage which gives away the whole case. It runs as follows : " The movement in aid of the British workers was a mass movement. All the toilers of the U. S. S. R. were involved in it. It was an elemental product of the revolutionary activity and the highly developed class solidarity of the Russian workers, inured to struggle, and nurtured in the spirit of true internationalism." And the conclusion to be derived from this is well supported by an examination of the resolutions printed in the Appendix which show convincingly that the motive for sending the money was political. For example on page 40 we find the workers of a certain factory in Leningrad saying in a resolution, " We urge the British workers to transform the strike which has now begun into a
- O. P. 724.
- O. P. 725.

political strike, and to conduct it to a victorious end, marshalling themselves for this purpose under the banner of the Communist Party of Great Britain." In another on page 37-38 the workers say, "Away from the compromise policy of the Amsterdam Trade Union International and of the Second International, both of which wish to sabotage your fight and to hinder attempts to help you. March boldly into the fight under the leadership of the Comintern and of the revolutionary part of the General Council." In another resolution on page 39 we find the following: "The hour has come. The workers of one of the mightiest capitalist countries, when the capitalists and the government have tried to exploit them more ruthlessly, have answered by a united and organised revolutionary movement." In still another we find the following: "The heroism and class consciousness which the British workers, and especially the miners, have shown throughout the present strike give assurance that in future struggles the British working class, tempered by experience, will pass from defence to attack, and will change the strike of folded arms into an open fight with the bourgeoisie." In another the workers say that they consider that the fight of the British workers against the capitalists is a class struggle, a political struggle, a struggle having international significance. To which they add themselves "Choose from among yourselves revolutionary Communist leaders." In another at the top of page 44 the workers say to the British workers: "Comrades, firmly hold up the flag you have hoisted. We shall always be with you. We, disciples of Lenin, know that only a general strike plus an armed rising can ensure victory for the proletariat." Another group of workers "hopes that the British workers will march forward along the revolutionary road" (page 47). In another resolution the workers say: "We summon the workers of Britain to turn from defence to attack, to an armed rising for the overthrow of the capitalism system. There is no way but this in the war of the working class against the capitalists. We summon you to put an end to the dictatorship of the bourgeoisie and to establish the dictatorship of the proletariat, following the example of the workers of the U. S. S. R." (page 50). In still another the workers say, "We fully recognise that your fight is the concern of us all, that your victory will be a victory of the workers throughout the world." In another they say, "We are watching the vigorous revolutionary movement in Britain, and we summon the workers throughout the world to close their ranks in a united front against capital" (page 58). And quotations of this sort could be multiplied almost ad infinitum. I will conclude with a resolution which appears at the foot of page 81: "British miners, remember that every industrial struggle is also a political struggle. Bear in mind the stages of the fight with the capitalists here in Russia, before, during and after Red November. Remember the words of Lenin, that great leader of the proletariat, who said that in their struggle against the bourgeoisie, the workers must never take a step backwards. . . . Forward with the fight of the British workers. Long live the Communist International, the general staff of the world revolution." There is scarcely a resolution in this book which does not go to prove that the sums sent by the Trade Unions in Russia during the General Strike and the Miners Strike of 1926 were intended to further the hoped-for proletarian revolution, and this is the document which has been tendered by the defence with the object apparently of showing that moneys sent by Trade Unions in Russia to help strikers in India particularly during the year 1928, were not sent with any political motive and should not be relied upon as contributions intended for the furtherance of a Communist conspiracy.

Another inference which Crown Counsel as I think rightly asked the Court to draw is that persons in possession of this book and particularly people who had studied Communist literature and were therefore acquainted with Lenin's book "Left Wing Communism" must necessarily realise that all financial contributions received from Russia, however they might be described, were sent for the specific purpose of fomenting revolution in India and that however the senders might be described the real and actual senders were the Communists who are admittedly in control of all the leading trade union organisations in Russia.

The third point in connection with this financial assistance was the question of the particular persons to whom the money was sent. I need scarcely say that we would naturally expect that such money would be sent to Communists or Communist sympathisers. There were two large sums of money sent from Russia to India in the course of the Bombay General Strike in 1928. The first of these was the sum of 7,690 dollars (Rs. 20,916) remitted on the 20th April 1928 by the order of Voronoff Moscow to S. H. Jhabwala Vice President, Textile Labour Union, Sandhurst Road, Bombay (P. 1542, F. C. 405). Unfortunately by the

time this money reached Bombay Jhabwala accused had ceased to be Vice President of the Union and the National City Bank of New York at Bombay accordingly made a fresh reference to the despatching Bank, that is the Deutsche Bank, Berlin (P. 1543, F. C. 410). A reply was received on the 7th May in P. 1544 (F. C. 413) that the Bank should make payment to Joshi, President Textile Labour Union, Bombay, instead of Jhabwala. P. 1545, P. 1546, P. 1548 and P. 1547 all relate to the payment of this money and will be found at F. C. 414-417. This is the remittance with reference to which O. P. Dutt wrote to Bradley in P. 674 (F. C. 425) dated the 6th June 1928 : " With regard to the cotton shipments I do not understand how this came to get into the hands of Joss and I am taking it up with the senders." There is an interesting reference to this occurrence in a speech, P. 2242, made by Dange accused on the 2nd June 1928, in which he says, " Even money orders are misappropriated. There is a gentleman in Russia who is ready to help you. But our enemies are coming in the way and do not allow the money to come in and do not allow that gentleman to send the money. A member of our Party was favoured with an order for 10,000 roubles. A letter also was sent to us. We received the letter. The letter was received by a member who is well known but the money is not forthcoming. This money has been given to another man. This money is received by Joshi although it was sent to us. Date and amount of money sent and the destination tally that the sender of the money was the same man whose money has been received by Joshi." It is obvious from this that prior to the arrival of the money the accused had received a letter telling them about it. The second of these remittances was for Rs. 14,101, equivalent to £1,059 odd, remitted from London to the National City Bank of New York at Bombay for payment to S. H. Jhabwala. The relevant exhibits are P. 1550 & P. 1551 (F. C. 569-571). This was acknowledged by Jhabwala accused in telegram P. 1339 P. (F. C. 579) and also in P. 2410 P. (F. C. 586) dated 24th September 1928. Both the telegram and the letter were addressed to the Secretary Central Komitee Textil-arbeiter, Moskau. With the letter Jhabwala accused enclosed a copy of the minutes of the Managing Committee of the Bombay Millworkers' Union which authorised the payment of what was left of this fund, after some earlier payments had been made, to the Joint Mill Strike Committee. This letter P. 2410 P. is not the original letter sent to Moscow but a copy which was sent to Mr. Potter Wilson of the W. W. L. I., London. About this money too we find that the accused knew in advance ; see the speech of Nimbkar accused P. 1726 (2) dated 11th September 1928 at page 161 of the new volume, which begins with the following words : " Brothers, I knew before one month that the money which reached Mr. Jhabwala's hands yesterday was coming. Then we had said in our meeting that we had understood that 15 to 20 thousand rupees would reach us from Russia. Thereafter " *our men there* " sent this money here." A couple of days later, on the 13th September, in P. 1727 at page 169 of the same volume Kastle accused said : " Another thing is that the money that has come from Moscow has come because of our leaders. These men had written to Moscow. Bradley Saheb wrote to them that the people were suffering, therefore the money has come." One wonders who it was that Bradley Saheb wrote to in Moscow, that is to say who it was with whom he had so much influence. At any rate it is quite clear that this money also was not the result of subscriptions induced by the sympathetic feelings of the individual members of the Trade Unions in Russia. I shall have to revert to this subject of financial assistance in another connection.

Another aspect of the interest in Russia and one which is highly typical of Communist agitation is the anti-war agitation. Anti-war agitation is of course by no means limited to Communists, but there is a special feature of Communist anti-war agitation which distinguishes it from the pacifist movement generally. It really relates only to the war danger so far as it affects the U. S. S. R. Other wars are obviously not unlikely to be beneficial to the U. S. S. R. and the Communist movement. Such wars are also inevitable because they are necessitated by the development of capitalism and Imperialism. They are in fact one of the inherent contradictions in Imperialism which will ultimately result in its downfall. Moreover Imperialist wars offer a first-class opportunity for Communists to bring about a civil war inside one of the warring countries. The Communist accused have certainly done their best in the matter of war danger resolutions of the correct type. They introduced a resolution condemning the encirclement of the U. S. S. R. by Imperialist States at the Cawnpore T. U. C. in November 1927 (See P. 1878 (1) (I. C. 74) Dange's T. U. C. Left report). This resolution was however rejected by the President. Another

resolution of the kind is the one drafted for the Jharia Session of the A. I. T. U. C. No. 16, "Protest against Government's action towards Soviet Republics" (P. 549 (14)). This resolution calls for a "protest against the policy of encirclement and preparation for war pursued with increased vigour by the British Government against the U. S. S. R." It was however not accepted at Jharia, an ordinary pacifist resolution being passed. But we get the original resolution again in P. 669 at the A. I. W. P. P. where it was carried unanimously (see page 79 of the printed exhibit P 669 and appendix U on page 84). The correct point of view in regard to the war danger is well expressed in the report of comrade Bell on "Methods of the struggle against the danger of Imperialist war" to the Sixth World Congress of the Communist International, reported in Inprecorr Volume 8 No. 58 dated 1st September 1928 (part of P. 259) at pages 1003 onwards, and also in a speech of comrade Bell reported in Inprecorr of the 21st November 1928 at page 1535, and it will be found that Joglekar accused shows a very sound appreciation of the correct view in his statement to this Court. I will quote Comrade Bell first. He says at page 1007 talking about the danger of Left Socialists being able to steal from the Communists the slogans which aptly appeal to the more radical and politically conscious workers who are seeking a way out of the possibilities of war: "In this connection to every comrade's mind there will occur Lenin's formula with regard to the fight against the Left about the boycott of war, of individual refusal to serve, of the boycott of war being a stupid phrase. Yes, in the sense of folded arms in face of the approaching war the boycott of war is a stupid phrase. But nevertheless many of our comrades are apt to forget this phrase of Lenin and to make a fetish out of the boycott of arms and refusal of military service. In combatting these slogans we should distinguish between a pacifist refusal to serve which has for its aim purely humanitarian reasons, for religious motives or for certain cultural or aesthetic objections to taking life, and the workers refusal to fight for Imperialism. This passive refusal we must transform into a revolutionary movement against Imperialism aiming at the utilisation of the workers for the transformation of the Imperialist war into a civil war." And at the end of this report he says, "For my part with all our defects I refuse to believe that the Comintern will not find a way to continue its historic task as the leader of the proletariat when the world war breaks out. Let Imperialists dare to launch another world war. I am of the opinion and I am sure that you would agree that if they do Nemesis awaits them. Let us resolve and make all necessary preparations that another world war will bring the final collapse of Imperialism; the victory of the world proletariat over its age long class enemy, the international bourgeoisie." The other speech of Comrade Bell in this connection was made in presenting the report of the War Commission, see Inprecorr Vol. 8 No. 81 dated 21st November 1928 (part of P. 259). In this at page 1535 he speaks of "a more clear formulation on the question of individual refusal to serve, making quite clear that our fight along these lines had nothing in common with the pacifists. Our final draft makes clear that nothing is to be obtained by following the pacifist methods of individual refusal to serve, or mass refusal to serve on merely on pacifist grounds, and that the proletariat can only come to success by working in the armies."

For Joglekar accused's correct appreciation of the right view on the matter I may refer to page 2055 of the statements of the accused, where he says, "As already analysed by me at an earlier stage a war between two Imperialist sections contending over a share of exploitation of the earth stands on a different footing from a war of aggression of an Imperialist group against a country where socialism has triumphed. In the former case it is immaterial to us, to all International Socialists, as to who wins. As a matter of fact we would wish and work for the defeat of both the belligerents and try by all possible means to transform the Imperialist war into a class war, a socialist revolution in the countries of the belligerents" (i.e., a civil war). And as regards the distinction between pacifism and Communist anti-war agitation he is equally correct in what he says at pages 2049 and 2050, where he says, "Communists' opposition to war is not also of a sentimental, philosophical or negative character. We do not subscribe to the method of the Social Democrats of the Second International, the method of abstract theorising and protest against war. We are more concerned with the actual and concrete realisation however small of this protest than any abstract formulation of it. That is the essence of our attitude towards war—but Imperialist reactionary war—because Communists have not any conscious objection to war in general. It is only the the reactionary Imperialist war that the Communists are opposed to." He goes on to indicate that

O. P. 734. the Communists would participate in any other war which from their point of view, that is from the point of view of the advancement of Communism, is a just war." And the same is their attitude towards peace. He says, "We have no respect for any abstract peace. Peace between capitalist powers could only mean the recovery and perpetuation of that same Imperialism, which makes wars inevitable. Real peace, the peace of peoples, could only be the gift of proletarian revolution. What is wanted is not a capitalist peace in place of capitalist war but a civil war between classes instead of an Imperialist war between nations. Hence the slogan Lenin gave when war broke out of the transformation of the Imperialist war into civil war." As in so many cases whatever doubts could possibly arise from a consideration of the prosecution evidence have been most industriously cleared away by the Communist accused themselves in the course of their statements to the Court. I alluded a little way back to financial assistance from Russia, and I must now deal with the larger question of financial assistance generally and the way in which it was received, which raises the question of secret ways of communication. Now I have dealt already with the remittances which reached Spratt accused from time to time. I have not however dealt with those which reached Bradley accused, and perhaps before going any further I should touch on them and state briefly what remittances there are of which we have evidence on the record. These sums are as follows :—

	£30	On the 21st December 1927 from L. C. Bradley brother of the accused, vide P. 2424 series P. 1520 and P. 1521 (F. C. 330).	5
	£40	Same date from same sender with a message "cable receipt"; vide P. 2425 series, P. 1522 and P. 1523 (F. C. 329).	10
O. P. 735.	£80 (in 2 sums of £40)	On the 13th March 1928 from L. C. Bradley, vide P. 2426 and P. 2427 series and P. 1524 to P. 1529 (F. C. 387 and 388).	15
	£100	By telegraphic transfer from Rathbone on the 3rd May 1928, vide P. 1504, P. 1505 and P. 1505 (a) (F. C. 410).	20
	£40	On 12th June 1928 from Len (L. C. Bradley) with a message "towards sending delegate", vide P. 2428 series, P. 1533 and P. 1534 (F. C. 433).	25
	Rs. 500	By telegraphic transfer from Spratt accused on the 30th December 1928, vide P. 2114 and P. 2115 (I. C. 330).	30
	£80 (in 2 sums of £40)	On 12th March 1929 (but not paid until the 16th August) from Mrs. Bradley (mother of the accused) with a message "from mother wire receipt League", vide P. 2422 and P. 2423 series and P. 1514 and P. 1515 (F. C. 385 and 386).	35

I think that the sums received by Spratt along with those received by Bradley accused and the contributions from Russia are all the amounts of which we have actual evidence as to their receipt. But that these were not the only amounts which actually reached conspirators in India from conspirators abroad is by no means difficult to infer from the numerous mentions of sending money in the correspondence which is on the record. And indeed as the whole of the evidence leads one to conclude that this money was being sent for conspiratorial purposes, it would be most unlikely that evidence would be forthcoming as to the actual sending and receipt of much of what was sent, for that is what cover addresses, secret means of communication and the like were intended for, namely to secure that not only literature letters etc. got through safely but also money.

O. P. 736. Now first as to the indications that financial assistance was being sent throughout the whole period covered by this case; the first reference in this connection is D 374, a letter dated the 22nd October 1924 recovered in the search of Begerholta's house at Rewari and put in by the defence. Towards the end

of this letter Roy writes : " The development of the Vernacular Press is also very important. We shall certainly be glad to contribute, and are even prepared to find some financial aid when necessary. "

O. P. 737. Next in P. 2375 (F. C. 62), the report of the Amsterdam Conference, in the notes of the Sunday afternoon meeting on the 12th July, it is mentioned that after Robson had objected in regard to the sending of Dutt to India that the British Party had only £100 in hand for the purpose, and that this would merely suffice to cover his passage out and back and therefore the Party could not accept financial responsibility if Dutt was sent to India, Roy replied that this would cause no expense to be incurred by the British Party, that is to say that someone else, and the someone else could be no one but the Communist International, was going to pay for Dutt's visit to India and work there. Of course C. P. Dutt never actually went to India, but in due course Campbell (Allison), Spratt and Bradley, if not others, all went there, and bearing in mind the financial straits of the British Party towards the end of 1925, it may be surmised that unless the British Party's subsidy from the C. I. was considerably increased, the same difficulties would have arisen as arose in connection with the proposed visit of C. P. Dutt. Then in February 1926 in P. 2321 P. (F. C. 115) Sipassi writes to Iyengar : " You will soon get financial help. Please let us know how much (minimum) do you want ? ", and a month later in P. 2169 (1) (equals P. 2322 (2)), (F. C. 136) Roy writes to Begerhotta : " In the near future some financial aid for carrying on the work will reach you. " But some of this seems to have gone astray, as 6 months later in P. 2315 P. (F. C. 142), dated the 29th September 1926 Sipassi was writing to Iyengar : " All of you complain for not receiving communications, papers and money from us, but have you ever thought that you have never taken care sending us adequate addresses where things should be sent. One instalment of money was sent to J. P.'s address which he gave some time ago. I hope you have received that. About further instalments a letter was sent to his address. Please give us addresses for letters, papers, money etc. " And in the Urdu letter which accompanied this letter Sipassi wrote : " Received all letters of Begerhotta. An instalment of money has been sent to him on the address given by him, which must have reached him by now since a month has elapsed. More money will be sent to you if you will soon start a newspaper of the Party and send that newspaper to us. " Then he repeats his complaints about the failure of the comrades to send addresses.

O. P. 738. Next on the 13th October 1926 in P. 2323 P. the Foreign Bureau writing to the Central Committee of the C. P. I. through Iyengar says : " We hope the 50 pounds sent a month ago to Com. B.'s private address have been received. We are awaiting the acknowledgement to remit further instalments. But it will be very necessary that you indicate some better method of transmitting money. "

Then in D. 371 the Foreign Bureau writes as follows : " Here I do not want to enter into the discussion of material assistance for the Party press. You will be approached on this question by others, who will discuss the question more concretely ", by which I think the writer meant that they would be approached by an agent, who could discuss the matter face to face. Sipassi again mentions the matter of money in P. 2324 P. (F. C. 163), dated the 1st December 1926, in which he says : " It is a pity that money fell into the hands of Dogs. It was sent in a letter to Rewari address, anyhow what is lost cannot be regained. A permanent arrangement is going to be made soon. Some money has been sent direct to " Ganavani ". Please let us know if M. A. has received it ", and at the end he says : " £50 were sent to the Editor " Ganavani ". "

O. P. 739. In subsequent letters we come to references to money, which are in cryptic language, in which MSS or books and the like terms are used to represent money. For instance in the invisible ink portion of P. 1859 (F. C. 179), dated the 25th January 1927 Dutt writing to Spratt says : " Look for letters at Cooks. I am putting MSS on both forms you signed. " The reference to letters also in this is doubtless a reference to remittances through Thomas Cook & Sons, because there would have been no point in addressing ordinary letters to that address. At the end of the same portion Dutt writes with reference to the Canton Conference : " Passage of delegates both ways will be paid ", which obviously means that it will be paid by someone with whom the writer is connected. In this connection I have already alluded to Spratt's remark in P. 38 (I. C. 29), in which he told Ghosh accused that whether he went to Canton officially or unofficially his fares would be paid, and with regard to this it is noteworthy that Spratt accused never received P. 1859. His information that Ghosh's fares

would be paid was, therefore, derived from some other source. In all probability the expenses were to be met from the large sums of money remitted to Spratt himself within a month or two of his arrival in India. In another letter of Dutt, P. 1007 (F. C. 213), dated the 9th June 1927, we get two references again to MSS. In the body of the letter he says : " Are still in touch with the Methodist Times ? It is worth examining for news of old friends. I understand that you did not receive any MSS from them. If I were you I should give them a reminder about it. It is good to get any useful greetings and messages. I believe your old friend Fh. knows someone in Colombo who would write something. It would be worth while arranging to get a short MSS from him. How do your arrangements stand about getting news like this in general ?" In the invisible ink portion he writes : " How are MSS arrangements ?" Then Spratt mentions MSS very soon afterwards in P 2328P (2) (F. C. 218) on the 14th June, in which writing to ' Dear Douglas ' he says : " You should receive some sort of MSS by the end of August. Ask Baker about it. It should not be sent directly by me or Amb."

Next in P 1012 dated the 25th July (F. C. 227) Dutt says : " What is the position with regard to MSS ? I hear of complaint that the Y. M. C. A. send no MSS to you. That is in general correct and the general decisions still stand, but you must use your discretion." Spratt accused deals with the subject again at some length in P 2329P (1) (F. C. 235) on the 15th August in which 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. I gave him full particulars of how to send etc. If a message has not arrived it should do so via Baker, or of course if you prefer, I will send it as before. I want to increase the space allowed from here by say a third, as I am convinced that it is impossible to get in the information required with the present word space", and this proposal is amplified in Spratt's draft letter, P 1009, (F. C. 300), dated the 4th September 1927, which is full of references on the subject. For instance there is the passage " But finances at the moment", followed by a long reference to Begerhotta's offer of money, which he had rejected, after which he goes on " Generally they are bad. You spoke in a letter dated end of May, that I should send about 200 words to Baker." Afterwards he goes on to discuss the ' general arrangements ' and ' actual sending,' which involves someone going to Lahore (Kuhique). Then in the second half of the letter he more or less gives up the attempt to use cryptic language and mentions the sum of Rs. 2,400 a month as being required, when all the details which he has given are totalled up. The next reference is in that very interesting letter, the Assembly Letter, P 377 (1), at F. C. 364, where Roy says : " Now the financial matter :—During the last months there was disturbance for reasons known to you. Arrangements have been newly made to continue the aid for the three papers and also for the monthly in the north, if necessary. Besides, provision has also been made for other necessities as specified in a report received two months ago. This is a temporary arrangements". And further on he says : " Please find out how much money will be needed to buy one or two small printing establishments in the country. I am of the opinion that for your present purposes we do not need our own press which will only lock up money that could be more profitably used." There are also references to the subject of money sent from Europe in the correspondence between Muzaffar Ahmad accused and Tagore, with which I shall deal in connection with Muzaffar Ahmad accused's individual case, and another interesting little piece of evidence on this subject is the letter from the League against Imperialism to Jhabwala accused, dated the 7th November 1928, P 2211 (F. C. 638), in which Chattopadhyaya 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."

In the light of the whole of the references particularly those in the correspondence between Spratt accused and C. P. Dutt, the suggested interpretation of which I discussed in dealing with the cryptic correspondence, I have not the smallest doubt that in all this correspondence, under the screen of MSS, words, space and the like, there are concealed references to financial arrangements and the sending and receiving of money for the purposes of Communist work in India, that is for the purpose of furthering a Communist conspiracy ; and I do not think there could be any doubt in the light of all these references that a good deal of money was coming in quite regularly, which never came to the notice

of the authorities, and of which, therefore, these cryptic references are the only evidence.

This brings me to the other question, which I suggested, namely the different ways in which communication was maintained between persons abroad and the accused in India. Most of these things I have of course alluded already, and at this stage I wish merely to group them together. One method of endeavouring to ensure the arrival of a letter, which has come to light in the evidence, is the practice of sending a number of copies of the same letter in different ways or to different persons. For example in P 2380 (1) (F. C. 61) on the 3rd July 1925 Roy says that he had sent a message in three ways expecting that it would reach the addressee surely, and one instance of this we have on record in P 2320, the "Patna friend" letter, of which a copy was also sent to Iyengar and intercepted en route. Then I mentioned in the case of the E. C. C. I. letter that the copy sent to Ghosh accused for delivery to Spratt accused was intercepted and withheld, but that evidently did not prevent the letter from reaching its destination, as copies of it were found with a number of accused. Another case, in which the practice of sending a number of copies of a document to different persons in the hope that one or other of them may get through safely, is to be seen in the series of letters, P 2215, P 2216, P 2217 and P 2218 dated 31st October 1928 from the R. I. L. U. to Dange, Ghate, Thengdi and Jhabwala accused.

Then we get clear indications of some methods of communication, which involved letters taking a very long time in transit, which obviously suggests that these were letters which came by hand and not through the post, and therefore depended on the length of time, which the messenger took to make the journey, quite apart from the time which might be occupied in waiting for a messenger. For instance in his letter of the 15th August 1927, P 2329P (1), Spratt writes to Dutt: "I have just received your letter of May the 25th", so this letter had taken 2½ months on the way. Much about the same time on the 9th August in P 1008 Dutt writes to Spratt accused: "I received your letter dated the 14th June not two weeks ago", that is to say, towards the end of July, which would mean that this letter had taken some six weeks or more on the way. And Spratt again in his draft letter, P 1009, speaks of Dutt's photographs as having taken nearly two months to reach him, so that he (Spratt) could make little out of them. The inference is irresistible that these letters came by some very circuitous route. We know that letters were sent by lascars, and it is quite possible that if money came into India from the North, letters may have come the same way, and such letters would have been likely to take a considerable time en route.

Coming next to the actual arrangements themselves, we find references from a very early date to the necessity of making some arrangements. In D 374 Roy writes: "Therefore I will request you to make some provisions to receive our literature from outside..... If you will send us from time to time some addresses we can keep you supplied with all the necessary literature", which may of course be a reference only to cover addresses. Then in D 371 the Foreign Bureau writes: "Now a few words about the Party on tactical questions. First and most important of them is the creation of an apparatus for importing literature from abroad..... Every effort must be made to organise an apparatus for the illegal importation of literature. We are in a position to take care of this end of the line, but unless there is an efficient apparatus at the other end, all our efforts would remain ineffective. Comrades especially engaged in this aspect of the thing have been carrying on correspondence with you on the matter." The subject was discussed at the Amsterdam Conference in July 1925, and Evelyn Roy at F. C. 70 "stated that literature could be sent through sailors. Dutt asked what could be done with it in India, and Roy stated that he had addresses in Bombay, Colombo and Calcutta." The next reference is in P 2321P at F. C. 115 in which Sepassi says: "It is absolutely necessary that there should be somebody to replace N-G in Col. (obviously an abbreviation for Colombo). You know those boats do not go to Madras, it is only Col. which they touch on their way to the far east. Please see that N. G. is replaced at once by another friend otherwise all the organisation on this end will be ruined and the work will suffer", by which he clearly means that satisfactory arrangements exist for carrying literature to Colombo, but unless there is a safe person to receive it there, the efforts of the despatching parties will be wasted. I have already

quoted Sipassi's remarks in P 2169. Sipassi mentions Colombo again in P 2327P (F. C. 212) writing to Iyengar under the cover address of Kannan on the 2nd June, 1927, where he says : " Please note that the Colombo affair is to postpone for some time, the two addresses I gave are no more good—I mean the addresses of those on board the boats ", which would seem to imply that the lascar system had broken down through the unreliability of the messengers. Another reference to this system is in P 1007 (F. C. 214) in which in the invisible ink portion between the lines Dutt wrote : " Why did you not meet Ismail on the Nevasa ? I am waiting for Hamid." On the 14th June in P 2328P (2) (F. C. 217) Spratt writes to Dutt : " I fear that the breakdown of communications is a serious matter. Even the last resort you adopted collapsed partly at this end, but we may be able to re-establish it. You got my long letter I gather. Two were sent afterwards but I suspected that both failed." I have already drawn attention to P 2407P, Ajudhiya Prasad's letter to C. P. Dutt written from the S.S. Elysia at Manchester and making an appointment at Birkenhead, as a result of which Dutt, we can feel no doubt, met Ajudhiya Prasad at Birkenhead and gave him the letter, P 1012, (F. C. 227). Then Dutt replying to Spratt's letter of the 14th June in P 1008 (F. C. 232) dated the 9th August says : " I hope very much that it will be possible to re-establish communications on a better basis. I hope you will have received the addresses of various friends with whom you ought to be in touch."

O. P. 746.

I do not think there is any other direct reference in the correspondence until the end of October 1928, when we come to P 1208 (1), the R. I. L. U. letter, copies of which were intercepted and are on record as P 2215 to P 2218, to which I referred a page or two back. With this letter was enclosed a copy of a resolution proposed by the Indian Delegation to the Congress of the C. I. and adopted by the Secretariat of the R. I. L. U. This resolution lays down a tentative plan of work for carrying into effect the resolution on India of the 4th Congress of the Profintern or R. I. L. U., item 4 in which runs as follows :

" Immediately strengthen international connections by (a) organising exchange of literature through couriers and seamen etc. between India and England, India and China, Japan etc."

O. P. 747.

Another piece of evidence in connection with this " Lascar system " is an entry in a diary, P 397, found at 2|1 E. A. Lane, which has in it Muzaffar Ahmad's name and apparently belonged to him, and contains the following entry, clearly relating to some Indian seaman : " Register no. 084394, 5th March 1923, official number 106885, S.S. Imani, date of engagement 26th May 1927, date of discharge 17th September 1927." The S.S. Imani is apparently a steamer belonging to the Anchor Brocklebank Line.

Another interesting series of pieces of evidence in this connection is the following. In the possession of Amir Haidar Khan, the absconding accused, along with a series of other interesting documents including copies of the Communist Manifesto, the Political Resolution (11 copies), Sohan Singh Josh's Presidential address (8 copies), the Trade Union Movement resolution (8 copies), the W. P. P. Principles and Policy (3 copies) and a typewritten copy of the thesis on the Revolutionary Movement in the Colonies and Semi-colonies, there was found an unsigned and incomplete letter, P 1065 (F. C. 722), dated Hamburg the 18th December 1928, in which the writer mentions various people at Hamburg for whom a messenger might ask at the International Club. One of these is Julius, and the writer gives Julius's address as Julius Trosin, Hamburg, St. Pauli, Heine Strasse 10, No. 1 Flat. Now a map of Hamburg was found at 2|1 E. A. Lane and is on the record as P 525 (2). On this map the route to the International Seamen's Club is indicated. This same address of Julius Trosin was also found written on a slip of paper recovered from the possession of Usmani accused, which is P 1561, and still another copy of this address is mentioned in P 362, the search list drawn up in respect of the search of the offices of the B. J. W. A., the Bengal Textile Workers' Union and the Garden Reach Workers' Union at 7 Garden Reach Road, Calcutta, all of which were in the occupation of Manindra Sinha, see item 83 of the search list. There are two other pieces of evidence in regard to Amir Haidar Khan to support P 1065, namely the mention of his address at Ghelabhai Street in the diary, P 1284, recovered in the search of Appoji Rao and the statement of P. W. 9, Ali Mardan, a storekeeper on the S.S. Compass, who deposed that he took a letter from Amir Haidar Khan to Hamburg in November 1928, when he was working on the S.S. Ahrenfels. This

O. P. 748.

letter the witness posted according to Amir Haidar Khan's instructions at Antwerp. Later on in Hamburg he was given by a man, who gave his name as Carl Lesse, a parcel of books to bring to Bombay and deliver to Amir Haidar Khan. These books the witness kept in the engine room tunnel, where unfortunately for him they were discovered and thrown overboard by the Captain with the exception of P 2500. This witness recognised Amir Haidar Khan's photograph, P 1067, and it may be noted that on the envelope, which contained this and other photographs, there were written in pencil the words "to Ali Mardan".

Besides the evidence of Ali Mardan in regard to the carrying of communications from India to Europe and Europe to India, there is also the evidence of P. W. 63 Abid Ali, an Indian seaman, the "concert performer," who was "skinned" of the 'Besants' letter, P 1686, (F. C. 348) addressed to Karanth, see P 674, (F. C. 425). Still another carrier of letters was Abdul Hakim, P. W. 28, who made such a muddle over carrying the Assembly Letter, P 377 (1), to Muzaffar Ahmad.

O. P. 749. The last and probably the commonest method of trying to ensure that a letter which, if addressed to the accused concerned, would inevitably be intercepted and withheld, was the use of cover addresses. The ordinary method of applying this system is for a letter to be addressed to the gentleman whose address is being used and to put the actual letter inside a second envelope, which goes inside the cover bearing the stamps and address. We get frequent mentions of this matter of "addresses," and we have on the record direct evidence of a number of cases of the use of cover addresses. I have already quoted a number of these references, which are largely requests for the provision of new addresses and information that old ones no longer hold good. In England the use of this system is mentioned by Ieuan Thomas in P 2391P (1) at F. C. 33. In the Indian correspondence I may refer to Sipassi's letters, P 2321 P of the 17th February 1926 (F. C. 115), P 2315 P and the Urdu enclosure, both dated the 29th September 1926 (F. C. 142 and 171), and P 2324 P dated the 1st December 1926, (F. C. 163), which cancels two old addresses in Paris and furnishes one new one and also discusses the change of address at Colombo and the provision of more addresses at Bombay, Calcutta and Karachi. Then we find Alakh Prakash alias Ajudhiya Prasad sending Iyengar an address at Calcutta and asking Iyengar to send him a new address, in P 2313P dated the 31st May 1926 at F. C. 131. Other references of this kind can be found in correspondence right up to the end of the period covered by this case, see for example Adhikari's letter to Vera, P 1196, the translation of which is to be found in P 2529, in which he speaks of "the efficiency of the post office" and says: "If you get the letter that I have sent to 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." Then there are also a large number of cover addresses about which there is evidence on the record. In the case of Iyengar we know of three, N. Swamy, Kannan and Chakravarty; in the case of Muzaffar Ahmad we come across Abdur Rahim and N. C. Dey, and in the case of Ghate we know of Mudkatte and Karanth, both of whom have been produced as witnesses by the prosecution. Then in the case of C. P. Dutt we know that a letter for him was addressed to a Mr. C. L. Lease and another to Horsman (by Bradley accused), and still another address suggested by Dutt himself was that of H. W. Gardiner at St. Albans.

The last method used with the object of securing that, even if a document were to be seen in the post, it should not be understood by the authorities and therefore should not entail any injury to the cause, was the use of the figure cipher, invisible ink, cryptic language and the transposition code, which would be easily understood by the recipient, but might keep the C. I. D. in doubt at any rate for some time.

PART XIV.

O. P. 750—
contd.

One of the few general defences which were put forward by the learned counsel, who argued the case for some of the Communist accused, was that it could never have occurred to any of the members, who organised the Workers' and Peasants' Party, that their object in forming these organisations was to deprive His Majesty the King Emperor of his sovereignty over British India. 5

Quite what it was, on which he based this suggestion, I was not able to make out unless it was a deliberate shutting of one's eyes to all that appears in the evidence. And that indeed was what he asked the Court to do throughout his argument. There is scarcely an item of evidence which he dealt with about which he did not ask the Court to reject the obvious interpretation, without suggesting anything in its place. The second point on which he laid great stress was that the Workers' and Peasants' Party was not a "veiled" Communist Party, as the prosecution was alleged to have declared it to be (although this description of the W. P. P. as a "veiled" C. P. did not really come from the prosecution at all). The reason for this plea was no doubt that he felt that the objects and 10

O. P. 751.

methods of the C. P. were illegal, and therefore the admission that what underlay the Workers' and Peasants' Party was a Communist Party, would be dangerous. That was apparently why the point was laboured again and again that the Workers' and Peasants' Party was not a Communist Party. But it never was the prosecution contention that the Workers' and Peasants' Party was a Communist Party. The contention was that it was a party organised by the Communists and worked by the Communists with the object of organising a mass revolutionary movement. No doubt the ideas suggested by the conspirators outside India in regard to the kind of party to be organised have varied from time to time, but that fact does not help the defence case. On the contrary the fact that the ideas of conspirators in India have also tended to vary along the same lines is one of the strongest pieces of evidence against the accused. The history of these variations is interesting. In October 1924 in D. 374 we find a People's Party being suggested but this was not very firmly pressed, and in 1925 C. P. Dutt was suggesting a Workers' and Peasants' Party. On the other hand in 15

January 1926 M. N. Roy was suggesting a People's Party with an illegal Communist Party inside it, see P. 2320 P. at F. C. 112, and later on in the same year came R. P. Dutt's "Modern India" and Roy's "Future of Indian Politics", in both of which a People's Party, which was to be a mass revolutionary party, was proposed. Next in October 1926 the Foreign Bureau wrote to the Central Committee of the Communist Party of India in P. 2323 P. (F. C. 145) proposing the launching of a broad working-class party, the Workers' and Peasants' Party, which, it is stated a little further on, "is a veiled Communist Party," and is therefore to be distinguished from the People's Party, which "is a revolutionary nationalist party." The position of the W. P. P. as regards the People's Party may be taken to be cleared by the remark in D. 371, whose date must be approximately a month or so later, where it is stated that the W. P. P. though not a real Communist Party will be essentially a Communist Party, vide the remarks in the paragraph at the foot of page 2 of the typed copy of this letter. So we have got already from the European proposers of the Workers' and Peasants' Party that it is to be "a veiled Communist Party" and "essentially a Communist Party," and D. 371 also shows that the Workers' and Peasants' Party is expected to work inside the revolutionary Nationalist Party or People's Party, see the remark in D. 371: The other (the People's Party) is a revolutionary Nationalist Party in which will enter the working class organised in its own Party (the W. P. P. Party)." This is not the last pronouncement of the kind. In 1926 in P. 85, the Manifesto to the All-India National Congress, Gauhati, 1926, dated the 1st December 1926, issued by the Communist Party of India and printed in England, at page 106 of the printed exhibit, we get the same proposal of a People's Party. All this must have been very confusing and led to such discussions as the one with Fazl Elahi mentioned in P. 1829. Then in P. 377 (1) at the end of 1927 we find Roy complaining that the Indian comrades have interpreted the Foreign Bureau's suggestion too literally and have allowed the W. P. P. to be too openly identified with the C. P., this being the result of a legalist deviation in regard to the C. P., and suggesting ideas for reorganisation. 20

O. P. 752.

Finally by the end of 1928 we find that the ideas in Europe as to the value of parties like the Workers' and Peasants' Party have changed, and a new proposal is being put forward for the separate organisation of the workers on the one hand and the peasants on the other, and in due course we have evidence 25

O. P. 753.

Finally by the end of 1928 we find that the ideas in Europe as to the value of parties like the Workers' and Peasants' Party have changed, and a new proposal is being put forward for the separate organisation of the workers on the one hand and the peasants on the other, and in due course we have evidence 30

that the Indian comrades were considering how to put these ideas into practice. The whole of the correspondence and history of the Workers' and Peasants' Parties shows quite clearly that they certainly were veiled Communist Parties in this way, that they were not Communist Parties in the ordinary sense of putting forward the full Communist Programme, but they were Communist Parties in the sense of being organised and run by Communists with the object of furthering the Communist Movement towards revolution. It makes no difference to my mind whether the revolution immediately in view was to be a democratic national revolution or a proletarian revolution; the one was in any case regarded merely as a preliminary to the other and either of them would come within the scope of Section 121 A I. P. C.

Another way in which an attempt was made to get away from what is in fact the admission that the Workers' and Peasants' Party was a 'veiled' Communist Party, was by declaring that there were no socialist items in the public programme of the W. P. P's. That however is of course not true. We need only refer to P. 1017, which declares the ultimate object of the Party to be to obtain Swaraj, wherein the means of production, distribution and exchange are publicly owned and socially controlled, and among whose demands we find nationalisation of land and nationalisation of the means of production, distribution and exchange. P. 527 (4), a document found in a file containing, for example, the office copy of Spratt's letter of the 14th March 1929 to C. P. Dutt, P. 527 (1) (F. C. 846), states the objects of the movement and of the W. P. P. in lesson 2, item 3, (page 40 of the printed exhibit) as follows:—

O. P. 754. "The aim then is control of the means of production by the workers—not by individuals, but by the class (eventually by society as a whole) i.e. socialism, not capitalism. (Develop the idea of socialism—equality, internationalism, social control etc. as opposed to the practice of capitalism. Cite what has been done in U. S. S. R.)."

These facts completely refute the defence suggested in the joint statement of the Communist accused at page 2738, where it is stated that "the Workers' & Peasants' Party did not put forward socialism as part of its programme." No doubt the programmes of the C. P. and the W. P. P. were not exactly the same, but no one has ever suggested that they were. The document, to which the accused themselves referred, namely "The Principles and Policy" of the W. P. P., which states that "the function of the Party in the most general terms is to achieve the essential preliminary step, i.e. the attainment of political independence, for the abolition of exploitation and political oppression" really gives their whole case away, for this very document goes on to say that "the line of action of the Party is to develop to the fullest extent the organisation and consciousness of the masses in a revolutionary direction", and as defined later on the phrases "exploitation" and "political oppression" turn out to mean in fact the present capitalist system of society with its classes, bourgeoisie, petty bourgeoisie, workers and peasants, which is to be abolished by expropriation of the capitalists.

O. P. 755. Another suggestion put forward both by Mr. P. L. Sharma for the Communist accused and in the statements of those accused is the argument that these Parties grew up naturally, and were all the outcome of the ordinary developments which Communist doctrine asserts must come about owing to the inherent contradictions in the capitalist system. In the light of the evidence on the record that defence seems to me to be quite futile, and in this connection I might perhaps refer to the accused's own statements. For example, in the joint statement at page 2611 Nimbkar accused says: "We are equally convinced by the same study (by this he means the study of historical facts from a Communist stand point) that in a colonial country, such as India is, the revolution which will precede the proletarian revolution, will be of the nature of the bourgeois-democratic revolution. This will achieve the complete freedom of India from the control of British Imperialism, and the complete abolition of all feudal and pre-feudal forms of social organisation and will result in the establishment of an Independent Democratic Republic. This is "the revolution for which we were working," and we are convinced that the programme which we put before the country, the programme of the united anti-Imperialist front of all those classes capable of carrying through the revolution, was the only correct programme for attaining it." Bradley accused says on the same point, in regard to the nature of the Party activities: "Our activities (speeches, Trade Union meetings, etc.) in connection with the movement have been in accordance with

our theory", and for what this theory was we may refer again to the joint statement at page 2611, where Nimbkar accused says: "But nevertheless we fully subscribe to the system of thought and the well-thought-out and scientific political programme laid down for the world revolution, by that most powerful world-wide revolutionary organisation, the Communist International."

O. P. 756.

This is practically the same defence as the so called determinist theory, namely the suggestion that the accused were not the active movers, but whatever they did was merely under the influence of historical forces. Mirajkar accused for instance says that "in pleading not guilty the accused were guided by a desire to prove that the aims and actions which have been stigmatised clearly as a criminal conspiracy, are precisely the aims and actions which are historically necessary in the interest of advancement and progress of Indian society as a whole", and he goes on to speak of this conspiracy as being "a conspiracy of objective conditions." The same is the suggestion put forward in the joint statement of the accused at page 2613 where it is stated that "it is a conspiracy not of 31 men nor even of the whole of the Communist International but of objective conditions and processes, and it is these alone which determine historical events." The defect in this argument was however visible to the accused themselves and at page 2615 we find Nimbkar accused expressing this as follows: "While therefore we assert our generally deterministic view, we do not attempt to use this as an argument by which to escape from the consequences of our actions, or to minimise them in the eyes of the Court. On the contrary we lay the greatest possible stress upon the importance of "conscious" revolutionary activity, organisation and leadership." (I can hardly believe that it is intended to suggest that one can have organisation without agreement.)

O. P. 757.

And on this point of organisation and how essential it is we may refer to an article entitled "Thermidor", one of a series of articles found in a file in the Kranti office and included in Ex. P. 1220, in which it is stated: "It is necessary to stress the point that in its actual achievement a revolution has to be planned and carried through by conscious deliberation. True, it cannot be made out of nothing—and only the organic development of society can prepare the materials—but given the materials there still remains the need to work them into the forms desired. One may have the eggs but one needs more than intuition to prepare the omelette." Another attack on the pure deterministic theory of revolution is contained in an article by Lenin himself entitled "Two Tactics" (P. 1207 (2)) in which he says, "It is true that a popular revolution cannot be fixed up. . . . Still to start an insurrection in case we have actually prepared for it and in case the already accomplished revolution in social relation makes such a popular uprising possible, that is surely a situation that can be realised." So it is evident that we need not waste much time over the deterministic defence, as indeed the accused themselves rightly realised.

O. P. 758.

Another suggestion was that there was no force in the prosecution case because, as it was said, the accused had committed no overt acts, and it was suggested that the prosecution had at some stage admitted the absence of overt acts. What the prosecution actually did admit was that there was no evidence in this case of overt acts of violence, which is quite a different thing. There are of course numerous overt acts in this case such as participation in meetings, demonstrations, processions, the making of speeches, writing of letters and so on and so forth. But in any case the question whether there were or were not overt acts committed in pursuance of the conspiracy is irrelevant, since the explanation in Sec. 121-A lays it down that "to constitute a conspiracy under this section it is not necessary that any act or illegal omission shall take place in pursuance thereof." And if the suggestion is that the absence of acts of violence is in itself a point in defence, it is quite sufficient to point out that if conspirators are attempting to organise a movement on a large scale the last thing they can possibly desire would be some stupid premature act of violence which would bring them or people who, influenced by them, had committed such an act, into the limelight, and thereby render the further organisation of the movement twice as difficult as it had been before. As Mirajkar accused says in reference to a passage in one of his speeches at page 1453 of the statements of accused: "In this passage I was explaining to the workers that the time for the actual revolution had not arrived. Before the actual revolution comes I was trying to impress upon the workers the necessity for preparing and going through the intermediary stages of the revolution and the necessity of organisation of such a revolution."

O. P. 759.

Then there is another plea which has been put forward that this is a prosecution for 'opinions'. It is a plea which was often urged, evidently by way of propaganda, in the earlier stages of the case but less was said about it in the final arguments. In the light of the evidence in regard to what the accused actually did during the period covered by this case the suggestion that they have been prosecuted for opinions becomes merely laughable. As Roy himself once pointed out, "the Prosecuting Counsel in the Cawnpore Case declared that Communism or a Communist Party as such did not constitute a criminal offence"; and he went on to say that "Government do not object to Communism as such"; that is to say, Government do not object to opinions as such. He goes on "But applied Communism is not tolerable (i.e. to Govt.). It is no longer a dead theory. It invigorates the present political struggle by stimulating the consciousness and energy of the revolutionary social forces." The same realisation is to be found in the Assembly Letter where he says, "Edward maintains that the "Masses" was not correct in saying that the accused in the Cawnpore Conspiracy Case were sentenced as Communists. In Edward's opinion they were condemned not as Communists but for making preparations to wage war against the king. The conclusion of this argument is obvious. A C. P. can exist legally in India if it abstains from the preparations to wage war against the king. That is, legality can be had at the expense of the very raison d'être of the C. P." And further on he says, "A Communist Party is not formed by a number of individuals declaring themselves Communists. It is done in actions, first for the propagation of Communist principles and programme among the masses, then organising those subscribing to those principles and programme in the fight for the realisation of these principles and programme, and then again leading the entire working class in every stage and form of the struggle leading up to and creating conditions for the overthrow of capitalism and establishment of socialism." And again he says further on: "Before the Communists have taken two steps in this direction of organising their Party, the narrow limit of Communism as such will be exceeded, and they will find themselves waging war against the king. If they do not act in this direction, they will never have a party, will never be the leader of the working class, will never organise the struggle against capitalism and will never realise socialism." Wherein I think that Roy put the matter very well. But it is for no mere holding of opinions that the accused in this case are being prosecuted; otherwise the number of accused before the Court would no doubt have been very much larger, as the evidence has certainly disclosed the existence of plenty of other Communists of what Spratt accused would call the "arm-chair type". The stress laid by the accused themselves on organisation work, work in other organisations and so on, The education of the proletariat, and generally work for a revolution even if it was not hoped that that revolution could be brought about in the immediate future, provide a complete answer to the suggestion that the accused have been prosecuted for opinions. In any case it is really no defence. Indeed in a sense it is immaterial how the prosecution is described. The question is whether the acts of the accused bring them within the mischief of the section under which they are charged.

O. P. 760.

O. P. 761.

Another plea which has been put forward is that the accused have been prosecuted for ordinary trade union activities. The same remark of course applies to this plea. The truth of the matter is that this plea involves an attempt to misconstrue the prosecution case. It is not disputed and never has been disputed that trade union activities as such are legal. What the prosecution did set out to prove in connection with the trade union activities of the accused was that in the course of those activities, in every possible way, the accused who participated in them applied the principles and carried out the directions given in regard to such matters by the Communist International and its subsidiary organisations and agents. That is to say all this evidence was put forward as material on a fair construction of which it was reasonable to infer that these activities were not mere ordinary trade union activities but that the accused concerned in them were using them for the purpose of furthering a Communist conspiracy and with the ultimate object of bringing about a revolution.

And this leads me to another defence, namely the suggestion that there is no justification for a charge under Sec: 121-A because the revolution contemplated was not an "immediate" revolution or insurrection. But the question whether the revolution contemplated, and by implication admittedly worked for,

- was to take place in the immediate future or in the comparatively distant future, is really irrelevant. It must naturally take some time to organise a revolution and particularly so when you have to wait for the conditions to be exactly ripe. And this question, whether the fact that the objective is distant, is material, is one which has already been disposed of by a ruling reported in I. L. R. 37 Calcutta page 467. At page 506 Sir Lawrence Jenkins laid it down that "the fact that the purpose was not immediate, if it was a fact, would only be material so far as it may bring the matter within the saving application of section 95 of the I. P. C." And Section 95 lays it down that "nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm". This section has obviously no application to the making of preparations for a revolution, and I feel sure that in the light of their own statements the accused would scarcely appreciate the suggestion that section 95 was applicable to what they did. The language used by Joglekar accused would certainly not suggest that he attached so small a value to his own efforts. In his statement at page 2058 of the statements of the accused he says, "It is because Communism stands for the end of the capitalist exploitation and for that purpose works for the conscious organisation of the exploited masses for the overthrow of Imperialism and capitalism, that the international capitalism and Imperialism are so hostile to Communism and look upon those who stand for Communism as the deadly enemies of their capitalist society." And then at page 1961 of his statement he says, "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 national 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." At page 1991 he says, "My attitude in the Trade Union Congress was in keeping with the principles that I propagated. As a Communist it is my duty to see that the working class movement in India develops on correct class-conscious basis and whatever I have done in all these Congresses I have done in keeping with this principle." And again at page 2036 he says in connection with the C. P. I. : "Whatever activities I have been charged of and all the trade union and public activities, I have done as a Communist. 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 world revolution and reorganisation of society on principles of socialism." And a little further on he says, "And as the way to social revolution lies through a national revolution, as a Communist I undoubtedly work for and the C. P. I. also works for national revolution." This is a very different point of view from the one he had expressed at the beginning of his statement when he said at page 1710 : "I should really consider it a proud privilege to be able to lead the Indian working class to insurrection. But unfortunately the objective forces have not been so very generous to me, and it is ridiculous to suggest that our elementary attempts at working class organisation were tantamount to insurrection." But then of course nobody ever had made that suggestion.
- O. P. 762. Another defence plea which belongs to this group is that put forward by Adhikari accused who at page 1189 of the statements of the accused said, "The right to organise a political party, whatever its aims and methods may be, is inherent under bourgeois democracy." This proposition sounds quite delightful. But when it is analysed it is apparent that all that is meant by it is that while no doubt it is an offence for three or four people to conspire say to commit a murder, on the other hand if you can build up a conspiracy so that it contains a hundred, a thousand or a million people who all have the same aim of committing a murder, then, if you can only call it a political party, there is an inherent right to organise it. The proposition only needs to be stated for its absurdity to be manifest.
- O. P. 763. The last of these extraordinary defences is very similar to the one which I quoted, as being put forward by Hutchinson accused, at the very beginning of this judgment. In his arguments to the Court Joglekar accused said that the prosecution argued that the accused's "policy" was an illegal policy according to the I. P. C. But he argued that this policy of national democratic revolution was a bona-fide policy. That the accused represented a political party
- O. P. 764.

with an honest open political programme and claimed to be treated as such. This claim he based on the principle known under democracy as toleration. And he claimed that in this respect a Common Law right existed, which, however, of course he never explained. Then he went on to refer to some other organisations and said, "These examples will show clearly that the doctrine of freedom of thought, freedom of speech, freedom of organisation is observed in practice to a certain degree even if it appears at first sight to conflict with the letter of the law." In fact what Joglekar accused asks is that the law should not be construed so as to make acts performed in the exercise of these rights and in propagating such a policy punishable. And that is really what Spratt accused is suggesting when he says at page 454 of the statements of the accused, "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 revolution and so on. But one is not accustomed to look upon these things as being illegal." And again at page 456 where he says that a jury "would feel that we had been doing ordinary straightforward political and trade union work which even if it aims ultimately at revolution it is not customary to call conspiring to deprive the king of his sovereignty". I do not quite understand why Spratt accused should suppose that a jury would regard with a favourable eye work aiming at revolution, by which he himself says in P. 1979 that he means violent upheaval of a political and military character, Revolution in the good old fashioned sense.

A much more honest point of view is that which is expressed by Joshi accused when he says at page 262 of the statements of accused that "revolution is not to be justified according to the section of the Indian Penal Code." This is very much the same way as Mirajkar accused puts it at page 839 of the statements of the accused, where he says, "If this conspiracy is criminal it can only be criminal from the point of view of the Imperialist Penal Code." And indeed however much Spratt accused may like to pretend otherwise, that was realised long ago by the accused's ex-comrade M. N. Roy, who says at page 29 of his "Political Letters" (P. 1187), "There is a great difference between not preaching violence and preaching non-violence. If the idea behind the other is to keep clear of the Penal Code then the whole thing becomes miserably static. You cannot conform the programme of a political party to the vagaries of the Penal Code. This has never been done anywhere in the world and it will not be otherwise in India." A statement which is of course only true when by a political party you mean, as Roy and all Communists mean, a revolutionary party.

All these points were however of course only 'red herrings' intended to divert attention from the real point of issue. But there are one or two legal points of greater importance which call for some discussion. The first of these relates to the application of section 10 of the Indian Evidence Act. Mr. Sinha put forward an argument that section 10 of the Indian Evidence Act, which renders admissible against other conspirators things said or done by one conspirator in reference to their common intention, thereby only renders admissible statements in regard to future intentions. With the general admissibility of documents under section 10 in this case I dealt in some of my intermediate orders, see the orders, dated 25th Nov : 1930 and 6th January 1931. But at that stage the question was not put in this particular form. It certainly would have been put in that form on the last occasion if it had been possible, because the document in dispute then was P. 2512, a document which contains an account of things past communicated by one conspirator to another and therefore prima facie coming within the scope of the illustration to section 10 which mentions, as relevant the contents of a letter written by a conspirator, giving an account of a conspiracy. But at that stage the ruling reported in I. L. R. 55 Bombay at page 939 on which Mr. Sinha based his main argument when he was summing up the defence case for his clients, was not in existence. Relying on it he has now contended that not only P. 2512 but the bulk of the evidence which has come in under section 10 or, as he should more rightly have said, is liable to be used under section 10, should go out. He referred at the time of argument only to P. 2512 and to such documents as Bradley accused's report of the Jharia A. I. T. U. C. Conference and the A. I. W. P. P. Conference and the like, and suggested that the same would apply to a large number of others. He undertook to refer to other documents which would be covered by this argument when he came to deal with individual accused, but to

the best of my recollection he never did so, possibly because he did not really attach very much weight to this argument. The gist of the ruling reported in I. L. R. 55 Bombay was that the narrative of a past incident was not admissible in evidence as it had no reference to the common intention. "But" the report continued, "it was permissible to prove what the propaganda was to be ; if the pamphlet was to contain an account of the attack (already made), the prosecution would be entitled to prove what that version of the attack was, not as a narrative of past events but as a statement which one of the conspirators intended to publish in the future in reference to the common intention." The result therefore was that this particular document containing a narrative of a certain attack was admitted in evidence. It follows that the discussion on the other point was really unnecessary and the opinion expressed was an obiter dictum. This is a ruling which is of course not binding on this Court, but at the same time it cannot be left out of consideration. Barlee J. who gave the ruling said that he interpreted the words "in reference to the common intention" to mean "in reference to what at the time of the statement was intended in the future" and in this connection he said: "This appears to me to be the ratio decidendi of the Calcutta Cases" (38 Calcutta 169 and 46 Calcutta 700). Now I have discussed both these rulings in my order dated the 6th January 1931 and I do not know on what considerations this view is based. Certainly the headnote does not in the case of either of these judgments support it. On the contrary the ratio traceable in both these rulings appears to be the principle of agency, which, as Barlee J. himself says, is the principle on which section 10 is based. However Barlee J. argued that it could scarcely be said that one conspirator has any implied authority to give a description of past events to his co-conspirator. But surely this was illogical, as in effect he himself proceeded to hold, by admitting the account as an account given for the purpose of propaganda, a purpose in regard to which such authority might certainly be supposed to exist. Moreover this view is in obvious contradiction with the illustration to section 10, and the only reply which has been put forward on that point is that the illustration appended to the section is not part of the Act and need not therefore be considered. Here again the learned counsel for the defence has had to rely on an obiter dictum which appears in the ruling of the Punjab Chief Court reported in 28 Indian Cases at page 738, while on the other side there is the authority of the Privy Council in the ruling reported in 21 Cal. Weekly Notes at page 257 that "it is the duty of a Court of law to accept (if that can be done) the illustration as being both of relevance and value in the construction of the text." The ruling goes on further to say in regard to the illustrations, "They should in no case be rejected because they do not square with ideas possibly derived from another system of jurisprudence as to the law with which they or the sections deal" (as is the case here). And it was further held "that it would require a very special case to warrant their rejection on the ground of their assumed repugnancy to the sections themselves and it would be the very last resort in construction to make any such assumption." This ruling related to the construction of section 32 clause 5 of the Straits Settlement Evidence Ordinance and illustration (1) thereto, which are exactly in the same terms as section 32 of the Indian Evidence Act. Crown Counsel also relied on another Privy Council case reported in 23 Cal. Weekly Notes at page 233 where it was ruled that certain illustrations were to be taken as part of the statute. In the light of all these considerations it is, I think, impossible to accept the judgment in 55 Bombay as laying down a principle by which this Court should be guided.

In the course of his arguments Mr. Sinha also argued at great length on the necessity for the existence of evidence other than evidence admissible under section 10 to prove (1) the existence of a conspiracy, and (2) the fact that a given person was a party to it. This appears to me to be based merely on a confusion of thought. A piece of evidence may from one point of view be a proof of the existence of a conspiracy and from the other usable under section 10 for other purposes. Similarly it may on the one hand, if say the handwriting is proved, be a proof of the participation in the conspiracy of a certain individual, and also be usable under section 10 as evidence against other individuals. There is no need for the existence of evidence either to prove the conspiracy or to prove the participation of individuals in it which is usable exclusively for either of those purposes, which was apparently what Mr. Sinha meant by his argument. No doubt, as he said, the list of co-conspirators which is on the record and appears in the Committal Order and is also attached to

O. P. 770.

the charge is not evidence in the case. It was merely a list given by the prosecution for the convenience of the defence and in so far as it is not supported by evidence it has no particular value. And it is not necessarily exhaustive either. It is of course necessary that a foundation be laid for the admission of evidence under section 10, but I think there is no doubt that allowing for the application of section 136 of the Indian Evidence Act it is sufficient that at the conclusion it should be possible to say that the foundation has been laid. And so far as I can recall Mr. Sinha did not attempt to do more than argue the matter of principle, whereas what was and is necessary if such an argument is to have any value, is to put one's finger on the particular case of an accused or a co-conspirator in whose case the condition has not been satisfied.

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Looking back over my notes I find that I listened to arguments from Mr. Sinha on legal points for about a day and a half, but on considering the necessity of discussing the points raised by him in those arguments, it appears to me that apart from these two questions in regard to section 10 of the Indian Evidence Act and a few remarks about the general weight to be attached to evidence, the remainder of these arguments consisted of a general discussion of legal principles, with which I need not worry, because, when all is said and done, a general discussion of legal principles does not lead anywhere at all. So far as questions of admissibility have arisen, they had been dealt with already (that is apart from this suggested interpretation of section 10), and the evidence is before me. The real question throughout is as to the interpretation of that evidence and the weight to be attached to specific items of it, generally or in the case of individual accused. It will be sufficient just to mention the rulings which have been quoted in regard to the weight to be attached to evidence, namely, I. L. R. 37 Calcutta 467 and 39 Calcutta 119, by the prosecution, in addition to which Mr. Sinha referred to 16 C. W. N. 1105 and I. L. R. 38 Calcutta 559. The first of these 4 rulings is also valuable on the subject of the kind of evidence a Court will usually have to rely on in a case of conspiracy, on which point see also 16 Calcutta Weekly Notes page 1105.

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As regards other specific points only two were raised. One was in regard to the admission of the evidence in regard to certain letters intercepted at Bombay, and the other in regard to the use of entries in a search list instead of the production of the document itself.

O. P. 771.

The first of these was raised by Mr. Shiva Prasad in arguing the case of Adhikari accused. He contended that certain copies (the ones actually referred to were P. 1811C, P. 1657C and P. 1683C) were not admissible as secondary evidence in the absence of the originals, because in the course of transmission there had been a disturbing element, and because certain postal seals showing where the letters were posted and the date of posting, had not been given. In view of these defects he urged that the notices issued to the addressees were unwarranted. Now the real point in connection with these copies was that the original letters were said to have been brought from the Post Office to the Police office by a special constable and also taken back by him or another special constable. For instance in the case of P. 1835, P. W. 250, Inspector Dost Mohammad, said he received it from the Postmaster, Girgaon, and it was brought to him through a special constable who also took it back. P. W. 253, Sub Inspector Kothare, also gave evidence in regard to the system in force and said : " These letters were intercepted from various post-offices in Bombay. There are a number of police officers authorised to receive letters for censorship from different post-offices. They are brought from the post-offices by our men, Police Constables and Head Constables. The intercepting officers do not themselves go to the post-offices ". Then he said that " there were one or two other officers doing the same work as me at that time. . . . Whenever Inspector Desai was there he used to work in the office." The other officers, he explained, were P. W. 271, Sub Inspector Ketkar, P. W. 269, Deputy Inspector Chawan and P. W. 262, Deputy Inspector Chaudhri. In regard to the system the last named of these officers said : " Reposting actually means returning letters to the postal authorities from whom they are received. In rare cases this was done by me personally, but usually they were returned by the hand of a special police constable. This was the ordinary practice in my office." The suggestion for the defence was that, these being the facts, in the absence of the production as witnesses of the individual constables or head constables, who in each case brought the letters from the post-office and took them back, the Court should not make the presumption that these letters were duly reposted.

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O. P. 772.

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Crown Counsel contended that this was a case of something done in the ordinary course of business in a public office, and that the Court was entitled to apply Section 114 of the Indian Evidence Act and draw the presumption that the constables or head constables actually did return to the postal authorities the letters which were given back to them for that purpose by the officer concerned at the Police office. One point to which he drew attention in this connection was that the accused concerned scarcely in a single case gave an actual denial of having received any of these letters. The answer which the accused gave about most of them was simply 'I do not admit this letter.' Now at page 510 of his book on 'The Law of Evidence', 8th Edition, Mr. Amcer Ali says that slight evidence will suffice to raise a presumption of possession of a document, where the document in the regular course of business ought to be in the custody of the party served with notice. Crown Counsel suggested that once a letter was put in the hands of a Police officer, whose duty it was to take it to the post-office, that was for practical purposes the same thing as giving it to the post-man or putting it in a post-box, and would raise a presumption under Section 114. He further pointed out that in spite of the fact that at a comparatively early stage this Court upheld an objection by the defence to the production of copies made in interception in all cases where the originals had subsequently been found in a search, except where that was necessary for the purpose of proving, for example, the date of writing of an undated letter, there were a number of cases, in which there is proof on the record that letters intercepted and copied at Bombay did actually reach their destination. For instance P. 1834 C. (P. W. 249 S. I. Mathkar) is a copy of a letter from Muzaffar Ahmad to Ghate, the original of which was recovered and is on the record as P. 1348 (22), P. 1835 C. contains a copy of a letter from D. to J., of which the original was recovered with Joglekar accused and is P. 1144, P. 1848C. is replied to in P. 2055C. and P. 1849P. in P. 421, P. 1851 P. is referred to in the minutes of the E. C. of the Bombay W. P. P., P. 1344, on the 26th August 1928, P. 1854P. (1) was recovered in original as P. 1304 and P. 1866P. is acknowledged in P. 2211. These last 6 are letters intercepted by P. W.'s 250 and 253. In the case of P. W. 262 also there are at least 9 intercepted letters, which are proved in one way or another to have reached their destination. P. 1601 C, P. 1603 P, P. 1612 P. and P. 1678C. were all found in original in searches, and the originals are P. 1348 (34), P. 1348 (29), P. 955 and P. 1118. Then we find P. 1627P. and P. 1659P. replied to in P. 421 and P. 2417P. Then P. 1613C. asks for certain manuscripts to be sent and P. 1615C. acknowledges receipt of the manuscripts, and thereby shows that the first letter had reached the addressee. Then again P. 1647P. is a letter asking for suggestions and P. 1652 acknowledges receipt of suggestions. P. 1656C. is a copy of a letter, which enclosed a draft for £10 for the A. I. T. U. C., and we have on record the A. I. T. U. C. account which mentions this amount. There are also instances to show that letters intercepted by P. W. 269 also reached their destination. I think that these instances are amply sufficient evidence of the ordinary course of business having been regularly followed to enable me to draw a presumption under Section 114 of the Evidence Act, and I may note that had it not been for my order of the 16th April 1930, when, so far as I can see, the Crown by some mistake based their case on Section 15 instead of Section 16 of the Evidence Act, the number of such instances would have been enormously increased.

The other point raised was in regard to the proof that an article was found in the possession of a certain person by reference only to the search list, without the actual article having been produced in Court. In this connection Crown Counsel argued that when a search list is put to a witness, the effect of his saying "I searched a certain place and I recovered such and such articles, descriptions of which are given in this search list" is really to make the search list part of his statement, and in that case there is certainly no need to bring on the record such things as books and the like for which the title is a sufficient description. In a case like this the mere necessity of keeping the records within bounds would be a justification for excluding from the record by this means articles not capable of misdescription. That is on the general point of principle. Actually there are only three pieces of evidence of this kind, and Crown Counsel proceeded to defend them one by one. The first of these is a note on a piece of paper giving the address of one Julius Trosin found in the search of certain offices, of which the person in charge was Manindra Sinha. The search list in question is P. 362, and this piece of paper was item 83 in that list. In regard to the search we have the evidence of P. W. 25, Inspector Sircar, who says that

he searched the room in the presence of Manindra Sinha, that he prepared a search list, which he and the search witnesses and Manindra Sinha all signed, and of which Manindra Sinha took a carbon copy. The search list on examination bears the signature of M. Sinha, so that there is in the case of this search list an admission on the part of Manindra Sinha that the list is correct. Section 55 of the Indian Evidence Act permits secondary evidence to be given of the contents of a document, when the existence, condition, or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest. As to the position of Manindra Sinha in connection with the case or rather with the conspiracy Crown Counsel alluded to the evidence showing that Manindra Sinha was a member of the W. P. P. and connected with the B. J. W. A. and the Y. C. L.

O. P. 776. The second document of this kind was an envelope found in the possession of Spratt accused on the 15th September 1927 and included in the inventory, P. 2520, prepared on the 11th October. This envelope the evidence of P. W. 215, Inspector Desai, would suggest to have been returned to Spratt accused in October 1927, but at the time of the 1929 search it was not found in his possession. No notice was actually given to him to produce this envelope, but the natural presumptions as to what became of it could only be that the envelope had been used for the purpose for which it was intended, or had been lost or thrown away, an envelope not being the sort of thing on which one makes a note, which is intended to be kept permanently. If the document is destroyed, no notice would be necessary in order to justify production of secondary evidence of it, and if it has been used for the purpose of a letter to Mr. Parsons in England, then equally under item 6 of the Proviso to Section 66 of the Evidence Act no notice is required.

The last of these documents is item 150 of Desai's search list, P. 1240, in which the article recovered in the search is described as a typewritten article entitled "The Economic Reconstruction of Germany" in 6 pages. Crown Counsel argues, I think with reason, that this is primary evidence and not secondary evidence, as it relates not to the contents of the document but merely to its description. I see no good ground for rejecting any of these pieces of evidence. It will of course be realised that in both the first and the third case the prosecution could have produced the original document if the advisability of doing so had been realised at an earlier stage. The question at issue therefore in those cases is whether the prosecution is entitled in argument to rely on the search list which has been proved for the purpose of introducing that piece of evidence. In my opinion they have the right to do so.

O. P. 777. Apart from the two legal points which I have mentioned Mr. Sinha's main contention was that although the evidence in regard to the activities of the Communist Party of India might indicate an intention to enter into an agreement with the Communist International for the purpose of propagating revolution in India, yet that evidence equally shows that no agreement was effected. Of course in the sense of the execution of a formal agreement or undertaking entered into by both parties, it cannot be said that there was an agreement, but there is a great difference between 'agreement' and 'an agreement'. The Communist Party of India signified its agreement time and time again by its activities, its acceptance of guidance from abroad, and finally by its resolution to affiliate to the Communist International. There was no need for a document executed before a Registrar or anything of that kind. The question is : did the members of the Communist Party of India, or rather did the accused or any of them agree between themselves and with the Communist International and its subsidiary bodies to carry out the objects of the Communist International and to work for a revolution in India? And if it is said that affiliation is necessary to some body connected with the Communist International, then we have the relations between the Communist Party of India through its representative, the Workers' and Peasants' Party, with the League against Imperialism and the Workers' Welfare League of India, in the latter of which the Communist Party of Great Britain has a controlling voice. Mr. Sinha suggested that the Communist Party of India could not be said to be the centre of the conspiracy in India. Perhaps in the formal literal sense that is true of the Party as such, but the Party existed as such only by reason of its members, and it was the members of the C. P. I. who as Communists (as admitted in the C. P. I.'s own Report, P. 2071) were directly responsible for the organisation of and the work done by the Workers' and Peasants' Parties.

O. P. 778.

Mr. Sinha's other point was that if the Workers' and Peasants' Party was a 'veiled' Communist Party, that means that its objects were veiled, and therefore any ordinary member or even office-bearer might be unable to recognise that the Party was a 'veiled' Communist Party, and might therefore be unable to realise the 'veiled' conspiratorial object. Hence he argued that membership of such a Party should not lead to any presumption of guilt. That of course was a point urged on behalf of his individual clients and one which will have to be considered under that head.

PART XV.

O. P. 779. Before I sum up the conclusions to which in my opinion the evidence, with which I have dealt so far, leads as to the existence or otherwise of a Communist conspiracy, I must first refer to the so-called joint statement of the Communist accused. This is the statement made by Nimbkar accused, about which at page 2968 he said : " The statement that I have delivered from the beginning up to this point is the considered and agreed statement which I am authorised to make on behalf of 18 Communist accused, namely, Adhikari, Ajudhya Prasad, Basak, Bradley, Chakravarty, Ghate, Goswami, Joglekar, Joshi, Majid, Mirajkar, Mitra, Muzaffar Ahmad, Shamsul Huda, Sohan Singh Josh, Spratt, Usmani and myself." This statement was followed up by an application on 17th February 1932 from all the accused concerned and another on 1st July 1932 from Hutchinson accused. In the application presented by the other Communist accused they stated that Nimbkar's statement up to page 2968 constituted the considered and agreed statement which they had authorised him to place before the Court on their behalf as well. They added : " It is intended to deal from a Communist point of view with all the important political questions raised by the prosecution in the case and to present them and the Court with the considered and united opinions of the majority of the accused on these questions and on the case as a whole." Now whether or not this statement like many of the individual statements is a statement such as would ordinarily be made by an accused under Section 342 C. P. C. is a question into which I will go at a later stage. For the present it is sufficient to say that this statement (which on examination will be found even to contain extracts from some of the individual statements in cases where apparently it was thought that what an individual accused had already said constituted the last word on that subject), like the individual statements, contains the explanation put forward by the Communist accused, when asked to explain the facts, that is acts, speeches, and writings, and documents found in their possession at the time of search, and under Section 342 (3) C. P. C. these answers may be taken into consideration in this trial. Crown Counsel in summing up the case referred to a number of passages, but before quoting the passages to which he has referred I should first say that these quotations are not in the smallest degree exhaustive. The propositions which they support could be well supported by a large number of other quotations, but it would not serve any particular purpose to load this judgment with more references. So far as possible I have endeavoured already to make it complete in itself, but that would not justify making an already lengthy judgment any longer than is absolutely necessary.

O. P. 780. In this statement Nimbkar accused begins by pointing out that the accused are not interested in the law of the land. He says : " With the legal side of the case we shall have little to do. We are concerned with historical processes and changes in which legal systems and Penal Codes are only by-products. When we are trying to set up an entirely new system of laws, we cannot be expected to pay very much respect to the existing one." Then coming to the subject of Revolution he says on page 2611 : " We are equally convinced by the same study, that in a colonial country, such as India is, the revolution which will precede the proletarian revolution, will be of the nature of the bourgeois-democratic revolution. This will achieve the complete freedom of India from the control of British Imperialism. This is the revolution for which we were working." He goes on, on page 2616, to say that such a revolution is inevitable, in the following words :—" We consider that the way in which the economic and political life of the world generally and of India in particular have developed makes it certain that the Indian national revolution now developing will culminate fairly soon in the revolutionary overthrow of British Imperialist rule." And on the same subject on page 2702 he says : " Revolution is therefore the prospect before India—either soon or less soon, but inevitably at some time," and as to its nature he says that, of the principal elements which it will comprehend ; " The most obvious is that it will secure national independence, political independence which involves the overthrow of British rule." Then at the top of page 2727 we come to a familiar point : " We conclude therefore that the working class can and will be the leading class in the Indian revolution. The working class and the working-class party will be the deciding and directing force." From this he goes on to speak of the programme of the national revolution, which will not lead immediately to the dictatorship of the proletariat, but is a preliminary stage. On the contrary this revolution will be in essence " a typical bourgeois-democratic revolution " (page 2728). Next at

page 2732 he says : " The fundamental task of the revolution is the dispossession of Imperialism of its State power, and the establishment of the State power of the workers and peasants..... The State must be smashed and replaced by an entirely new State ". And this is the revolution for which they were admittedly working.

O. P. 782.

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Coming next to the means by which this revolution is to be carried out the following passages have been referred to :—

At page 2623 he says : " The means whereby Socialism is established arise of course from the class struggle, which owing to these defects in the capitalist system becomes acute ultimately to the point of civil war, the overthrow of the bourgeoisie as a political ruling class, and their economic expropriation by the proletariat. It is at this point that many Socialists part company with the Communists. They will admit, in theory, all that has gone before and much more. But on the inevitability of violent revolution they disagree ", which is a fairly plain statement that in the accused's view violent revolution is quite inevitable, and the reason for this appears at page 2925 where he says : " Our view, as is well known, is that even in conditions of the fullest development of bourgeois democracy, under universal suffrage, " free " institutions, a " democratic tradition ", etc. it is impossible for the working class to take power or realise Socialism by constitutional means." And a little further on he says : " Where the Communists differ from other believers in the ultimate victory of the working class is that they do not believe victory will be achieved until after a very much more severe struggle than is ordinarily contemplated. They believe that the ruling class will use every means, political, economic and military, to defend its privileges, and that the final decision will not be reached without open civil war ", and such a revolution could not be avoided in any case according to his view, as he explains on page 2927, where he says : " Even accepting the inconceivable that an apparently democratic form of Government were established in India, revolution would be no less necessary and inevitable than now, under un concealed Imperialist dictatorship." The only difference would be that democratic forms would afford some facilities for the education and organisation of the masses, which present conditions do not allow.

O. P. 783.

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At page 2931 he comes to the question of method and says : " The method which we propose for the achievement of the revolution is the mass action of the people as a whole " and at page 2933, after having spoken of the ways in which the organisation of the workers, peasants and petty bourgeoisie will grow up, he says : " The strength of the revolutionary movement of these three main sections of the population, in spite of its being systematically led astray and betrayed by the pseudo-revolutionary movement of the bourgeoisie, will grow greater and greater. Ultimately it will culminate possibly in a nation-wide campaign of non-payment of taxes and rents by the peasants, and a general strike by the workers, and the time for the armed uprising and the actual seizure of power will have arrived." And this is what he had forecasted in speaking of the immediate objective at page 2734, where he said : " The immediate objective towards which the party of the proletariat has to work is the general strike of workers, supported by a general no-tax and no-rent campaign, which will as it develops lead to an armed revolution." And of course all this in regard to the aims, the means and the methods is ex-hypothesi in accordance with what is laid down by the Communist International, because, as he had said at page 2611 : " Our party, the Communist Party of India, was not at the time of our arrest duly affiliated to the Communist International, and we were not all members of any Communist Party ; but nevertheless we fully subscribe to the system of thought and the well-thought-out and scientific political programme laid down for the world revolution by that most powerful world-wide revolutionary organisation, the Communist International."

O. P. 784.

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The question whether the means will be violent or otherwise has already been touched upon, but it is dealt with in the plainest terms at page 2935, where he says : " The end of our revolutionary preparation and organisation will then be the violent overthrow of the present State, the organ of the Imperialist dictatorship, the complete destruction of the Imperialist power, and the establishment of the workers' and peasants' power. It will be done by force. We definitely contemplate and prepare for the use of force to attain our object; the national revolution, and to consolidate it. Any proposal to achieve the revolution or maintain its gains without the use of force is in our view an absurdity." At the bottom of the same page after criticising the Bombay riots he says : "None the less we do advocate the use of violence " and at the end of this division of his

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O. P. 785. statement at the foot of page 2936 he says : " We openly declare that we shall have to use violence, the violence of the mass revolutionary movement." But he defends this violence in the true didactic manner as being so much less in every way than Imperialist violence, and says : " As opposed to Imperialist violence, which, while Imperialism lasts, is permanent, our violence is temporary. As opposed to Imperialist violence, which is used to maintain an obsolete, barbarous, exploiting system, our violence is progressive and will be used to attain the next great step forward in the march of the human race. This is our justification of violence." In fact it is the old old story of the war which is to end war, the last act of violence which is to end violence. 5 10

I have already quoted, probably more than once, the passage, in which he says that the Communist accused laid the greatest stress upon the importance of conscious revolutionary activity, organisation and leadership, a statement which very obviously implies that they were working together to bring about a common object, which implies agreement and therefore conspiracy. And in the same sequence there are numerous passages showing that all the organisational work in which they took part had this ultimate aim of destroying British Imperialism and its rule, that is the Government as by law established in India. 15

O. P. 786. Another subject dealt with is outside help, particularly from Russia, about which at page 2617 he says : " We have no objection to the help of the Communist International and the Russian working class ; in fact we consider that India should welcome such help ", and such help is obviously to be expected from what he says at page 2661 : " Nobody denies that the policy of the Communist International is to assist the revolutionary movement in all parts of the world against capitalism and Imperialism, and when the revolution is victorious in other countries to bring about a free Federation of these Soviet Republics, which will extend eventually all over the earth ", a description which tallies very closely with that which we find in the complaint. As might be expected, this joint statement includes a defence of the League against Imperialism accompanied by an admission that it exists for the purpose of promoting the Colonial revolution against Imperialism, one important item in which is the movement in India. It also includes a certain amount of commentary on the law (part of which I have referred to already) and a good deal about the trial of this case, most of which only concerns me in so far as it relates to the reply implied in it to the prosecution case. One of these points relates to defence witnesses. Now the Communist accused up to a very late stage in the trial suggested the intention to produce defence witnesses, and made a number of applications to the Court, which they and their counsel knew perfectly well the Court could not possibly grant because it had no power to do so, for the summoning of witnesses from England and other foreign countries. These witnesses from England and other foreign countries were to explain precisely those facts, which are proved most conclusively by the documentary evidence on the record. When the Communist accused filed a revised list of defence witnesses they still included these witnesses from England, etc., and up to the last possible stage maintained silence as to whether they really wanted to call such of the witnesses as could be called. When, however, the matter reached a crucial stage, they filed on the 25th January 1932 an application which repays study. In this document after reference to the nature of these witnesses, the 17 accused who filed the application, that is to say all the Communist accused except Dange, Hutchinson and Muzaffar Ahmad (who was away from Court at this stage) stated as follows :— 20 25 30 35 40 45 50

O. P. 787. " In this case broadly two lines of defence are possible : (1) to dissociate oneself from the Communist International and its programme ; and (2) to defend the policies of the C. I., the R. I. L. U., the League against Imperialism and the other organisations mentioned in para. 3 of the complaint and to prove that they do not contravene the law. For the latter, which is our line of defence, the evidence as to policy and principles which can be given by the foreign witnesses is obviously of the greatest value, while the type of evidence, in regard to details and activities, which can be given by witnesses from India, is of minor importance. If we had been allowed to bring these witnesses we should have proved conclusively (1) that the prosecution version of the case is entirely misrepresented and false ; and (2) that the programmes of the C. I., the R. I. L. U., and the League against Imperialism, etc., as established by these witnesses, are perfectly legitimate and legal. In short we should claim that in the absence of foreign defence witnesses the judgment of the case will be in effect an ex parte judgment." This statement entirely gives away the case of the Communist 55 60 65

accused that the inability to call the witnesses from abroad has been a source of disadvantage to them. It is quite obvious that if we have available for study the documents in which the aims, objects and methods of those organisations are stated, we have something which is of much greater value than any oral evidence could possibly be. It follows therefore that it was not the inability of the Court to summon these foreign witnesses to give evidence before it, which was the real reason for the Communist group of accused refusing, when the time for decision came, to call their Indian witnesses.

O. P. 788.

Another proof of the completely disingenuous nature of this repeated request for the calling of witnesses from abroad was the omission from the final list of defence witnesses of M. N. Roy, whose name appeared in the list filed in 1930 when he was not in India, but disappeared from the revised lists filed in November and December 1931 after his arrest in India. But all these protests etc. were really only intended as another 'red herring' to divert attention from the non-production of certain witnesses resident in India, who could have been called and who according to the defence theory could have taken all the sting out of one or two prosecution documents. In any case in the absence of any witnesses for the Communist accused, the only question I have to consider is whether the prosecution evidence establishes the correctness of the prosecution theory. I have endeavoured to indicate the main points put forward for the defence, but as I pointed out earlier, the main line of defence argument was an attempt to persuade the Court to regard every document and every piece of evidence, every action and every activity as a thing standing by itself, and in addition to interpret every letter and document not according to ordinary principles of interpretation and of common sense, but as conveying much less than their prima facie meaning. The consequence of this method of defence argument is that there is really nothing on which I can lay my finger as being the real defence to the general case of conspiracy. It is no good saying to a court 'you must not interpret this document as having its obvious meaning,' and that is what was said to me for a good part of 2½ months.

O. P. 789.

It remains only to state the conclusions to which the oral and documentary evidence placed before the Court and the admissions of the accused appear to me to lead. First of all it appears to me to be conclusively proved that throughout the period under consideration, that is at all times material to this case, there has been in existence in Russia an organisation known as the Communist International, which has had as its aim to bring about throughout the world a revolution or revolutions for the overthrow of existing Governments and the establishment in their place of Soviet Republics similar to that established in Russia. This overthrow is expected and intended to be brought about by armed uprisings. We have found this aim, based originally on Marxian economic theory, stated in the writings and speeches of leading Communists and in the pronouncements made from time to time by the Communist International in its statutes and theses. The subject has been fully discussed in many of these writings, and again in both the individual statements of the accused in this case and the joint statement, and no room has been left for doubt as to the existence of this ultimate intention or aim.

O. P. 790.

Secondly it has been clearly established that the Communist International works to that end through (1) various committees of its own, as for example the E. C. C. I. and its sub-committees, such as the Colonial Committee, (2) branches, such as the Communist Party of Great Britain, and (3) auxiliary organisations, as for example, the R. I. L. U., the National Minority Movement, the P. P. T. U. S., the League Against Imperialism, the Young Communist League, the W. W. L. I. and other bodies. Some of these bodies are nominally independent, but in reality they are all controlled by the Communist International and are subject to it.

The objects of the Communist International and of all these other bodies are set out and described in their official publications and in numerous other documents on the record. These publications and documents also contain a clear account of the methods, which have been prescribed by the Communist International directly and through its subordinate organisations for carrying on work and propaganda leading up to the main objective, namely an armed revolution.

So much for the general aspect of the activities of the Communist International and its connected organisations. Specifically with regard to India it is established that the Communist International at a very early date decided that India offered a suitable field for its operations as being one of the most likely places for the next step forward towards world revolution, one of the two most

likely weak links in the capitalist chain. The evidence shows that beginning from soon after the Communist Conspiracy case of 1924 the Communist International has been endeavouring to bring about a revolutionary situation in India by assisting and instigating Communists in India to active work, both directly and through its subordinate organisations. We have seen it at work in England operating through the Communist Party of Great Britain, and again in Holland and generally on the Continent through Roy and Sipassi and the Foreign Bureau, probably representing the remaining members of that Bureau during the period of Roy's absence in China. Through these agencies it has been sending literature, advice and instructions, and financial help for newspapers and possibly for other work. In addition it has through the agency of the Communist Party of Great Britain sent a number of agents to work in India, for example Glading, Allison, Spratt, Bradley and others, who have been guided in their work by members of the Foreign Bureau, particularly Roy and C. P. Dutt, and have followed the traditional methods of Communist penetration and propaganda.

O. P. 791.

The methods, which have been laid down as a programme of work for the revolution in India, include (a) incitement generally of antagonism between Capital and Labour ; (b) the creation of Workers' and Peasants' Parties, Youth Leagues, Trade Unions etc. superficially for the benefit of their members, but mainly in reality for the purpose of propaganda ; such parties to be organised and run by Communists ; (c) in the case of existing Trade Unions, political bodies and the like, their capture in the Communist interest by the introduction of factions or nuclei consisting of Communists ; (d) encouragement of strikes, hartals and similar demonstrations ; (e) propaganda by speeches, newspapers, articles, leaflets, celebration of anniversaries and " days " ; (f) utilisation of any other movements hostile to Government, such as Bardoli, Independence League etc.

It will be remembered that in the course of the preceding pages there have been instances illustrating every single item of this programme. Moreover, it is quite clear that these methods have been applied by the Communists in India with the fullest intention and the fullest understanding of their meaning and object and with the guidance and assistance of the agents mentioned above, who, it is quite evident, were sent out to India for that express purpose.

O. P. 792.

It appears to me to be quite clear that the Communists (and possibly others) in India, who have been working along with these agents from Europe have, even though not members of the Communist International, conspired with each other at Meerut and elsewhere to carry out such of the successive steps indicated in the publications and documents of the Communist International and its subordinate organisations and agents, as appeared to them suitable, with the ultimate objective of bringing about an armed revolution with the object of depriving the King Emperor of his sovereignty of British India. That is to say I am quite satisfied that there has been during the period under consideration a conspiracy on the part of the Communist International and its subordinate and connected organisations to deprive the King of his sovereignty of British India, and that persons in India took part in that conspiracy and in so doing committed acts at Meerut and other places, which bring them within the purview of Section 121-A, I. P. C. In the second half of this judgment I shall have to consider which of the 30 accused now before this Court (the thirty-first accused, Thengdi, having died subsequent to the close of arguments) actually entered into and participated in this conspiracy, and thereby committed an offence under Section 121-A, I. P. C., but it will be convenient to mention here the opinions expressed by the assessors on the question of the existence of a conspiracy. Of the five assessors four were of opinion that there was in the years 1925 to 1929 a conspiracy as alleged by the prosecution to deprive the King of his sovereignty of British India. The fifth assessor was of opinion that the conspiracy was proved, that all the accused were guilty more or less but not under Section 121-A, I. P. C. " The conspiracy ", he said, " is not to deprive the King of his sovereignty, but to overthrow the Capitalist and Imperialist power over the world. That includes overthrowing the Imperialist power over British India." The opinion that none of the accused were guilty of an offence under Section 121-A, I. P. C. seems to me difficult to understand in the light of the opinion that they were all guilty of participating in a conspiracy to overthrow the Imperialist power over British India, the active expression of which power is the sovereignty of His Majesty the King Emperor. In my opinion the view expressed by this assessor also really amounts to an acceptance of the general theory of conspiracy put forward by the Crown in this case.

O. P. 793.

