

Arjun Arora Vs. Emperor

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Court : Allahabad

Decided On : Jan-07-1937

Reported in : AIR1937All295

Appellant : Arjun Arora

Respondent : Emperor

Judgement :

Ganga Nath, J.

1. This is an appeal by Arjun Arora against his conviction and sentence under Section 124-A, Penal Code. The charge against him was that by two speeches made by him at the same meeting on the evening of 13th September 1936 in the Tilak Hall, Cawnpore, he brought or attempted to bring into hatred and contempt and excited or attempted to excite disaffection towards the Government established by law in British India. He has been sentenced to six months' rigorous imprisonment.

2. The essence of the crime of sedition consists in the intention with which the language is used. But this intention must be judged primarily by the language itself. It is, therefore, necessary to ascertain what was the intention of the appellant when he made the two speeches. The workers of Atherton West Mills had gone on strike. A meeting was held in the Tilak Hall on 13th September 1936 to pass a resolution of sympathy with the strike. The appellant moved an amendment to the

resolution. The resolution which was to be passed was:

This meeting of the citizens of Cawnpore, expresses its heartfelt sympathy with the strikers of the Atherton West Mills and urges upon the millowners to accept the reasonable demands of the workers and remove their troubles as soon as possible.

3. The amendment moved by the appellant was to change the words 'reasonable demands' into the words 'demands formulated by the Strike Committee'. He also wanted to add the following words to the resolution:

And in order to make the strike of the labourers a grand success, this meeting appeals to the workers of the other mills to observe at once a general strike in Cawnpore.

4. The whole of the speech is directed towards these two amendments. In the first portion of the speech the appellant referred to the grievances and hardships of the workers. He then referred to the fight that was put up by the labourers for the removal of their grievances and hardships in different parts of the country and the action or part taken by the Congressmen. The speech ended with the words:

We know that the brave men of the Congress who are desirous of taking part in the fight for freedom, cannot be prepared to support the slogan of general strike, and perhaps this is why they have closed their meeting. But you should try for general strike after going from this place. I hope you will not keep quiet after going from here, but will picket on all sides of the Atherton West Mill, and fight vigorously, and shall be trying to spread the strike to the other mills. There is no question of passing the resolution. The workers have been practically acting on this slogan. I hope you will hold meetings at the gates of 2-4 Mills tomorrow also and I trust, tomorrow, this strike will not remain confined to one Mill.

5. The speech does not offend against the provisions of Section 124-A, Penal Code. There is no reference in the speech to His Majesty or the Government established by law in British India. No attempt was made by the appellant to bring into hatred or contempt or to excite disaffection towards His Majesty or the

Government established by law in British India. The strike was directed against the millowners and not against the Government as the Government had no connexion with the mills. Hatred, contempt or disaffection towards the Government is usually created by Words or writings imputing to the Government base, dishonourable, corrupt or malicious motives in the discharge of its duties, or by writings or words unjustly accusing the Government of hostility or indifference to the welfare of the people or by abusing the Government or its officials. Nothing of the kind has been done in the whole of the speech. No act was suggested in the whole of the speech to be done against the Government or any of its officials. It is, therefore, difficult to understand how the speech can come under the four corners of Section 124-A, Penal Code.

6. Objection has been taken by the prosecution, to some of the sentences uttered by the appellant. At some places he stated that the workers were fighting for labour Government, for the Government of the Workers, for political power and against Imperialism. The words, 'labour Government' and 'Government of workers' read with the words 'political powers' show or are capable of showing that the object of the appellant was to have the representatives of the labour class in the Government by sending them to Councils and thereby to obtain political power. He had Councils in his mind as he referred to them when he said:

Bhulabhai, the leader of the Capitalists, says that he will gain freedom for the country by entering the Councils.

7. The word 'Imperialism' is a very wide term and it means 'doctrine or principle' and does not necessarily mean the 'Government'. It is significant that the word used was 'Imperialism' and not 'Imperial Government'. There is a sharp distinction between the Government and the form of the Government. To fight against a principle or doctrine is not the same thing as to fight against a Government established by law. To suggest a change in the form of Government is not tantamount to causing disaffection towards the Government established by law. To suggest some other form of Government is not necessarily to bring the present Government into hatred or contempt. In *Kamal Krishna Sircar v. Emperor* : AIR1935 Cal636 , it was observed:

In fact all that the speech amounted to was a recommendation of the Bolshevik form of Government as preferable to what is generally called the 'capitalistic' form of Government, i.e., the present form of Government, and all that the speaker did was to encourage the young men, whom he was addressing, to join the Bengal Youth League and to carry on a propaganda for the purpose of inducing as large a number of people in India as possible to become supporters of the idea of communism as represented by the present Bolshevik system in Russia.

It is really absurd to say that speeches of this kind amount to sedition. If such were the case, then every argument against the present form of Government and in favour of some other form of Government might be alleged to lead to hatred of the Government, and it might be suggested that such ideas brought the Government into contempt. To suggest some other form of Government is not necessarily to bring the present Government into hatred or contempt.

8. The speech is a long way from coming within the provisions of Section 124-A, Penal Code. It is, therefore, ordered that the appeal be allowed, the conviction and sentence be set aside and the applicant be released forthwith unless his detention is required in connexion with any other matter in accordance with law.

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