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thoroughly into the whole question and have reviewed practically all the authorities on the point. In my opinion, the matter is now definitely settled and it must be held that a widow has a statutory right to claim partition. The present appeal must therefore be dismissed with costs.

FFORDE J.

FFORDE J.—I agree.

C. H. O.

*Appeal dismissed.***REVISIONAL CRIMINAL.***Before Mr. Justice Broadway and Mr. Justice Fforde.*

HARI SINGH, Petitioner

*versus*

THE CROWN, Respondent.

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March 23.

Criminal Revision No. 665 of 1925.

*Criminal Law Amendment Act, XIV of 1908, section 17 (1), (2)—Difference between offences under the two sub-sections pointed out.*

The accused addressed the Sikhs at *Singh Sabha Gujar Khan* and appealed to them to organise themselves into *Jathas* and proceed to *Jaito* and *Bhai Pheru* in the name of the *Shiromani Gurdwara Parbandhak Committee* (an unlawful association).

*Held*, that the Sessions Judge was not justified in assuming that the accused was the Secretary of the *Akabi Dal* merely because he was in charge of the office of that Association; and that the conviction under section 17 (2) of the Criminal Law Amendment Act could not be sustained.

*But held also*, that on the facts found accused was guilty of an offence under section 17 (1), notwithstanding that there was no proof that the accused had been authorised by the *Shiromani Gurdwara Parbandhak Committee*, to act on their behalf or to assist in their operations. Sub-section (1) of section 17 makes it an offence not only to be a member of an unlawful association or to take part in its meetings but also to help it in any way, and it is immaterial whether the person

who renders such help has been authorised by the Association to do so or whether he acts purely on his own initiative.

*Attar Singh v. Crown* (1), disapproved *pro tanto*.

Sub-section (1) of section 17 is intended to deal with members and all other persons identifying themselves with any unlawful body of persons as defined by section 15, and sub-section (2) of section 17 is directed against the ringleaders of such an unlawful body, that is to say, against the persons who actually control or direct its activities, or who organise or help to organise any of its meetings.

*Crown v. Saudagar Singh*, Criminal Appeal No. 912 of 1924 (unpublished) and *Deva Singh v. Crown*, Criminal Revision No. 1045 of 1925 (unpublished), approved.

*Application for revision of the order of Lt.-Col. J. Frizelle, Sessions Judge, Rawalpindi, dated the 29th January 1925, affirming that of Malik Ladha Ram, Magistrate, 1st class, Rawalpindi, dated the 24th November 1924, convicting the petitioner.*

MAN SINGH, for Petitioner.

RAM LAL, Assistant Legal Remembrancer, for Respondent.

#### JUDGMENT.

FFORDE J.—These are three criminal revisions submitted to a Division Bench by LeRossignol J. on the ground that there have been conflicting judgments by different Judges of this Court in respect of the matters raised in these applications.

FFORDE J.

As each case depends upon somewhat different facts, it is necessary to deal with them in separate judgments.

*Criminal Revision No. 665 of 1925, re Hari Singh.*

This is an application for revision of an order of the Sessions Judge, Rawalpindi, dated the 29th January 1925, dismissing an appeal from a conviction of

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Hari Singh petitioner for an offence under section 17 (2) of the Criminal Law Amendment Act (XIV of 1908).

The charge against this petitioner reads as follows:—

“ That you on or about the 22nd August 1924 at Gujar Khan addressed the Sikhs at Singh Sabha, Gujar Khan and appealed to them to organise themselves into *Jathas* and proceed to Jaito in the name of the Shiromani Gurdwara Parbandhak Committee. The Shiromani Gurdwara Parbandhak Committee and Akali Dal and all *Jathas* organised by or affiliated to them are declared unlawful associations by the Local Government, *vide* Government Notifications No. 23772 and No. 23773, dated 12th October 1923. You were in the charge of the office of Singh Sabha and *Akali Jatha* when it was searched and thereby committed an offence punishable under section 17 (2) of the Criminal Amendment Act and within my cognizance.”

To this charge the petitioner pleaded not guilty, and produced evidence to prove that he did not make the alleged speech. The finding of the lower appellate Court is that the petitioner was the Secretary of the Akali Dal at Gujar Khan, and that, at the political meeting held in the Singh Sabha at Gujar Khan on the 22nd August, he exhorted the Sikhs present at the meeting to organize themselves into *Jathas* and proceed to Jaito and Bhai Pheru in the name of the Shiromani Gurdwara Committee. So far as his presence in the meeting, and the making of the statement in question is concerned, there can be no doubt ; but Mr. Man Singh who appears for the petitioner urges that there is no evidence in support of the finding that the petitioner was the Secretary of the Akali Dal at

Gujar Khan, and that, therefore, he cannot be held to be guilty of an offence under section 17 (2) of the Criminal Law Amendment Act as having managed or assisted in managing that association. The evidence for the prosecution on this point is to the effect that upon a search of the office of the Singh Sabha at Gujar Khan the petitioner was found to be in charge of that office, and a mass of correspondence is produced which is proved to have been found on the occasion of that search. These documents are either in Gurmukhi or in Urdu, and the difficulty of this Court has been considerably and unnecessarily added to by reason of the fact that none of these documents have been translated into English, although I understand that English is the language of this Court. Some of the documents purport to be letters from the Secretary of the Shiromani Akali Dal, Amritsar, to the Secretary, Akali Jatha, Gujar Khan. Others purport to be letters from the Secretary, Singh Sabha, Rawalpindi, to the Secretary, Singh Sabha, Gujar Khan. The fact that these documents were found in the office of which the petitioner was in charge is clearly established. To avoid any doubt on this point he was asked to affix his signatures upon them, which he did. But it does not appear that any of these documents were addressed to the petitioner by name, and the lower Courts appear to have assumed that because these documents were addressed to the Secretary of the Singh Sabha and of the Akali Jatha at Gujar Khan, the person in charge of the Singh Sabha Office must necessarily be that Secretary. The petitioner himself says that he was merely a clerk in charge of the office, and emphatically denies that he was either the Secretary of the Singh Sabha or of the Akali Dal at Gujar Khan. It has not been proved who wrote the letters in question, and there is no evidence that

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the addressee of the letters is the petitioner. Upon these facts I do not see how it is possible to hold that the petitioner has been proved to be the Secretary of the Akali Dal at Gujjar Khan. He has merely been proved to have been in charge of that office on the date on which the search was made, and it can hardly be seriously contended that a person who is in charge of an office is necessarily the person who manages or assists in managing the association which owns that office. Had it in fact been proved that the petitioner was the Secretary of the Akali Dal at Gujjar Khan I have no doubt one would be justified in presuming that he was assisting in the management of that association. In the present case it is a presumption which has not been derived from any legal evidence.

The fact that the petitioner addressed the meeting of the 22nd August, appealing to the audience to organize themselves into *Jathas* and proceed to Jaito in the name of the Shiromani Gurdwara Parbandhak Committee is, however, clearly established, and even if it be not proved that the petitioner was a member of that association, which by notification has been declared to be unlawful, nevertheless his action in calling upon people to form *Jathas* in connection with such an unlawful association, in my opinion, clearly amounts to assisting the operations of that association within the meaning of section 17 (1), Criminal Law Amendment Act, 1908. The Government notification No. 23772, dated 12th October 1923, declares that the Shiromani Gurdwara Parbandhak Committee and all *Jathas* organized by or affiliated to this body are unlawful associations. The petitioner in his speech called upon his audience to form *Jathas* in aid of the Shiromani Gurdwara Parbandhak Committee, and he thereby unquestionably assisted the operations

of that association. Mr. Man Singh has referred to the case of *Attar Singh v. Crown* (1) in which it was held that a person could not be said to have assisted the operations of the Shiromani Gurdwara Parbandhak Committee by urging people to form *Jathas*, in the absence of proof that he was acting on behalf or under the authority of the Committee, and that such an authorization is not proved by the mere fact of the petitioner alleging that he was so acting. This question was not fully discussed before the learned Judge who decided the case, and a decision on this point was not necessary for the determination of the matters which were there involved. As Mr. Man Singh has, however, raised this point in all the cases before us I feel bound to deal with it.

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Section 17 (1) of the Criminal Law Amendment Act reads as follows:—

“Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished, etc.”

An “unlawful association” is defined by section 15 as an association: (a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts; and (b) which has been declared to be unlawful by the Local Government under the powers hereby conferred. Section 17 (1) renders a person liable to punishment if he is proved to be a member of such an association, without any proof being required of any active participation in its operations. It further

(1) (1925) I. L. R. 6 Lah. 349.

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renders a person liable to punishment who is proved to have attended a meeting of any such association, or who is proved to have contributed or received or solicited any contribution for the purpose of any such association or, finally, who is proved to have assisted in any way its operations.

Mr. Man Singh would have us hold that a person who has been proved to have received a contribution for the purpose of an unlawful association, or to have assisted its operations in any way, has not committed an offence within the provisions of this section unless it be further proved that he has been authorised by the association itself to receive the contribution or to render the assistance in question. I fail to understand why such a proviso should be read into the section. If it were intended to restrict its meaning in this way one would naturally expect words to that effect. We are asked to read the section as though it ran:—

“Whoever is a member of an unlawful association or acting on behalf and with the authority of any such association contributes \* \* \*.”

Such a view is obviously unsustainable. Clear words of an act of Legislature, conveying a definite meaning in the ordinary sense of the words used, cannot be cut down or added to so as to alter that meaning. In my opinion it is perfectly clear from the words used that clause (1) of section 17 makes it an offence not only to be a member of an unlawful association, or to take part in its meetings, but also to help it in any way, and it is immaterial whether the person who renders such help has been authorised to do so or whether he acts purely on his own initiative. It seems to me absurd to suggest that a stranger who, attracted by the objects of an unlawful

association, sent it a voluntary contribution of a sum of money, would not be guilty of the offence of contributing unless it were first proved that he had authority from the association to send the money. Or again, that a person who attended a meeting of such an association would not be guilty of an offence unless he had permission from the association to attend. I can see no reason for differentiating between different portions of this section and to hold, that though a stranger may commit an offence by voluntarily contributing a sum of money, yet he does not commit an offence if he assists it in any way unless such assistance has first been approved of. Contributing to an association, is after all, only one way of assisting it.

Sub-section (1) of section 17 is obviously intended to deal with members and all other persons identifying themselves with any unlawful body of persons as defined by section 15 ; and sub-section (2) of section 17 is directed against the ringleaders of such a body, that is, the persons who actually control or direct the activities of the association, or who organise or help to organise any of its meetings. That this distinction is deliberate is shown by the different degrees of punishment awarded in the two cases. In this regard I would refer to the following observations of a Divisional Bench of this Court in its judgment in *The Crown v. Saudagar Singh* (Criminal Appeal No. 912 of 1924):—

“ The word ‘ management ’ is not defined in the Act nor in any other legal enactment and is, therefore, to be interpreted according to its dictionary meaning. The persons entrusted with the management of the affairs of an institution have the conduct or direction of that institution in their hands. Thus the word ‘ management ’ conveys the idea of conduct

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and direction of an institution, and a person cannot assist in the management of an association who has no hand in the conduct or direction of its affairs, though as an employé of that association he may carry out the orders of its managing body."

If I may say so, I entirely agree with the view thus expressed which fortifies me in my conclusion that upon the facts of the present case the petitioner cannot be held guilty of an offence under section 17 (2) of the Act of 1908. I am, however, satisfied that upon the facts proved he is clearly guilty of an offence under section 17 (1), in having assisted the Shiromani Gurdwara Parbandhak Committee by calling upon people to organize *Jathas* in its name, and, in my opinion, it is entirely immaterial that in doing so he has not been proved to have acted under the authority of the organisation which he has assisted. I may add that the view which I have expressed in regard to the two sub-sections of section 17 is further supported by the decision of LeRossignol J. in *Dewa Singh v. The Crown* (Criminal Revision No. 1045 of 1925).

For the reasons given I would accept the petition to the extent of altering the conviction under section 17 (2) to one under section 17 (1) and as the petitioner has already served almost the maximum sentence of imprisonment which may be imposed by this latter section. I would direct that his bail bond be discharged and that he be set at liberty.

BROADWAY J.

BROADWAY J.—I agree.

C. H. O.

*Revision accepted.*