

danger of disturbance to the public tranquility should he visit your district, and have the honour to request you to direct him by an order under section 144 of the Criminal Procedure Code, to leave it at once, if he should appear.¹

[No. 20.]

*Note, dated 16 April, 1917, from W.B. Heycock, District Magistrate, Champaran, to the Commissioner, Tirhut Division.*²

I was informed at about 10 o'clock this morning that Mr. M. K. Gandhi had arrived the evening before by the afternoon train of the 15th April, 1917, at Motihari, and was putting up with a local pleader Babu Gorakh Prashad. I was also informed that he was making preparations to proceed to village Jassauli which is close to Jagiraha Factory where there was a disturbance some short time ago in the course of which Mr. Kemp was assaulted.³ The case in connection with this matter is still under trial. As soon as I was informed of this I issued a notice under section 144,⁴ Criminal Procedure Code, in accordance with your

¹. The original of this letter in Champaran Collectorate file bears the following note of Collector:—

“The S.P. is away. Dy. S. P. will please draw up an order U.S. 144, I. P. C. for my signature and serve it on Mr. Gandhi at once. The order will be drawn up on the information given in this.

W. B. HEYCOCK.”

². Political (Special) Department, file No. 1571 of 1917.

³. Kemp was manager of Dinamath factory. His assault was followed by an atrocious retaliation on the *raiyats* (See no. 49 *infra*).

⁴. The notice is quoted below:—

“To Mr. M.K. Gandhi (at present in Motihari.)

Whereas your presence in any part of this district will endanger the public peace and may lead to serious disturbances.... I do hereby order you to abstain from remaining in this district which you are required to leave by the next available train.

Given under my hand and the seal of the Court, This 16th day of April, 1917.

W.B. HEYCOCK,
District Magistrate, Champaran.”

instructions and attached a copy of your letter to me¹ on the subject to the order under section 144, Criminal Procedure Code.... Mr. Gandhi who had already started on foot for Jassauli had been overtaken by Sub-Inspector Ajodhya Prashad Tiwari who requested him to return and see the District Magistrate before going out to Jassauli. Mr. Gandhi was accordingly returning to Motihari and was then served with a notice under section 144, Criminal Procedure Code, by the Deputy Superintendent of Police. Mr. Gandhi took the notice to his lodging and took time to consider his position. He has now about 2 P.M. sent me a letter, a copy of which I enclose. It will be seen that Mr. Gandhi has no intention of complying with the order under section 144 and that it will be necessary in case of disobedience to the order to proceed against him under section 188, Indian Penal Code.

I have further to report that two pleaders Babu Ram Naomi Prashad and Babu Dharni Dhar,² belonging either to Muzaffarpur or Darbhanga, who came to Motihari with Mr. Gandhi and who were going out to Jassauli with him, continued their journey to Jassauli when Mr. Gandhi turned back to see the District Magistrate. Sub-Inspector Qurban Ali is accompanying them to watch their movements and to report daily...

I may add that Mr. Gandhi has not been to see me...

[No. 21.]

*Letter, dated Motihari, 16 April, 1917, from M.K. Gandhi, to the District Magistrate, Champaran.*³

SIR,

With reference to the order under section ⁴ 144 of the Criminal Procedure Code just served upon me, I beg to state that I am sorry that you have felt called upon to issue it and I am sorry, too, that the Commissioner of the Division has totally misinterpreted my position. Out of a sense of public responsibility, I feel it to be my duty to say that I am unable to leave this district, but if it so pleases the authorities, I shall submit to the order, *viz.*, suffering the penalty of disobedience.

I must emphatically repudiate the Commissioner's suggestion that my object is likely to be agitation. My desire is purely and

1. Vide No. 19 ante.

2. Late Babu Dharni Dhar, a prominent lawyer and public man of Darbahnga.

3. Political (Special) Department, file No. 1571 of 1917.

4. Vide No. 20 (F.N.) ante.