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The application must, therefore, be allowed and the conviction set aside.  
Fine, if paid, to be refunded.

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N. J. WADIA J. I agree.

*Conviction set aside.*

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### CRIMINAL APPELLATE.

*Before Sir John Beaumont, Kt., Chief Justice, and Mr. Justice N. J. Wadia.*

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August 28.

v.

A. A. ALWE.\*

*Trade Disputes Act (VII of 1929), Secs. 16, 17—Illegal strike—Furtherance of trade dispute within the trade—Association of other disputes renders strike illegal—“Government”—“Community”—“Designed or calculated”—Interpretation—Severe, general and prolonged hardship upon the community—Compulsion on Government—General strike in textile industry of India.*

A strike is illegal, under s. 16 of the Trade Disputes Act, 1929, if it has objects beyond the furtherance of a particular trade dispute *and* if it is designed or calculated to coerce Government by inflicting severe, general and prolonged hardship upon the community.

The first requirement, contained in sub-s. (1)(a) of s. 16, comes into operation if the strike has objects in furtherance of a trade dispute within the particular trade as well as other objects.

The term “Government,” in sub-s. (1)(b) of s. 16, means either the Government of India or the Local Government. The word “community,” therefore, means either the general public in British India or the general public in the territory over which the Local Government exercises sway. At any rate, the “community” must mean the general public as distinct from any section, and particularly as distinct from the persons engaged in the particular trade to which the strike relates. The words “designed or calculated” are intended to bear distinct meanings. The word “designed” is equivalent to “planned.” The section does not say by whom the design is to be formed; but it must be by the persons responsible for the strike. The Court has, therefore, to determine, under sub-s. (1)(b), whether the persons responsible for the strike designed or planned to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action. It may happen that the persons responsible for a strike may not all have the same design or plan; but the Court has to determine what the design of those responsible for the strike was at the time when they instigated it or did the other acts specified in s. 17 of the Act. The word “calculated” is directed to probable consequences which may be expected to follow from the strike, apart from what was in the minds of those responsible for it. In

\* Criminal Appeal No. 592 of 1934, by the Government of Bombay, against an order of acquittal passed

by Sir H. P. Dastur, Chief Presidency Magistrate of Bombay.

order to show that the strike was calculated to have the effect referred to in sub-s. (1)(b) of s. 16, the Court must hold, having regard to the nature of the strike and the circumstances prevailing at the date of the instigation or other acts specified in s. 17, that the natural and probable consequences of the strike will be to inflict such severe, general and prolonged hardship upon the community that either the Government of India, or the Local Government, may reasonably be expected in consequence thereof to be compelled to take or abstain from taking any particular course of action.

The organisation and carrying out of a strike in the textile industry throughout India is not covered by s. 16(1)(b) nor punishable under s. 17 of the Trade Disputes Act, 1929, in absence of evidence that it will necessarily or probably cause severe, general and prolonged hardship to the community as opposed to those engaged in the textile trade.

#### PROSECUTION under the Trade Disputes Act, 1929.

The Bombay Girni Kamgar Union resolved on October 24, 1933, to convene in Bombay a conference of All-India Textile Workers. A. A. Alwe (accused No. 1) was appointed chairman of the Reception Committee and accused Nos. 2 and 3 were appointed secretaries.

A conference of All-India Textile Workers was accordingly held on January 28, 1934. It was largely attended by textile workers or their representatives from different parts of India. The conference passed a resolution

“to organise within a period of the next three months a country-wide general strike of all the textile workers and formulate the following as the general demands of the textile workers :—

1. No wage cut and restoration of all cuts effected since January, 1933.
2. No rationalisation.
3. Unemployment benefit and maternity insurance at the expense of Government and owners.
4. No retrenchment.
5. Eight hours' duty for day-shift and seven hours for night-shift.
6. Equal wages for equal work.
7. One month's leave with full pay every year.
8. Minimum living-wage of Rs. 45 per month.
9. Recruitment of labour through Workers' Committees to be set up in each mill.
10. Full liberty for Union work within the mills and right of mill committees to supervise the condition of work in the mills.
11. No victimisation of active trade union workers and reinstatement of all victimised workers.
12. Fifty per cent. reduction in house rent.
13. Well defined regulations and fair treatment with regard to leave, abolition of fines, &c.
14. No recruitment of boys up to the age of 16.
15. Recognition of the Unions.
16. Consolidated wages.
17. Right of organisation, speech, assembly, &c.
18. Right of strike and picketing.
19. Trade Union Legislation and right of Trade Union Organisation within Native States.
20. Withdrawal of all repressive laws and anti-working-class legislation and release of all political prisoners.”

The resolution further appointed a Council of Action, consisting of fifteen members, which was authorised to—

1. Set up local strike committees, mill committees, &c. ;

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2. carry on propaganda for the general strike by all available means ;
  3. collect funds ;
  4. declare and lead the general strike in consultation and co-operation with local strike committees ;
  5. do all such other works as may be necessary for bringing about and the furtherance of the general strike.

All the eight accused were members of the Council of Action. They were also members of the Joint Strike Committee for the City of Bombay, which consisted of seventy-five members.

On March 24, 1934, the Joint Strike Committee convened a meeting of mill-workers in Bombay. The meeting was presided over by accused No. 5, and accused Nos. 2, 5 and 7 addressed the meeting. It was decided at the meeting that there should be a general strike of textile workers in Bombay on April 24, 1934. A circular was distributed at the meeting to the workers exhorting them to "make an immediate start in the matter of the general strike."

There were then fifty-two mills working in Bombay. Two of them were closed on April 23. By April 30, thirty-eight mills were closed down, and about 80,000 men were thrown out of employment. The Joint Strike Committee continued its propaganda and succeeded in getting almost all the mills closed by the middle of May, 1934. The strike lasted for about two months.

On July 24, 1934, a prosecution was launched against the accused under s. 17 of the Trade Disputes Act, 1929.

The Chief Presidency Magistrate acquitted the accused holding that the strike was not illegal for though it fell under s. 16(1)(a) it did not fall under s. 16(1)(b) of the Trade Disputes Act. The reasoning was as follows :—

"Under s. 16 of the Act a strike is illegal only if (a) it has any object other than the furtherance of a trade dispute within the trade or industry and (b) if it is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action. In order to constitute a trade dispute the dispute must be between employers and workmen within the trade or industry and which is connected with the employment or non-employment or with the terms of employment or with the conditions of labour, or persons in that trade or industry. The point for determination is—was any object of the strike other than the furtherance of a trade dispute? On the evidence I hold that there was a trade dispute in the industry between the mill workers and owners as regards the wage cuts, the 'rationa-lisation' scheme or the 'efficiency system' and unemployment. I also hold that some of the objects were other than in furtherance of a trade dispute and this case is covered by s. 16(1)(a).

The language of s. 16 seems to be very clear, explicit and unambiguous. If a strike has any object other than in furtherance of a trade dispute it is illegal provided it also satisfies cl. (b). In order to constitute a strike to be illegal not only its object must be other than the furtherance of a trade dispute but it must also be designed or calculated to inflict severe, general and prolonged hardship on the community and thereby to compel the Government to take or abstain from taking any particular course of action. The word 'calculated' involves the idea either of deliberate intention or probable effect. The word 'designed' means intended or contrived. In other words the prosecution must prove that the intention of those who declared the strike was to inflict severe, general and prolonged hardship, or that they must have reasonably expected to cause such a hardship, upon the community.

On the evidence I think that the accused when they declared the strike did contemplate that it would be a prolonged struggle and that it would cause severe hard-

ship. That the struggle was to be a grim struggle and a prolonged one entailing much hardship on the workers appears from the speeches made by the accused. In s. 16, however, it is not necessary for the prosecution to prove that actual hardship did result. It is sufficient if the prosecution can show that it was contemplated or that it ought to have been reasonably expected that the consequence of the strike would entail a severe, general and prolonged hardship.

To sum up, the Crown has succeeded in proving that the Bombay strike resulted in severe, general and prolonged hardship to the mill workers. But the section requires that the strike should be designed or calculated to inflict severe, general and prolonged hardship to *the community*. What then do the words 'the community' mean? 'The community,' according to Murray's Dictionary, means, 'the people of a country or a district as a whole. The general body to which all alike belong: the public.' Can the mill workers then be said to be 'the community?' In my opinion the mill hands like the railway people and others would be called a community but they cannot be said to be 'the community.' 'The community' is a wider term and embraces all minor communities or classes of persons living in a particular district... The mill hands are a part of the community. They are certainly not the public of Bombay or the people in general of Bombay. I, therefore, hold that the prosecution has failed to prove that the strike inflicted a severe, general and prolonged hardship upon the community.

It is not denied that the strike was in furtherance of a general strike of all the textile workers in India... The object of the conference was to bring about an All-India Textile Strike. Such a strike cannot be said to be designed or calculated to inflict severe, general and prolonged hardship upon the community. Where no evidence of hardship inflicted upon the community is tendered, a Court would be justified in inferring that it was so designed or calculated only if it can say so from the very nature or the object of the strike. For instance if the workers in the electric companies or in the water supplying department went on strike a Court would be justified in inferring that the strike was designed or calculated to cause severe, general and prolonged hardship upon the community or the public.

Even if the facts of the case are brought in under s. 16(1)(a) there is a further step to be proved before a strike can be held to be illegal. Not only must the strike be designed or calculated to inflict a severe, general and prolonged hardship upon the community but it must *thereby* compel the Government to take some action in the matter.

The accused in their speeches do instigate the workers against the Government. But that is not enough unless it is proved the facts placed before a Court are such as would lead to a reasonable inference that the intention of the accused was to cause such prolonged and severe hardship on the community that the Government would thereby be sooner or later compelled to intervene in the matter. This element also is wanting in the present strike."

The Government of Bombay appealed against the order of acquittal.

*K. Mcl. Kemp*, Advocate General, with *P. B. Shingne*, Government Pleader, for the Crown.

*B. R. Ambedkar*, *S. C. Joshi* and *N. B. Samarth*, with *A. S. Asyekar* and *A. G. Kotwal*, for accused No. 1.

*M. H. Vakil*, with *P. B. Gajendragadkar*, for accused No. 2.

*M. H. Vakil* and *K. B. Sukhtankar*, for accused No. 3.

*Y. B. Rege*, with *R. B. Godambe*, for accused Nos. 4 and 6.

*M. H. Vakil*, with *P. B. Joshi*, for accused No. 5.

*M. H. Vakil*, with *K. N. Dharap*, for accused No. 7.

*S. G. Patwardhan*, for accused No. 8.

BEAUMONT C. J. This is an appeal by the Government of Bombay against the acquittal of the accused by the Chief Presidency Magistrate. The

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accused were charged with committing an offence under s. 17 of the Trade Disputes Act of 1929, in that they instigated and declared an illegal strike. The strike in question was a strike of the textile industry throughout the whole of India, and it was declared on April 23, 1934, as a result of a resolution passed by a body called the All-India Textile Workers' Conference, on January 28, 1934. The conference was called by a body called the Bombay Girni Kamgar Union, in which all the accused were interested.

The conference formulated twenty demands, which they proposed and hoped to secure as a result of the strike. The resolution of the conference and the twenty demands are contained in exhibit A. Four of those demands, namely, those numbered 3, 17, 19 and 20, were demands of a political character, which could only be granted by Government, or as a result of legislation.

Section 17 of the Trade Disputes Act provides that "if any person declares, instigates, incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under the provisions of section 16, he shall be punishable" as therein provided.

"Strike" is defined in s. 2, sub-s. (1), as meaning "a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment."

Section 16 defines a strike, which is illegal. A strike is illegal, which, under sub-s. (1) (a), "has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged"; and, under sub-s. (1) (b), "is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

The sub-sections are connected by the copulative "and," so that a strike rendered illegal is one which falls within the terms of both sub-sections. The class of strike, therefore, which is rendered illegal, is one, which has objects beyond the furtherance of a particular trade dispute, and which is designed or calculated to coerce Government by inflicting severe, general and prolonged hardship upon the community.

The Chief Presidency Magistrate held that, in this case, the conditions of sub-cl. (a) were complied with, because the strike had objects other than the furtherance of a trade dispute within the textile trade; and, with that decision, I entirely agree. It was argued on behalf of the accused that if the strike had both objects in furtherance of a trade dispute within the particular trade and other objects, the sub-section did not apply. But, in my opinion, that is not the meaning of the sub-section. As the strike in this case had objects beyond the furtherance of the trade dispute in the particular trade, I think that the case fell within sub-s. (1) (a).

The real question is, whether the strike also fell within sub-s. (1) (b), and that sub-section presents certain difficulties of construction.

In the first place, having regard to the General Clauses Act, I think the "Government" referred to in the section may be either the Government of India or the local Government, and the meaning of the expression "commu-

nity" must depend on what Government is referred to. If the Government referred to be the Government of India, the "community" must mean the general public in British India. If, on the other hand, the Government referred to is the local Government, then the "community" would mean the general public in the territory over which the local Government exercises sway. Whether it would be sufficient to bring the case within the sub-section to prove that the general public in a particular locality was subjected to severe, general and prolonged hardship, it is not necessary, in this case, to determine. At any rate, the "community" must, in my opinion, mean the general public as distinct from any section, and particularly as distinct from the persons engaged in the particular trade to which the strike relates.

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The next question, which arises on the construction of the section, is as to the meaning of the words "designed or calculated." That the words were intended to bear distinct meanings, seems to me clear from the fact that sub-s. (4) deals only with the word "calculated" and provides that a strike "shall not be deemed to be *calculated* to compel the Government unless such compulsion might reasonably be expected as a consequence thereof." As the words are connected by the disjunctive "or," it is sufficient to prove either design or calculation.

In my opinion, the word "designed" is equivalent to "planned." The section does not say by whom the design is to be formed; but, I take it, that it must be by the persons responsible for the strike. I think, therefore, that the Court has to determine whether the persons responsible for the strike designed or planned to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action. Difficulties may no doubt sometimes arise, because the persons responsible for a strike may not all have the same design or plan. Some of them may design that the strike should have objects which would render it illegal under s. 16, whilst others may be in favour of confining the strike entirely to the furtherance of a particular trade dispute. But, whatever the difficulties may be, the Court has to determine what the design of those responsible for the strike was at the time when they instigated it or did the other acts specified in s. 17.

On the other hand, the word "calculated" seems to me to be directed to probable consequences which may be expected to follow from the strike, apart from what was in the minds of those responsible. In order to show that the strike was calculated to have the effect referred to in sub-s. (1)(b), I think the Court must hold, having regard to the nature of the strike and the circumstances prevailing at the date of the instigation or other acts specified in s. 17, that the natural and probable consequences of the strike will be to inflict such severe, general and prolonged hardship upon the community that either the Government of India or the Local Government may reasonably be expected in consequence thereof to be compelled to take or abstain from taking any particular course of action.

The Chief Presidency Magistrate held that all the accused, except accused No. 8, instigated this strike, and I see no reason to differ from him in that finding. But he held that, although the strike fell within sub-s. (1)(a) of s. 16, it was not proved that it was designed or calculated to inflict severe,

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general and prolonged hardship upon the community as distinct from those engaged in the textile industry ; and the question in this appeal really is, whether that part of the decision is right.

The Advocate General relies mainly on the word "designed". His argument is that the accused are intelligent and sincere labour leaders, that the objects of the strike included obtaining political concessions from Government which the accused, if they were really in earnest, must have intended to compel Government to grant, that the only possible means of compulsion would be by the infliction of severe, general and prolonged hardship upon the community, and that we ought to hold therefore, that that was the design of the accused.

It is true that the accused in their speeches and also in their statements to the Court attached great importance to,—what I may call,—the political part of their demands, and, further, expressed the belief that the strike would have serious consequences. Some of the accused, particularly accused Nos. 2, 5 and 6, expressed in some of their speeches the hope and belief that other industries would join in the strike. But there is no evidence that any attempt was made to induce other industries to join in the strike. It is true also that one cannot divide the community into water-tight economical departments, and that severe loss suffered by those engaged in the textile trade would be bound to occasion loss, direct or indirect, to persons engaged in other industries. But, pecuniary losses occasioned to individuals or industries cannot be said to amount to severe, general and prolonged hardship to the community. In my opinion, in the absence of any evidence of any attempt to induce those engaged in other industries to take part in the strike, we cannot say that the accused designed or planned to inflict severe, general and prolonged hardship upon the community. They may have thought that, if they could organise a general and prolonged strike in the textile industry, Government would be likely to grant some of their demands in order to save the industry from ruin and in order to avoid loss of revenue. The accused, I think, can hardly have supposed that their more extreme demands would be likely to be granted by Government, whatever the result of the strike.

In my view, therefore, the evidence is not sufficient to show that the accused designed to bring compulsion to bear on Government by inflicting, upon the community, severe, general and prolonged hardship. Nor, in my opinion, can it be said on the evidence that the strike was calculated to produce such a result. The textile industry is not an industry, like the transport industry, in which one might say, from the nature of the case, that any prolonged stoppage would be bound to occasion severe hardship to the community. There is no evidence at all as to the position which the textile trade occupies in the general economic life of the country. There is no evidence as to what the probable effect of a prolonged stoppage in that trade would be on the price of clothing, or on the price obtainable for cotton grown in India. There is really no evidence which would justify us in holding that a strike in the textile trade, however prolonged, would necessarily or probably cause severe, general and prolonged hardship to the community as opposed to those engaged in the textile trade.

That being so, I think the decision of the learned Chief Presidency Magistrate was right, and the appeal must be dismissed.

N. J. WADIA J. The facts in this appeal are not disputed. All the eight accused were members of the Council of Action appointed at the Conference of All-India Textile Workers, held in Bombay, on January 28, 1934, and of the Joint Strike Committee, which was subsequently appointed. The strike, which began in Bombay, on April 24, 1934, was in pursuance of a resolution moved by accused No. 7 (Nimbkar) and passed by the conference to organise an All-India Textile Strike. Within the first seven days of the strike, thirty-eight out of the fifty-two mills in Bombay had to be closed, and about 80,000 men employed in the mill industry in Bombay went out. The strike ended on June 23.

Under s. 16(1) of the Trade Disputes Act, 1929, a strike is illegal if it has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers are engaged, and is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action.

It is not denied by the prosecution that in this case there was a genuine trade dispute in the textile industry in Bombay in connection with the wage cut, the rationalisation scheme and unemployment benefits. Sixteen out of the twenty demands put forward by the strikers related to this dispute. With regard to the other four demands, namely, (3) unemployment benefit and maternity insurance at the expense of Government and owners; (17) right of organisation, speech, assembly, etc.; (19) trade union legislation and right of trade union organisation within Native States; and (20) withdrawal of all repressive laws and anti-working class legislation and release of all political prisoners, there can, in my opinion, be no doubt that these demands were not in furtherance of a trade dispute within the textile industry, that is, a dispute between employers and workmen, or between workmen and workmen, which was connected with the employment or non-employment or the terms of employment, or with the conditions of labour, of persons in the textile industry.

The question of the grant of unemployment benefits by Government from public funds could not be a matter of dispute between mill-workers and employers, and trade union legislation in the Indian States is a question entirely beyond the control of employers or even of Governments in British India.

It is argued, however, that these four demands were included in the resolution and in the speeches of the accused and in the letter sent to the Home Member, on May 9, 1934, only as part of the general demands of textile workers, and as mere labour propaganda, and were not meant to be regarded as equally important with the other sixteen or as the irreducible minimum. In support of this, we have been referred to the evidence of Mr. Joshi, a member of the Girni Kamgar Union and one of the Joint Secretaries of the Joint Strike Committee, that the Joint Strike Committee was prepared to call off the strike if sixty per cent. of the dear food allowance were restored and the trade unions recognised by the Millowners' Association, and that the twenty demands were merely matter of labour propaganda and many of them had nothing to do with the strike. This statement, however, is not borne out by other evidence. In fact, it is contradicted by the speeches and statements made by seven out of the eight accused. From these speeches and statements

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it is clear that the four demands, which admittedly were not directly connected with any trade dispute, were considered as important as any of the other sixteen, and it was the clear intention of those responsible for the strike that it should not be called off until all the twenty demands were granted. The view of the learned Magistrate, therefore, that these four objects of the strike were not in furtherance of a trade dispute within the textile trade, must be con-

N. J. Wadia J. sidered as correct.

The next question is, whether the strike was designed or calculated to inflict severe, general and prolonged hardship upon the community as a whole, and thereby to compel Government to take or abstain from taking any particular course of action.

The strike lasted two months. Evidence has been led to show that it caused a considerable loss to the mill industry; but there is no evidence to show that the public as a whole, other than that section of it which was concerned with the mill industry, suffered hardship or inconvenience which could properly be called severe and prolonged.

It is argued by the prosecution that the word "designed" in s. 16 means no more than "intended," or "planned," and that the question must be judged not by the actual results of the strike but by what the accused and those who were prime movers in it intended it to produce.

I am not prepared to say that the word "designed" in the section means no more than "intended" or "planned". If it did, a strike in some very minor industry, which could not by any possibility cause any serious hardship to anybody outside that particular industry, could be brought within the scope of this section, if the promoters of it, out of some exaggerated notion of their own importance or for purposes of propaganda, announced their intention or hope that the strike would seriously inconvenience the whole community. Where no actual hardship of the nature referred to in the section has been caused, it must, I think, be shown that the nature of the strike or the means which those responsible for it took to start or continue it were such that severe, general and prolonged hardship to the community as a whole must reasonably be expected.

In the present case, it seems to me that the evidence is not sufficient to show that such severe, general and prolonged hardship to the community as a whole was either intended, so far as the intentions of the accused can be gathered from their speeches and acts, or was likely in the natural course of things to result. Although some of the accused in their speeches referred to the possibility or desirability of workers in other industries joining the strike, no actual attempt is proved to have been made by any of them, at any time before or during the continuance of the strike, to bring about a sympathetic general strike in other industries, and no such sympathetic strike actually occurred in any industry.

The learned Magistrate has held,—and, I think, rightly,—that the accused intended the struggle to be a long and severe one and that the strike was calculated to cause severe and prolonged hardship to those concerned in the mill industry.

From the fact that the accused had deliberately included the four more or less political demands among their declared objects,—demands which they

knew could only be obtained from Government and not from the millowners, —it must, I think, be presumed that the accused hoped and intended that, as a result of the hardship which the strike would cause to the mill industry, they would be able to force Government to concede some or all of the four demands. But the mere fact that they hoped to bring pressure upon Government in this way, by inflicting hardship upon a very important industry, would not bring their actions within the purview of s. 16(1)(b). The section requires that the intention must have been to bring pressure upon Government by causing severe, general and prolonged hardship to the community as a whole, not upon some particular section or sections of it.

In my opinion, the evidence in this case is not sufficient to show that the strike was designed or calculated to cause hardship to persons other than those concerned in the mill industry. On that view, the strike cannot be considered illegal within the meaning of s. 16.

The acquittal of the accused was, therefore, correct, and the appeal must fail.

*Appeal dismissed.*

### ORIGINAL CIVIL.

*Before Mr. Justice Blackwell.*

HARILAL CHHAGANLAL DESAI

*v.*

BAI MANJOOLA.\*

*Will—Construction—“Religious, charitable or philanthropic purposes”—Bequest void for uncertainty—Bequest for religious purposes void—Advocate General—Appearance to support charity clause in will—Costs as between attorney and client.*

A testator provided by his will, among other things, “as to the one-fourth or one-half share which may remain, my executors shall deposit the same at interest and utilize the interest for religious, educational or philanthropic purposes after me (for the benefit of my soul).” On a construction of the clause:—

*Held*, (1) that the phrase “religious, educational or philanthropic purposes” in the clause created conjunctive or cumulative classes of objects and not conjunctive or cumulative qualifications for each object, and that, therefore, the bequest was invalid:

*Eades*, In re : *Eades v. Eades*,<sup>1</sup> followed;

(2) also that the bequest having been a bequest for religious, among other purposes, was bad:

*Runchordas v. Parvatibai*,<sup>2</sup> followed.

Where the Advocate General appears, in a suit or proceeding, to support a bequest under a will in favour of charity, his costs should be allowed as between attorney and client out of the estate.

\* O. C. J. Suit No. 1517 of 1934  
(O. S.).

2 (1899) I. L. R. 23 Bom. 725,  
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