

बिहार राज्य अभिलेखागार



सत्तमेव जयते

1916

संचिका संख्या 1256/16
अभिलेखागार संख्या

9596

१६/१६

बिहार सरकार

POLITICAL बिहार सरकार

विभाग

मंत्रिमंडल सचिवालय विभाग

SPECIAL राज्य अभिलेखागार निदेशालय

शाखा

कार्यवाही

१६१६

सं०

43

पृष्ठ

1916

विषय:—

[CONFIDENTIAL.]

File No. 1256.

1916 .

GOVERNMENT OF BIHAR AND ORISSA.
DEPARTMENT.

BRANCH.

B PROGS. FOR _____ 191

Nos. _____

PAGES. _____

SUBJECT.

Proposal to confiscate two books named Jivan Gyaan and Sugolamban in Hindi print and published by the Bihar Angel Press, Bhagalpur as they have been found to contain certain objectionable passages.

(i) Warning conveyed to the proprietor of the Bihar Angel Press, Bhagalpur.

(ii) Prosecution of Ganesh Lal proprietor of the Bihar Angel Press under the Press Act 1908.

Keep

203

1/2

1/2

25/7/16

Warning

DEPARTMENT.

File No. 1256 of 1916.

L.R.'s file 80 of '16
File 34 of '13.

SUBJECT.

Gajna
Proposal to confiscate two books named Jivan Jyoti and Swavlamban in Hindi printed and published by the Bihar Angel Press, Bhagalpur, as they have been found to contain certain objectionable passages.

Notes and Orders.

From the Commr: of the Bhagalpur Division No.
1786 J dated the 10th April 1916.

W.S.

This may be sent to
L.R. as proposed.

1002
14. 4. 16

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

H.M.

Please see the annex. of
Bhagalpur's letter proposing the
confiscation of two Hindi books. The
case has been sent up in a rather
curious manner. The title of the books
is wrongly given; the first one is
Jivan Gajna not Jivan Jyoti. The
passages to which objection is taken are
marked with pencil, but no translation

U.O. No. 627
15. 4. 16.

is given & it is not indicated in what respect the passages are objectionable. The books are evidently

3
strongly nationalist in feeling but it seems to me doubtful how the marked passages whether there is anything to bring them within §4(1)(c) of the Press Act. It is useless sending the case to L.R. at the present stage. We may perhaps ask that I.D. to examine the books first & to give us translations of any passages they think would come under the Press Act.

UW

15/4/16

I would ask Comr first to send the translations referred to in Dykes' letter.

W.

16 APR 1916

Draft to Commissioner, Bhagalpur D.
For approval—

To. the Commr. Bhagalpur Dec
No. 636 C dt: 17-4-16.

From the Commr. Bhagalpur Dec No. 2018 J.
dt: the 28th April 1916

Extract from Statesman of the 28th April 1916.

W.S.

P.U.C.I - The translations of the
passages asked for.

P.U.C.II. - From today's issue of the
Statesman. The local officers have
taken action in the matter. The Press
Act is put up. The Behar Angel Press
was exempted from Security.

We may perhaps counsel L.R.
and then send a copy of the extract
from the Statesman to the Commr.
asking for a report on the matter.

(बिहार राज्य अभिलेखागार निदेशालय)

28.4.16.

C.S.

The Commr. of Bhagalpur in
his letter of 10/4/16 asked us to confiscate
two Hindi books, Jivan Gajin - Swavalamban.
We have now supplied translations of the
objectionable passages. There appears to be
nothing to which objection can be taken under
Section 1 of the Press Act in Jivan Gajin; on
the other hand the attack on the native Prince
in Swavalamban makes it perhaps
liable to confiscation. L.R. may be consulted
on the point.

4

Flag 16.

" 93.

h.3/um.

4
Meanwhile it appears from the
extract from today's Statesman that
the Dist. Magt. has anticipated
^{int. action}
~~matters~~ by asking for security from the
Press, & that he has acted illegally
in doing so. We may ask the Comm.
in a report about this.

SCM
28/4/16

S

It would seem from the report in the
paper that the Mag. has muddled
up sub-section (1) & (2) of Sec 3 of the
Press Act. But do we not require a
preliminary report or reference even in
cases under sub-section (1)? Means put
up our Circular on the subject of the
provisions to be observed in writing the
Press Act. It issued in the last number of
the L.R. may be asked if he has
heard anything about the
pending case. C

29/4/16

u.o. 9. 715
29.4.16.

C.S.

I had heard nothing about the
case until I saw the notice in the
"Statesman" no reference was made
to me.

It is evident that the District
Magistrate was acting under the
provisions of sub-section (1) of section 3,

5
 taking it to mean that the Magistrate who has passed an order exempting a press from deposit of security under S. 3 (1), may cancel or vary such order at any time.

6
 Sub section (2) refers only to cases in which the declaration was made prior to the commencement of the Press Act, 1916, and happens that in the case of the Bihar Bazar Press, the declaration was made subsequent to the commencement of the Act.

I have perused the translation on the file, & would advise that they are not of a character which would be well brought under S. 4 of the Act. To say that the Native Chiefs leave the exercise of the powers which they might wield to the Residents could hardly be called raising class hatred, & the other article's effort is to get the people to make sacrifices for their country but not to sacrifice their lives in the way some misguided youths have done.

29/4

Man put up on circular
 (1913, 1 Bk)

30/4/16

Submitted. At. Hay L
 in Coupld. File 34 of 1913

30/4/16.

H. M. 6

I had not seen this case before my
attention was drawn to the cutting
marked p. u. c. D. The notes
for p. 3 may be seen.

W/o. No 724.
1/5/16.

X

It would seem that the Mag. 2
Bhagalpur took action under the
provision to sub-section (1) of sec 3 of the
Indian Press Act, without making
the reference to Jw² which is indicated
as desirable in the last portion of para
4 of the circular of 21 Oct: 1913 at H. 2,
~~or with~~ also that he has not made
the report which is required in para 6
of the same circular. सचिवालय विभाग
(बिहार राज्य अभिलेखागार विभाग)
We may ask the Com: for a full
report on the case - the previous
correspondence relates to the proposed
confiscation of the two books under sec. 12 of the Act
by the Local Jw². Nothing was said to
indicate that the Mag. had taken action
under sec 3, (except apparently for the
Press cutting) the note was dated March 16th,
and the Mag.'s reference was made on
April 1st (p. 2 of Encl.).

H. H. may see.

W. H.

As proposed. 20/4/16

W. H.

Issue the letter below. The file may
 be sent to H. H. for perusal.

Wmt.

2/5/16

8

To the Commissioner, Bhagalpur Division
 No. 834-C, dated 3rd May 1916.

u.o. J. 734
 3.5.16.

Seen

5/5

From the Commr. of the Bhagalpur Div.
 No. 2392 J. dt: 15.5.16.

W.S.

बिहार सरकार
 मंत्रिमंडल सचिवालय विभाग
 (बिहार मंत्रालय अगिले खागार निदेशालय)

C.S.
 16/5/16.

For info. Should we reply now
 to the Commr's original letter of the 10th April
 in p. 3 of our. or await a further report
 on the developments in the H.L.?

Seen
 16/5/16

u.o. J. No. 805
 16.5.16.

H.M.

I think that in view of L.R.'s opinion
 in p. 5 we had better refrain from further
 action till we know the result of the
 reference to the H.C. Action at the present
 stage might well have the effect of
 complicating matters.

Wmt.

17/5/16

Seen by H.M. on 27/5/16
 vide L.R. file 80 of 1916.

Ranchi
 18/5

8
Extract from "Statesman": 8. 6. 16.

Extract from "The Hindoo Patriot." 10. 6. 16.

Extract from p. 18. (corro:)

"Let me see the papers if any."

sd. H. Coupland.

11/6/16.

U.S.

File submitted.

CRH.
12/6/16.
mm
12/6/16

CS.

We are still awaiting a reply to
our letter of the 3rd May, to which we
have only received an ad interim
reply. We may take it that no further
action will be taken without the order
of Govt. being taken.

SM
12/6/16

W

12/6

SM
13/6

Restored
mm
26/5

From the Commr. of the Bhagalpur
Du. No. 3411 J dt. 12th July 1916

U.S.

The Commr. recommends that the matter should be dropped with a serious warning to the proprietor (Ganesh Lal) of the Bihar Angel Press. Submitted for orders with a draft.

L.R.'s file linked below.

10

C.R.H.
 17/7/16.
 17.7.16

C.S.

We may accept the Commr's view as in the draft below. L.R. has already recorded his view that action could not be taken under the Press Act against the Press. We need not however point this out to the Commr., as the officer responsible for ordering the taking of security in that reference to foot. is now release.

Edg
 18/7/16

U/o 1036

17/7/16.

U/o. No 1041

20/7/16.

Edg
 24/7

H.M. As proposed

H. may see

Jayve

Edg
 18/7/16

Edg

24/7

Edg
 24/7

To the Commr of the Bhagalpur Divn.
No 1577 C dated the 25th July 1916

Restored
2002
25/7

11

बिहार सरकार

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

K No 535
14. 4. 16.
Sheelal Baskin
14/4

Gobt. of { 191 }	Bihar and Orissa.	Department
Enclosures	FROM W. Egerton, Esqr., I.C.S., Offg. Commissioner of the Bhagalpur Division.	Branch
Plans	SUBJECT :	File No.
Spare copies		Number in File
		Date of receipt
		Diary Number

No. 1786 J.

TO THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA,

Financial-----DEPARTMENT.

Dated Bhagalpur, , the 10th April, 1916.

बिहार सरकार

DEPARTMENT.

मंत्रिमंडल सचिवालय विभाग
(Sir, (बिहार राज्य अभिलेखागार के निदेशों के लिए)
for the orders of Government

I have the honour to submit a copy of a letter No. 1429J

dated the 1st April, 1916, from the Magistrate of Bhagalpur
together with its enclosures as noted in the margin on the
subject of the confiscation of the books named Jivan Jogya
and Swavlamban in Hindi printed and published by the Behar

Angel Press, Bhagalpur which have been found to contain

certain objectionable passages. I think the two books should

be confiscated under Sec. 12 Act 1 of 1910 as their tone is

highly objectionable and falls within Sec. 4(1) (c) of the

Act. The Opinion of the Legal Remembrancer may be taken.

I have the honour to be,

Sir,

Your most obedient servant,

J. N. Majumdar

For Offg. Commissioner

[Signature]

Copy of letter
dated 11-2-1916.
from the Hindi &
for translation to
English.
Bhagalpur.
2. One copy each
of the books Jivan
Jogya and
Swavlamban.

12

No. 1429 J.
51-16 -.

From

Srish Chandra Ghosh, Esqr.,
Offg. Magistrate, Bhagalpur.

To

The Commissioner of the Bhagalpur Division,

19
Dated Bhagalpur, the 1st April, 1916.

Sir,

I have the honour to report that the two books named Jivan Jogya and Swavlamban (in Hindi) printed and issued from the Behar Angel Press, Nayabazar Bhagalpur, have been found to contain objectionable passages. A reference was made to the Government Translator, who is of opinion that the tone of passages here and there in the books is certainly not what it should be in these troublous times. The local Government pleader was consulted and he is also of opinion that the books are objectionable and should be confiscated under section 12 of the Press Act 1910.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

I, therefore, request you to be so good as to move the Local Government for confiscation of the books under the above section.

A copy of Government Translator's letter No. 41, dated the 11th February 1916, together with the books and copy of translation of the objectionable passages is enclosed.

I have etc.,

Sd/- Srish Chandra Ghosh,

Offg. Magistrate,
27-3-1916.

J/B/10-4.

11-4

From

Babu Somnath Jharkhandi, B.A.,

Hindi and Urdu Translator to the Govt. of
Bihar & Orissa.

To

The District Magistrate of Bhagalpur,

Dated Gulzarbagh Patna, the 11th February 1916.

Sir,

In reference to your letter No. 433 J/51-2, dated the 28th ultimo, I have the honour to forward herewith the general purport of the two pamphlets (Jivan Yagnya and Swavalaban) with a careful translation of the passages marked in them and to say that it is difficult for me to say if they come under section 4 of the Indian Press Act. The tone of passages here and there in the book is certainly not what it should be in these troublous times but I doubt if they fall within the scope of the above section. A reference to the Local Government Pleader or the Legal Remembrancer of the Province may therefore be made to clear the point.

The books are also returned herewith.

I have etc.,

Sd/- Somnath Jharkhandi,

Hindi & Urdu Translator to Government.

J/B/10-4.

E. S. Jharkhandi
11-2-16

14
4
No. 636 C.

Government of Bihar & Orissa.

Political Department,

Special Section.

18 From

E. H. Johnston Esquire, I.C.S..

Under-Secretary to the Government of
Bihar and Orissa,

To

The Commissioner,

Bhagalpur Division.

Dated Ranchi, the 17th April 1916.

Sir,

With reference to your letter No.1786 J, dated the 10th April 1916, forwarding a copy of letter No.1429 J, dated the 1st April 1916, from the Magistrate of Bhagalpur, and enclosures, I am directed to request you to send the translations referred to in the Magistrate's letter.

I have the honour to be

Sir,

Your most obedient servant,

17/4

Under-Secretary to Government.

R. No. 588

28/4/16

15

12

	Gobt. of. { 191 } Bihar and Orissa.	Department	
Enclosures	FROM H. J. McIntosh, Esqr., I.C.S., Commissioner of the Bhagalpur Division.	Branch	511/25/16
Plans	SUBJECT :	File No.	
Spare copies		Number in File	
		Date of receipt	
		Diary Number	

No. 2018 J.

Chief

TO THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA,

Political DEPARTMENT.

Dated Bhagalpur, the 25th April 1916.

बिहार सरकार

DEPARTMENT.

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

Sir,

With reference to your letter No. 636 C., dated the 17th April 1916, I have the honour to submit herewith the translations of the objectionable passages occurring in the books named Jivan Jogya and Swavlamban in Hindi referred to in the Bhagalpur Magistrate's letter No. 1429 J., dated the 1st April 1916.

I have the honour to be,

Sir,

Your most obedient servant,

H. J. McIntosh

Commissioner.
25-4.

Y.H. 25-4.

25-4-16.

16
11
No.41. X

From

Babu Somnath Jharkhandi, B.A.
Hindi and Urdu Translator to the Govt. of
Bihar and Orissa.

To

The District Magistrate of Bhagalpur.

22

Gulzarbagh Patna, the 11th. February, 1916.

Sir,

In reference to your letter No.433 J/51-2, dated the 28th. ultimo, I have the honour to forward herewith the general purport of the two pamphlets ~~fixan~~ (Jiwan Yagnya and Swavalaban) with a careful translation of the passages marked in them and to say that it is difficult for me to say if they come under section 4 of the Indian Press Act. The tone of passages here and there in the book is certainly not what it should be in these troublous times but I doubt if they fall within the scope of the above section. A reference to the local Government Pleader or the Legal Remembrancer of the Province may therefore be made to clear the point.

The books are also returned herewith.

I have etc.

sd/-

Somnath Jharkhandi.
Hindi and Urdu Translator.
to Government.

40
11/4/16

True Copy

Jaripati Prasad
Head Assl Magistratey 1.4.16.
Bhagalpur

17

10

J I W A N Y A G N Y A.

The Yagnya (Sacrifice) of Life.

24

The author is tracing the evolution of the human society has devided it into four stages. It commenced with the time when people had no organised system of relationship and when men lived the life of brutes. This was followed by the family system which may be called the first sacrifice by which men had to put a certain amount of check on their own free-dom and comfort for the sake of others. This sacrifice ^areached its climax when people began to take pride in sacrific^{ing} their lives for the sake of their parents or other family members and this led to the formation of towns and villages as ^ameans of self protection against attacks by more aggressive members of the society and lay the foundation of national life. The last stage in this revolution will be reached when people will begin to look upon the whole world as their kin.

बिहार सरकार
प्रतिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

Here the author says :-

"Blessed are the souls that have been gladly sacrificing and are still ready to sacrifice their lives in the burning fire of patriotism as offerings to their departed predecessors as their idials and object of veneration in the name of their race and country. This is the greatest sacrifice for the human race and ~~this~~ this is the offering for this sacrifice. Brethren ! there is the supreme necessity of accomplishing such a great sacrifice in India to-day. Our first duty today is to hold such a sacrifice. This sacrifice is to help and protect those of our country men who are poor and without means.

"Readers! ^{The} time has come when every son of India should be ready (lit. gird up his loins) by his mind, word and deeds to accomplish this great sacrifice of the Country's progress. Beware that if we shrink from the accomplishing this sacrifice now, other races will combine and make an offering of ourselves in the greater sacrifice of the whole

7

9 18
whole world. This does not mean that I am not an advocate of universal service. Undoubtedly to serve the whole world is the final goal of the human race. But every thing becomes its own place. As a family requires individuals and a nation families, so the progress of the world needs the existence of independent nations. I fully believe that the Indians (who are) the most ancient nation and believers in the Vedas ^{have to} to take the largest share in the progress of the world. Spiritual knowledge of India alone is necessary for the salvation of the selfish people of Europe and America. But for all these it is very necessary for India to become great and independent in thought. My fervent prayer to my country men (therefore) is that they should learn to live for the country. And for this they will neither have to go to America nor Germany and Japan. They will have neither to acquire (University) degrees as a burden on the head nor to knock at the doors of the high officials. But seeing with their mind's eye the picture of mother peace and having steeped themselves in the colour of the country and race and ~~has~~ besmearing their whole body with the ashes of this holy land of India let them learn how to perform the great sacrifice of a man's life and to make true offering. One can not help stating here that unfortunately some of our young men have got peculiar notions about Bali (sacrifice). Although such notions are confined to a few youths and we hope they are not held by any body in many other parts of the country, still it is very necessary to save the young men from such a disease. Beware, young men, it is difficult, no doubt, to die for one's country but it is more difficult & praiseworthy to live for it. In countries like Russia and others the people there holding their life as mere chaff and salvation and spiritual knowledge as the only self-interest keep themselves aloof from these troublesome things."

The author here quotes the case of one Mary Sapiridonoka of Russia who was prosecuted and tried by Court Martial there for some political crime. She delivered a forcible speech in the Court in course of which she said that she was doomed to suffer capital punishment but she firmly believed that a

19 8

a time would come when justice and virtue would become victorious and when the reign of liberty, equality and unity would be establishment there. Is it not a matter of great joy, she said, if one life be sacrificed for such a (bright) future ?

26 Her advocate, Mr. M. Testenko, then addressed the jury in which he appealed to their good sense and said, "The offence for which my client has been prosecuted when viewed in the light of spiritualism would appear that it is not the act of one individual but represents the act of the distressed subjects of Russia and then there would be many 'Maries' and Governors before your eyes and you will forget that terrible policy of repression which is now trampling down our country-men under foot".

"Mary herself was present in those villages where the people were passing every moment of their life in a critical state on account of the cruel deeds of the Governor. Was not then the Governor the very incarnation of oppression? No body is ignorant of the name of the Governor. The name of this sinner is to be found in every newspaper in connection with one oppression or another. The peasants had no asylum during the rule of this tyrant. At such a terrible time the soft heart of a pious lady was rent asunder and the broken hearted lady resolved to perpetrate this deed. That great soul just told you "My heart was then burning (with indignation) and I considered it shameful to remain alive under the circumstances. When I saw the peasants being crushed in the grinding stone of a repressive police and the young girls committing suicide to escape outrages I said to myself that I would take revenge upon Lenzenoski even if I may have to sacrifice my life for it". "I repeat", continued the advocate, "that it is not an isolated act of any particular individual but it is the act of the whole of the Russian people. Of those who brought about the French Revolution the name of Charlette Corday is well known. The liberator of the people's miseries is the object of praise of the whole humanity today. Mind, Mary is also an offering in the accomplishment of the sacrifice of the Russian Revolution. Do not forget that, when blood flows on both sides. I submit that it quite unjust

A

1 20
unjust to hang a single individual instead of the whole nation.
The Russian Government has had many triumphs over its enemies.
Is one more triumph still necessary? And that too over a lady
whose limbs have already become feeble and broken? Gentlemen,
arise and make up ~~xx~~ your minds to save Mary, do not let slip
from your hands the honour of saving this frail girl. It is
your incumbent duty to save her. If you condemn Mary to (of-
fer as a victim at the altar of)death, ~~remember~~ remember even
the very Earth will tremble. My lords, you will have to beat
drum of peace some day. Why don't you yourselves have the
good fortune of sounding it? Awake, arise and after enter-
ing the Council Chamber come out not with a sword in your hands
but waving the flag of peace!" Readers, they did not possess
their years to listen to, their intellect to comprehend or
their souls to accept the good counsel. The fact is Mary's
case had already been decided in the palace of the Czar. The
Judges after a deliberation lasting for five minutes came to
a unanimous decision to separate her soul from its ephemeral
shell.

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अमिल खासियत निदेशालय)
I have already shewn that in Russia and other
countries it becomes necessary to suffer death but here (in
India) the mother wants only those sons who in the words of
Ram (Swami Ramtirth) are ready to die the death of life i.e.
who taking a vow of poverty may pass their lives in the ser-
vice of their country unselfishly and suffering hardships.

Young men! remember that your lives are not yours.
They belong to the mother. You have no right to ~~these~~ lose
this life for nothing. Be ever ready to serve the mother
avoiding the sin of murder. This is what I mean by the of-
fering of life.

True Copy.

Jacini Mondal
Head Assistant

Bhagalpur Collector Magistrate
1-4-16

Compd & L. S. S.
1/4/16

28 21 6
S e l f - H e l p .

In this pamphlet the author ^{after} defining self-help goes on ~~the~~ to say that having secured peace and ^{health} ~~health~~ under the British rule we have relinquished self-help altogether and have become so worthless that we have to look to others even for a needle. Blessed be Lord Curzon who infused a new life in us under the influence of which we began to examine the state of our body. (we found) some of the members altogether lifeless; others had all but lost their life and therefore it was altogether impossible to restore activity to them. Some were in a dormant state which required stimulus to recover their former vigour. In some of them the ~~circumstance~~ circulation of blood was very rapid, etc. etc.

The altogether lifeless members of this body are the title holder Rajas, Raises, Usurers and others whom even the white community regard as worse than dogs. The slavish propensity of this class of men for long overflows at the very sight of ~~that~~-wearing white men. This is generally seen at Railway Stations where holders of tickets dare not enter the carriage for which they have paid their fares if there be any Europeans sitting in it. In this class are included also those who are in favour of marrying their children while yet young.

The members who have a feeble in them are the Pandits or our religious guides. They are not wanting in intelligence but are fatalists and hold that this is Kaliyuga and we must go on sinking.

The members who are in a swoon are the flatterers who for their little self interest are sending this country down into the infernal regions and their followers are the detectives the meanest of men and highly sinful. It is not known to which hell these enemies of the country (and) worms of the hell are doomed. May God restore them their consciousness and awaken them so that they may repent for their abominable deeds. If the detectives come to their senses the flatters would become crippled and useless.

The members who are, as it were, frost-bitten are

are the Native Chiefs who in spite of possessing powers and privileges look to their Residents for every thing.

The last are these in whom the blood is circulating very rapidly. They are educated young men in whom the determination born of independence and the principles of political economy are present in every nerve. (these men) while dreaming of Swaraj are sometimes led away by their enthusiasm. It is useless to expect soundness of judgment (in them) when they are still young and have yet to see the fortieth year of their age. A little less over-zeal would have made ^{this class more useful. Still this is the class which} will be able to do good to us; hence it is the chief duty of the patriots to protect and supervise them.

29

The writer is very optimistic about the future and says, "It looks clear to me that since the Russo-Japanese War and the Partition of Bengal by the renowned Lord Curzon a new activity is to be found in the whole of India. For the last nine years we have been watching the National life of the Country and its various vicissitudes but in the dark clouds of misfortune we have continually seen flashes of hope of improvement. मंत्रिमंडल सचिवालय विभाग

Our leaders, societies and conferences have done much good to the Hindu Community, but it must be said that in all this there still underlies the spirit of slavery and meanness. A slave is he who begins work at once but gives it up soon for fear of having to face the least ~~least~~ trouble and also he who ^{is} ever anxious to be leader whether he is fit for it or not.

The indifference of the Hindus, their laziness and internal feebleness are such as befit a stone.

It is often heard these days that the victorious banners of Brahmoism and Vedantism have been unfurled in America and Germany, a Lord has been converted to Muhammadanism and Sir Andrews has become an admirer of Gurukul etc. So the day of India's prosperity has approached. But I plainly say that these things have no connection with India or its material prosperity. They are (simply) meant to amuse us; but it is idle to expect any progress of India from these.

June 10th
Training Manual
New Delhi 1.4.16
Magistrate, Meerut

23

23

The Statesman 28-4/16

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**PATNA HIGH COURT
PRESS ACT CASE**

(FROM OUR CORRESPONDENT.)
BANKIPORE, APRIL 26.

At the Patna High Court to-day, before the Chief Justice and Mr. Justice Jwala Proshad, Mr. S. Sinha moved an application under the Press Act involving an interesting point. The application was made on behalf of Ganesh Lal, owner of the Behar Angel Press, of Bhagalpore. It appeared from the petition that the applicant was warned on February 2nd that two books *Swara Lamburan* and *Jivan Jagya*, which would come under Section 4 of the Press Act, had been printed at his Press. On March 16th, the District Magistrate served him with a notice ordering him to deposit Rs. 2,000 as security under Section 3 of the Act. He was informed that in the event of failure to comply with this order he would be prosecuted under Section 23 of the Act.

मंति (बिहार) It was contended on behalf of the applicant that at the time that the order was made there was no question of declaration as contemplated by Section 3 of the act and the proceedings had not been instituted by the Local Government.

Their Lordships granted a rule and stayed further proceedings.

already
Bike I have asked -
if we have heard anything
about this ~~case~~ case.
Please post up -
Mull
29/4/16
S
18/1/5.

Rel
29/4

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24

Statesman, 28/4/16.

APRIL 28, 1916.

PATNA HIGH COURT**PRESS ACT CASE**

(FROM OUR CORRESPONDENT.)

BANKIPORE, APRIL 26.

At the Patna High Court to-day, before the Chief Justice and Mr. Justice Jwala Prashad, Mr. S. Sinha moved an application under the Press Act involving an interesting point. The application was made on behalf of Ganesh Lal, owner of the Behar Angel Press, of Bhagalpore. It appeared from the petition that the applicant was warned on February 2nd that two books *Swara Lamburan* and *Jivan Jagya*, which would come under Section 4 of the Press Act, had been printed at his Press. On March 16th, the District Magistrate served him with a notice ordering him to deposit Rs. 2,000 as security under Section 3 of the Act. He was informed that in the event of failure to comply with this order he would be prosecuted under Section 23 of the Act.

It was contended on behalf of the applicant that at the time that the order was made there was no question of declaration as contemplated by Section 3 of the act and the proceedings had not been instituted by the Local Government.

Their Lordships granted a rule and stayed further proceedings.

मंत्रिमंडल
(बिहार राज्य शासन)

25
No. 834- C.

GOVERNMENT OF BIHAR AND ORISSA

POLITICAL DEPARTMENT

34
SPECIAL SECTION.

From

The Hon'ble Mr. H. McPherson, I. C. S.

Chief Secretary to the Government of
Bihar and Orissa.

To

The Commissioner of the
Bhagalpur Division.

बिहार सरकार

मंत्रिमंडल सचिवालय
(बिहार राज्य अभिलेखागार निदेशालय)
Ranchi the 3rd May 1916.

Sir,

I am directed to refer to the correspondence resting with your letter No. 2018-S. dated the 25th April 1916, regarding the Hindi books 'Jivan Jogya' and 'Swavlamban' and to say that it appears from a newspaper cutting which has come to the notice of Government that the Magistrate of Bhagalpur has passed an order under section 3 of the Indian Press Act demanding security from the Behar Angel Press, an order which is now the subject of a reference to the High Court .

I am to request that a full report may be submitted of the circumstances under which the District Magistrate passed the order in question without making a reference to the Local Government under paragraph 4

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of Mr. Lemesurier's circular No. 4322-42-P, dated the 21st October 1913, or a report under paragraph 6 of the same circular. It is observed that no mention of the order in question was made in the District Magistrate's letter No. 1429-J, of the 1st April 1916, forming an enclosure to Mr. Egerton's letter No. 1786-J of the 10th April although the order seems to have been passed on the 16th March 1916.

I have the honour to be

Sir

Your most obedient servant



बिहार सरकार  Chief Secretary to Government.

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

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156

PATNA HIGH COURT.

CASE UNDER THE PRESS ACT.

(FROM OUR CORRESPONDENT.)

BANKIPORE, MAY 16.

THE rule obtained by Mr. S. Sinha on behalf of the proprietor of the Behar Angel Press, of Bhagalpore, who was called upon to furnish security by the District Magistrate was called on for hearing to-day.

Mr. P. C. Manuk, Government Advocate, told the Court at the outset that he had received no instructions so far from the district authorities. He did not ask for a postponement, but as this was the first case under the Press Act, he thought it expedient that it should not be heard *ex parte*. He and his deputy, Mr. Sultan Ahmad, were therefore there to render any assistance to the Court in case it became necessary.

After perusing the record, Mr. Justice Roe, in passing the order of the Court, said their lordships were doubtful whether this was a judicial order and if it was so whether the Criminal Bench could dispose of it. Their lordships were empowered by the Chief Justice to take up criminal work and other appeals. The case would therefore be placed before the Chief Justice for orders as to which Bench should hear it.

मंत्रि
(बिहार स
प्राग
नदे शालय)

R. No. 715 28
16. 5. 16.

116

Schedule No. III.—Form No. 3.
Executive Form No. 3 New, 360 Old.

40

	Govt. of { 191 } Bihar & Orissa.	Department	SIP 1615
Enclosures	FROM H.J. McIntosh, Esqr., I.C.S., Commissioner of the Bhagalpur Division.	Branch	
Plans	SUBJECT :	File No.	
Spare copies		Number in File	
		Date of receipts	
		Diary Number	

No. 2392

Chief
To THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA,
Political DEPARTMENT.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)
DEPARTMENT

Dated Bhagalpur

the 15th May 1916.

Sir,

With reference to Government letter No. 834 C., dated the 3rd May 1916, regarding an order passed by the District Magistrate of Bhagalpur under Section 3 of the Indian Press Act demanding security from the Bihar Angel Press, I have the honour to forward herewith a copy of a letter No. 1860 J., dated the 12th May 1916 from the Magistrate of Bhagalpur on the subject for present information. No report was submitted to the Commissioner by the Officiating Magistrate.

have the honour to be,
Sir,
Your most obedient servant,

G. J. P (Exe.) P. O. No. 19.-6,000-30-7-15.

Commissioner.
13-5.

Y H 13-5-16.

29 15(6)
No. 18604J
51-16.

From

42 B. C. S e n, Esqr., I.C.S.,
Magistrate, Bhagalpur,

To.

The Commissioner of the Bhagalpur Division.

Dated Bhagalpur the 12th May 1916.

Sir,

With reference to your Memo No. 2848J., dated the 6th May 1916, regarding an order passed by the District Magistrate under Section 3 of the Indian Press Act demanding security from the Bihar Bihar Angel Press, I have the honour to state that the Officiating District Magistrate Babu Brish Chandra Ghosh, who passed the order does not appear to have been aware of Mr. Lemesurier's Circular No. 4322-42P., dated the 21st October 1913, as he was only temporarily acting as Magistrate at the time and the omission is regretted. The records of the case are at present before the High Court and I am unable to submit a report on the circumstances under which the order was passed until they are received back. The report will follow as soon as possible.

I have etc.,

Sd/- B. C. S e n,
Magistrate. 11.5.16.

J.B.13.5.

Ed. H. M. S.
13-5-16.

30 17
Statesman 8th June 1916

49

THE PRESS ACT
INTERESTING POINT OF LAW
RAISED.

(FROM OUR CORRESPONDENT.)

BANKIPORE, JUNE 5.

At the Patna High Court to-day, Mr. Justice Sharafuddin and Mr. Justice Roe disposed of an application made under the Press Act involving an interesting question regarding the rights of a magistrate to demand security from a press which had been in existence before the passing of the Press Act. The applicant was Ganesh Lal, owner of the Behar Angel Press, Bhagalpore, who was called upon to furnish a security of Rs. 2,000.

Mr. S. Sinha with Babu Rajendra Prasad, appeared for the applicant while Mr. P. C. Manuk, Government Advocate, and Mr. Sultan Ahmad, Deputy Government Advocate, appeared to support the order.

The applicant was once before warned about the publications from his Press. Mr. Sinha contended that Section 3, under which the Magistrate purported to make the order, did not apply to presses that existed before the Act and this Press had been in existence since 1889. The sanction of the Local Government was therefore necessary before security was demanded.

In reply to Mr. Justice Roe, counsel said that there was no appeal against this order but he applied under the Government of India Act asking the Court to interfere in its general power of superintendence.

Mr. Manuk said that he did not wish to raise any question of jurisdiction as he was quite prepared to meet the case on its merits. In this case the applicant had never made a declaration under the Act of 1867 and being called upon to do so after the passing of this Act he made a declaration in June, 1914. He was then exempted from security but as an objectionable matter was being printed he was called upon to furnish security. This the magistrate was entitled to do under Section 3 (1) of the Act.

After some discussion their lordships set aside the present order and directed the magistrate to issue a notice on the applicant to show cause why the previous order exempting him from security should not be cancelled or varied under Section 3 (1) of the Act and why he should not furnish substantial security. Their lordships observed that this was merely a matter of form but it was essential to set it right inasmuch as difficulties might arise if the applicant refused to furnish the security or if he went on publishing objectionable matters after furnishing security.

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10-6/16

The Hindoo Patriot

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Spn

12/6

A POINT of considerable interest to proprietors of printing presses at which newspapers are printed, was disposed of last Monday by Justices Sharfuddin and Roe of the Patna High Court. It appears that the owner of the Behar Angel Press at Bhagulpore had been called upon by the District Magistrate to furnish security for Rupees two thousand. He had been warned once before regarding the objectionable tone of some of the publications issued from his press but the warning having proved ineffectual, security had been demanded from him. On his behalf it was contended that as the press had been in existence before the Press Act was passed, Section 3 of the Act, under which the Magistrate had taken action, was inapplicable to the present case and the sanction of the Local Government was necessary before security could be demanded. In justification of the action of the Magistrate it was pointed out that the proprietor of the press had never made a declaration under the old Act and that it was only after he had been called upon to do so under the Act of 1914 that he made the declaration when he was exempted from furnishing security. Since then he had been printing objectionable matter and hence the demand for security as provided in Section 3 (1) of the Act. Their Lordships

however set aside the order issued by the Magistrate, on the ground of a technical defect and directed the Magistrate to issue a notice upon the proprietor of the press to show cause why the previous order exempting him from security should not be cancelled or varied under Section 3 (1) of the Act and why he should not furnish substantial security. Their Lordships observed that this was merely a matter of form, but it was essential that the order should be set right, as difficulties might arise if the proprietor refused security or went on publishing objectionable matter, after having furnished security. The cancellation of the Magistrate's order does not therefore benefit the proprietor as it lands him in fresh troubles.

(बिहार प्रिंटिंग प्रेस नियंत्रण अधिनियम 1914 के अन्तर्गत प्रिंटिंग प्रेस के मालिकों को सुरक्षा जमाना देना आवश्यक है)

for paper

Let me see if any

he

11/6.

P No 1069
15/7/16

32

	Gobt. of { 191 } Bihar and Orissa.	Department	
Enclosures	FROM The Hon'ble Mr.H.J.McIntosh,I.C.S., Commissioner of the Bhagalpur Division.	Branch	S/100
Plans	SUBJECT : 48	File No.	1517
Spare copies		Number in File	
		Date of receipt	
		Diary Number	

Registered

No. 3411 L

Chief
TO THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA,
Political DEPARTMENT.

Dated Bhagalpur , the 12th July 1916.

बिहार सरकार

DEPARTMENT.

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)
Sir,

p. 16 comes:

In continuation of the correspondence ending with my
letter No.2392 J., dated the 15th May 1916, regarding an order
passed by the District Magistrate of Bhagalpur under Section 3
of the Indian Press Act demanding security from the Bihar Angel
Press, I have the honour to submit for the orders of Government

p. 29 comes:
p. 22 comes:

a copy of a letter No.2457 J., dated the 1st July 1916, from
the Magistrate of Bhagalpur with copies of its enclosures on
the subject. A copy of the Magistrate's letter No.2526 J.,
dated the 7th July 1916, with its enclosures in original being
the Proceedings of June 1914 referred to in the High Courts

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ment is also submitted for reference. It appears from the proceedings that no reasons were specifically recorded by the then Magistrate Mr. Dixon for exempting the Press from depositing security. On a consideration of all the circumstances I am now disposed to accept the Magistrate's recommendation made in para 3 of his letter of the 1st July 1916, that the matter may be dropped with a serious warning to the Proprietor of the Press.

p 28 cones

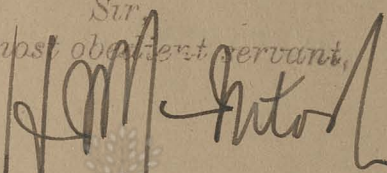
2. It is requested that the original enclosures may be returned when done with.

p 19, 20 & 21
cones

I have the honour to be,

Sir,

Your most obedient servant,



बिहार Commissioner.

मंत्रिमंडल सचिवालय विभाग

(बिहार राज्य अभिलेखागार निदेशालय)

Y.H. 12-7.

Handwritten signature
12-7-16

34
No.2457 J/2-67.

50
From

B.C.Sen, Esqr., I.C.S.,
Magistrate, B h a g a l p u r.

To

The Commissioner of the Bhagalpur Division,
B h a g a l p u r.

Dated Bhagalpur, the 1st July 1916.

Sir,

p 156) corres.
In continuation of this office letter No.1860 J.,
dated the 12th May 1916, explaining why a special report
was not submitted to Government before demanding security
from the Behar Angel Press, I beg to report that the High
(बिहार राज्य अभिलेखागार निदेशालय)
Court has since set aside the order and directed the
District Magistrate to start the case a fresh. A copy of
the order is enclosed for reference (EX. No.1).

2. A report was first called for from the Hindi and
Urdu Translator to the Government of Bihar and Orissa as to
whether the two books in question "Jivan Jagya" and "Swaba-
lamban" contained any objectionable passages so as to bring
their publication within the purview of section 4 of the
Press Act. On receipt of his reply of which a copy is
enclosed, the Local Government Pleader was consulted who
suggested that the best course was to call upon the owner
to give security under section 3 of the New Press Act

p 24 corres.

28 35 51
(I of 1910). A copy of his opinion is also enclosed. Mr. Egerton the then Magistrate ordered that action should be taken accordingly. But soon after he was appointed to act as Commissioner of this Division and made over charge as District Magistrate to Babu S. C. Ghosh, who as Officiating Magistrate took up the case and finally ordered the proprietor of the Press to furnish security. It was also reported to Government in this office letter No. 1429 J., dated the 1st April 1916, that the pamphlets should be confiscated under section 12 of the Act (I of 1910). p 2 comes

3. I now beg to refer the whole case to Government for orders as to whether further action should be taken as directed by the High Court or the matter dropped with a serious warning to the proprietor of the Press. He has seen me in this connection and I am inclined to think that a warning will suffice on this occasion after the trouble he has already been put to. The publication of the objectionable passages in question appears to have been due more to want of judgment than any intention of stirring up trouble. It is an old press which has been in existence since 1889 and no fault appears to have been found with its working before. May 64

I have &c.,
Sd/- B. C. Sen,
Magistrate.
30-6.

52 Order in Criminal Revision No.93 of 1916.

Present:-

The Hon'ble Mr. Justice Sharfuddin.

The Hon'ble Mr. Justice Ho.

Ganesh Lal, Petitioner.

Versus

The Crown

Messrs S. Sinha, Rajendra Prasad and Dhirendra Nath

Dutta for the petitioner.

The Government Advocate for the Crown.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)
In this case we are asked to interfere under section 107
of the Government of India Act of 1915. The facts briefly

are that a press is owned by the petitioner and alleged by the
petitioner to have been working since 1889. From 1889 to
1915 it appears to have worked without any such declaration
as was required by section 4 of Act 25 of 1867 but on a notice
being issued under Act 1 of 1910, he filed the necessary
declaration on the 24th June 1914. At the time of filing that
declaration no security was deposited. The proceedings in
regard to this matter are not before us, and we are therefore
not in a position to say whether or not reasons were then
recorded for exempting the petitioner from depositing the
security. The present proceedings were taken on account of
the

76 39 53

the publication of two pamphlets which in the opinion of the District authorities contained objectionable phrases likely to excite ~~dis-satis-~~
~~faction~~ disaffection. On the 3rd April 1916 the petitioner appeared before the District Magistrate to show cause why he should not be called upon to give a security under section 3 of Act 1 of 1910. The terms of the notice served upon him are as follows:-

" Issue notice to Proprietor of the Bihar Angel Press to deposit Rs.2,000/- as security under section 3 of the Indian Press Act,1910, within 15 days as he allowed such objectionable pamphlets to be printed in his Press as Jivan Jagya and Swabalamban. If he fails to comply with the order he will be prosecuted under section 23 of the Act".

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

It is pointed out to us by the learned counsel for the petitioner that if this is meant to be an order passed under section 3, clause 2, only the Government has power to make such an order. The matter is very much one in form. We have not before us, as I have said, the previous proceedings under section 3 and it would undoubtedly have been better if the learned Magistrate had framed his notice so that it was clear that he was acting under section 3 clause 1 and proposing to cancel or vary the order made under the first part of that clause and in cancelling or varying that order was calling upon the petitioner to show cause why he should not be ordered to make a substantial deposit. In as much as great subsequent difficulty may arise in the matter of prosecutions under section 23 or proceedings in connection with the forfeit of the deposit we think it best to set aside the order

54 38 25
the order made on the 17th April 1916 and to direct that the Magistrate start afresh with a simple order upon the petitioner to show cause why the order exempting him from security made at the time of the filing of his declaration in June 1914 should not be cancelled and that order varied in such manner as may seem good to the District Magistrate.

The 5th June 1916.

Sd/.S.Sharfuddin.

Sd/. F. Roe .

R.P. 12.7

बिहार सरकार
मंत्रालय विभाग
12-7-16
(बिहार राज्य अभिलेखागार निदेशालय)

39
24
56
No.41 .

From

Babu Somanath Jharkhandi , B.A.
Hindi and Urdu Translator to the Government of
Bihar and Orissa.

To

The District Magistrate of Bhagalpur.

Gulzarbagh(Patna) the 11th February 1916.

Sir,

in reference to your letter No.433 J/51-2.,dated the
28th ultimo, I have the honour to forward herewith the general
purport of the two pamphlets (Jivan Yagnya and Swavalamban)
with a careful translation of the passages marked in them and
to say that it is difficult for me to say if they come under
Section 4 of the Indian Press Act. The tone of passages ~~here~~
here and there in the book is certainly not what it should be
in these troublous times but I doubt if they fall within the
scope of the above Section. A reference to the local Govern-
ment Pleader or the Legal Remembrancer of the Province may ~~it~~
therefore be made to clear the point.

The books are also returned herewith.

I have etc.,

Sd/.Somanath Jharkhandi.

Hindi & Urdu Translator to Govt .

R. 12.7.16.

23
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To

58

Sadar Subdivisional Officer,

I have considered the language of the two pamphlets in my humble opinion one of them called " Jivan Jagya" is not so objectionable as the other pamphlet "Swabalamban" or Self-help.

I do not think it desirable to prosecute the author under the Indian Penal Code. It will create unnecessary and undesirable sensation and give undue publicity to these insignificant pamphlets.

The best course in my opinion is to call on the owner of the press to give security under section 3 of the new Press Act.
बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

Under Section 12 of the Press Act the pamphlets can be forfeited if they come under section 4(1) of the Act. The language of section 4 is extremely comprehensive. The pamphlet called "Swablamaban" does in my opinion come under Section 4(1). I have some doubts about the other pamphlet "Jivan Jagya". This book as I read it is an appeal to Indians to stand boldly against repressive policy and to sacrifice life if necessary. There is hardly anything overt in this ~~pamphlet~~ pamphlet which would bring it under section 4(1), but indirectly it may have the effect of misleading young men;

The

61 59
The Local Government may be requested to declare the pamphlet
"Swabalamban" ~~forfeit~~ forfeited after complying with the formalities
required by the Press Act.

Sd/. Surya Prasad.
Government Pleader.
11.3.16

R.P. 12.7

Sd/. Surya Prasad
11.3.16

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

42
No.2526 J.

60
From

B. C. Sen, Esqr., I.C.S.,
Magistrate, Bhagalpur.

To

The Commissioner of the Bhagalpur Division.

Dated Bhagalpur, the 7th July 1916.

Sir,

With reference to your letter No.3251 J., dated the 4th July 1916, regarding the Bihar Angel Press of this District, I have the honour to forward herewith the proceedings of June 1914 referred to. It appears that no reasons were specifically recorded by Mr. Dixon for exempting the Press from depositing any security, but from the petition on which the order was passed it will be clear that the exemption was granted in consideration of the facts that it was an old Press in existence since 1895 and that it had never printed or published any objectionable matter. As the order was recorded by Mr. Dixon on the petition itself he probably did not think it necessary to repeat in it the grounds set forth in the petition, and upon which his order was based.

I have &c.,
Sd/- B. C. Sen,
Magistrate.
6-7.

Y.H. 12-7.

[Signature]
12-7-16.

43
No. 1577 C.

Government of Bihar and Orissa.

Political Department,

Special Section.

62
From

The Hon'ble Mr. H. Coupland I.C.S.,

Offg: Chief Secretary to the Government of
Bihar and Orissa.

To

The Commissioner of the Bhagalpur Division.

B h a g a l p u r .

Ranchi, the 25th July 1916.

Sir,

With reference to the correspondence ending with your letter No. 3411J, dated the 12th instant, regarding the demanding of security under section 3 of the Indian Press Act 1910, from the proprietor of the Bihar Angel Press, Bhagalpur, I am directed to inform you that the Lieutenant Governor in Council accepts your recommendation that the matter should be dropped but, that a serious warning should be given to the proprietor of the Press.

2. The original papers are returned as requested by you.

I have the honour to be

Sir,

Your most obedient servant,

1577
Offg: Chief Secretary to the
Government of Bihar and Orissa.