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RELEASE OF POLITICAL PRISONERS IN BIHAR DURING THE PROVINCIAL AUTONOMY-1937-1939

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Introduction

In follow up to earlier two telegrams No. 1036-G.S. and No. 1037-G.S. about political prisoners Hallett in his third telegram dated August, 1937 sent to Linlithgow informed that the Premier wanted to send a letter to our Bihar prisoners saying that they would be brought back and asking them to call off the hunger-strike. During the discussion in the Council Halett referred to John Anderson's note which stated that if any concession or contemplated concession was made known while hunger-strike continued, not only will it make situation here more difficult, but aroused false hopes and contribute to prolongation of strike. Ministers still looked at questions more from the point of view of the individual than of the State. Hallett believed that transfer even after the strike had to be troublesome.

Rererence to Bengal and United Provinces

Zetland had written to Linlithgow in response to his letter of April the 9th 1937 which referred to a note by Tegart on the problem of detenues in Bengal. Tegart had reported that to Anderson. He explained that psychological patients required individual treatment and the number of detenues in Bengal was far too large for this to be practicable. He talked about a letter from Barindra Kumar Ghosh in which he was engaged upon among the detenues. That Zetland originally knew him as a fiery prophet of the nationalism which swept over Bengal at the beginning of the 20th century as a powerful advocate of violence, he was now looked upon as a Government man and consequently had little influence upon whose hearts he ruled earlier. Zetland in another letter to Linlithgow dated June 6th, 1937 discussed about the effect that the Prime Minister and Home Minister in Bengal were considering in consultation with their advisers the

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possibility of releasing the detainees in Bengal wholesale. This in his view would be attended with a real risk of the resuscitation of the secret societies. The Bengal Governor Anderson also continued to correspond with Linlithgow updating the issue of detenus policy in Bengal through his letters, as per one dated November 17th, 1937. The proposal was made that as an earnest of their willingness to go further if assured of Gandhi's help then Government should consider the release of some detenus at present in village and home domicile and therefore already in stages of probation. The question of the more dangerous detenus, about 500 were still in camps, in that case it was to be reviewed after a lapse of four months. With regard to Andaman prisoners, it was clear that the release could not be considered at all except in selected cases of those who owing to illness or the short period of their sentences. At a later stage the possibility of systematically reviewing the sentences to scale down sentences on such a review in exceptional times were of abnormal severity to be considered.

Gandhi's Involvement

These proposals were to be put to Gandhi not as part of a bargain but at Government's earnest of its own intentions, and it was anticipated that Gandhi would realise that he could get nothing more. At conference with Ministers on the 16th November 1937, Gandhi attempted to take advantage of different expressions used with the idea of getting more. He took the attitude that he was not particularly interested in the innocuous case rather he insisted for assurances for the release of all political detentions. His implication that he himself would go on hunger strike if violence were again resorted to was no guarantee for Government which could not in fact encourage or take advantage of an offer of self-immolation. In the course of discussions which took place informally between certain Ministers, Birla and Sir George Campbell, the leader of the European Group and Arthur Moore were also present. Birla had arranged for Sir George Campbell and Arthur Moore to see Gandhi. In the course of the conversation some Ministers got the impression that Sir George Campbell and the Europeans would not stand before Gandhi's demand. It was very clear to the Bengal minister Sir Nazimuddin that any agreement to the issue was merely meant to be the starting point for further demands. Sir George Campbell was asked not to discuss details with Gandhi but to take up the attitude that the European Group were determined to keep the Ministry up to its responsibility and to avoid risks. Sir George Campbell stated that he had never agreed to the release of this extra 500. The questions of release of political prisoners and the Governor presiding at Cabinet meetings, also formed the subject of detailed correspondence between Haig, the Governor of United Province and the Governor General, Linlithgow dated July 21st, 1937. With regard to political prisoners

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and allied subjects, Haig found that the outlook of Pant had been unreasonable. As he tried to push forward proposals which represented more than the minimum which was bound by the general policy of Congress to try and secure at the outset.

British Response on the Proposal

Governor General Linlithgo shared his views with Bihar Governor Hallett including about his investigation on the Congress Ministry program of releasing Bihar detenus which was reported 11th November 1937. The more responsible Ministers of the Congress provinces realized the danger which may face them from their own left wing, particularly regarding the Kisan movement. Anderson's note of his conversation with Gandhi regarding release of political prisoners emphasized that Gandhi takes responsibility in respect only of the individual prisoners who have given assurance to him. The British remained firm as regards insistence on dealing with prisoners individually and on the merits of each case. Anderson had concurrence for sending copies of his record to all other Governors so that there may be no misunderstanding on their part as to the extent to which these conversations in any way committed the Government. The removal of restrictions on detenus in Bengal was not supposed to had embarrassing reactions outside since no other Province was faced with a parallel situation. A.J. Mainwaring wrote a detailed note to J.G. Laithwaite, Private Secretary to the Viceroy on a discussion about the release of political prisoners at the Bihar Council of Ministers. (Extracted from the Proceedings of a Meeting of the Council of Ministers held on the 6th December 1937). Earlier the Governor had drawn attention to the serious nature of the crimes committed by many of the individual political convicts still in jail. He drew particular attention to the case of Chandrika Singh whose sentence of seven years' imprisonment was enhanced by the High Court to transportation for life. If these men, who in many cases had indulged in brutal murders, were released en bloc, it might easily create the impression that anyone could manufacture and throw a bomb with impunity, since the Ministry would be certain to let him off. In such cases of overt violence the political nature of the crime was in Linlithgow's opinion no exculpation. Admittedly some of the prisoners had been young men, almost schoolboys, who had probably been misled, but in one of these cases they had been engaged in the preparation of a bomb with the deliberate intention of killing a Judge. The Governor asked the Ministry to face the facts of human nature, to look around the world at the present moment, and the conditions in various parts of Europe and the Far East, and then to consider whether they honestly felt that a mere abjuration of non-violence on the part of prisoners convicted of violent crime really carried much weight.

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Hallett's Final Decision on the issue – Detailed Examination of Each Individual Case

The Bihar Governor also sent a note the Governor-General in Council regarding the recommendations made by the Prime Minister in his note of 5th November 1937 that all the remaining political prisoners should be released was contrary to the policy which had been hitherto followed. Therefore they decided to examine all individual cases, considered the crime for which the accused was convicted, his age and any other extenuating circumstances and the period of his sentence which he had served. They had also asked for individual statements that the prisoners no longer approve of terrorism and these have been obtained from them by the Parliamentary Secretary. Sanction to the release of a certain number of prisoners were accorded because it seemed that their release would not be dangerous either because they had taken a minor part in a serious conspiracy or were youthful at the time of conviction or because the conspiracy for which they had been convicted had been rather an amateurish affair and had not resulted in any serious overt acts and because the gang of which they were members was not connected with any terrorist organisation from Bengal. In view of the demonstrations which unfortunately took place in the United Provinces after the release of some Kakori prisoners, arrangements were made in all cases for prisoners to be released in their home districts secretly so as to avoid any demonstrations.

Thus only few prisoners remained inside prison. The wholesale release of such prisoners might have caused the situation to deteriorate. Briefly the outstanding cases fell into three categories, (a) leaders of conspiracies which committed serious crimes such as dacoity etc. (Jogendra Shukul) (b) persons who took a serious part in conspiracies which carried out overt acts of crime, e.g., the remaining accused in the Patna Conspiracy Case (Kanhai Lal Missir) (c) persons who had carried on the manufacture of bombs in recent years or whose convictions were of very recent date and who had therefore served only a very short part of the sentences. Most of (a) and (b) were the prisoners who were in the Andaman Jail. That it was taken into account the position in other Provinces, in particular in Bengal and the United Provinces, to see how that whether any action taken by this Government may not have reaction elsewhere. It was found that the political prisoners even those guilty of violence had, with one or two minor exceptions, e.g. Malaj Krishna Brahmachari accused in one of the Jharia cases who had collected explosives from Benagal, had very little connection with Bengal. The listed Bihar prisoners were in association with Bengal prisoners in the Andaman, and it was quite possible that they had imbibed some of the Bengal ideas and might establish connection with them again. It was also analysed that the "repudiation" of terrorism by prisoners

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was conveyed to Gandhi. The Government of Bengal had so far not showed any signs of releasing prisoners.

The position in regard to the United Provinces was different. In the first place that some of the prisoners such as Jogendra Shukul and the prisoners in the Patna case were closely connected with the revolutionary movement in the United Provinces and with organisations such as the Hindustan Socialist Republican Army of which the notorious Chandra Shekhar Azad was Commander-in-Chief. Information was received showed that the released prisoners from the United Provinces and others were still indulging in objectionable activities. There were no marked signs of objectionable activities by those already released, but they were uniting themselves and taking up with left wing organisations, such as the Congress Socialist Party, and the left wing Kisan Sabha. It was reported that the ex-convicts in the Gaya case were making a nuisance of themselves in Gaya town and did not listen to the local leaders. Another point which the Bihar Governor made particularly for Bengal, was about the growing appreciation by the members of the various revolutionary organisations of the futility of acts of individual terrorism. But this was not followed by a desire to adopt legal and constitutional methods. They were rather substituting the method of the individual acts of terrorism for mass organisation and mass revolution adopted by the Communist. There was reason to believe by the British administration that those who had not yet given up their belief in violent revolution were plotting on these lines and they wished to get rid of Congress right wing, with their ultimate object of the Communist or mass revolution.

The Bihar Governor appreciated the avowed object of Gandhi to improve conditions throughout Bengal and that the Congress or at least its right wing were fully aware of the danger of left wing Socialists or Communists capturing labour or peasants in any part of India. It was his desire to help the Congress in carrying out this policy.

There were some points which arose in regard to the other prisoners still in jail, who had only been recently convicted and who was not sent to the Andamans. These cases were marked as A). Lekh Narayan Lall, B). Dayanand Jha and others (Darbhanga case), C). Anjani Kumar Singh, D), Ragho Prasad and others (Khajekalan case), E). Sheo Prasad and others (Mitan Ghat case). All these cases were cases in which young men or boys attempted to make bombs, a fact which showed how easily dangerous bombs could had been manufactured. In each case no damage to any private individual or Government officer was done; the accused were still merely experimenting and not being very expert.

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The Governor objected for the case E. to be regarded as a "political case". Even if it be admitted that persons who manufactured bombs, because they were affected by revolutionary literature, were political prisoners. Because they had made an attempt to murder a Judge, which was not "political". Judges had to carry out their duty, often an unpleasant duty, of trying criminals and imposing severe sentences. It was clearly the duty of any Government to protect their judicial and magisterial officers. Apart from this where, in this Mitran Ghat case the Sessions Judge had taken into account the repentance of the accused and the confession of guilt. So he did not consider it wise to interfere with the considered sentence of a judge. Which may had a prejudicial effect upon judges. In the case C, of a foolish individual who put a bomb in the High Court obviously he was a man of weak intellect, but it was pointed out that just these individuals of weak intellect who may be used by others as their tools. So it was safer to keep him in jail, to make, if necessary, special arrangements for his treatment and custody than to let him loose and thereby show to similar people of weak intellect that to explode a bomb in the Court of the Chief Justice was not an entirely negligible matter.

Political Actions of the Bihar Prisoners

Bihar government had received a telegram from the Government of India that the Bihar interns of Andaman intended to resort to a hunger-strike if their demands were not conceded. Jogendra Shukul, Vishwanath and Keshava Prasad Sinha also sent to Babu Rajendra Prasad a telegram with their intention to repudiate terrorism. The message was "Our message to Mahatmaji clearly express the futility of terrorism as political weapon or creed; it is high time for the Bihar youths who even believed in it to openly come forward and declare that terrorism retards the progress of national emancipation." Governor asked whether by "terrorism" they meant repudiation of all unconstitutional activities. Many detailed letters sent by the Andaman prisoners since their return were received. There was first of all a letter addressed to the Hon'ble Member of the Government of India and is dated 27th September 1937. It was seen as merely an attack on the arrangements made for their repatriation and a description of the inconveniences which they suffered on board the ship. It was deliberate attack on the officials who were assigned with the difficult task of bringing them to Calcutta in a small steamer in the monsoon. They contended that the officials behaved with "sordid intemperance." One letter was forwarded to the Home Member of the Local Government dated 3rd October 1937, which was even more intolerant and showed clearly how these persons convicted of serious offences such as dacoity or attempted murder sought for a public enquiry. It said that if the responsible officials were left free to act and exercise the power to their

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own satisfaction, there was every probability of somebody losing his life, if not that, the nature of the sufferings and miseries that shall have free play, would had endangered the health and life of many who had to come across them. They referred next to the fact that the officers concerned were responsible not only for their life but also for the sense of their prestige. Governor commented that jail authorities were responsible for the life of prisoners, but that a one convicted of a serious criminal offence cannot have any prestige to be protected. The next letter contained an attack on the repressive policy of the Government of India, whereby young men of different shades had been branded as culprits and thus were deprived of their liberty. They did not realise that there was any guilt on their side. Haig pointed out that they did not consider the persons such as who murdered the Station Master of Hajipur and merely presented the claim that all political prisoners should be released. They not only put forward their claim for their own release, on the ground that they have repudiated terrorism, but for the release of each and every so-called political prisoner in all Provinces. Haig found that there was no sign of a change of heart, but rather that these prisoners felt that in the present state of public opinion they can dictate their terms to Government.

The Governor's detailed Examination of the criteria of Political Prisoners

The two most difficult cases with which concerned in Bihar were those of Jogendra Shukul and Chandrika Singh. There was also that of Kedarmuni shukul, in the Maulania Dacoity case. Jogendra Shukul was still of great influence and was a leader among the prisoners in the Andamans. But the Governor observed two facts (a) that the letter addressed to the Home member of Bihar was rather a request for the release of all "political" prisoners, (b) that released prisoners in the United Provinces were engaging in very objectionable activities. He mentioned part (b) because Jogendra Shukul during his previous career was closely connected with United Provinces revolutionaries. Haig pointed out that it was possible of course that Kripalani who was associated with him in his early years may had some influence over him. The Governor observed that Chandrika Singh was clearly of a dangerous character. He was unlike all other Bihar terrorists in that he had nobody to really help or care for him. It appeared that if he got in touch with the released convicts in the United Provinces he would become a nuisance.

The Governor said that it was very easy for a non-official member of the Legislature or member of a local Congress Committee to say that all "political" prisoners should be released, but the Government which was in power must not accept that view, even if it had been part of their election program. They must consider what the result will be. The list of those Andaman prisoners who were considered to be released

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for their being political prisoners included the dangerous names of Jogendra Shukul, Gulali Sonar, Kedarmuni Shukul, Mahanth Ram Raman Das, Chandrika Singh, Ram Prasad Singh, Sakaldip Goala, Rampratap Singh, Malay krishna Brahmachari, Lekhnarayan Das, Dayanand Jha, Shiv Kant Mishra, Brahmdeo Narayan Thakur, Chandra Kant Mishra, Anjani Kumar Singh, Ragho Prasad, Panna Lal, Ram Babu, Sheo Prasad, Satya Narayan Mishra, Rajendra Prasad, Suraj Nath Chaube, Kanhai Mishra, Shyam Kishun Agarwala, Shamdeo Narayan and Mahabir Missir.

Scrutiny of Individual Cases

Jogendra Shukul, son of Ganoo Shukul of Jalalpur, p.s. Lalganj, Muzaffarpur, was born about 1897. He was a Bhumihar by caste and read up to the Matriculation class in the G.B.B. Collegiate School, Muzaffarpur. While a student he came under the influence of J.B. Kripalani (now General Secretary, Indian National Congress) who was a professor of History in the G.B.B. College in 1917-18. Jogendra left for Benares with Kripalani in 1920 and studied for some time in the Kashi Vidyapith (a national institution). From 1920-26 Jogendra Shukul moved about mostly in the United Provinces and became a prominent member of the H.S.R.A., which had become a formidable terrorist organisation in Northern India. As per the statements of several of his trusted lieutenants that Jogendra was a member of the Central Committee of the H.S.R.A., was intimate with Bijoy Sinha, Bhagat Singh, Chandra Sekhar Azad, Kundan Lal, arranged shelter in Bihar of the first three named and smuggled arms from Gwalior and Bhopal through Radhey Shyam. In 1927 he returned to Bihar and selected the Hajipur Gandhi Ashram as his centre. He began vigorously to organise a revolutionary party with the assistance of Satya Narain Singh, an old Anushilan party member and an inmate of the Gandhi Ashram, though ostensibly he carried on Khaddar business and contract work for the local board, of which Biswanath Prasad Singh of Karnauti, later convicted in the Motihari Conspiracy case (Jhajhra and Dheluaha dacoities) was the Vice-Chairman. Owing to his outstanding personality he succeeded in building up a strong organisation in a short time. In February 1928 Phani Ghosh (the murdered approver in the Lahore Conspiracy case) handed over a revolver and some ammunition to Jogendra Shukul for arranging a dacoity. In August 1928 Bhagat Singh (executed in the Lahore Conspiracy case), Chandra Sekhar Azad (who was shot by Mr. Nott Bower in Allahabad Park in 1931), Phani Ghosh and Monohar Banarji met at Bettiah to discuss the plans of an action in the vicinity of Hajipur. In October 1928 Kapildeo Rai, Nanku Singh, Kedarmuni Shukul and Gulali Sonar, all convicted later in the Maulania dacoity, were sent from Bettiah to commit a dacoity near Sonepur under the leadership of Jogendra Shukul. The attempt, however, proved abortive. In November

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1928 the Bazidpur dacoity (p.s. Dalsingsarai, Darbhanga) took place. One inmate was shot dead and cash and ornaments valued at over a quarter of a Lakh were looted. This case remained undetected, but it is now known that Jogendra Shukul with his gang of terrorists committed the crime with the aid of Parmanand Tewari of Shahpur Patori, a relative of the complainant. In December 1928 Jogendra attended a secret meeting of the terrorist groups of United Provinces and Calcutta in the Congress pandal and undertook to raise funds for the party by committing dacoities. It may be mentioned that Phani Ghosh and Kamalnath Tewari (convicted in the Lahore Conspiracy case) of Bettiah also attended the Calcutta session of the Congress. Along with Anant Kurmi, Bacha Singh and other local criminals Jogendra Shukul committed a dacoity in village Bahlolpur, p.s. Lalganj, Muzuffarpur, in January 1929.

In April 1929 Jogendra Shukul with Anant Kurmi and other local criminals committed a burglary in Goraul, p.s. Mahua, Muzuffarpur. This case and the Bahlolpur dacoity at first remained undetected, but the names of the culprits were ascertained from the confession made by Anant Kurmi on 17th September 1929. In May 1929 Jogendra Shukul promised to supply two revolvers to Ram Chandra Prasad, a member of Mahindra Narain Ray's Patna group who contemplated the commission of a dacoity with the help of Pashupati Singh of Monghyr, at present of Chapra. On the 24th May the houses of Phani Ghosh and Monohar Banarji at Bettiah were searched in connection with the Lahore Conspiracy case. As Bijoy Kumar Sinha, the United Provinces terrorist, was being harboured in Bettiah, Jogendra arranged for the absconder's shelter elsewhere. On 7th June 1929 Jogendra Shukul committed the Maulania dacoity in Bettiah p.s. with the Bettiah party. One man was fatally speared and ornaments worth Rs. 1200 were stolen. While making their escape the dacoits fired a revolver. The ostensible reason for this dacoity, as disclosed by the approvers Monohar Banarji and Phanindra Nath Ghosh, was to collect funds for themselves and for the maintenance of the absconders of the Punjab and the United Provinces who were being harboured in Bihar about this time. Before the detection of this case Jogendra Shukul left for Benares on 13th June 1929 and thence proceeded to Manikpur accompanied by Gokul Das from Allahabad. The police later recovered a revolver and some cartridges from a steel box which they carried with them. As soon as he was named in the Maulania dacoity case Jogendra Shukul made himself scarce. During the year he was absconding he spent at least three months under the protection of Ram Binode Singh, his friend and an old Anushilan Party member, at Malkachak Gandhi Kutir, Jogendra during this time went by the name of Sohan Bhai. From information subsequently obtained it was known that Jogendra spent his time training youths at Malkachak. The Course included revolver practice, swimming,

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dagger and spear drill. It was here that plans for the Jhajhra and Dheluaha dacoities were worked out. On 29th May 1930 the Jhajhra dacoity (p.s. Singhia, Darbhanga) was committed. The Dheluaha dacoity (p.s. Madhuban, Champaran) was committed after an interval of one night. In both the cases Jogendra Shukul led the dacoits who were revolutionaries of both the Hajipur and Rambinode's Malkachak group and also ordinary criminals, of whom Ramdeni Singh, a servant of Rambinode Singh, was considered a master criminal. He was later executed in the Hajipur Railway Station dacoity case. On 11th June 1930 Rambinode Singh's Gandhi kutir in Malkachak was raided and Jogendra Shukul who was asleep was arrested after a struggle. After arrest Jogendra Shukul was placed in Chapra jail along with the co-accused Rambinode Singh and Ramdeni Singh. The Provinces and the local parties were eager to rescue Jogendra Shukul and they discussed plans. Indradeo Singh brother of Rambinode Singh, went to Meerut with a letter from Jogendra Shukul which was smuggled out of the jail and brought four revolvers from there. Ramdeni Singh succeeded in escaping from Chapra jail on 24th September 1930, but Jogendra failed, and he was then transferred to Motihari Jail along with Rambinode. After the prosecution of Jogendra Shukul it transpired from the statements of his accomplices that Jogendra took part in several attempted dacoities in Tirhut in addition to those mentioned above, and that along with Jhabar Bhai and other professional criminals of Calcutta he committed at least three robberies, one of which was attended with murder, in Calcutta and its suburbs during the period he was absconding June 1929 to June 1930. Baikuntha Shukul, the murderer of approver Phani Ghosh, was his relation and co-villager and was trained by him. Jogendra was transferred to the Andamans in December 1932 where he participated in the hunger-strike and was ultimately repatriated on 25th September 1937. It was thought that even if he desires to reform his character, he will be given no chance of doing so by his numerous revolutionary and criminals associates. This was the opinion of several members of his old gang as well as the police. Throughout his stay in Jail he had been the leader of the Bihar convicts.

In 1930 Chandrika Singh, gave up his studies and was trained by Jogendra Shukul, the leader of the Bihar Branch of the Hindustani Socialist Republican Army, who was then in concealment at Malkachak. After the arrest of Jogendra Shukul, Rambinode and others, Chandrika took an active part in reorganising the party under the leadership of Ramdeni Singh. He also worked as a Congress volunteer and joined in the agitation to break the Salt Act during the Civil Disobedience movement. About May 1931 Chandrika was in touch with Rambhawan Singh of the Chapra terrorist party (convicted in the Saran Conspiracy case) and knew of the scheme to rob the Phulwari Mathia, which eventually formed the basis of the Chapra

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conspiracy case. He did not participate because his leader (Ramdeni) was unwilling to join that party. The plan to loot the cash bags of Hajipur railway station on 15th June 1931 was decided at Malkachak in the orchard of Bharat Singh, who later turned approver. Chandrika's part in the crime was to support Ramdeni who took the lead and carried away the cash bags from the platform. He remained absconding for 2½ years till 4th December 1933 when he was arrested at Madhubani while trying to escape after making a murderous assault on Sub-Inspector Vedananda Jha, Special Branch Officer, posted at Madhubani. After the arrest of Ramdeni Singh (hanged in the Hajipur station dacoity case) Chandrika while absconding became the custodian of the arms of the party for some time. Source information revealed that he was moving about in the Nepal Jungles bordering Madhubani Sub-division where he was joined by two other absconders, Chandrama and Baikuntha Shukul (the murderers of the Lahore Conspiracy case approver Phanindra Nath Ghosh of Bettiah). Before the Madhubani assault case he was reported to be hiding near Madhubani and was harboured by known revolutionaries specially Suraj Narain Singh of Narpatnagar. The last named instigated Chandrika to commit this crime as he was aware that the special Branch Officer had been posted there mainly to watch him. After the occurrence he attempted to escape, but was chased and arrested. He was sentenced to seven Years. R.I., but the Hon'ble High court enhanced it to transportation for life when he appealed. Kalyani Devi, wife of Chandrika, had been an active Congress worker and was once convicted during the Civil Disobedience movement. She also was under the influence of Rambinode Singh and later went to the Kanya Pathsala, Allahabad, to be educated. She was said to be a woman of rather loose character and is now living in Supaul with a former member of Rambinode's party. It was unlikely that Chandrika would ever try to be anything but what he was-a hardened criminal and a handy tool for his old master when in search of someone to do their dirty work. He was unlike all other Bihar terrorists in that he had nobody to really help or care for him.

Anjani Kumar Singh was convicted for placing a bomb in the High Court at Patna, an event which occurred on 5th October 1936 when a bomb exploded in the Court room of the Chief Justice Mr. James. The accused apparently went two days later to the Collector's house to confess and after his arrest he actually made a confession to a Magistrate. The reason for having exploded a bomb was stated to be as a warning to the authorities as lands of the tenants were being sold in auction, they were subjected to Chaukidari tax and the police did not perform their duties efficiently with the result that thefts were rampant. He was sentenced in the present year on 12th April 1937 to five years R.I. His appeal was summarily dismissed by the High Court without any comment. In February 1932 a dacoity took place at

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the Math of Ram Das Sadhu at Amarpur in Bhagalpur District. It was a perfectly ordinary dacoity. Ram Das the Mahant was killed with a spear and the final result of the case was that, apart from Ram Prasad Singh, two other persons-Mohit Chandra Adhikari and Bachkan Gope- were convicted for taking part in the dacoity. It was again rather difficult to find out why the accused were regarded as political prisoners. Ram Prasad only said that he used to work for Congress when required. Chit Narayan and Suraj Narayan who were acquitted stated that they worked as Congress pickets and had therefore been falsely implicated by the police. Mohit also admitted working for the Congress Party. The learned High Court Judge, Sir T.S. Macpherson, in upholding the sentence observed that the position could not had been too positively affirmed in such serious cases of combined dacoity and murder when the preventive function of punishment must be no less operative than the punitive. Sakaldip Goala and Ram Pratap Singh were convicted under various sections of the Railway Act of the dastardly crime of trying to wreck an Express train near Patna. Sakaldip who had previously been a Railway servant and therefore, as the Judge observed, ought to have realized the serious consequences of derailing a train. He therefore was sentenced to transportation for life on two charges. Ram Pratap was found by the Judge to be a revolutionary and holding this view the Judge considered exemplary punishment was necessary and sentenced him also to transportation for life. These sentences were passed on the 28th August 1932. A third accused Bhagwan Singh was sentenced only to seven years R.I. and he was already been released by Government. Ram Pratap had earned 283 days remission and according to the jail statement had still 14 years to serve. He had signed the petition addressed to Government to which I refer earlier in this note about renunciation of terrorism and release of all "Political" prisoners. Sakaldip had apparently not signed this petition, but presumably had the same amount of sentence outstanding. These persons would be released under that rule in about 1946, or 9 years hence. If they were released earlier it would be desirable to see that they were properly looked after they were released only on probation.

Minor Aged Prisoners influenced by Revolutionary Ideas

Ragho Prasad, Pannal Lal and Ram Babu were convicted in what was known as the Khaje Kalan Ghat case in Patna City. On July 5th, 1936, there was an explosion in the room in which Ragho Prasad used to live. As a result mainly of the statements made by Ragho Prasad other accused were arrested. It appeared they were all students at the same school, and some time before this incident Ram Babu gave Ragho revolutionary literature to read. They appeared to have formed a sort of secret society, which discussed the manufacture of bombs and apparently on June 28th Panna Lal made a bomb which exploded without

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doing any damage. As the accused were young, Ragho and Ram Babu were about 18 and Panna lal 16 or 17, they were sentenced by the Judge Mr. Mahanti on the 10th of May in the current year 1937 to five years R.I. They had thus served a very few months till then. Sheo Prasad, Rajendra Prasad and Satya Narayan Misra were accused in another bomb case and which was very similar to the Khaje Kalan and Darbhanga cases. Students attempting to make a bomb and damaging themselves in the attempt. Sheo Prasad pleaded guilty and one of his eyes was taken out as a result of the explosion. Through taking a lenient view of the offence for this reason, he was sentenced for two one and half years R.I. on 3rd September 1937. Rajendra Prasad also pleaded guilty. He too was only about 18 or 19 and seemed repentant and he had one of his hands amputated. The same sentence was imposed on him. The third accused Satya Narayan Misra fought the case and from the judgement it appeared that Sheo Prasad, who had previously been convicted under the Explosive Substance Act and had only been released in August 1936, met Ragho Prasad and Ram Brichh Singh Brahmachary in jail. These three persons used to visit the Court of Mr. Mahanti when the Khaje Kalan case was going on. The accused decided to throw a bomb at the Judge and took steps to manufacture bombs by purchasing the usual chemicals. On the evening of 18th May the explosion by which the two other accused were seriously injured took place. The Judge's final finding was that Satya Narayan took part in the deliberations which took place to prepare bombs to kill the Judge and agreed to it and also purchased chemicals for the preparation of the bomb, wrote out the formulas for the same, went with the other two persons to Mittanghat for the purpose and that the bomb which was being prepared as a result of all this was malicious in character and capable of causing grave injury to life and property. In sentencing the accused, the Judge took into account the fact that the accused was a mere student and unfortunately fell into evil company. He sentenced him on 30th September 1937 to three and half years R.I. It was always difficult to prove how these preparations to murder a Judge who was doing his duty can be regarded as a "political" offence. Lekh Narayan Lal was convicted of offences under the explosive act. The police had received information that he had bombs or material for bombs in his possession and was intending to go to Patna to make an attempt on the life of the CID sub-Inspector who had previously been stationed at Madhubani. The Judge found that there was no sufficient evidence adduced by the prosecution to prove the existence of a revolutionary party in Madhubani or to hold that the accused was a member of that party. But he added "there cannot be any question that there are persons abroad in this sub-division who are acting in a manner prejudicial to the public safety and peace". This was based mainly on the fact that Government had taken action under the Public safety Act against certain persons. There was also evidence to show that the accused was associated with these suspects. He

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further added that the accused was aged only 15 or 16 years and of impressionable and immature mind and he had been corrupted on account of his recent association with the dangerous characters. He was sentenced as recently as 2nd March 1935 to six years and four years (concurrent) and thus had not done even half his sentence. Also it was pointed out that his signed petition addressed to Government was not available, and it was doubted that he was not sent to the Andamans and may had been in Hazaribagh. But if he was to be released, the local Congress workers who were in Madhubani should look after him carefully. In the case of Dayanand Jha, Shiva Kant Misra, Brahmdeo Narayan Thakur and Chandra Kant Misra it was observed that Brahmdeo Thakur was a Bhumihar Brahmin and the other three are Maithil Brahmins and all were at the time of conviction in March 1936 about 26-28 years of age. They were members of Congress and worked on earthquake relief. For some reason these youths formed the idea of becoming a revolutionary party and got materials for the manufacture of bombs, sulphur, red sulphide of arsenic, potassium chlorate, cycle bells etc. In July 1935 they experimented with making a bomb and one of the conspirators Asharfi was killed, while the others got burns on their bodies. Asharfi, possessed songs extolling Bhagat Singh, etc. In considering the case of individual accused it was observed that Shiva Kant was mainly responsible for the preparation of the bomb the main part played by Dayanande, also called the 'master' and Brahmdeo was of no less importance. As regards Chandra Kant, he played a somewhat minor part in the actual preparation of the bomb. The offences committed by the accused persons were of a very grave nature and in view of the growing tendency of students and young men easily to take themselves to the preaching and practice of revolutionary doctrines and anarchical methods, to the great detriment of the country, it was manifest that deterrent punishment should be inflicted if the evil was to be eradicated. It was a deliberate action taken by persons who had already been imbued with a spirit of defiance of the established system, and who had been fully cognizant of revolutionary practices to commit offences of a most serious nature against the State and the life and property of people under its protection. Therefore sentenced Shiva Kant, Dayanand and Brahmdeo Thakur to transportation for 14 years, and Chandra Kant to five years R.I. This was dated 11th March 1936, so that out of these long sentences only a very small fraction had been served at the time of consideration by the Bihar Government. Surajnath Chaube, Kanhai Lal Missir, Sham Deo Narayan, Shyam Kishun Agarwala and Mahabir Missir were accused in the Patna Conspiracy case of 1932, which was based largely on the very detailed statement of Hazari Lal, one of the conspirators. One of the accused in this case, Rai Mahendra who was a boy had already been released, while the case of Mahabir Missir had already been considered. The Conspiracy apparently started in 1930 when Chandra Shekhar Azad the Commander in Chief of the

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Hindustan Socialist Republican Army, asked Hazari to collect recruits. He collected the accused on various dates; the object of the party was to establish a socialist republic by terrorism, to kill European officers and to collect men, arms, ammunition and funds. The accused were in touch with the Central H.S.R.A. in the United Provinces and finally there was the incident of the arrest of Hazari Lal in Bhiknapahari when he threw a bomb which injured himself and killed one and injured other police officers. Surajnath Chaube, was recruited in January 1931, apparently took part in most of the early activities of the conspirators. He had been convicted in June 1931 of offences under the Arms Act and Explosives Act, under 120 B.I.P.C., of conspiracy to commit an offence punishable with death and also sentenced under 121-A to transportation for life and to sentence of 20 or 19 years under the explosives Act. This was on 18th April 1932. This sentence was altered to a life sentence. He had earned 348 days remission up to September 1937 and was shown as having 12 years 11 months to serve. Kanhai Lal Missir whose courage had been tested by cutting his fingers and burning his hand was found to be an active member of the party, but the Judge did not regard it as proved that he was the actual murderer of Ramlalit. He too got finally a life sentence and had 13 years and 7 months to serve. Shyam Kishun Agarwala was found by the Judge to be an active revolutionary. Like the others he got a life sentence and had therefore more than 13 years to serve. His age was given in the jail record as 24, so he was fairly young when convicted. Sham Deo Narayan appeared from the judgement to have played a less important part in the conspiracy, but on him too the same sentence was imposed. This was certainly a pretty serious conspiracy and the accused were, it is important to note, mixed up with revolutionaries in the United Provinces and Delhi.

Arguments between Hallett and the Congress ministry on this issue

On the other hand the Prime Minister had said that he thought these prisoners should be given a chance because they had changed their creed with the change of the political scene. Referring to the reports from the United Provinces shown to him by the Governor, he said that some of the prisoners had made violent speeches, but most of them merely talked about "direct action" which in his opinion was quite constitutional. The Governor pointed out that the constitutional activity of a political party was through the medium of elections, and that he personally connected "direct action" either with something definitely subversive and violent or else with a strike which ultimately implied the same thing. The Governor asked the Prime Minister whether he really believed that the population of Bihar were genuine advocates of non-violence, on which the Prime Minister said that some parts of the populace had violent ideas, and that

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it had been due to the Congress party themselves that the natural instincts of the populace had been curbed, as happened during the last Civil Disobedience movement. The Governor suggested that it was the firm action of Government at the time which contributed chiefly to that effect. The Prime Minister then took the line that Bengal released of 20 prisoners in this Province without much adverse effect. Linlithgow pointed out that the real question was of release not of political detenus but of prisoners convicted of violent crime. Linlithgow went on to enquire what guarantee could be given that one or other of these prisoners, for instance, Chandrika Singh, would not take again to violent crime, and suggested that such prisoners, if released, should be released on definite conditions. The Ministers were reluctant to accept this view. At this point the Prime Minister said Gandhi's instructions were "that they should not press for the release of a single political prisoner unless they were convinced that they had given up their faith in violence". He went on to say that there should be no justification for public accusation that Government was dealing harshly with political prisoners. He added that if released unconditionally they would not run away.

The Governor pointed out that the present aspect of the Kisan movement which was allied with the left wing of the Congress movement was a bad example of the principle of non-violence. He also pointed out that previous experience had shown that dangerous criminals like Chandrika Singh and Chandrama Singh had in the past found it possible to elude capture by the Police for a period of two or three years. After some further discussion the Ministry agreed that in any case the prisoners should not be released all at once. The Governor again referred to the question of conditional release, He also referred to the unsatisfactory and intemperate language of the so-called recantation of some of the prisoners in the Hazaribagh Jail. The Prime Minister said that this could be discounted by the fact that they had been in jail for a long time, that they were not very literate, and that probably the Police had treated some of them roughly. It was finally agreed that the Governor should examine the matter again with a view to the release of some of the less violent convicts and also the release of certain prisoners who were said to be ill, and that the matter should be discussed at a future Council meeting. The Governor explained that he considered that it was his duty to put before the Ministers the dangers involved in a release of political prisoners. He recognised that they were being subjected to a good deal of pressure, but for his part he could not treat the cases without reference to the effect on neighbouring Provinces of Bengal and U.P. Actual cases must be considered. For example, the man who exploded a bomb in the High Court could hardly be released without putting the Court in a difficult position. Facts must be considered. The world

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was not a place in which the creed of non-violence was generally accepted. Dangerous elements must be kept in check and the law against violent acts vindicated. The Prime Minister remarked that he looked at the matter from a different point of view. His party did not believe in violence. Those young men had said that they had changed their creed. Government should therefore give them a chance to lead a better life. Even the Kakori prisoner's utterances had advocated only direct action, not violence. They could not be expected to give up their belief in direct action, one can only hope that they will give up the belief in violence.

The Governor asked whether they were satisfied that the bulk of the population followed the creed of non-violence. The Prime Minister replied that their own movement had been freer from violence than a similar movement would have been in any other country. If Aurobindo Ghosh could be released after the 1919 reforms, why could not a score of political prisoners be released after the far more liberal measure of reforms in 1937. Bengal was releasing detenus. The Governor pointed out that Bengal were not releasing convicted prisoners. The Governor asked whether the Prime Minister could give a guarantee that if there was a general release, there would be no outrage. The Prime Minister said that he could not vouch for Chandrika Singh, but he was convinced that Jogendra Shukul had changed his views, since he knew him well. The Governor pointed out that the danger was that people would again corrupt these prisoners. At this point the Prime Minister and Anugrah Narayan Sinha quoted what was apparently Gandhi's actual instruction to them "that they should not press for the release of a single political prisoner unless they were convinced that they had given up faith in violence." The Governor asked whether they were prepared to see released prisoners becoming a dangerous support to left wing movements like the Kisan agitation. Anugrah Narayan Sinha thought that Kisan agitation was not a permanent factor. He thought the Government should watch the released prisoners and "give them no concession" if they played false. The Governor then developed the view that they might be released on ticket-of-leave, and pointed out that it had taken three years for the Police to catch some of them. The Ministers rather argued that the men were older and less likely to misbehave. The Minister admitted that they did not want to release all the prisoners at once. The Governor then suggested that they had better go back to the previous system and consider individual cases. The Prime Minister suggested that a few of the principal prisoners might be released quickly. Hallett had objected the release of three persons, out of these two were active during the Tirhut trouble of 1929-32. One of them Ram Binode enjoyed rather the same position in Tirhut that Subhas Bose did in Bengal, and Hallett said that if Subhas can be safely released in Bengal, then less

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risk was involved in releasing Ram Binode in Tirhut. Another person Ram Briksh was mixed up with the present bomb case in Patna. Hallett found that terrorism was not sunk deep into Bihar and had no popular support. The Governor accepted to go through the cases and see how far he could go on with the older method of releasing individuals.

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