

HOME DEPARTMENT, JUNE 1921.

Pro. no. 201.] Extending of the amnesty to Savarkar brothers and the decision not to release them.

letters which they have addressed to their brother Dr. N. D. Savarkar. They are—

“ It is mockery to talk of constitutional agitation where there is no constitution at all—but it is a greater mockery—I may say a crime—to talk of revolution where there is a constitution that allowed the fullest development of a nation. Now that the Government have changed their attitude and angle of vision by giving us a constitution by these Reforms I see that there is clearly no necessity to talk of revolution any more. As far the Reforms themselves, well I am ready to accept them with the same grace in which they are given as the first instalment and try my humble best to work out the fullest development of my country through them.”

Again “ I believe that as soon as the Reforms are effected and if they be soon effected and at least the Viceregal Councils are made to represent the voice of the people, then there would be no hesitation on my part—ininitely humble though it be—to make the beginning of such a constitutional development a success to stand by law and order which is a foundation and basis of society in general and Hindu polity in particular.” This being their attitude and frame of mind at present I submit that their cases fall clearly within the terms of the gracious proclamation of His Majesty the King Emperor issued in December 1919 just after the passing of the Reforms Act (The Government of India Act, 1919). That proclamation says among other things:—“ Let those that through their eagerness for political progress have broken the law in the past respect it in the future.”

10. Many people who had committed political offences were released as a result of His Majesty's Proclamation. In particular a number of Bengali youths connected with the Manecktolla Garden Bomb Factory which was responsible among other things for the murder of two innocent ladies have been pardoned and released; I am stating this not by way of complaint or in a grudging mood but because I know that the wholesome effects of the clemency shown to them all will be still further increased by the release of my husband and his brother and the political atmosphere in the country will be largely cleared of suspicion and mistrust which are unfortunately so much in evidence at present. The insistent public demand for their release both in the press and on the platform during the last five years as evidenced by the resolutions passed by the various public bodies like the Taluka, District and other Conferences and by the fact that a huge petition for their release signed by fifty thousand people was submitted to His Majesty the King-Emperor in 1919 will satisfy Your Lordship's Government that the grant of my request will reconcile a large volume of public opinion throughout the country and particularly in Maharashtra. I submit therefore that on a proper view of the case Your Lordship in Council will be pleased to order the release of the two brothers.

11. Your Lordship has filled the highest judicial office within the British Empire with great distinction and honour. Your Lordship's public utterances both before and after your arrival in India as the representative of the Crown have been marked by a conspicuous and deep and burning anxiety to award justice to all without distinction of caste, colour, and creed. I submit that justice is most just when it is tempered with mercy and the cases of my husband and his brother are eminently fit cases for the exercise of that prerogative of Your Lordship's exalted office. When I beg leave to bring to Your Lordship's notice as a result of nearly twelve years of incarceration in the far-off Andamans their health has greatly deteriorated, leading to considerable loss of weight,

PROCEEDINGS OF THE
HOME DEPARTMENT, JUNE 1921.

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Your Lordship's Government will be pleased to grant the prayer of the wife who prays on behalf of her husband and his brother.

Both Vinayak and Ganesh have definitely declared their intention to live as loyal and law-abiding citizens. In addition their brother Dr. N. D. Savarkar is prepared to give any undertaking on their behalf that Your Lordship's Government might consider reasonable; when to this is added the undertaking which was offered by the Hon'ble Mr. Iyyengar, the mover of the Resolution in the Council of State for their good behaviour, all reasonable apprehensions about their behaviour after release should be removed.

I therefore pray—

That Your Excellency's Government will be pleased to direct the release of my husband Vinayak Savarkar and of his brother Ganesh Savarkar, and for this act of kindness I shall ever pray, etc.

(Sd.) YAMUNABAI VINAYAK SAVARKAR.

Dated this 18th day of April 1921.

Drawn on instructions by

Jamnadas M. Mehta, Esq.,

M.A., LL.B.,

Barrister-at-Law.

Exd. by—E.A.

C239HD

Submitted. In 1911 convicts Hrishikish Kanji Lal and Ganesh Damodar Savarkar put forward a claim through the Superintendent, Port Blair, that they should be termed "political prisoners," and we informed the Superintendent that we approved of his refusal to recognise this claim. In subsequent correspondence with the Superintendent of the Settlement on the subject of the transfer, etc., of men of this class from the Settlement, they are referred to as seditionist prisoners. In our letter no. 2121, dated the 8th October 1919, however, on the subject of the grant of release and remission of sentences to persons in the Andamans convicted by courts in British India and sentenced under Chapter VI of the Indian Penal Code for offences against the State or for kindred offences either under special laws or the provisions of laws which require the sanction of Government to a prosecution, we referred to these persons as 'political prisoners.' Further, in connection with the transfer of this class of men from the Andamans to jails in India in accordance with the recommendation of the Jails Committee, these men are throughout termed 'political prisoners.' They were similarly termed during the discussion of the report in Council. It is, therefore, clear that we cannot inform the Hon'ble Member that there are no political prisoners in the Andamans. We may again address the Chief Commissioner, Andamans, and ask him to furnish the requisite particulars in regard to seditionist prisoners who fall within the category mentioned in the opening sentence of paragraph 4 of our letter no. 1555-C.—Jails, dated the 28th February 1919. As it will not be possible to obtain the material for a reply before the Council Session is closed, we may address the Chief Commissioner by letter and give an *ad interim* reply to the Hon'ble Member. Drafts submitted for approval. Information has been received that this question is down for the meeting of the 26th March.

Poll. B. (Print), December 1912, nos. 11—31.
 Poll. A., May 1920, nos. 146—78.
 Poll. A., November 1920, nos. 310—17.
 Poll. A., February 1915, nos. 162—8.
 Poll. B., May 1913, (Print), nos. 96—110.
 Poll. A., October 1919, nos. 129—139.

Jails A., July 1920, nos. 100—174.

E. P. D.,—24-3-21.

I think we can do better than this. I suggest a reply; draft answer as in the draft below.

C. W. GWYNNE,—24-3-21.

What is the explanation at the difference between our estimate of 46 prisoners and the Chief Commissioner's statement that there are 90?

S. P. O'DONNELL,—24-3-21.

Our papers show that there are 46 persons in the Andamans who were sentenced under Chapter VI (Sedition) of the Indian Penal Code or kindred offences under special laws, while those given by the Chief Commissioner is 90. The discrepancy is apparently due to the fact that the Chief Commissioner has included under the heading "seditionist prisoners" persons convicted of offences other than those falling under Chapter VI. The point need not, however, be pursued further now but cleared up after the answer proposed has been given in the Council of State to-morrow.

Poll. A., November 1920, nos. 310—317 and Appendix to Notes.

J. McD.,—25-3-21.

The answer may be as in the draft below.

S. P. O'DONNELL,—25-3-21.

W. H. V[INCENT],—25-3-21.

No. 224.

COUNCIL OF STATE.

L. D. Register no. 252.

TO BE ANSWERED ON THE 26TH MARCH 1921.

Reply by the Hon'ble Sir William Vincent to the Hon'ble Mr. Bhurgri's question regarding political prisoners in the Andamans.

The Government are not able to give in detail the information asked for by the Hon'ble Member, but are collecting it and will furnish it as soon as it is obtained.

I may, however, state that it has been decided that political prisoners now serving sentences in the Andamans should be transferred to jails in India, and that instructions have been issued for their removal in direct consultation between the local Governments concerned and the Chief Commissioner, Port Blair.

At present no political prisoners are under treatment for malaria and only one is under observation for tuberculosis.

Resubmitted. The draft below to the Chief Commissioner, Andaman and Nicobar Islands may perhaps now issue. We need not point out the discrepancy between his figures and ours at present; but wait till the receipt of the reply.

J. McD.,—29-3-21.

The draft may issue.

C. W. GWYNNE,—7-4-21.

(3)

LETTER TO CHIEF COMMISSIONER, PORT BLAIR, NO. 759, DATED THE 3RD MAY 1921.

The Chief Commissioner, Andaman and Nicobar Islands has not yet replied to our letter no. 759, dated the 3rd May 1921. We may remind by telegram as the information required will enable us to dispose of a question in Council to be asked in September next. Draft telegram submitted.

J. McD.,—27-7-21.

A. LAWRENCE,—28-7-21.

TELEGRAM TO THE CHIEF COMMISSIONER, PORT BLAIR, NO. 305, DATED THE 29TH JULY 1921.

(4)

LETTER FROM THE CHIEF COMMISSIONER, ANDAMANS, NO. 925, DATED THE 15TH AUGUST 1921.

Submitted. Office has noted in the margin of the list attached to letter the cases in which the men were convicted. It will be seen that the total of 70 is made up of 18 Bombay Disturbance men, 19 Punjab Disturbance prisoners, 26 other Punjabis, 5 Burmese and 2 from the North-West Frontier Province. The persons convicted in the Bombay and Punjab Disturbances are not rightly classified as 'political prisoners' and may be excluded from the list to be supplied to the Hon'ble Member. On the linked file it has been noted that there are 30 political prisoners from the Punjab in the Andamans whereas the Chief Commissioner's list shows only 26. This discrepancy is accounted for by the fact that the last four men in the list which the Chief Commissioner, Andamans, sent to the Punjab Government have not been included in the list submitted to us. These four men have been regarded as political prisoners, *vide* our demi-official letter no. 438, dated the 22nd August, and we may, therefore, include them in the list. A revised list has been prepared and may be forwarded to the Hon'ble Member with the draft below.

J. McD.,—29-8-21.

As directed by Deputy Secretary the Bombay (Savarkar Bros.) and Bengal men have been added to the list. Columns 3, 4, 5 and 6 of the Statement have been left blank in the case of these men as our records do not contain the particulars required. The Superintendent should have furnished the details as the question asked in March last was how many prisoners have been serving their sentences in the Andamans; and the men in question have only recently been returned to India.

J. McD.,—1-9-21.

Issue the demi-official.

C. W. GWYNNE,—2-9-21.

Demi-official letter from C. W. Gwynne, Esq., O.B.E., Deputy Secretary to the Government of India, Home Department, to the Hon'ble Mr. G. M. Bhurgri, Dixie, Chota Simla, no. 555, dated Simla, the 2nd September 1921.

With reference to the reply given in the Council of State on the 26th March 1921, to your question no. 252, I am desired to forward a statement of political prisoners in the Andamans containing the particulars asked for.

Done.

J. McD.,—4-9-21.

4

List of political prisoners in the Andamans.

Serial No.	Name.	Date of arrival in Port Blair.	Period passed in the Settlement on 2nd August 1921.	State of health.	Whether suffering from malaria or tuberculosis.	REMARKS	
			<i>Bombay.</i>				
1	Vinayak Damodar Savarkar	30th June 1911 ..	10 years 1 month	Satisfactory	No	} Transferred in the Presidency.	
2	Ganesh Damodar Savarkar	1st June 1910 ..	11 years 2 months	Do.	No		
			<i>Bengal.</i>				
3	Nikunjabehari Pal	} Transferred to in the Presidency.	
4	Gobinda Chamar Kar ..	..	..	..	..
5	Madan Mohan Bhiumik ..	..	..	..	..
6	Trailakyanath Chakrabarti ..	..	..	..	..
7	Amrito Lal .. ..	..	..	..	..
8	Satya Ratan Basu ..	..	..	..	..
9	Shanukul Chatterji ..	..	..	..	..
10	Harendra Kumar Bhattacharya.	..	..	..	..
11	Narendra Mohan Ghosh ..	..	..	..	..
12	Bhupender Krishna Ghosh ..	..	..	..	..
13	Jatindra Mohan Nandi ..	..	..	..	..
14	Phanindra Bhusan Roy ..	..	..	..	..
15	Ashutosh Lahiri .. ..	..	..	..	..
			<i>Punjab.</i>				
16	Udhan Singh	29th Oct. 1915 ..	5 years 9 months 4 days.	Good ..	No.		} M. T. B. ulcer.
17	Wasaw Singh	10th Dec. 1915 ..	5 years 7 months 23 days.	Do. ..	No.		
18	Harnam Singh	Do. ..	Do. ..	Do. ..	No.		
19	Sohan Singh	Do. ..	Do. ..	Do. ..	No.		
20	Sawan Singh	Do. ..	Do. ..	Do. ..	No.		
21	Ram Saran Das	Do. ..	Do. ..	Bad ..	Suspected phthisis.		
22	Pirthi Singh	Do. ..	Do. ..	Good ..	No.		
23	Permanend	Do. ..	Do. ..	Do. ..	No.		
24	Nidhan Singh	Do. ..	Do. ..	Do. ..	No.		
25	Nand Singh	Do. ..	Do. ..	Do. ..	No.		
26	Kasur Singh	Do. ..	Do. ..	Do. ..	No.		
27	Hirda Ram	Do. ..	Do. ..	Do. ..	No.		
28	Khushal Singh	Do. ..	Do. ..	Do. ..	No.		
29	Jagat Ram	Do. ..	Do. ..	Fair ..	No		
30	Gurmukh Singh	20th Jan. 1916 ..	5 years 6 months 13 days.	Good ..	No.	Neurasthenia.	
31	Sher Singh	Do. ..	Do. ..	Do. ..	No.		
32	Rur Singh	Do. ..	Do. ..	Do. ..	No.		
33	Madan Singh	Do. ..	Do. ..	Do. ..	No.		
34	Jawala Singh	Do. ..	Do. ..	Do. ..	No.		
35	Chuhar Singh	13th April 1916 ..	5 years 3 months 10 days.	Do. ..	No.		

List of political prisoners in the Andamans—contd.

Serial No.	Name.	Date of arrival in Port Blair.	Period passed in the Settlement on 2nd August 1921.	State of health.	Whether suffering from malaria or tuberculosis.	REMARKS.
36	Chanan Singh	13th April 1916 ..	5 years 3 months 10 days.	Good ..	No.	
37	Kehar Singh	Do. ..	Do. ..	..	..
38	Bishen Singh	Do. ..	Do. ..	..	..
39	Bishen Singh	Do. ..	Do. ..	..	..
40	Kapoor Singh	6th Oct. 1916 ..	4 years 9 months 27 days.	Fair ..	No.	
41	Hardit Singh	Do. ..	Do. ..	Good ..	No.	
42	Kirpa Ram	Do. ..	Do. ..	Fair ..	No.	
43	Amar Singh	11th Feb. 1918 ..	3 years 5 months 22 days.	Good ..	No.	
44	Ali Ahmed Sadique ..	Do. ..	Do. ..	Fair ..	No.	
45	Mohammed Mujtaba ..	Do. ..	Do. ..	Do. ..	No.	
			<i>Burma.</i>			
46	Nga Po Taik	31st July 1913 ..	8 years 2 days ..	Fair ..	Suffering from ch. malaria.	
47	Nga Ya Nyun	30th Dec. 1890 ..	30 years 7 months 3 days.	Do. ..	No.	
48	Nga Nwe	Do. ..	Do. ..	Good ..	No.	
49	Female Me Shebe (wife of Nga Nwe).	26th Sep. 1899 ..	21 years 10 months 7 days.	Do. ..	No.	
50	Nga Yan Bye	30th Dec. 1890 ..	30 years 7 months 3 days.	Do. ..	No.	
			<i>North-West Frontier Province.</i>			
51	Mohammed Akram Khan ..	9th July 1917 ..	4 years 24 days	Do. ..	No.	
52	Ghulam Sarvar	Do. ..	Do. ..	Do. ..	Ch. malaria.	

Note.—One Burma prisoner was retransferred to the province on the 15th August; 19 of the Punjab prisoners were due to sail from the Settlement for Madras on the 23rd August and the remainder will follow as soon as possible. Orders for the transfer of the two North-West Frontier Province men by the first available boat issued on the 10th August 1921.