

BHARATHI POEMS TERMED OBJECTIONABLE BY GOVT. OF BURMA AND

SUBSEQUENT CANCELLATION OF NOTIFICATION.

Poet Subramanya Bharathi died in the year 1921. His poems were continued to be published. Booklets in Tamil entitled 'The National Songs, Part I and II, were published in the year 1928 were published by one Mr.Harihara Sharma. The Government of Burma found some materials objectionable and hence ordered forfeiture of the booklets. The printouts in Chennai were seized by Police. Subsequently a letter was sent to the Government of Burma stating the Bharaty songs have been in common use among the Tamilians in this Presidency for about a quarter of a century. Neither the Government nor any other body or person in this Presidency has raised any objection to the publication of these songs during this period. It was also mentioned that an adjournment motion was moved in Legislative Council. Ultimately the Government of Burma ordered cancellation of the said Notification.

FORT ST. GEORGE GAZETTE.

PAGE. 1347.

FORT ST. GEORGE, September 3, 1928.

(G.O. Mis. No.739, Public).

No.357:- The following notification of the Government of Burma is republished:-

Police Department:

Rangoon, the 7th August 1928.

No.178:- In exercise of the powers conferred by Section 99 - A of the Code of Criminal Procedure, 1898, the Governor in Council hereby declares to be forfeited to his Majesty all copies, wherever found, of the booklet in Tamil, entitled 'The National Songs, Parts I and II,' composed and published by

Selections made from the Bharathi poems by the Burma Government on the ground that it contain seditious matter, the publication of which is punishable under Section 124-A of the Indian Penal Code.

Part I. Swadesa Gitangal by C. Subrahmanya Bharati.

Song I. Pages 1-2 Vande Mataram. Stanza 1, 2, 3, 4, 5, 6.

Song II. Pages 36-38 Sudandira Pallu Stanza 1, 2, 3, 4, 5.

Song III. Pages 60-61. Bharata Samuthayam. Stanza 1, 2, 3, 4.

Song IV. Pages 70-71. A slave rendering menial service. Stanza 1 - 9.

Song V. Pages 76-77. The words addressed by an Englishman to a patriot. Stanza 1-7.

Song VI. Pages 77-78. The reply of the patriot to the Englishman. Stanza 1 to 7.

Pages 121-123. Song in praise of "Belgium". Stanza 1 to 9.

Part II.

Page 1 Valga Tilakan Namam. Stanzas 1 to 3.

Pages 2-3. Mahatma Gandhi Panchagam. Stanzas 1 to 5.

Pages 3-7 Mother Bharata's Navaratna Malai. Stanzas 1 to 9.

Pages 52-56. The present condition of the people of (the) Bharata (land). Stanza 1 to 7.

Pages 135-137 Pudaipayar Pattu Stanzas 1 to 5.

Pages 137-139. The Marava song. Stanza 1 to 10.

Letter from Thiru K.P.M. Menon Esq., B.A., Bar-at-Law, Crown Prosecutor, Madras addressed to the Chief Secretary to the Government of Madras, Public Department, Fort St. George, Madras.

Station Madras. Dated the 31st October 1928.

Refce:- (1) Govt. Memo No.3758 -1, Public, dated 12th October 1928. re. Forfeiture of Bharathy's songs.

(2) My reply to above dated 16th October 1928.

Sir,

In continuation of my letter dated 16th October 1928, I have the honour to state that the Special Bench Case concerning the above matter, now stands adjourned to "until after the Sessions", i.e. it will not be heard until the ensuing IV Criminal Sessions, 1928, of the High Court, are over. The said Sessions begin on next Monday the 6th November, and will probably last for about three weeks.

(2). The books are no doubt of high literary value, but the general cry that there is nothing objectionable in them is, I think, erroneous. I herewith append the poems or stanzas, I consider objectionable. Some of them fall under Section 124-A, I.P.C., and other are under section 153-A, I.P.C, and some under both. The selections made by the Burma Government are no doubt mostly wrong, but that is irrelevant before the tribunal (see section 99-B, Cr.Pro. Code). If the passages I append are expunged, the books are publishable.

I have the honour to be.

Sir, Your most obedient servant.

Sd- Crown Prosecutor, Madras.

Memorandum of Criminal Revision Petition.

Under Section 99-B of the Criminal Procedure Code.

In the High Court of Judicature at Madra.

In its Revisional Criminal Jurisdiction.

In its Special Bench constituted under section 99 (C) of the Code of Criminal Procedure.

Criminal Revision Case No.814 of 1928.

In the matter of 'The National Songs' Parts I and II of C.Subramania Bharathi.

Harihara Sarma.

Petitioner.

1. The petitioner above named states as follows:

2. The petitioner is the superintendent of the Hindi Prachar Press at Triplicane, Madras and His address for service all notices and processes is that of his advocates Messrs K.Bhashyam Iyengar and K.Krishna Iyer at No.31 Law Chambers, High Court Buildings, Madras.

3. The petitioner is the printer and publisher of the booklets in tamil entitled "the national songs" of C.Subramania Bharathi Parts I and II.

4. In proof of such interest the petitioner files herewith document marked as Exhibit B and also states that the songs contained in the said books were composed by C.Subramania Bharathi during the twenty three years and more before his death in 1921 and they have been published from time to time in small booklets. After the death of the said Subramania Bharathi in 1921, all the songs were collected together and published in the form of books by his wife Chellammal; and under an agreement in writing with the said Chellammal dated 20.1.1925 (translation of which and copies of the same are filed herewith and marked as Exhibit B) the petitioner published a second and third edition of the first part and second edition of the second edition of the second part of the said books. ***

5. As such publisher the petitioner was in possession of about 2420 copies of the said books worth about 2420 Rupees, for sale in his office of the Hindi Prachar Press.

6. On the 20th September 1928 a Police Officer by name Mr.Doraiswami Pillai along with some constables entered the petitioner's office at the above said premises with a warrant for search of the said premises and seized all copies of the said book on the ground that the said books had been forfeited to His Majesty by a notification of the Government of Burma under Section 99 - A of the Cr. P. C. *****

15. The petitioner therefore prays that this Honourable Court may be pleased to set aside the said order of forfeiture.

Advocate for Petitioner.

Petitioner.

CONFIDENTIAL.

Letter No.3758-15, dated 19.12.28.

To

The Chief Secretary
to the Government of Burma,
Home and Political Department,
Rangoon.

(with copy of the proceedings of the Legislative Council on the adjournment motion)

Sir,

Books and publications (Seditious) - Tamil booklet - "The National Songs, Parts I and II" by C.Subrahmania Bharathi - Forfeiture - Ref. correspondence ending with your telegram No.289 C. dated 15.10.1928.

I am directed to state that the local publisher of the above booklet having moved the High Court for permission to withdraw the application filed by him under section 99B of the Criminal Procedure Code against the order of forfeiture passed by the Govt. of Burma, the High Court on 4-12-1928 dismissed the application as withdrawn.

2. The Government of Madras are not aware of the circumstances which led the Government of Burma to issue the notification under section 99-A of the Criminal Procedure Code but I am to bring the following facts to the notice of that Government. These songs are published in Tamil which is the language of 41 per cent of the inhabitants of the Madras Presidency; they have been in common use among the Tamilians in this Presidency for about a quarter of a century. Neither the Government nor any other body or person in this Presidency has raised any objection to the publication of these songs during this period. When, in consequence of the republication of the Burma Government's notification in the Fort St. George Gazette the Madras Police seized some books containing these songs, an adjournment motion was moved in the local Legislative Council. In the course of the debate on that motion every section of the House condemned the action of this Government in permitting the seizure of the books. The motion was pressed to a division and carried by an overwhelming majority. Practically every member except the nominated officials and the Government members voted in favour of the adjournment motion. Copies of the motion and of the discussions on it are enclosed. The feeling in this Presidency against the notification is very strong. At every sitting of the Legislative Council since the publication of the notification in the Fort St. George Gazette the Government have been questioned regarding their action in the matter of these songs. The Government of Madras doubt whether the particular songs on which the Government of Burma based their notification can be regarded as distinctly seditious. The publication of the notification by the Govt. of Burma has therefore placed this Government in a very embarrassing position and now the application in the High Court has been withdrawn the Government can no longer take refuge behind the plea that the matter is 'sub judice'. As these songs have been in use for so many years it is now impracticable by means of a notification to prevent them being sung by the people. So far as this Presidency is concerned the notification has indeed only drawn attention to them and stimulated interest in them.

In these circumstances I am directed to express the hope that the Govt. of Burmah will see that now their way to cancel the notification issued by them in respect of the booklet in question.

Sd-

POLICE DEPARTMENT.

NOTIFICATION.

Dated Rangoon, the 2nd January 1929.

No. x. This department Notification No.178, dated the 7th August 1928, declaring to be forfeited to His Majesty all copies of the booklet in Tamil, entitled "The National Songs, Parts I and II," composed and published by C.Subramanya Bharathi in the Bharathi's Asramam at Triplicane, Madras, is hereby cancelled.

By order. J.CLAGUE,
Chief Secy. to the Govt. of Burma,
Home and Political Dept.

No.289C28. Dated Rangoon, the 12th January 1929.

Copy forwarded ...

Confidential.

Public Department.

Memo No.3758/28-14, dated 7.1.29.

Books and publications - The National Songs, Part I and II, by C.Subrahmanya Bharathi - Forfeiture - Cancellation - Continuation of Memo No.289S. dated 12.10.1928.

The Government of Burma have intimated that their Police Department Notification No.178, dated 7.8.28 is being cancelled in the Burma Gazette of 5th January 1929.

2. All copies of the National Songs seized by the Police should be returned to their owners.

Sd-

To the D.I.G. of Police, Eastern Range, Rys. & C.I.D., Madras.

" the Commissioner of Police, Madras.
