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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

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No. 1/1C

CHIEF SECRETARY'S OFFICE 04SEP93 MADRAS

FROM

C. J. LYALL, Esq., C.S.I., C.I.E.,
Secretary to the Government of India.

TO

The Chief Secretary to the Government of Madras.

Home Department.
Police.

Simla, the 29th August 1893.

SIR,

I AM directed to forward two copies of a confidential note which has been prepared in the Special Branch of the Thagi and Dakaiti Department, setting forth, so far as can be gathered from the correspondence in that Branch, the history of the movement against the slaughter of kine which is now active in many parts of India. I am to request that the account may be carefully checked under the orders of His Excellency the Governor in Council so far as it deals with the movement in Madras and one of the copies sent returned with any corrections or amplifications that may be necessary. This work might, the Governor General in Council considers, be most suitably carried out in the Provincial Special Branch.

2. I am also to suggest that a detailed précis of the history of the movement in Madras should be drawn up for future reference, and to ask that a copy of it, when prepared, may be furnished confidentially to the Government of India.

3. The Governor General in Council will be glad to learn whether, in the opinion of His Excellency the Governor in Council, the existing law, whether contained in the Criminal Procedure Code, in the various Municipal Acts, or in any other enactments in force, sufficiently empowers the executive authorities to control any agitation or local disturbance which may be due to the movement.

I have the honour to be,
SIR,
Your most obedient Servant,

CJLyall

Secretary to the Government of India.

SB - Note

STRICTLY CONFIDENTIAL.

NOTE ~~ON~~ ON THE "ANTI-KINE-KILLING" AGITATION, AS CONCERNING THE MADRAS PRESIDENCY.

There is but little to add to the note on the agitation against kine-killing prepared in the Central Special Branch of the Thagi and Dacoity Department. The following is a sketch of "Sriman Swami's" doings in Madras and the extent to which this agitation received attention.

2. In September 1888 it was first brought to the notice of the Madras Government that a Madras sanyasi, by name "Sriman Swami," styling himself a graduate of the University, a pleader of the High Court, and a Subordinate Judge, was preaching on behalf of the "Gaurakshini Sabha" in the Purneah district of Bengal, and deprecating the slaughter of cattle; it was then reported by the Commissioner of Police, Madras, that "Sriman Swami" was a native of Srírangam in the Trichinopoly district who had left the Presidency several years ago; he was not a graduate of the University, nor had he ever been employed in the Judicial service.

3. In August 1889 "Sriman Swami" visited Madras, and on the 6th idem held a public meeting at the Pacheappah's Hall, when he addressed a large audience. The chief supporters of the agitator were Rajah Sir T. Madhava Row, K.C.S.I. (since dead), P. Somasundrum Chettiar, Diwan Bahadur R. Raghunatha Row, P. Rungiah Naidu (recently appointed to the Legislative Council) and Walji Lalji Sait. In the course of his remarks, the lecturer said that "John Bull had cast a slur on the Muhammadans by alleging that they were great beef-eaters, and the reason why that slur had been cast upon the Muhammadans was that 'John Bull' desired to bring about a conflict between the Muhammadans and Hindus in order that he might interpose as an umpire and walk away with the lion's share of the beef." Mr. Eardley Norton was one of the speakers at the meeting, supported the movement on economic grounds, and said that it savoured of a political character, and, if it did not, it ought to.

4. "Sriman Swami" then proceeded on a lecturing tour through the southern part of the Presidency. He arrived at Salem on the 11th August where he was accorded a hearty reception; he gave audience to numerous visitors and on the 12th idem gave a lecture in the College Hall, which is reported to have been "crowded to suffocation." He dwelt at great length on the incalculable advantages that would be derived by the prohibition of cow slaughter.

5. The next day (13th August) he left for Coimbatore where he stayed until the 16th idem and then proceeded to Palghat, where an influential deputation headed by one Kariakar, a leading landlord, met him at the railway station and conducted him into the town in procession with music. The next morning he addressed a crowded meeting in the Jubilee College Hall. The lecture was distinctly of a political nature, allusions being made to Game and Fishery laws and to the Salt Act.

6. From Palghat the "Swami" went to Calicut, and on the 21st August a public meeting was held in the hall of the Manamchera Middle School. The meeting was a crowded one and the "Swami" was received with great enthusiasm. Resolutions were passed in sympathy with the movement, and a local committee formed.

7. From Calicut "Sriman Swami" went to Trichur (Cochin State), and on the 27th August held a public meeting which was presided over by T. Tiruvenkata Chariar, B.A., B.L., the District Judge. The usual resolutions expressing sympathy with the movement were passed and a standing committee was appointed. He then left for Ernacolum.

8. During his visit in Travancore State, "Sriman Swami" was the guest of the Diwan T. Rama Row, and it is reported that His Highness the Maharajah gave him a cheque for Rs. 3,000; this "Sriman Swami" considered insufficient and threatened to return the cheque on his return to Allahabad; the Diwan however understood what was meant and stopped payment of the cheque.

9. He next appeared at Ambásamudram in the Tinnevelly district on the 22nd September and lectured in the Jubilee Reading Room. The chair was taken by Mr. T. Varada Row, Head Assistant Collector, and on the 28th

idem he went to Palamcottah where also a meeting was held presided over by Mr. Graham, the District Judge.

10. It was then discovered who the man was in reality. His real name is Desika Chari, son of Vedanta Aiyangar, who was a vakil, practising in the District Munsif's court at Mannárgudi (Tanjore); a native of Tiruvelliankudi of Kumbakónam taluk (Tanjore district). Desika Chari was convicted on the 8th July 1869 by the Sessions Court of Tanjore of making a false charge and perjury, and was sentenced to six years' rigorous imprisonment. He was released on the 7th October 1874, having earned a remission of 9 months and 1 day. He has a brother, one Srinivasulu Chari, who was at one time employed as a gumasta by the Honorable S. Subramanya Aiyar. The brothers are said to bear a striking resemblance to each other.

11. On the 1st October "Sriman Swami" lectured in Trichinopoly and inveighed against missionaries and urged non-attendance at mission schools. Noticing a Police Inspector in uniform he accosted him and complained of the persecution which he said he had received at the hands of North-West Provinces Police.

12. On the 8th October he visited Pudukkóttai State where he also lectured.

13. On the 9th October the "Swami" delivered a lecture in the courtyard of the Tanjore temple, and the District Superintendent of Police, who was present, noticed the striking deformity of the man's hand, and this, together with his general appearance, clearly established his identity with the ex-convict Desika Chari.

14. On the 11th October he went to Kumbakónam where his sister claimed relationship and wept on his disclaiming her. He boasted that several rajahs and gentlemen had promised subscriptions to the amount of seven lakhs and that the Maharajah of Darbhanga had promised him one lakh. In the course of his lecture at Kumbakónam he mentioned that the police had asserted that he was Desika Chari; this he indignantly denied, but said he could not give his real name as he had renounced it on becoming a sanyasi. He left Kumbakónam very abruptly, without the usual flourish of trumpets and arrived in Madras on

the evening of the 12th October and is believed to have left the following evening for Allahabad.

15. Nothing was heard of the movement during the year 1890 until the 27th December when an individual, styling himself Paramahamsa Vidyananda Saraswati Swami of the Nagpur "Gaurakshana Sabha," visited Madras and lectured at the Hindu Theological High School, Madras, on the "benefits conferred on the human race by the cow." The lecturer was under the wing of one R. Sivasankara Pandiya, an ardent supporter of the Hindu Tract Society. It was arranged at this lecture that a branch of the association for the prevention of kine-killing be opened in Sowcarpet, Madras, and pictures of the cow about to be slaughtered by a fiend were circulated among the audience.

16. At about the same time in January pictures of a similar character, in which the slayer of the cow is depicted as a Muhammadan, were found to be in circulation in Bellary. They do not seem to have been discovered in other districts of the Presidency.

17. This is the last that is heard of the agitation in this Presidency. The committees formed by "Sriman Swami" during his tour became inactive and finally ceased to exist, while that formed by Paramahamsa Vidyananda Saraswati Swami in December 1890 at Sowcarpet became practically a dead letter.

18. Inquiries have been made from time to time as to whether any renewal of the agitation is contemplated in view of the considerable importance to which the movement has attained in Northern India, but so far as has been ascertained there is every reason to believe that little interest is taken in the movement and that "Sriman Swami" is viewed as an adventurer. The only element fraught with any danger is the "Hindu Tract Society," which is pledged to support the agitation; this body happily however seems to be becoming inactive and it is hoped will soon cease to exist.

F. S. MULLALY,
Ag. Asst. with the Govt. of Madras.

STONEHOUSE HILL,
14th October 1893.

STRICTLY CONFIDENTIAL.

NOTE ON THE AGITATION AGAINST COW-KILLING.

The History of the agitation. The following gives a summary of the information on record in the Central Special Branch regarding the agitation against cow-killing from 1882 to date.

Early in 1882, news was received of the commencement of an agitation for the protection of cows in the Punjab, started by the Arya Somaj of Calcutta and supported by the Maharaja of Benares. This movement resulted in an attempt at Lahore to get up a monster petition against kine-killing. About the same time, a Committee was said to have been formed in Calcutta under Pandit Dyanand Saraswati, the Arya Somaj leader, for the purpose of securing the co-operation of Hindus throughout the country, and attempts to procure signatures to memorials prepared by the Calcutta Committee were heard of in various parts of the Punjab. The Arya Somajes in the N. W. P. and Punjab were also reported to be sending out accredited agents to large centres for the purpose of distributing copies of the memorial against kine-killing and obtaining signatures.

The Arya Somaj is one of the most important of the modern sects, and was founded by Pandit Dyanand Saraswati, a Brahmin of Kathiawar, who having convinced himself of the untrustworthiness of the sacred books of the Hindus subsequent to the Vedas, formulated his new system and attacked the existing orthodox Hinduism. He aroused considerable antagonism, and his death, which took place at Ajmere in October 1883, was not without suspicion of poisoning. The Arya (*lit.* true) or "Vedic" religion is primarily the outcome of the solvent action of Natural Science on modern Hinduism. In the eyes of the Arya Somaj the 4 Vedas constitute the only infallible revelation, and the bases of the Aryan faith are the revelation of God in the Vedas and the revelation of God in Nature, and the first practical element in this belief is the interpretation of the Vedas in conformity with the proved results of Natural Science. In their interpretation of the Vedas the Arya Somaj find themselves at issue with other Sanskritists. The three entities of Dyanand's philosophy are, God, the Soul, and Matter. The Somaj finds an efficacy in prayer and worship, but greatly limits the number of ceremonies to which it accedes any meritorious powers. It discourages the practice of bathing in sacred streams, pilgrimages, the use of beads and sandal-wood marks, gifts to mendicants, and all the thousand rites of popular Hinduism. It holds the futility of rites on behalf of the dead. Idolatry and all its attendant ceremonies, according to the Aryas, have no basis in the Vedas and no place in true religion. The Aryas defend their religion from the charge of novelty and regard it as a revival of an old and forgotten faith, the decay of which was mainly due to the Brahmins. The Arya theory of to-day is that the real Brahmin is one who is a Brahmin at heart: that the Vedas are not confined to one class, and that all castes are equal before God. Though this is the theory of the Aryas, in practice they will not eat or intermarry with people of other castes. The movement is to a great extent confined to the educated classes, and one of its most striking features is its readiness to re-admit into caste perverts to Christianity, or Muhammadanism, who are willing to re-embrace the old faith. The Arya Somaj disapproves of child marriage and encourages widow re-marriage. It busies itself with female education, with orphanages and schools, dispensaries and public libraries and philanthropic institutions of all sorts. The Arya doctrines have been formulated into a series of 10 somewhat wide propositions, and any person professing belief in the fundamental principles of the Somaj is eligible for membership. Whether the members of the sect are increasing or not is a moot point, but its strength is not to be estimated by numbers. The Aryas have an influence quite out of proportion to their numerical strength from the fact that they are recruited almost entirely from the English-educated classes and that their tenets are most popular among Pleaders, Government servants and others who have the greatest pretensions to mental enlightenment. It has been alleged that in the morning hymns of the Somaj they ask for deliverence from the rule of aliens. This has not been substantiated; but the following prayer written by Dyanand Saraswati was reported by the Punjab Government, in October 1889, to be used regularly by members of the Somaj:—"We are the subjects of the Lord of Creation, and the Supreme Spirit is our King. We are the humblest of His slaves. May He graciously grant us the privilege of ruling in the world created by Him, and enable us to dispense His true justice." Though bitterly at variance with the orthodox Hindus in other points, they are at one with them in the matter of Cow-preservation. A split has commenced in the current year between the vegetarian and meat-eating members of the Somaj. Formerly the Aryas kept themselves strictly aloof from politics, but they are now freely taking part in all political movements.

Prior to 1882, however, in September 1881, a dispute arose between the Hindus and Muhammadans of Multan regarding the possession of a temple and well. When matters came to a dead-lock, an agitation was commenced against the sale of beef, which led to serious rioting.

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In consequence of some uneasiness having arisen in Delhi in 1882, the Punjab Government directed the local authorities demi-officially to use quiet influence with the leading men to nip agitation in the bud and to throw cold water on the movement, also to assure the Muhammadans that their interests were perfectly safe, and that there was no need for representation on their part. A demi-official circular to the same effect was also issued to all Commissioners.

The Hoshiarpur district was reported to be affected by the agitation, and in the end of 1882 Lahore and Delhi were similarly affected. Then followed a lull till April 1883, when the Hindus of Amritsar and Lahore were reported to be again active against kine-slaughter. Some bad feeling was aroused against the Muhammadans in Amritsar, and memorials were again reported to be in circulation through the Arya Somaj and Singh Sabha. In June 1883, ill-feeling between Hindus and Muhammadans was aroused at Jagadhri, Amballa district, and in the following month agitation became active in Lahore, and a slight disturbance was reported from Kapurthalla. In August, the Hindus of Ferozpur became excited against the Muhammadans, and held a meeting at which it was decided to hold no intercourse with the latter. In October 1883 a serious disturbance took place at Delhi, and the peace of the city was threatened for some days. This incident resulted in the preparation of a monster petition on the part of the Muhammadans praying Government to remove certain disabilities in regard to kine-slaughter.

In April 1884, the agitation revived at Amritsar, which resulted in the display of ill-feeling between the Hindus on one side and Englishmen and Muhammadans on the other. The Simla Arya Somaj took an active part in the agitation of 1884, and throughout the year demonstrations for and against cow-killing were heard of throughout a great part of the Punjab, and especially in the large towns, but no case of violence was reported except in one instance by a Kuka, who declared his intention of murdering the servants of Government who permitted cows to be slaughtered. Reports from other districts showed that the minds of the Kukas were a good deal unsettled at this time.

The Kuka sect was founded about 45 years ago by one Balak Singh, a money-lender of Hazro in the Rawalpindi district, who appears to have been mainly intent on breaking the power which the Brahmins had acquired over the Sikhs. After the death of Balak Singh the doctrines of the sect were pushed forward with great vigour by his disciple, Ram Singh, a carpenter of Bhaini in the Ludhiana district. The belief of the sect is a pure deism. The Kukas or "Shouters" (so styled because, unlike ordinary Sikhs, they permit themselves to fall into a state of frenzy during their religious exercises), inculcate a very strict morality and desire to restore the Sikh religion to its original state of purity. They have no respect for tombs, temples or shrines, with the exception of the "Durbar Sahib" or Golden Temple at Amritsar, as being the capital and centre of the Sikh religion. They have a belief in Gobind Singh as the only Guru (spiritual leader) and in his incarnation as Ram Singh, and look forward to the establishment of the Khalsa Raj (Sikh Kingdom) as a temporal dominion. They generally refuse to believe in Ram Singh's death and expect his reappearance. They are supposed to avoid the use of meat and spirits of all kinds. In other respects, they are a puritanical Sikh sect of the School of Gobind with a more marked hatred of Muhammadans, butchers, cow-killing and tobacco than that held by most Sikhs. They commonly call themselves "Namdhari" [one who keeps the name (of God)], and many try to conceal the fact of their belonging to the sect. Baba Budh Singh, brother of the late Ram Singh, is the present acknowledged head of the sect. Ram Singh incited his followers to believe in the speedy overthrow of the British power, and the sect attracted the attention of Government as early as 1863. Precautions were taken to avoid large gatherings, but small disturbances took place here and there at religious fairs. In 1866, some cases of destroying tombs and Hindu images occurred. In 1869, there was a small rising of Kukas at Ferozpur, who after collecting all their cash and grain into a common stock, proclaimed the Sikh Raj (Sikh Kingdom). In 1870, a number of Muhammadan butchers were murdered at Amritsar and elsewhere, and the murders were traced to the Kukas. The rising of 1872 was partly to avenge the deaths of the Kukas executed for these murders. In a minute on this rising, dated 26th February 1872, Sir R. H. Davies, Lieutenant-Governor of the Punjab, remarked that the selection of Kotla, the chief town of the only Muhammadan State in the cis-Sutlej territory, for assault appealed strongly to Sikh prejudices. "It had, in 1794, been similarly attacked in revenge for kine-killing by Bedi Sahib Singh, who again, in 1798, raised 7000 Sikhs, preached at Amritsar a religious war against the Afghans of Raikot on the same pretext, overran the Raikot district, and laid siege to Ludhiana. Nor can it be left out of this retrospect that, although a Patiala force soon reached Kotla, Bedi Sahib Singh was a sacred character, and the Sikh soldiers were unwilling to fight against him."

A peculiarly mischievous report came from Karnal to the effect that there was an impression among the Hindus there that the Russians would put a stop to cow-killing if ever they should conquer India. The Maharaja of Kashmir was said to be greatly interested in the movement. As far as could be ascertained at this time, the centres of agitation appeared to be at Calcutta, Bombay and Benares; and the Arya Somaj branches throughout the country were used to stir up the Hindu community. The branches of this society in all the large towns of the Punjab began at this time to form themselves into Gaurakhsha Sabhas or Cow-protecting Societies, and to use violent language.

Connected with the anti-kine-killing agitation is that set on foot against the use of sugar manufactured after the European method in which the bones of cattle are said to be made use of in the process of refinement. This was first reported from Lahore and Amritsar in 1881. It was heard of no more till the revival of the kine-killing agitation in 1884. In November of that year, it was resuscitated at Bahawulpore, and quickly spread to Lahore, Amritsar, Peshawar, Ludhiana, Mooltan, Gurdaspur, Gujrat, Jullundar. In the spring of 1885 it was heard of at Delhi, but shortly after subsided.

Early in 1885, the ill-feeling between Hindus and Muhammadans in the Montgomery district was said to be on the increase, and a decision of the Bahawulpore State Council permitting the slaughter of kine by Muhammadans inside the city of Khairpur was said to have much incensed the Hindus. In July 1885, a mischievous report came from Ludhiana to the effect some Hindus had remarked that, if England went to war with Russia, the Hindus should take advantage of the opportunity to massacre all the butchers in the country. In September 1885, the Hindus at Bahawulpore were reported to be much aggrieved at the daily slaughter of cows, or oxen, in the Nawab's Palace. In the same month some excitement was reported from the Hoshiarpur and Ludhiana districts. Towards the close of the year the Muhammadans of Delhi appear to have again taken alarm, and were reported to be making preparations to memorialise Government for permission to sacrifice cows within their own dwellings—a privilege they claimed to have long enjoyed. Swami Ala Ram, a member of the Amritsar Arya Somaj, was very active in preaching on behalf of the Cow-protection movement and in raising funds.

There was a lull during the earlier months of 1886; but in June of that year, certain Nihangs (Sikh Zealots) at Amritsar were reported to be concerting measures to obtain a prohibition to beef being brought into the sacred city. In July of the same year, a combination of Baniahs was reported to have been formed at Hissar to outbid the butchers purchasing cattle for the Commissariat. Some Hindus in the Kapurthalla State were reported to be interesting themselves in the movement.

Early in September, the Hindus of Karnal began to agitate the beef question on account of the approaching *Id** festival, and professed to apprehend a disturbance. In the same month the bad feeling between the Hindus and Muhammadans of Delhi culminated in a serious riot, to quell which it was found necessary to call in the assistance of the troops. This riot was regarded as the result of the bad feeling which had its origin in the Muhammadans sacrificed some 450 head of cattle at the *Bakar Id.** On the occasion of the same festival at Ludhiana, there was evidence of a combination on the part of the leading Hindus, and especially members of the Arya Somaj, to stop the sacrifice of cows. The Hindus seized some meat being legitimately bought from the shambles, and the Muhammadans retaliated by attacking the Hindus. For some hours there was much disturbance in the town. At Ambala a riot was only averted by the prompt action of the Deputy Commissioner and Police in arresting the ringleaders. In October 1886, a mischievous rumour was current in Amritsar that the two European soldiers had been ordered by the Kashmir Darbar to be hanged for shooting a *nilghai* and that the protests of the Resident had been disregarded. Amritsar continued to be the most active centre of the agitation, and towards the close of the year a rumour was in circulation that the Hindus proposed to offer Government 3 lakhs of rupees annually if they would put a stop to kine-killing. In December, there was a riot at Chichawatni in the Montgomery district.

In January 1887, the Singh Sabha at Ambala was reported to be discussing the possibility of keeping all cattle out of the hands of the Muhammadans. In June 1887, the Arya Somaj at Amritsar gave out that an application of the Hindus for the issue of orders forbidding the slaughter of cows, on account of the Queen's Jubilee, had been refused by Government. A determined attempt was made in August 1887 by the Hindus of Delhi to put a stop to cow-killing during the *Id*. In the same month it was announced that a meeting of the representatives of the Arya Somaj from all parts of the country would take place at Calcutta for the purpose of concerting measures for the protection of cows. In September 1887, it was reported from Jullundur that the Kukas were looking forward to the coming of Maharaja Dalip Singh, who was expected to put a stop to kine-killing altogether. They gave out that, if the English would put a stop to kine-killing, they would be content and would wish for no other Government. From Gurdaspur came reports at this time that the Kukas were restless and discontented, and were greatly exercised on the subject of cow-killing. A memorial to Government was heard of at Jhajjar in the Rohtak district. In December 1887, a Kuka at Amritsar was reported to be going about Amritsar reciting verses to the following effect:—"The unclean have come from London, and have established slaughter-houses in every place. They have killed our Gurus, and we must now sacrifice our lives."

After the establishment of the Central Special Branch of the T. & D. Department with the Government of India in the winter of 1887-88, with branches at the head-quarters of the local Governments, information on this subject began to be received from the other Provinces.

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* There are two 'Ids': (1) the 'Id-ul-Fitr'—the festival held immediately after the 'Ramzan' (the Muhammadan month of fasting) is over; and (2) the 'Id-uz-Zuha' commonly called 'Bakar Id'—the yearly sacrifice in commemoration of the Patriarch Abraham's offering up of his son Isaac. The latter is held by the Muhammadans on the 10th of the month 'Zilhaj', two months and 10 days after the 'Id-ul-Fitr'. The 'Bakar Id' lasts for three days.

Early in the year 1888, the Arya Somajes at Lahore and Amritsar were reported to be collecting subscriptions for the purpose of sending a representative to England to lay a petition before Parliament, praying that cow-killing might be put a stop to. In April the Deputy Commissioner of Ferozpur received an anonymous letter threatening his life if he sanctioned the slaughter of cows in Ferozpur City. In May a rumour was reported from Gurdaspur that the Kukas were all determined to stop cow-killing by fair means or foul, so that when Maharaja Dalip Singh arrived in the country, he would be pleased to see what had been done. In August 1888, a party of Kukas were noticed itinerating in the Punjab, who had vowed to abstain from the use of milk, ghi and butter until they had succeeded in putting a stop to cow-killing.

The Parsis of Bombay were reported to have submitted a memorial to the local Government on the subject of cow-killing. In noticing this memorial a Calcutta Native paper pointed out that the proportion of beef-eaters to worshippers of the cow in India is one to four, and called upon the Viceroy to take these facts into consideration.

In the North Western Provinces, early in 1888, the Hindus of Allahabad were said to be much excited in consequence of a recent ruling of the N. W. P. High Court to the effect that a cow is not an 'object' within the meaning of Section 295, of the Indian Penal Code†, and that the term was not meant to include animate objects such as cows. It appears that two Muhammadans, who killed a cow in a public place at Tilhar, Shahjehanpur district, on the day of the *Id*, were convicted under Section 295, I. P. C. The Sessions Judge referred the case to the High Court, which ruled as above. A meeting of Hindus was held at Allahabad to express their grief and indignation at this decision, and it was resolved to memorialise Government to extend the provisions of Section 295, I. P. C., to cow-killing.

A Hindu ascetic calling himself Sriman Swami, since identified as an ex-convict named Desika Chari (*see on page* 6), now appeared on the scene, and began to stump the country on behalf of the Allahabad Cow-protection Society. He stated that he had adopted the designation 'Cow-protection' movement in consequence of the ruling of the Allahabad High Court, and that the agitation in which he was engaged was started with a view to attempt to move the Legislature for an amendment in the Criminal Law. Sriman Swami lectured in many of the districts of the N. W. P., Oudh, and Bengal, establishing Gaurakhsha Sabhas wherever he went and collecting money for the 'Cow Memorial Fund.' In three districts in Oudh, the Deputy Commissioners were reported to have presided at Sriman Swami's meetings. A subscription list was moreover published in the Native papers headed by the Maharajas of Durbhanga, Hatwa and Bettiah. The Maharaja of Benares was also reported to have subscribed, and the Maharaja of Dumraon was apparently interested in the movement. In September 1888, Sriman Swami after holding 40 or 50 meetings up-country held a meeting in the Calcutta Town Hall. The Hindu newspapers in noticing it said that, now that all India was interested in the cow question and intended to memorialise the Viceroy and Parliament, it would no longer be possible for Government to ignore the movement. A bid was made for Muhammadan support but without effect.

On the occasion of the *Bakar Id* at Ghazipur, N.W.P., the Hindus incited by fanatical speeches of one Gopalanand, a member of the Benares Arya Somaj, assembled in large numbers, and attempted to prevent the sacrifice of kine by the Muhammadans. A riot was only stopped by the arrest of the ringleaders. The movement for preventing kine-killing had extended to the Shahjehanpur, Lucknow, Cawnpur, Ghazipur, Dehra Dun, Allahabad and Benares districts of the N.W.P. The Arya Somajes at Dehra Dun, Jhansi, Aligarh, Basti and Benares were also reported to be very active in agitating.

At the Berhampur Cattle Fair in the Shahabad district, Bengal, a mob of Hindu villagers, in April 1888, forcibly drove off some cattle sold by a Muhammadan to a Commissariat contractor, a cry having been raised that the cattle were going to be slaughtered. The Bengal Government reported in the same month that there were indications that the kine-killing agitation was likely to take a troublesome shape, as there was reason to believe it was being manipulated by some of the Bengali agitators. In July the authorities at Gya reported that trouble was anticipated there on account of the strong feeling against kine-killing. In August 1888, the butchers of Arrah, Shahabad district, complained to the authorities that they could not obtain cattle for slaughter on account of the Cow-protection movement led by a Sikh of Amritsar. Ill-feeling was also reported in the Dacca and Sarun districts.

The movement had now spread to Neemach in Central India and to the Central Provinces, and the local Gaurakhsha Sabha at Nagpur was said to have made good progress.

A Society for the preservation of cows and buffaloes, said to have been started at Bombay in 1887, was now heard of for the first time. It was also reported that in September 1887, the Thakur of Gondal on his return from Europe sent in a memorial on

† Section 295, I. P. C., runs as follows:—"Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

the subject of cow-slaughter in his State, but the Bombay Government declined to alter the previous orders on the subject. His memorial was, it is said, prompted by this Society. It is a curious commentary on the above that the Thakur himself should not object to partake of beef! A Muhammadan, writing from Bombay at this time to a Native newspaper, denied that any of his co-religionists had signed any memorial to Government against cow-killing as had been alleged; though special efforts, he added, had been made to induce them to do so. The writer attributed the initiation of the agitation to Pandit Dyanand Saraswati and the Arya Somaj. Later in the year a branch of the Bombay Society was started at Poona. According to the '*Daily Post*' (Bangalore) of the 12th December 1888, the Bombay society for the preservation of cows made a demonstration on the day of Lord Lansdowne's arrival in Bombay, and displayed strips of bunting with the following inscriptions. 'The cow is the wealth of India': 'The cow is a part of India's family': 'No happiness for India's people without the cow': 'The cow is India's foster-mother': 'God bless the cow,' &c. &c.

In connection with this agitation a writer in a Madras newspaper drew attention to the anomalous state of the law with regard to the Sacred Bull question, and pointed out that two Judicial Courts had given diametrically opposite decisions regarding it: the N. W. P. High Court ruling that the creature turned loose is not 'property' within the meaning of the Indian Penal Code, while the Punjab Chief Court decided that in all cases where a person is the owner of a thing he does not cease by his own will and act to be the owner without transferring the ownership to another person, and therefore [illegible] thing does not cease to be property.

In September and October 1888, the Maharaja of Durbhanga was reported to be actively interesting himself in the movement, and it was stated that the local Cow-protection Society started under his auspices had been formed out of revenge, because the Muhammadans as a body refused to attend the National Congress of 1886; and in consequence of a general impression that it was Mr. Justice Mahmud of the [illegible] High Court who ruled that a 'Brahmini Bull' is not property within the meaning of the I. P. C.

In September 1888, there was a cow-killing riot at Dhubri on the occasion of the *Bakar Id*, in which the Hindus were the aggressors. A Muhammadan Magistrate from Bankipore wrote to a Calcutta daily paper pointing out the dangerous character of the agitation, and stated for the information of Government that the Ferazis, Wahabis and other sections of Musalmans felt very keenly about the matter, but at the same time had every faith in the justice and impartiality of the Government policy.

In November 1888, the Maharaja of Benares was reported to have stopped his subscription towards the maintenance of the local cattle home in order to curry favour with Government.

Towards the close of the year a mischievous pamphlet, by a Eurasian, named Mr. Garnett-Kemp, on the cow-question was reported to be in circulation in several Native States. Among other misrepresentations the author asserted that cattle are impressed for slaughter by officials. The agitation was at this time reported to be more active in the Central Provinces than elsewhere, and in the Hoshangabad district a determined attempt was made by the Hindus to coerce the Muhammadans to give up cow-killing. The movement was also reported to have extended to Berar, the Inspector-General of Police reporting that a bad feeling existed between the Hindus and Muhammadans in consequence, and that the latter complained that the movement was to a certain extent directed against them. A Hindu Native paper at Lahore at this time remarked that the cow-question might possibly lead to the defection of the Hindus *en-masse* to Russia, should she, on invading India, declare for the suppression of kine-slaughter!

Early in 1889, Bengal reported a renewal of activity in consequence of the proceedings of Sriman Swami, who was on a lecturing tour in the districts. In November 1888, the Swami had visited Nepal and gave out, on his return to Calcutta in December following, that the Darbar had contributed Rs. 10,000 towards this agitation, and had promised a further contribution. The Resident in Nepal, however, reported that Sriman Swami got no money either from the Maharaja or any of the Sardars. He was said to have asked for 3 lakhs of rupees to overthrow the British Government, and this request caused his temporary confinement in his quarters at Katmandu. In March 1889, the Maharaja of Jeypur was reported to have become a member of the Gya Cow-protection Society while on pilgrimage to that place, and the Raja of Faridkot was also said to have joined the movement. In April, the Arya Somajes in the N. W. P. and Rajputana were reported to be very active; and a branch of the Cow-protection society was established at Apchalnaggar, Nandair, in His Highness the Nizam's dominions, one of the five chief temples and places of pilgrimage of the Sikhs.

In May, Raja Rampal Singh, an Oudh Talukdar and well-known Congress partisan, was mentioned for the first time as identifying himself with the movement. The Maharaja of Durbhanga was also actively helping the agitation. A report from Rajputana showed that an attempt had been made to get at the Native Chiefs there chiefly by agents of the Arya Somaj, but apparently without result. The Political Agent, Haraoti and Tonk, noted that the wealthy Jain community are always ready to support such a movement. Incidentally he mentioned that the Maharaja of Benares* and Raja Shiva Prasad, C.S.I.,* were the chief patrons of the movement.

* The names of both the Maharaja of Benares and Raja Shiva Prasad, C.S.I., have been again mentioned quite recently in connection with the Cow-protection movement.

In July, reports were received of a tour of Sriman Swami in the Bombay and Madras Presidencies to secure sympathy for the movement and collect subscriptions in its aid. At Bombay the Honourable K. T. Telang proposed a resolution of sympathy with the movement which was seconded by the Sheriff of Bombay. At one of Sriman Swami's meetings at Madras, Mr. Eardley Norton, the Barrister, remarked that the movement was of such great national importance that it could be included in the programme of the Congress. At another meeting Mr. Norton declared that the movement savoured of a political character, and if it did not, it ought to. Sriman Swami's speeches were marked by a tone of satire and derisiveness towards the English, which elicited much applause from his Hindu audiences He remained touring and lecturing in Madras and the neighbouring Native States till the middle of October, when he suddenly left for Allahabad in consequence of his identification as an ex-convict named Desika Chari, who had been convicted in the Tanjore District in 1869, for making a false charge and perjury, for which he was sentenced to suffer 6 years' rigorous imprisonment. Sriman Swami was publicly exposed in the "*Pioneer*" newspaper of 23rd December 1889, but beyond publishing a denial of his identity with the convict Desika Chari, and threatening the '*Pioneer*' with an action for defamation, he has since taken no steps to vindicate his character.

In October 1889, the Chief Secretary to Government, N. W. P. and Oudh, referring to some disturbances which had occurred during the *Id* festival, significantly remarked that the cow-killing movement was doubtless spreading in depth and breadth, and that Sir A. Colvin apprehended that it would cause considerable trouble in course of time as it was spreading among the more ignorant and excitable classes. During the *Muharram* there was a disturbance at Rohtak in consequence of the Hindus attacking the Muhammadans, and the Police had to fire with buck-shot on the rioters before they could be dispersed. In November 1889, the preaching of an agent of the Cow-protection Society at the Sonepur Fair in Bengal, was reported to have resulted in trouble for the Muhammadan ryots who wanted bullocks for agricultural purposes, and to the Commissariat at Dinapore which purchased for killing. A Commissariat officer from Allahabad was unable to purchase any cattle for the Transport and Artillery. In December 1889, the Kukas were reported to have given out that Maharaja Dalip Singh would ere long restore the Khalsa Raj (Sikh kingdom) when kine-killing would be stopped.

Though there was not much active agitation in the Punjab during the year 1889, hardly a week passed without some reference to kine-killing in the vernacular newspapers, and the tone of the articles was unmistakably one of social and religious animosity. Throughout the year, the Central Provinces continued to be the most active centre of the agitation. In Rajputana also the movement was well supported; an agent of the Ajmere Arya Somaj was deputed to work the Native Chiefs, and a contribution of Rs. 5,000 was reported to have been obtained from the Maharaja of Jodhpore. The Missionaries of the Arya Somaj were also active in the N. W. P.

The year 1890 opened with a report from the Political Agent, Kotah, of a mysterious distribution of *chapattis* along with an injunction to people to abstain from selling cattle to any one. Previous to the Mutiny, *chapattis* were distributed and were held to have a similar significance to the 'Fiery Cross', though it is not known if the real meaning of the sending of '*chapattis*' was ever fathomed.

In connection with a commotion in Indore city, the Agent to the Govr.-Genl. for Central India, reported in January 1890 that an institution known as the '*Giara Panch*,' or Eleven Panches, existed in Indore and consisted of Baniahs from the Agarwal, Oswal, Mahesir and Saraogi clans. These Panches are bankers and traders themselves and control trade in Indore city. They maintain a cattle pound for ownerless and infirm cows and have an establishment for preventing Muhammadans from purchasing cows at fairs, &c. A short while before this, the Mhow Cantonment authorities complained of the illegal seizure and detention in Indore of cattle purchased by Commissariat butchers from the Muhammadan district of Seronj.

In March and April, the Arya Somaj missionaries were reported to be active in Sind, the Punjab and Rajputana. One of them Swami Ala Ram, who is also an active Congress agitator, boasted at Lahore that he had been the means of establishing 360 Gaushalas (asylums for cows) in Hindustan. A report on the movement in the Central Provinces showed that 44 societies existed there, and that on the whole the promoters had conducted their agitation in a peaceable manner, keeping within the law. The active propagandists were said to be a knot of Mahratta Brahmin Pleaders, and after them, the Marwaris of sorts. A missionary of the Burdwan Cow-protection society toured in the minor States in Bundelkhand, but did not meet with much success. Two Arya Somaj propagandists visited Indore, Dewas, and other places, but failed to excite much interest in the Cow-protection movement.

In April, there was friction between the Muhammadans and Hindus of Kushtea, in the Nuddea District, Bengal, arising out of cow-killing. Another riot occurred at the Berhampur cattle fair in the Shahabad district on the 17th April, and some butchers, who had purchased cattle, were assaulted by a number of Hindus, and their cattle taken away at the instigation of one Gopalanand Swami of the Benares Arya Somaj. In June, Mr. Joshi, a Pleader of Akola, in Berar, who had been sent to England in the

previous April, to lecture on behalf of the National Congress, was interviewed on his return to Bombay, and, being questioned as to funds, said he proposed that the Congress should assist the Cow-protection movement on the distinct understanding that half the subscriptions collected should be handed over to the Congress Committee. Soon after it was reported that Swami Ala Ram had solicited signatures to Congress petitions to Parliament for the reform of the Legislative Councils under the pretext that the measure would lead to the stoppage of kine-killing, and the abolition of the Income Tax. Mention was now made in reports from Bengal of the intention of the Calcutta Pinjrapol Society to get up a memorial against kine-killing for submission to Parliament. The Central India Agency reported an attempt of the Cow-protection Society at Neemuch to induce the Thakurs of neighbouring villages in Gwalior territory to join it, but the Gwalior authorities promised to discourage the growth of the agitation.

In August 1890, the Hindus of Belgaum were reported to have boycotted the Muhammadans during the *Muharram*, and the feeling of animosity between the two communities ran high. In Bengal, strained relations between the Hindus and Muhammadans were reported from the Rajshahye district, and at Durbhanga a disturbance took place on the day of the *Id*, the Hindus on this occasion being the aggressors. Ill-feeling also manifested itself at Patna and Dinapur. In the N. W. P. there was no actual disturbance at the *Id*, but the Hindus of Aligarh boycotted the Muhammadans for sacrificing cows. The prime mover on this matter was a Pleader, named Badri Parshad. There was some little excitement also at Allahabad, but it was promptly suppressed. In the Punjab, the *Id* passed quietly, but the Hindus of Jagadhri, in the Ambala district, boycotted the Muhammadans for sacrificing cows. Some friction was also reported from Amritsar with reference to the rules for the regulation of kine-slaughter recently promulgated by the Punjab Government which the Muhammadans considered an interference with their religious rights. There was friction also in the Gurdaspur district, but the Magistrate promptly set matters right.

The ill-feeling at Aligarh and Jagadhri had not abated in the following month, and it was reported that letters had been sent out from Aligarh to the Hindus in the neighbouring districts in the N. W. P. and Punjab, urging them also to boycott the Muhammadans. Several Calcutta Hindu papers at this time accused the officials of stirring up the Muhammadans to insult the Hindu religion, and thus cause dissension between the two communities, lest they should unite and become politically strong.

In September, reports from Bombay and Central India showed that the local Cow-protection Societies had created difficulties for Commissariat contractors in the Belgaum district, and at Jubbulpur and Mhow. The Chief of Dewas of the Junior Branch, who had countenanced his officials in stopping cattle in transit to the Commissariat at Mhow had to be informed by the Agent to the Governor-General that this could not be allowed. The movement was reported now to have extended to the Rewa State, and a Society was formed consisting of 36 of the Rewa Thakurs with a Rewa State Mukhtar at its head. This was followed by the circulation of a petition signed by the Maharanis of Rewa, the Raja of Sohawal (Baghelkand Agency) and many others praying for the abolition of the slaughter-house at Sutna. The servants of the disaffected Chandelin Maharani of Rewa were reported to be very active in joining the society. The agitation against the use of sugar manufactured after the European method, which had revived in Bengal, was now reported to have spread to the N. W. P. and Punjab. An impetus was given to this agitation by the sitting of the 'Bharat Dharm Mahamandal, a religious society started at Hurdwar in 1887 to foster the Hindu revival and the protection of cows. Shortly after, the movement was found to have spread to Ajmere. A movement alleged to have been set on foot at this time, by certain influential Muhammadans of the N. W. P. and Oudh to discountenance the slaying of kine in sacrifice by their co-religionists everywhere, and thus remove one of the chief causes of the chronic antipathy between Hindus and Muhammadans, appeared to be viewed with favour in the united Provinces, but not in Bengal, where any interference with the existing practice was strongly deprecated.

In October, the ill-feeling between the Hindu and Muhammadan communities arising out of the cow question still continued. There was also a slight disturbance at Bansgaon in the Gorakhpur district, N. W. P. The tension between the two communities at Durbhanga lasted till October, and at Aligarh till the close of the year 1890. At the latter place all attempts at reconciliation failed owing to the persistent opposition of Pandit Badri Parshad, the head of the agitation. At a meeting of the Arya Somaj at Cawnpore, towards the close of the year, a delegate from the Ajmere branch of the society stated publicly that the Maharaja of Kashmir had helped the movement considerably. A half witted Sadhu (Hindu ascetic) was noticed going about Amritsar telling the people that, as the English ill-treat cows, he intended to kill them. It was suspected that he was tutored by one Bawa Narain Singh, Pleader, well-known to be disloyal.

Notwithstanding the apparent lull in the Punjab during 1890, it was noted at this time that very little might at any time convert it into a dangerous fanatical movement, in parts at least of that province. All through the year, the Central Provinces continued to be chief centre of the agitation, and the Arya Somajes and their agents in various parts of the country were as active as ever in furthering the movement. Certain Missionaries of the Arya Somaj travelled through

Bombay to Madrás, where they held a meeting under the auspicies of the Hindu Tract Society, the President of which urged that Government should pass a law abolishing the wholesale slaughter of cows in India.

In the beginning of the year 1891, owing to the attention of the Hindus generally being diverted to the Age of Consent question, there was a lull in the agitation, but the Arya Somajes in the N. W. P. and Rajputana continued to be active in furthering the Cow-protection movement. A noteworthy incident at this time was an attempt of some men of the 36th Sikhs at Ludhiana to prevent cows being taken to the local slaughter-house. In consequence of a rumour that foreign salt and sugar are refined with bone-dust, the Hindus of Nuddea were reported to have given up the use of these articles.

On the 8th May 1891, there was again a riot at the Berhampur Cattle Fair in the Shahabad district. A crowd of Hindus armed with lathis (quarter staves, often shod with iron) attacked the butchers taking cattle for the Commissariat at Dinapore. The Police had to fire on the mob before the rioters dispersed. One hundred and fifty head of cattle were driven off. In June, in a report on the Nagpur Society, the Central Provinces Government mentioned, as a possible source of disturbances in the future, that the establishment of Gaurakhsha Sabhas over the country had no doubt prevented butchers within the radius of their influence from obtaining cattle for slaughter as easily as before. The movement in the Central Provinces generally was reported to have marked vitality only in the Mahratta country.

A riot occurred at Gya on the 18th July 1891, on the occasion of the *Id*, between the lower classes of Musalmans and the Hindus, assisted by the bad characters of the town. With reference to this case, the District Magistrate reported later in the year:—"I learn that the Gyawals, who have agents all over India, issued instructions to them to raise a clamour about cow-killing, immediately after the late riot. They have large numbers of agents in the Rajputana States and in Benares, so this cow business here may ultimately have some political importance, and will require very delicate handling." Some excitement at Delhi was reported about this time; also a fresh movement in favour of kine-preservation was reported as being organised by several influential Pandits at Benares. The Maharaja of Jodhpore gave a large subscription to a local asylum for cattle. The agitation against using sugar, refined after the European method, had now spread to the Central Provinces.

In August, there were complaints on the part of the Commissariat at Kamptee about the difficulties experienced in obtaining supplies of beef for the troops. Later on, there was a revival of the movement in Gya owing to the riots there. All this time, owing apparently to the awkward enquiries as to the disposal of the funds collected by him for Cow-protection, Sriman Swami kept out of the way in the Punjab, where he joined in the agitation against the Age of Consent Act, passing under an assumed name. Government was accused at this time of turning a deaf ear to the prayers of the Hindus regarding Cow-protection, because the Hindus were the chief aggressors during the Mutiny and massacred British men, women and children. In December 1891, instances were reported of the Cow-protection movement and the National Congress being discussed at the same meetings.

During the year 1891, it appears that the Cow-protection movement was to a great extent overshadowed by the agitation in connection with the Age of Consent Act, and in consequence met with less general support. The Central Provinces continued to be the chief centre of the agitation throughout the year, and the Arya Somajes in the N.W.P. at Benares, and at Ajmere were active in keeping it alive.

Early in 1892, the people at Kamptee in the Central Provinces were reported to be looking to the National Congress as the means of entirely suppressing kine-slaughter in India. It was also noted that after the Sessions of the National Congress in December 1891 was over at Nagpur, the members of the Gaurakhsha Sabha held a meeting in the Congress pavilion, which was attended by 1000 to 1500 persons including some of the Congress delegates and visitors. Two prominent Congress delegates addressed the meeting, and collections were made on behalf of the movement. In March 1892, a mysterious circulation of lotas from village to village in the Sonthal Parganas, and among the Gonds in the Central Provinces, seemed to be not unconnected with the kine-killing agitation. The feudatory Raja of Khairagarh in the Central Provinces was reported to have joined the movement. Partisans of the Congress were reported to be countenancing the movement in the Berars at this time. In May, the relations between the Hindus and Muhammadans were reported to be strained at Gya in Bengal, Jaunpore in the N.W.P., and Hoshiarpur in the Punjab. The people in the Central Provinces were said at this time to be tired of the exactions of the Gaurakhsha Sabha. Sriman Swami now reappeared from his retirement, and presided early in June 1892 at a public meeting of Hindus at Lahore to protest against the dispersion of the pilgrims at the Hurdwar fair.

During June, it was noted that the Agarwal and Raskh Somajes and the Kayasth and Khatri Sabhas at Cawnpore had all joined in raising subscriptions in aid of a Gaurakhsha Sabha at Patiala, a Native State in the Punjab. Some cattle being driven to Mhow were seized by an officious policeman on the ground that the owner was going to slay them. The Jains of Indore, who are

most bigoted about kine-killing, became much excited, and the Minister, who feared a repetition of the trouble of some years ago, sold the cattle. The owner petitioned and the Agent to the Governor-General told the Darbar they must pay him damages.

A case of cow-killing in the Sikh State of Jind in the Punjab was reported in October, and the investigation into it was found to have been conducted with much cruelty by the State officials towards the Muhammadans concerned—7 of whom were wantonly beaten prior to sentence, besides one who was flogged in execution of sentence. The case, however, did not give rise to any general excitement in the Province. The Punjab Government referred the case to the Government of India, and after much consideration, the Governor-General in Council directed the Punjab Government to communicate to the Jind Durbar, without unnecessary publicity, an expression of the dissatisfaction with which the Government of India had learned of the cruelty and oppression which characterised the enquiry conducted by the State officials: and at the same time to intimate a hope that, now that the excitement aroused by these proceedings has passed away, the Council would, with a view to restoring a better state of feeling between Muhammadans and Hindus, deal mercifully with the convicted persons.

The following are some instances of how cases of kine-slaughter are dealt with in Native States:—

In Rajputana, in 1863, Mehta Ajit Singh had a Meywar subject dragged by an elephant until nearly dead and then buried alive. The British Government interfered and outlawed the Mehta.

In Kashmir, in 1882, several accused, including one or two British subjects, were sentenced to imprisonment for life. Lord Ripon ordered that, if imprisonment for life has always been the punishment allotted to kine-killing in Kashmir, the British Government need not interfere until our intervention is called for.

In December 1882, a Kashmiri Maulvi was noticed in Delhi who wished to bring to the notice of Government that 800 Muhammadans had been imprisoned in the Kashmir State, for kine-killing, during the previous two years.

On the whole, the year 1892 may be said to have been one of little agitation and the movement generally was reported to be suffering for want of funds.

In January 1893, at the annual demonstration of the Nagpur Society, it was suggested that the Government of India should be memorialised jointly by the Nagpur and Bombay Societies with a view to the prevention of cow-killing, and, if unsuccessful, that the leading members of the Sabha should be deputed to England to agitate the subject there. Early in the same month, there was a riot in the Azamgarh district, N. W. P. A mob of Hindus attacked a Muhammadan driving cattle along a public road for delivery to Commissariat contractors and drove them off. The men arrested by the Police were afterwards forcibly rescued and the Police assaulted.

In February 1893, there was little doing except that Sriman Swami, who attended the late Session of the National Congress at Allahabad was reported to have started on a lecturing tour in Bengal. An organ of the Cow-protection movement in the N. W. P. remarked that, although the Hindu Chiefs do not allow kine to be slaughtered in their States, they could do much more for the Cow-protection movement without difficulty, *viz.*, by forbidding the export of kine from their territories, by giving grants to the Gaurakhsha Sabhas and appealing to Her Majesty the Queen-Empress for the discontinuance of cow-killing. The Maharaja of Bhurtpur was praised for protecting cattle in his territories.

In March, the agitation was reported to be very active in the Ballia district, N. W. P. An organ of the agitation in the course of a long diatribe against British rule at this time complained that the Lieutenant-Governor of the N. W. P. had given permission to the Munammadans of Mhow in the Azamgarh district to slaughter kine where it had not been allowed under Muhammadan rule, and that a landholder in the Gya district, Bengal, had been requested to supply beef to European troops passing through the district.

In April, after a lull of some months, there was a recrudescence of activity in the Bombay Presidency, the N. W. P. and Central Provinces. The Bombay Society held their annual festival in April and passed resolutions to memorialise the Government of India to extend the area for grazing purposes to reserved forests and to stop the wanton wholesale slaughter of cows. The Lieutenant-Governor of the N. W. P. wrote confidentially that the movement, ostensibly against kine-killing, was gaining in strength in the eastern districts, and that there had been some bad outbreaks lately. One especially in Gorakhpur, where a large body of Hindus attacked Muhammadan butchers at a cattle fair, and took 300 head of cattle from them. The tour of Sriman Swami in Bengal was reported to have been followed by a violent outburst of lawlessness in the Gya and Patna districts in connection with kine-killing. In the Central Provinces efforts were being made to extend the Panchayet system to villages in order to ensure the punishment of Hindus selling cattle to butchers.

In the month of May, it was reported that in Gya district, in Bengal, hardly a day passed without some cases of rioting or threatened breach of the peace on account of the anti-kine-killing agitation, and that the Bengal Governm[illegible] had had to impose punitive police on the

disturbed area. In the N. W. P. the agitation was said to be most rife in the Azamgarh, Ballia and Gorakhpur districts. In the Central Provinces the agitation was as active as ever, and the head Society at Nagpur was reported to be receiving substantial support from the sister Society in Bombay.

Owing to the special precautions taken in Bengal the *Bakar Id* passed off quietly, but in the N. W. P. serious rioting occurred in the Azamgarh district on the 26th June. Hindus from the Ballia, Ghazipur and Gorakhpur districts collected in great numbers and attacked the Muhammadans in order to prevent the sacrifice of cows at the *Id*. The most serious riot occurred at Mhow where the police were outnumbered and unable to repress the rioters who murdered several Muhammadans. The Hindus in all cases were the aggressors. There were minor disturbances in the Ballia district. Much bad feeling between the Hindus and Muhammadans existed in Bareilly, but the *Id* there passed off quietly. Things have since quieted down in the disturbed districts owing no doubt to the presence of troops at their head-quarters, but the ill-feeling between the two communities is still acute, and the trial of the persons concerned in the recent riots will no doubt make a considerable stir later on.

The movement in Bengal is reported to have the secret support of the Rajas of Bettiah, Durbhanga and Hatwa, and in the N. W. P. of the Maharaja of Benares. In the Central Provinces and Berar the leaders of the movement are the Mahratta Brahmin Pleaders, the same men who are the chief supporters of the Congress. In Western India, the Society is more quiet in its operations, but equally powerful, as was shown recently, when a representative of the Bombay Society was able to compel the Minister of the Baroda State to cancel an order that had been issued for the destruction of certain half-wild cattle, which were injuring crops in the districts. Every now and again complaints are made by Commissariat officers in the Bombay Presidency of the interference of the Hindus with the purchase of cattle for slaughter for the troops.

Organization of the Gaurakhsha Sabha.—As has been shown in the preceding section of this note, the Cow-protection movement, originally commenced by the ~~Brahmo and~~ Arya Somajes, was joined gradually by the Dharma Sabhas, or orthodox Hindu religious societies, and other Hindu bodies throughout the country. The leaders are mostly Brahmin officials, Schoolmasters or Pleaders, members of the so-called Patriotic Societies, but the main supporters of the movement are the great Hindu trading and banking classes, who are bigoted Hindus, and several prominent Hindu Rajas and nobles have given it their adhesion and support.

The rules of the Sabha are designed primarily to prevent cattle from passing, under any circumstances, into the hands of those who will either sacrifice them or slaughter them for food, and to enforce these rules, caste penalties are put in force. A District Magistrate in the N.W. P. has well described the movement:—"The whole of the Hindu population is driven into its arms by the tyranny of caste, and when once the league is established in any place, its grasp is so powerful that every man, woman and child must openly or secretly contribute to its funds, or cease to be a Hindu."

The following are some of the methods of raising funds adopted by the Gaurakhsha Sabhas. A '*Chituki*,' or pinch equal to one paisa in weight or value of food stuff per member of a household at each meal daily, is set aside. One or more officers of the Sabha are appointed to collect and guard these heaps for a whole village, and when a sufficient amount has been collected, the whole is sold and the proceeds credited to the Sabha. In some places, bankers, traders and others pay 20 per cent of their assessments on account of the *Pandri* tax as a contribution to the fund; Government servants paying income tax voluntarily contribute 1 pie per rupee of their income to this fund: persons having transactions with bankers and money-lenders are invited to give small donations according to their means: collection boxes are placed in the shops of money-lenders, traders, liquor-vendors and in public places into which people may drop contributions. Pleaders also make their rich clients contribute.

In certain towns, a recognised fee is demanded and paid on all transactions as a contribution to the fund. In others, fees are levied on sales of grain, cotton, oil, lac, cloth, &c., at fixed rates. In others again, fees are levied on cloth going out, and on every cart of grain coming in to the town. In rural districts, a certain proportion of all grain sold is set aside for the benefit of the fund, and fees are levied on ploughs from every cultivator. Contributions too are levied on various ceremonies, such as marriages, adoptions, &c., on entertainments and on festive occasions.

The Cow-protection Societies employ paid agents to itinerate and lecture on behalf of the movement and collect subscriptions, and one of them, the Nagpur Society, has organised classes to instruct selected candidates as lecturers. These men expatiate on the glories of the Hindu régime in the past when no kine-slaughter was permitted, and appeal to Hindus to protect the cow, by distributing pamphlets, leaflets and pictures of the cow with representations of the various gods in every part of its body. Some cartoons represent the cow about to be slaughtered by a butcher, and all the different castes of Hindus standing round and crying out to him to desist. Some represent the cow in her whilom condition calmly drinking at a stream to the sound of music, and in her present state in the hands of a butcher. Others depict a cow as worshipped in the past and as in the present time under the butcher's knife. One of these cow

pictures is thus described in detail:—"A calf is at her udder, and a woman sits before the calf holding a bowl waiting for her turn. She is labelled—'The Hindu.' Behind the cow above her tail is a representation of the God Krishna labelled—'Dharmraj' (Kingdom of Justice)—and in front of the cow, above her head, a man with a drawn sword, labelled—'Kaliyug' (The Age of Evil, *i.e.*, the present era.)" A Hindu explained its meaning, as follows:—"The Hindu must only take the cow's milk after the calf has been satisfied. In the 'Dharmraj' of the 'Satyug' (The first or Golden Age) no Hindu would kill a cow, but the 'Kaliyug' is bent upon killing the cow and exterminating kine As every man drinks cow's milk, just as he, as an infant, has drawn milk from his mother, the cow must be regarded as the universal mother, and so is called 'Gau Mata.' It is therefore matricide to kill a cow. Nay more, as all the gods dwell in the cow, to kill a cow is to insult every Hindu." The officer who obtained this cartoon adds:—"The effect of this symbolical teaching on the rustic mind may be readily conceived and to the Hindu the symbol has in everything displaced the symbolised entity. I found Muhammadans everywhere excited because they heard a picture was in circulation representing a Muhammadan, with a drawn sword, sacrificing a cow, and this they considered an insult. The evil that may be wrought by this picture is obvious."

Agents are also employed to outbid butchers at fairs and markets and to detect and bring to book Hindus offending against any of the rules of the Sabha. Hindus generally are forbidden to resort to the Government cattle pounds. In the N. W. P. lately, there was reason to believe that the Gaurakhsha Sabha contemplated the ousting of the jurisdiction of our Criminal Courts, and dealing with criminals, whether convicted by our Courts or not, by imposing penalties to go to the support of the Sabha; enforcing payment by turning the accused out of caste if he did not admit the jurisdiction of the Sabha by paying. Another proposal was to establish rural Civil Courts for Hindus.

One of the worst features of the movement is that our Hindu subordinates will not give information.

Dangers of the movement.—The primary danger is that the Cow-protection question furnishes a common platform on which all Hindus of whatever sect, however much at variance on other questions, can and do unite. As a Native official has well put it:—"To Hindus it is the question of all questions and it will always be the war-cry of the discontented." While professing to be based on economic grounds, the agitation undoubtedly owes its success mainly to the religious element contained in it, and perhaps also to the possibility that it may cause some embarrassment to an alien Government. It must be held to be part of the Hindu revival of which the National Congress is another manifestation, the aspiration at the root of both being directed to the formation of an Indian nation and the displacement from power, place and emolument of the ruling race, who may however be permitted to guard India for its new Governors. The inflammable and seditious character of the utterances indulged in at Cow-protection meetings has repeatedly been brought to notice. Though the movement is ostensibly directed against the Muhammadans, it is, as Sir C. Crosthwaite recently pointed out, a form of disloyalty towards the British Government, and in this connection the preaching against the number of animals slaughtered to supply beef to the British soldier and to Europeans, and the attempts made to rescue cattle destined for the Commissariat are very significant. Though the movement has a strong hold in the Bombay Presidency and the Central Provinces, there is not much likelihood of any serious danger arising out of the movement there, or in Bengal. The real danger lies in its spread in the N. W. P. and the Punjab where serious disturbances between the Hindus and Muhammadans, and collisions with the authority of Government, have already occurred. The Kuka rising of 1872 had its origin in the abhorrence of the sect to cow-killing *(see page 2 supra)*, and the recent riots in the eastern districts of the N.W.P. are due to the spread of the agitation to those parts from the neighbouring districts in Bengal. It has often been pointed out that under Muhammadan rulers the Hindus have made no attempt to raise this question, and that before the time when the Hindus were stirred up by the existing political propaganda, the Hindus and Muhammadans hardly ever fell out with each other over cow-slaughter or went to the lengths they do now. Muhammadan organs in the Native Press throw the blame upon the new education and sometimes on the Government which they declare does not maintain strict neutrality and leans towards the Hindus. Hindu organs on the other hand charge Government officials with deliberately sowing dissension between the two communities or of favouring the Muhammadans at the expense of the Hindus in order to divide and rule.

The allusion in the first section of this note to a belief current among the Hindus, that the Russians would put a stop to kine-killing if ever they should conquer India, and to the Kukas looking to restoration of the Khalsa Raj (Sikh Kingdom) to effect the same purpose should not be lost sight of.

The opinions of Sir A. Colvin and Sir C. Crosthwaite on the danger of the agitation spreading in the N.W.P. have already been noticed. It remains to quote the opinion of the late Lieutenant-Governor, and of the present Chief Secretary to the Punjab Government, on the danger in that province. In a minute on the Dalip Singh intrigues, written in 1887, Sir J. B.

Lyall says:—"I gather from many quarters that an idea has prevailed lately among the Hindus (Sikhs included) in the Punjab that we are turning from them and favouring the Muhammadans. Some say we are more afraid of the Muhammadans, others that we are influenced by dislike of the Arya Somaj and the educated Hindu. I think I can see some justification, or at any rate explanation, of this feeling which is, in my opinion, one we should do all we can to remove * * *. Again in cow-killing disputes the Muhammadan position is naturally apt to appear the more reasonable to our officers, and in other riots between Hindus and Muhammadans, the Hindus say, perhaps with some justice, that we judge any turbulence or fanaticism on their part more severely than on the part of Muhammadans. In India, as a whole, it is more important politically to keep straight with the Hindus than with the Muhammadans. In the Punjab, it is very necessary to hold the balance perfectly even between the two, and to remember that before we took the country, the Hindus had the upper hand." In another place he says:—"I would take all possible care to prevent the Muhammadans from giving the Hindus any cause of complaint in the cow-killing question." In a review of the report on the Vernacular Press of the Punjab for 1888, when there were signs of the agitation striking deeper root to Northern India, Mr. Tupper wrote:—"The feelings connected with the slaughter of kine are politically the most dangerous element in the Punjab. To the Muhammadans it is a welcome means of gratifying religious spite, and also a symbol of their freedom from Hindu supremacy, and disloyal Muhammadans may insidiously perceive that by flaunting this emblem of their political enfranchisement in the eyes of their adversaries, they may rouse the anger of Hindus against the British Government, except for whose tolerance the practice would be suppressed. Either party may submit to British rule as preferable to the supremacy of the other; but from both, foreign rulers must expect a certain kind and amount of antipathy, and it is unfortunate that, in the case of Sikhs and Hindus, such antipathy as there inevitably is, should be embittered in connection with this cow-question by a dangerous fanaticism directed against Muhammadans, or against ourselves, or against both. All this, of course, does not appear in the vernacular newspapers; but these remarks have been made to explain their tone with reference to kine-killing."

To these may be added the opinion of Mr. Henvey, when Agent to the Governor-General in Central India. Referring to the riot at Indore in 1890, he wrote:—"The facts disclosed are significant and full of importance. They show the dangerous nature of the Cow-preservation movement that has flourished for some time past in different parts of India, and exemplify how it is possible for a crowd of Baniahs to find it easy when their religious feelings have been sufficiently played upon by fanatics or hypocrites, to incite and abet in illegal actions the followers whom the Indore State permits them to employ, to mob the Minister of a powerful Hindu State and set his authority at defiance, and finally to compel the Maharaja of Indore and his Darbar to submit to a questionable compromise, supposing indeed the Darbar's Hindu proclivities did not render them at heart in sympathy throughout with those who ostensibly were defying the Maharaja's officials."

It must not be forgotten that Mr. Hume, as head of the National Congress, once openly alluded to the possession of the keys of the Magazine of physical force. Nothing has ever been reported connecting the Native Army in any way with the Cow-killing agitation beyond an attempt of some men of the 36th Sikhs in 1891 to prevent cows being taken to the slaughter-house at Ludhiana, and a vague and unconfirmed report that members of the Arya Somaj were enlisting in order to excite interest on the cow-question among the Sepoys. During the Dalip Singh intrigues, however, there was some reason to believe that Kuka agents were employed to tamper with Sikhs in regiments, and if the Cow-killing agitation ever reached an acute stage in the Punjab, a very careful watch would have to be kept both on Sikhs and Kukas. As pointed out by Colonel Henderson in 1889 with regard to the National Congress, so with this agitation—"There can be no doubt that a new force has arisen, and in considering the military requirements of the country for the preservation of internal order, this force has to be considered as an important factor."

9th August 1893.

D. F. McCracken,

Offg. Genl. Supdt., Thagi & Dacoity Dept.

Foreign Office Press—No. 1182—21-8-93—60.

1893 Jud. ... No. 1 ... 5732

CURRENT NO. 3732

Judicial Dept.

CONFIDENTIAL No. 247.

From

The Govt. of India,

Home Dept.

No. 1/1-C.

Dt: 29 Augt. }
Rf: 4 Septr. } 1893.

Encl: one.

Sp-copies; one of Encl. & 7 of current.

Movements against the slaughter of kine killing.

C.S. & Endt No. 1573 J. 6 Septr. 93
Transferred to the Special Branch

[initials] 6/9/93

A. Butterworth. Under Secretary.

6/9.

Returned to U.S. as desired. This note has been carefully checked and a separate note on Srinivasa Swami's doings while in Madras has been prepared. It is now in the press.

J. Price
A.S.B.

10/10.

[initials] 15/11/93

Strictly Confidential

Letter

From

The Honble Mr. J. F. Price. C.S.I.
Chief Secretary to the Govt. of Madras

To The Secretary to the Govt. of India;
Home Deptt.

Fort St. George
No. 2417 [dated] 20th Novr. 1893.

W 17 Nov.

[initials] 15/11/93

Sir

With reference to your letter No. 1/1C dated the 29th August 1893 forwarding a confidential note on the subject of kine killing, I am directed to ~~forward~~ transmit herewith a note on the movement in S. India prepared in the Special branch and to return ~~th~~ a copy of the note received with your letter. This latter note has been carefully checked so far as it deals with this Presidency but corrections & amplifications have ~~[illegible]~~ not been considered necessary.

2) With reference to para 5 of your letter No. 1460 dated the 4th Oct. 93 I am to say that careful enquiries are being made throughout the Presidency into the question of kine killing & ~~[illegible]~~ that the result will be duly communicated to the G. of I.

[initials] 18/11/93

Draft for Approval.
J. Price
A.S.B.

Knie Killing

Draft of letter to G. of I. for approval

c 14/11

Read again Order of Government, dated 189 , No.

Back Paper, No. Con 159 of 1893

Further Paper, No. Con 182 of 1893

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G. 14

Confidential No. 167
1893

Confidential.

Judicial Department.
G.O., dated 20-11-93.
No. 2417
Series. 9mo

First copy sent to Press.

Returned for signature.

Despatched 21-11-93.

[Despatch Abstract.]

Tiger-killing Return — forwarded to the Govt. of India.

C. No.

Jud C. Depart

In the absence of the judgment of the H.C. which do many references made, I cannot be sure that I understand the whole case. So far as I can see, there is no definite point on which orders are now required - Mr. Atkinson asks that, if Govt. approves of what has been done, he may be officially informed of the fact, as his hands would thereby be greatly strengthened. The Hon'ble H. Stokes remarked Oct 14, in Mr. A's absence, that about two months & the lakh of rupees was foolish. But his management of other reports of that might have caused not a most troublesome affair as there have been trouble and no objection to telling him so. When it is done, a word of commendation Mr. Sundaram should be added. It seems to know the people & their ... reply well and to be both ... actions.

The Hon'ble Govindasamy Mudaliar

FOR ORDERS.

The report of the Supdt of Kistna to S.B. giving an account of the differences between the Hindus and Mahomedans at Masulipatam and a DO from the D.M. Kistna to the Chief Secy are submitted

Jud
8/11/93

Draft com. pro official order on a D.O from Mr Atkinson. He may be told that Govt in the matter of ... ing of the order about the 1000 police coolies & bearing expense, until report of his action.

[I] did not intend these
[pa]pers to be kept back for
[the] collection & consideration of
[the]se G.O.s – The papers had better
[go] round at once & I can look
[th]rough the G.O.s at leisure afterwards.
It will probably be convenient to
[co]nsider Mr. Atkins's report in Council
[on] Tuesday.

W 20 Nov

I agree with the C.S. that, for
the present at least & until something
definite is brought against
him, nothing should be done to
the ~~Public~~ Local Govt. Pleader

[initials]
18/11/93

Mem. & circs. obvious

The copy of the ... case
judgment in the ...
case has been obta[ined]
is submitted.

Also, as ordered by H.[E.]
file of G.O.s on the subj[ect of]
processions & disturbances
put up. The last importa[nt]
order on the subject seems [to]
be G.O. dy 16 Sept 1886, No. 247
Judl., with which a judgment
of Sir Charles Turner's was
circulated for the information
of Dt. Mags.

It will be observed that Mr.
Prendergast suggests (place
marked with red tape) that s[ec.]
49 of the Police Act, 185[9]
should be amended so as [to]
empower the Police to rem[ove]
offensive devices carried [by]
processionaries & so as t[o]
make it clear that the[y]
may require licenses to [be]
taken out in certain ca[ses].
The Dt. Mag. expresses con[cur]-
rence with the former p[roposal].
It seems to be necessa[ry in]
addition to define mo[re]
clearly the officers of ...
who have authority to ...
under sec. 49 of the ...
Act, 1859, & to emp[ower them]
to disperse not on[ly] ...
but processions ...
may require.

[initials]
17/11/9[3]

...). would be
...tion to

[Marginal note, written vertically:] [initials] 17/11/93 ... [illegible] ... these cases ... [illegible]

882 speci...
...ors ...
...me rule...
...ors
High...
...rs and

The Hon'ble Colonel J. PENNYCUICK.—The facts are as stated in the question except that there are regular rules for the distribution of water, and that it is not believed that the ryots have any difficulty in understanding their own rights and privileges in the matter or any hesitation in bringing their requirements before the officers of the Public Works and Revenue Departments. The evils arising from the employment of an inferior class of men in the distribution of water in the deltas have already attracted the attention of the officers of the department and proposal for the removal of the evils will shortly be laid before Government.

As the subject is already under consideration and as the Hon'ble Member is himself furnishing a memorandum on the subject to Government, it does not appear necessary to institute any special enquiry.

The Hon'ble N. SUBBA RAO.—Whether the attention of the Government has been drawn to the notifications issued by the District Magistrates of Kistna and Nellore, dated 10th and 16th October 1893, respectively, in connection with the recent celebration of the Dasara festival in the towns of Masulipatam and Nellore?

Whether the Government will be pleased to state the circumstances under which they were issued and the necessity for issuing them?

And whether the Government approves of the said notifications?

The Hon'ble Mr. H. W. BLISS.—The answer to the first part of the question is "Yes"; secondly the notifications in question were issued because the District Magistrates were of opinion that the manner in which it was proposed to celebrate the Dasara festival was calculated to cause just dissatisfaction to the Muhammadan inhabitants of the towns in question, and there was consequently danger of disturbances which it was necessary to provide against; thirdly, the Government approves of the issue of the notification in question in the case of Nellore With regard to the notification issued by the Kistna District Magistrate, the Government understands that it was withdrawn by him on the 14th October. The matter is still under consideration.

The Hon'ble N. SUBBA RAO.—Whether, in view of the strained condition of feeling that has of late been manifesting itself between Hindus and Muhammadans on the occasions of Dasara, Moharrum, &c., the Government does not think it desirable to appoint a committee of representative gentlemen to enquire into the matter and advise the Government on the best way of preventing all such temporary excitement of feeling arising between the two communities?

His Excellency the PRESIDENT.—I am happy to say that the Government considers that the state of feeling between the two classes mentioned is so far satisfactory in this Presidency that it is not necessary to appoint a committee as suggested.

The Hon'ble Member, with His Excellency's permission, withdrew the following questions of which he had given notice:—

Is it the fact that lists of jurors and assessors prepared under section 321 of Act X of 1882 are incomplete owing to the exclusion of many of the most suitable men available in the district?

Whether at present there are any rules framed under section 553 of Act X of 1882 specifying any property or educational qualifications for the selection of jurors [illegible]ors? If not, whether the Government will be pleased to request the High [illegible]me rules for the selection of proper persons to serve as jurors and

His Excellency the PRESIDENT.—The Hon'ble R. Ramasubba Aiyar will now put his questions.

The Hon'ble R. RAMASUBBAIYAR.—Is it a fact that, in the case of Native convicts, they are put on "Ragi diet" as soon as they are admitted to jail, although until they were so admitted to jail, they were in the habit of living only on rice and not on ragi? And is it only in the case of Native convicts sentenced to twelve months' rigorous imprisonment and upwards they are allowed rice two days in a week?

If it is a fact, does the Government of Madras mean to continue this practice, or is it going to view it with disfavour and take steps to discontinue it and give rice instead in all cases in which the Magistrate who commits the convicts to jail finds that they have been in the habit of living only on rice until they were so committed to jail?

At all events, would the Government of Madras be pleased to direct that Native convicts unaccustomed to ragi diet be put on it gradually, so as to make it possible for them to acquire the habit of living on such diet?

The Hon'ble Mr. H. W. BLISS.—Full information as to jail diets will be found in Jail Code, which the Secretary will be happy to show to the Hon'ble Member if he will apply to him. The whole question of the dietary in jails had recently been gone into with great care and the diet scales revised; and the Government does not propose to make any alterations therein. If the *ragi* diet is found to disagree with convicts, the Medical officer has full authority to order a rice diet, for such period and to such extent, as he thinks necessary.

The Hon'ble R. RAMASUBBAIYAR.—With reference to the question of the supply of provisions to Government officers on tour, has the Government of Madras considered "whether the present arrangements sufficiently provide for the avoidance of hardship to the furnishers of supplies, and, if not, in what way they should be supplemented"?

In the present altered condition and circumstances of the country, is the intervention or interference of an officer of the position of a Tahsildar in any degree necessary or desirable in the matter of supplying provisions to local and other officers while at their head-quarters or on tour?

Whether, in this connection, the Government would be pleased to take into their consideration the expediency of granting Tahsildars some travelling allowance, more especially as their absence from head-quarters for twenty days in a month is enforced under the present rules?

The Hon'ble Mr. J. H. GARSTIN.—The answer to the first question is that the matter was fully considered by the Government in May last, and they are of opinion that the instructions issued by the Board of Revenue in 1887 and the directions contained in Board's Standing Orders Nos. 205 and 209 are sufficient to prevent any abuse.

The answer to the second question is that there is no need for the interference or intervention of the Tahsildars when at the head-quarters; but where local or other officers are going on tour into a taluk it is often necessary for the Tahsildar to advise the monigar of the villages which the officers are likely to visit of their coming, in order that the monigar may make arrangements for supplying provisions on payment ... cases where such supplies cannot be purchased from bazaars; otherwise th... would often not be able to get food; the finding of supply for officers ... travellers and for troops on the march is one of the duties of the ...

Question III A.

i. The answer to the first part of the question is "yes".

ii. The notifications in question were issued because the District Magistrates were of opinion that the manner in which it was proposed to celebrate the Dussera festival was calculated to cause just dissatisfaction to the Muhammadan inhabitants of the towns in question, and that there was consequently danger of disturbances, which it was necessary to ~~[illegible]~~ provide against.

iii. The Govt. approves of the issue of the notification in the case of Nellore. with regard to the notification issued by the Kistna District Magte. the ~~The report of the~~ ~~the subject has not yet been considered.~~ Govt. understands that it was withdrawn by him on the ... and the matter is still ... tion.

~~Question III B~~

Hon. Sub ... is obvious ... caric...

Question III-A.

The attention of Govt. ... has been drawn both ... threatened disturbances ... Nellore & to those at M... patam.

In the case of Nellore the fol... is an abstract of the Dt. Mag... report:—

"Of recent years the Hind... have shown a tendency to encroa... upon what were previously reg... as the privileges of Muhammad... In the Dasara of 1891 the Hindu... in some cases put on disguise similar to those they had ... at the Muharram. In 18.. this tendency was still m... marked. In 1893 the Hind... abstained from joining the Muharram & petitions from both parties were receive... & considered by the Dt. M... The Muhammadans urged ... the use of disguises at the Dasara is intended as a caricature upon the Muharram; the Hindus contended that they were mere mummeries common to both religions. The Dt. Mag. decided that the tiger-disguise & the ascetic (pandáram)-disguise are not distinctively Muhammadan but that the carrying of the panjah (a banner repres... Muhammadan symbo... ...t (mausole... ...m) would be ... tion to ...

[illegible]s. The Hindus
no[illegible] carry these
[illegible]wo & stated that they
[illegible]ot wish to adopt the
[illegible]o-disguise (majnum).
[illegible] this agreement being come
the Dt.M. refrained from
issuing an injunction under
the Crim. Proc Code but
warned the Hindus that
the Dasara ~~festival~~ procession would be subject
to the control of the Police
acting under sec. 49,
Act XXIV of 1859.
At the same time the Dt. Mag.
issued an order to the Supt.
of Police directing him to
prevent any Dasara procession from passing through
the main bazaar street
where several Muhammadan
places of worship are. This
order was made a matter
of petition but the Dt.
Mag. confirmed it on the
16th Oct. by the issue of
an injunction under sec.
144 C.C.P. & further bound
over several of both parties
to keep the peace. The Dasara
passed off quietly, though
feeling still runs high.
[illegible]M. has already expressed on
No. 4775 his opinion that
[illegible] action taken by the Dt. Mag.
[illegible] judicious.
[illegible] regards Masulipatam the
[illegible]ts were, briefly, as follows
"The ill-feeling betw[illegible]
[illegible] parties
[illegible]hen

that the lists of jurors
and assessors prepared
under S. 321 of Act X of 1882
~~are~~ generally incomplete, but has recently
issued instructions for
increased care in their
preparation.

Question IV B. – The H.C.
does not appear to have
power, under the section
referred to, to make ~~make~~
such rules as are suggested, nor does the Govt.
see the necessity for them.

was stares obvio[illegible]
was con[illegible] carri[illegible]
[illegible] 'stopping [illegible]
cases before mos[illegible] a[illegible]
shouts of "Govinda" proce[illegible]
result was rioting up[illegible]
more or less serious [illegible]
In 1885 a Saiva process[illegible]
conducted by the inhabit[illegible]
of Rágupéta stopped be[illegible]
a mosque beating tom-to[illegible]
for a long time; a riot ens[illegible]
In 1886 the Muharram &
Dasara fell together & the
Joint Mag. in charge issu[illegible]
an order requiring all processionaries to take out
licenses under sec. 49 of
the Police Act. These licen[illegible]
were drawn up in a for[illegible]
prohibiting the playing [illegible]
music before places of
worship of other religi[illegible]
bodies. The result was th[illegible]
the Muharram was not carri[illegible]
out & animosity between [illegible]
two parties ran still hi[illegible]
In 1887 a Hindu process[illegible]
passed the principal mo[illegible]
with music playing during
the hours of public service
& tried to repass it in the
same way & practically
did so in spite of the
efforts of the police. A
number of leaders of the
procession were according[illegible]
arrested & punished.
In 1888 the Muharram &
[illegible]asara again fell toget[illegible]
[illegible]ag. is[illegible]
[illegible]

...assed places
...ip. The result
... the Muharram was
...ld.
...s the two festivals again
...e on together & the same
...rse was taken.
...1889 the Hindus refused to
...in in the Muharram & in
... course of the following Dasara
...me of them appeared painted
... tigers & finally some of
... processions appeared
... the Nanak Shah giros,
...gi giros & Bairagi giros
...hich had previously been
...sed during the Muharram
...nly & also carried the
...white aftab-giris bearing
... representation of the
...tar & crescent on one
...ide & of a Hindu idol on
the other. The Hindus also
threatened to carry a
tahbut on the following
day. A great commotion
followed among the Mu-
hammadans & they petitioned
the Dt. Mag. & the Supt: of
Police on the subject de-
claring that it would be
impossible to prevent a
riot if such actions on
the part of the Hindus were
permitted. The Supt: at
once issued orders to the
Police to stop all processions
until he had an opportunity
of seeing that they had no
improper devices...
...were
...been

that it was obvious...
to be a ridicule...
of the Muharram p...
After considerable a...
the leader of the process...
was induced to give up
objectionable access...
but one portion of the
procession which insis...
on carrying the white
aftab-giris had to be
deprived of them. Suits
were brought against the
Supt. on account of the
action taken by him &
it was finally ruled by
the High Court that his
powers did not extend
to carrying away emb...
borne by processions.
There is evidence that th...
ridiculing of Muhamma...
rites was the result of
a wide-spread conspira...
for the same thing occur...
about the same time a...
several other places i...
Kistna District.
In 1891 further trouble...
occurred. While the Muhar...
was in full swing the
Hindus suddenly put
up festoons across the
routes usually followed
by the procession & hung
them so low that it was
impossible to drive or ride
under them & the Muhammad...
complained that the inte...
was to make them bo...
...(bae...d off...
...repr...
...ried...

ist. Mag. ordered the
...al of the festoons.
73 further disturbances
feared as the Hindus
preparing processions
caricature of the Muharram,
...n to the extent of making
the Sivamandiram resemble
a talabut as far as possible.
The Dt. Mag. accordingly
issued a notice threatening
the imposition of a punitive
police force in case of
disturbance; he also enrolled
a number of Hindus &
Muhammadans as Special
Constables & issued an order
prohibiting the use of all disguises
by the Hindus & the playing of music before the mosques.
The Dt. Mag. also,
at the request of certain
Hindus, convened a meeting of
Hindus & Muhammadans &
after prolonged discussion
a modus vivendi was arrived
at & it was settled what
disguises were inoffensive
& that music should be
stopped in front of the
principal mosque only.
On receiving information of this
agreement the Dt. Mag.
cancelled his prohibitory
order regarding disguises &
music. There was, however,
practically no Dasara
celebrated this year & Mr.
Atkinson thinks that the
object of the Hindus is to
pretend that they are
prevented from ...

Govt. confirmed the Dt.
threat about the punitive
police force by G.O. d...
1573 No. 2118, Judl., & H...
Expressed recently his co...
mendation of the Dt. Mag's
action.
I have not put up the
file about the trouble
Masulipatam because I wan...
to circulate it with a separate
note.

Question IV—A

The selection of jurors is left
by sec. 321, Crim. Proc. Code
to the discretion of the
Sessions Judge & Collector.
There is no reason to suppose
that these officers do not
usually exercise proper
care in the discharge of the
duty but, recently, (in G.O.
28 August 1893, No. 1747, Judl.)
all Collectors have been
urged to show discrimination
in selecting jurymen.

Question IV-B.

No property or education
qualifications have been prescribed
prescribed for jurymen in
sec. 553, Crim. Proc. Code, &
it is doubtful if that section
empowers the High Court to
make any such rules. In
any case there seems no
necessity to address the
High Court on the subject

13 Nov.

CHIEF SECRETARY
21 NOV 93

GOVERNMENT HOUSE,
GUINDY.

20 Nov

My dear Price

I return box No. C.29

Aitchison + Prendergast. Please

bring up in Council tomorrow

as Bliss has suggested + as

H.E. the Gov. approves

Y. tru
C. Tremlett

NOTE FOR THE CHIEF SECRETARY.

Will C.S. kindly get this revised draft passed in Council. I have added a few words to para 1(i).
I have also re-modelled para. 2 (3) on the analogy of sec. 297 I.P.C. as ordered; but I would submit for consideration whether sec. 295 I.P.C. is not more strictly applicable & whether the reference to wounding of feelings should not be omitted.
In para. 2(4) I have added the words "Sub-divl. Mag. or any "superior officer of Police."

The draft may go as it now stands. 5/12

H.S.

J.H.?

Dp. the G.O. 5/12/93
5/12

In Press 6/12

Code Class.

INDIAN TELEGRAPHS.

Monthly Number.

To (Office) Telephone

From (Office) Message

Words.	Day.	Hour.	Minute.	Official Instructions.
	27	16	12	

To (Person) Under Secy. Public Dept.

From (Person) Asst. I. G. of Police

Superior officers quoted in Section 49 of Police Act have always held to mean gazetted officers.

C
27-11-93

64 Word Form.

F.C.2.

LN. Sent to LN.

At Hrs. Mts. by

Telegraph Master.

desire

...h

or.

to apply to gazetted offi...
...ly it ~~would be~~ repl...
...eration

pr... ...ey are
preven... ...rom pe...
...icom...

pr ... ney are

preven ... from pe...

...ierous

Ind^l. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

Current No. of 18 , dated from

Regd. Mr. Prendergast's report (to be printed ~~in half margin~~).

High Court's judgment (to be printed)

Current No. of 18 , dated from

Order: 6th December 1893 No. 2653
P.S.

In its judgment in Second Appeal No. 1679 ~~of~~ 1892 the High Court has declared that section 49 of Act XXIV of 1859 does not empower a Police officer to remove from a Hindu procession devices intended to cast ridicule upon the Muhammadan religion & in view of this decision the Govt. considers it imperative to amend the law so as to legalize such action. Mr. Prendergast's report read above shows how serious may be the effect of the High Court's ruling unless the scope of section 49 is promptly extended. In the following respects also the section requires alteration:—

(1) the term "superior officers of Police" is vague; ~~this~~ has by custom been held to apply ~~to~~ gazetted offi... ~~it would be repl~~ ... ...ation

W
5 Dec.

D.H.
4/12/93
our notes

devise ... h ... Pr

...lty for the infringement of the conditions of a license but it does not explicitly authorize the issue of licenses; this defect ~~will~~ should be remedied;

(3) in the judgment read above Mr. Justice Shephard has expressed an opinion that a Police Officer ~~has~~ does not ~~give~~ possess power to disperse a procession under section 49 although he may disperse a crowd; the law on this point ~~will~~ should be made clear;

(4) the proviso to the section refers to the "general control" of the Magistracy; the term is not sufficiently definite & the opportunity ~~will~~ should be taken to explain more clearly what the powers of the Magistracy are.

2. Accordingly the Govt. proposes to introduce a Bill making the following alterations in section 49:—

(1) substituting the words "~~any~~ All "officers of Police not below "the rank of ~~Assistant~~ Inspector" "~~Superintendent~~" for the words "The Supt. and "superior officers of "Police";

(2) adding the words "license and" before the words "regulate the use of music";

(3) substituting the w... are ... [illegible]

Note

I dont think this goes far enough - ordinarily there are only one Supt. & one asst. Supt. to each district of perhaps 7000 square miles. It is impossible to reckon on either of them being present when it is necessary to bring s. 49 of the Police Act into force. I would say "Inspector" ... Asstt. Supt.

[initials]

Note Lapse 2 ...

And ...

X would it not be better to follow as far as possible the wording of S. 297 I.P.C. and to say something like this:—

....."wound the feelings of persons belonging to any specified class of the community or to be likely to be in good faith considered by any such persons as insulting to their religion"

[initials]

W — Except the word 'specified' which seems superfluous I think it would be better to use words something like those suggested by Hon: E. Elliott

[initials]

~~just cause of~~

[initials]

X

" to apprehend a [breach]
" of the peace, (i) direct
" an assembly or pro[cession]
" shall not take pla[ce]
" or that it shall be
" conducted only in
" accordance with the
" terms of a license to be
" issued by them, (ii) remo[ve]
" or direct the removal of
" any article of dress,
" emblem, banner, ~~or~~ device
" ~~article~~ or other thing which, in their
" opinion, is intended ~~the~~ to
" ~~likely~~ to ~~give offence to~~,
" ~~any class of the community~~
" and (iii) direct all crowds,
" assemblies and processi[ons]
" of twelve or more
" persons to disperse; an[d]
" every person opposing
" or not obeying orders
" issued by Police offi[cers]
" under this section, or
" violating the condition[s]
" of the aforesaid licens[e]
" or opposing any Police
" officer exercising the
" powers conferred upon
" him by this section, sha[ll]
" be liable, upon convicti[on]
" before a Magistrate,
" to a fine not exceeding
" one hundred rupees;"
for the words "and may
"direct all crowds .....
"one hundred rupees."

(4) Substituting the following for the present proviso—
"Provided that noth[ing]
... section

wound the feelings of persons belonging to ~~[illegible]~~ any class of the community or ~~to be~~ is likely to be in good faith considered by such persons as insulting to their religion,

desire ...

...k

[initials]

...ued to affect the powers ...ferred upon Magistrates & Police officers by any other enactment for the time being in force & that "the District Magistrate (the Sub-divisional Magistrate or any superior officer of Police) may "direct that any order made "or license issued under "this section shall be "withdrawn, modified or "cancelled".

Note For example, the powers vested in Mag. & Station House Officers by the Crim. Proc. Code in the matter of unlawful assemblies

I would go further & give the div. mag. also this power

3. The Govt. desires that the officers named below will confidentially submit their views on the above proposals at an early date—

The Advocate-General;
The I. G. of Police;
The Dt. Mag. of Coimbatore;
" " " " Kistna;
" " " " N. Arcot;
" " " " Nellore;
" " " " Salem;
" " " " Gódávari

(Fromorders)

28 Nov.

29/11/93

... the Govt. Sol.
- I.G. Police
- D.M. Coimbatore
— Kistna.
— N. Arcot.
— Nellore.
— Salem
— Gódávari.

with one spare copy each
Desptd 19/1/94
(Note - Appendix not issued)

Note.
It is the rule that each dept. of ... Secretariat shall prepare ... own draft Bills so the above ...der has been marked as ...udicial.
... aft specifies the ... to be ... pe... ... ...

when the Bill is finally ... pared it will very li... be considered advisab... to repeal & re-enact the whole of section 49 inst... of amending it piece-me... Before preparing a Bill of this kind it is subm. that the opinions of a few officers should be taken; those specified in section 3 seem sufficient.
The Bill does not require the prior sanction of the Governor General because it relates to an Act passed prior to November 1861 (*vide* sec. 42 of the Indian Councils Act, 1861); the provisions of sec. 42 of the Act of 1861 on this point are not affected by section 5 of the Act of 1892. But it is possible that H.Ex. will regard the Bill as one affecting the "religion or religious rites "& usages" of the people; if so, it will require, under sec. 43 of the Indian Councils Act, 1892, the prior sanction of the Govt.-Genl. This is, however, a matter which can be settled hereafter if H.Ex. approve the above G.O.

28 Nov.

29/11/93

Certainly

4/12/93

5th Dec.

7/12

I think that it does not by rule that it would be, refer to the Indian the opportunity of deciding the point.

There is sure to be an outcry when the bill is brought up as it will be known well enough at what it aims and it seems desirable to leave no loophole

Masulipatam
disturbances

4th Dec 1893
P.S

(Immediate)

Note
Taken into Council of
the 9th January 1894, to decide
how much of Mr Prendergast's report
is to be printed & in what form
MR

6TH DECEMBER 1893, No. 2555, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

Departmental weekly report of Mr. H. G. PRENDERGAST, District Superintendent of Police, Kistna District, dated 30th October 1893, Nos. 37 & 38.

I send this on to S.B. with a few notes. I am sending a separate demi-official report to the Chief Secretary, dealing with my action in the matter, and with proposals for the future.

1-11-93. J. N. ATKINSON.

The Hindu having published very garbled accounts of what has recently occurred in Masulipatam, I think a full report is necessary. To thoroughly understand the state of things it is necessary to go back a bit in the history of the town. In the 40's, while the Nawab, as he was then called, was still a comparatively wealthy man of great importance and influence, the Mussalmans were truculent and aggressive, and it used to be considered necessary during the Muharram and Dasara to take great precautions to prevent any disturbances that might arise from that attitude of the Mussalmans. A large body of peons used to be collected from outlying taluks, detachments of troops were posted about the town, and a guard of sepoys accompanied each procession.

Gradually the Nawab became indebted to Hindu zemindars and bankers, and it was then his policy to be as civil as possible to them and their co-religionists ; and he had sufficient influence over his community to induce them, many of whom also were in the clutches of Hindu money-lenders, to follow his example. Very amicable relations were thus established between Hindus and Mussalmans. This was rendered the easier from the fact that the Hindus were still proud of and respected their Nawab, whose claim to be the premier nobleman of the district was cheerfully conceded by the Hindu zemindars. In consequence of

this the special precautions were gradually relaxed until by 1865 they were altogether given up, the great calamity of 1864, shared by both the communities, having drawn them together. After that the Mussalmans became poorer and poorer and less able to celebrate the Muharram with the grandeur with which it used to be celebrated in this Shiah stronghold of Muhammadanism, but the Hindus stepped in and took a more active part in the celebration, until the Muharram was really more of a Hindu carnival than a Mussalman celebration of a mournful anniversary.

In 1884, the amicable relations between the Hindus and Mussalmans were disturbed by the occurrence of a riot, due to the insulting conduct of a Hindu procession of the Rama Dandu or Rama's army. This was a sort of Hindu religious revival, apparently an imitation of the Salvation Army, which was then making some stir. It appears to have begun in Mysore and to have spread north as far as the Gódávari. The *modus operandi* of the dandu was as follows: A kalisem, a pot of water with margosa and other sacred leaves stuck into it with certain ceremonies, was set up, Ramabhajana was performed before it for some time by the whole male population of the village, and it was then carried in procession to the adjoining village. Bhajana was performed there for some time by the inhabitants of both villages conjointly, who then proceeded together in procession to the village adjoining both. The same process was gone through at the third village. The triple procession then went in turn to each of the three villages adjoining two of the first batch, and from each of the villages thus visited a new kalisem started to go through the same process, so that the movement spread in every direction. The first batch returned to their homes after starting the new kalisems to continue bhajana in their own villages.

There was nothing objectionable in this, but unfortunately the people soon got so excited over it that they seem to have gone mad for a time. They committed much mischief in the course of the processions, pulling down trees, breaking off branches, pulling tiles and thatch off roofs, destroying vegetable and fruit gardens, knocking turbans off

the heads of every one they met, including Mussalmans, and insisting upon their joining in the procession and shouting "govinda," stopping before mosques shouting "govinda," and performing bhajana there for an hour at a time, and so on. The idea was, I suppose, that this was the conduct of an army on the war path. The consequence was more or less serious riots at every place in the neighbourhood where there were Mussalmans, except at Ellore and Narsapur in the Gódávari district, where special precautions were taken by Colonel Hoskins and myself. The dandu was not permitted to cross the Gódávari and the movement soon died out.

The ill-feeling aroused also soon subsided in most places, but not so in Masulipatam. In 1885, a Saiva procession of a Prabha, conducted by the people of Razupeta, stopped before a mosque and continued for a long time to play tom-toms, &c., and perform bhajana before it. The Mussalmans allege that they civilly asked the Hindus to move on as they were about to begin a service in the mosque, but no attention was paid to them and the behaviour of the Hindus was provocative. They went, they say, to the Town Inspector, a Brahman, who was holding his office in the Inuguduru police station, within sound and almost within sight of the nuisance, and asked him to send the procession on, but he took no notice. The Mussalmans who make this allegation further allege that on their returning to the procession to plead with the conductors of it to stop the nuisance, some of the younger and hot-blooded members of their community, seeing that they had failed to bring the Inspector with them, threw stones at the Hindus, and a riot ensued. It is easy enough to read between the lines here. The Bunder Mussalmans are not only no longer aggressive, but ask only to be protected from insult; but whenever they realize that, from whatever cause, they are not to be so protected, they still have spirit enough to take the law into their own hands. It may be that they did not go to the Brahman Inspector because they were not likely to expect sympathy or even impartiality from him. The Inspector denied that they had come to him, but admitted that the music had been going on for a long time in the neighbourhood of the

mosque, and said he *therefore* did not anticipate a riot. He was departmentally punished and removed to another division, a Eurasian Inspector taking his place in the town. Although members of both communities were punished for this riot, the punishment and removal of the Inspector was considered by the Hindus a concession to the Mussalmans and feeling was strong not only against the Mussalmans, but against the district officers. In the pleadings in these cases, viz., those arising out of these two riots, it was maintained that the Hindus had a right to use the highways for processions and festive assemblies and that it was the duty of the police to protect them in the exercise of this right. It was the skilful manipulation of this theory that emboldened the lower orders and it is this idea that is still inculcated by the pleaders and the Brahman caucus that dominates the town. Every opportunity of provoking the Mussalmans is seized with temerity because of the impression that the authorities will be compelled eventually by the High Court to protect the Hindus against Mussalman reprisals so long as they can show that they are engaged in religious processions; and frequent references are made to the Queen's proclamation on assuming the government of India.

This was the state of affairs when I joined the district in 1886. The Dassara and the Muharram partially coincided that year. I made arrangements for collecting re-inforcements and proceeded within a week of my taking charge with the inspection of the district, which was backward, intending to return to Masulipatam a day or two before the commencement of the Muharram. But Mr. Mullaly, Acting Joint Magistrate, who arrived in Masulipatam to take charge of the office of the District Magistrate between the departure of Mr. Weld and the arrival of Mr. Thomson, having made inquiries for himself and learnt of the tension, thought, with his experience of the Salem riots, that further precautions should be taken, and, calling me in at once from the district, he issued a proclamation requiring all processionaries to take out licenses from me under section 49 of the Police Act and instructed me to issue the licenses in a form which he prescribed and got printed at the Collectorate Press. This form contained

This course gives some sort of guarantee for the orderly behaviour of the regular processions thus personally conducted. But the guarantors, I imagine, would find it no difficult task to evade responsibility if a riot were to occur, and, what is more important, there is nothing to prevent so called processions starting in slums and back streets without any personal conductors.

1-11-93. J. N. A.

two conditions, viz., that the procession should be conducted by five or more respectable persons who should hold themselves responsible for the orderly management of the procession and that musical instruments should not be played before a place of worship belonging to a religion other than that of the processionaries. The effect of this was that the Mussalmans gave up their Muharram and the Hindus, though they celebrated the Dasara, were irritated by the restriction as to music. Each party blamed the other for the inconvenience it suffered, and the ill-feeling was increased, but still no disturbance occurred.

I left the district in December 1886 and returned to it in April 1887. Within two or three days of my assuming charge the Sivaganga procession was to come off, and the Town Inspector received information that, at the instigation of his father-in-law, the Muktyala zemindar, who had been talked into it by the local pleaders, the Devarakota zemindar, the trustee of the Sivaganga temple, who was naturally a timid man, intended not to stop music before the principal mosque although he had been warned that it was the Mussalman festival of lights when public worship would be going on in the mosque at the hours at which this procession would pass and repass it.

I instructed the Inspector to post a couple of constables near the mosque to see that the congregation was not disturbed. At midnight I received a message that the procession had gone past without stopping music, pushing aside the constables who ordered them to stop, and that the Mussalmans assembled in the mosque had turned out and were awaiting the return of the procession to revenge themselves, being prevented by the police from following the procession at once.

I galloped to the spot at once and found a mob of Mussalmans near the mosque in a very excited state. I ordered them to disperse, or to retire into the mosque and continue the interrupted service, leaving me to deal with the procession which had made itself obnoxious to the law by disobedience of orders issued under section 49 of the Police Act, and I also told them that the leaders would certainly be punished. But I was new to them and they believed me to be the author of the condition that

they should stop music before Hindu temples, and there was some hesitation. Eventually, however, the more respectable among them returned to the mosque and the rest dispersed. I placed a guard inside the mosque door to keep the congregation in and drew up half my men across the street, 200 yards beyond the mosque to prevent a rush from the Mussalman quarter, keeping the other half of my party in reserve to follow the procession when it neared the mosque. Not liking to leave the spot at such a time, I sent word by a Brahman head constable to the zemindar that he must stop music on his return as worship was then going on in the mosque. The head constable returned and reported that the zemindar said that music had been stopped when the procession passed and would be stopped again as it returned.

The procession came on, and, as it passed Inuguduru station, I mounted and followed, cutting off its retreat with my reserve party. When the procession came to the point at which a constable was posted to warn them to stop music, the constable was pushed aside, the band went up to within a yard of the door of the mosque and played vigorously, while another band went past the door silently and began playing immediately it passed the door, the two together making an awful din, and while the zemindar on the elephant went past with the idol behind. I rode forward and the procession quickened its pace, but was soon brought up by the party I had drawn up ahead. A stampede to the rear ensued, but the other party I had left there stopped that. I then arrested the zemindar and the leaders of the procession, released them on bail and prosecuted them next day before the District Magistrate. I suppose this is what the *Hindu* looks upon as evidence that I became the "sworn enemy of the Hindus."

The zemindar engaged the late Singamraz Subbarayudu, Public Prosecutor, who advised him to apologise to me and promise not to offend in the same way again. With the concurrence of the District Magistrate, Mr. R. Sewell, I accepted this apology and did not produce any evidence against the zemindar when the case was called on; and the case as against the zemindar was dismissed, while his servants were sentenced to a month's simple imprisonment for assaulting the police and fined under section

49 of the Police Act. This leniency, it was hoped, would tend to smooth matters. So far as this particular procession was concerned it did have that effect and there has been no more trouble with it. For two years after that I took the precaution of making it take out a license with the condition that music was to be stopped before the mosque and for 50 yards on either side of it, but since then, though I have placed no restrictions on it, it has always stopped music at the mosque. The Muktyala and Devarakota families are the only zemindars who have any connection with the Congress movement. They have had enough of openly pulling the chestnuts out of the fire for the Bunder caucus, but I believe they are still secretly under its influence.

The explanation given by the zemindar was that he thought "before the mosque" meant at the door of the mosque, and that as the two bands were each of them silent while passing the mosque door, he thought he had fulfilled the conditions laid down. He maintained that his only reason for trying to evade the order was that it was inauspicious for the procession to go on without music being heard. His never having complained since is proof that this was only an excuse. The real object was undoubtedly provocation of the Mussalmans.

In the following October, the Dasara and Muharram again came together. Considering the success of Mr. Mullaly's action in preventing a disturbance in the previous year, I applied to the District Magistrate to take the same precautions this year. Mr. Arundel pointed out that Mr. Mullaly's proclamation was *ultra vires* and that it was my business to require the licenses to be taken out, but to strengthen my hands he issued a proclamation approving of my requiring licenses to be taken out with the conditions already named and at the same time issued an order under section 144, Criminal Procedure Code, prohibiting persons playing musical instruments in processions to play such instruments before places of worship belonging to a religion other than that of the processionaries and (having the Sivaganga affair in mind) for 50 yards on either side. Again the Mussalmans gave up the Muharram and the Hindus felt chafed by the restriction, but disturbances were prevented.

It is a common argument that it is inauspicious to stop music. But whenever a procession passes a public office or police station music is stopped.

1-11-93. J. N. A.

In 1888, the Dasara and the Muharram came together for the last time. The same precautions were taken with the same result—no disturbance and increased tension. It was, however, the only course open to Mr. Arundel and myself to ensure an avoidance of a breach of the peace. We felt that so long as the Hindus were prevented from having an opportunity of provoking the Mussalmans by some fresh action, the latter would not break out and that the Hindus would not strike the first blow physically. Such blows they intended to be struck for them by the Government, forced thereto by the High Court.

In 1889, the Muharram preceded the Dasara. I thought I would at once seize the opportunity to reduce the friction by not requiring licenses to be taken out. The Muharram was celebrated, but it was a very tame affair, for the Hindus sullenly held aloof and took no part in it as they used to. When the Dasara came, I continued the same policy. I imposed no restrictions. For the first six days everything went on as usual. On the 7th and 8th days a few men went about Razupeta and Godugupeta painted like tigers. The Hindus, who assume this disguise during the Muharram, generally do so in fulfilment of a vow or for the purpose of making a little money by genteel begging! I thought it was some of these people who were making up for their disappointment at not being permitted by their leaders to take part in the Muharram and I had no suspicion that any caricature was intended. They confined themselves to their own quarters of the town. The lower orders of the Mussalmans, however, suspected foul play and began to get excited, but fortunately the more respectable Mussalmans took the same view of the incident as I did and were able to soothe the ruffled feelings of the rabble for a time. On the 8th evening, however, the object of the Hindus became apparent. Then Ramabhajana parties, which used formerly to go without any special dress and without turbans, paraded through the Mussalman quarter, got up in imitation of Nanak Shal giros, Jogi giros and Bairagi giros—all disguises hitherto assumed only during the Muharram—accompanied by white aftabgiris (sign of Mussalman mourning) on one side of which was a representation of the star and crescent and on the other

These pettas immediately adjoin the Muhammadan quarter. It is in them that the mischief-makers this year have been most active.

1-11-93. J. N. A.

an image of a Hindu idol and boasted that they would come out next day with a tabut with a model of a tiger in it on which their god would ride. A great commotion ensued among the Mussalmans and it was only when the Nawab's son (the Nawab himself was not here) and other gentlemen undertook to come as a deputation to the District Magistrate and myself and have all this stopped at once that quiet was restored. They did not go to the District Magistrate as they were doubtful whether they could make themselves understood, but sent him a petition and came to see me whom most of them had got to know well by this time and who could speak to them in their own language. It took them some time to get conveyances enough and it was late on the morning of the 9th day when they came to me. They gave me the above account of what had occurred and solemnly warned me that they would not be able to control the badmashes if I permitted such a gross caricature of the Muharram, avowedly intended to be such, to proceed, and begged if I intended to permit it that I would point out to them some place of refuge to which those Mussalmans who did not wish to mix themselves up with the fracas, which was bound to follow, might retire. They were very much in earnest and not merely acting a part. They were mostly highly respectable men and honorable according to their ideas. Mr. Atkinson has seen some of them lately and is in a position to judge.

I told them I would inquire into the matter and certainly not allow any caricature that was intended to be offensive and provocative and advised them to keep their people to their own quarter while I settled this business. I at once sent round notice requiring processionaries to take out licenses and directed the police to stop all processions that had already started until I could come and examine them. After breakfast, I started to go into the town. On the way I met a number of tailless tigers with applications for licenses. These I refused. Presently the leader of the Siva Manderam procession came up and complained that his procession had been stopped. When I reached it, I found it stopped within 50 yards of the turning into the Mussalman quarter. My men were all scattered, stopping the tiger and giro business in other quarters and sending the people to

In my recent inquiry preparatory to issuing my order under section 144, one most respectable Muhammadan, a brother of the Nawab, made the same request. He said that he did not want to be mixed up in the anticipated fracas and that "he would go wherever I would direct him."

1-11-93. J. N. A.

Those whom I examined and others whom I have seen appear to me to be extremely quiet, unassuming men, with an air of sincerity about them.

1-11-93. J. N. A.

me for licenses. I found that the procession was plainly intended to be a ridiculous caricature of the ordinary Muharram procession of Masulipatam. The latter procession, as I have said, was more a Hindu carnival than a Muhammadan celebration of a mournful character, but the majority of the Bunder Shiahs had come to look upon it as the proper thing and to ridicule it was sure to cause intense annoyance, much less annoyance had already caused two riots. I had the choice of ordering the assembly, under section 127, Criminal Procedure Code, to disperse, or inducing the leader of the procession to give up the objectionable accessories. The manderam man consented, after considerable argument, to go on with his manderam accompanied by only a band of gymnasts, carrying a flag as in former years. That flag had been made to resemble what the Hindus call a pír and the Mussalmans the álams, or banner of a pír. The local Shiah veneration for these álams is scarcely to be distinguished from fetichism or idolatry. I therefore insisted that the flag should be opened out so that it should not be taken for anything but what it was. The manderam then went on, but the giros with it continued to give trouble. I ordered them to remove their disguises if they wished to proceed with the manderam. They removed them, but refused to accompany the manderam. They were going off in another direction with music and carrying two white banners of a peculiar shape called aftabgiris (used only by Muhammadans and that only during the Muharram); these I removed and secured in the station. This party consisted of the badmashes of Razupeta. I could not tell what game they would be up to next. My object was to prevent them parading these banners any longer (section 49, Police Act) and to secure evidence of the offensive character of the caricature (sections 94 and 165, Criminal Procedure Code), if any riot should still occur or any other case arise out of these events.

I had no other course open to me so far as I could see. There was no time to apply to the District Magistrate, and the Divisional Magistrate was absent. I considered that it was my first duty to prevent a breach of the peace and the cognizable offence of rioting (section 149, Criminal Procedure Code). I thought what I did would ensure that

I have seen all the emblems which Mr. Prendergast seized on this occasion. The caps are, so far as my experience goes, different from what Hindus wear in any of their festivals. Side by side with the objectionable "aftabgirís" others as generally used by the Hindus were produced. The two are utterly different. I examined as a witness in the case under section 144 Syed Ali Saheb, my Treasury Deputy Collector, as being a stranger to Masulipatam, a Sunnie and therefore with views as regards these emblems differing slightly from those of the Shiahs. The moment the objectionable aftabgiris were produced for his inspection: "Those," he said, "are Mussalman aftabgiris."

1-11-93. J. N. A.

and that stopping the procession altogether by dispersing it under section 127, Criminal Procedure Code, would be less effective, owing to the greater irritation it would cause if it did not, as I was almost alone, end in resistance. That my doubt was not unreasonable is shown by the fact that at the very time this was going on a riot was occurring at Bezwada. There a similar caricature was got up and the Inspector dispersed the procession, but notwithstanding that or because of it, a collision occurred between the Hindus and Mussalmans. When a suit was brought against me for this, the District Munsif brushed aside these pleas. He said my action should have been directed against the Mussalmans and not against the Hindus, who, if they were committing any offence, were committing the non-cognizable offence described in section 298, Indian Penal Code. The District Court did not consider it necessary to go into this question, as it thought no suit lay if my action was *bonâ fide*, even if mistaken. The High Court merely confined itself to an interpretation of section 49, Police Act.

The Chief Justice underlined the words "direct the conduct" and yet found that I had no power to order how the procession was to be managed. It is quite clear that "conduct" here does not mean behaviour, but management. Behaviour is provided for in the provisions regarding keeping order and obstruction. Shephard, J., thinks an Indian procession is not a crowd, but that is immaterial, as he would probably admit that it was an *assembly* such as is contemplated by section 127, Criminal Procedure Code.

When there is time the police will always prefer to apply to the Magistrate for the issue of an order under section 144, Criminal Procedure Code, but there is not always time and sometimes a Magistrate is not on the spot. In such cases I submit that the police should have power to issue orders regarding the composition, character and accessories of a procession. One of the complaints against the imitation giros was that they were singing bhajana words to Muharram times. If this was likely to be so offensive as to produce a breach of the peace, surely the police ought to have power to stop it at once. As singing is not mentioned in section

It is not clear whether the High Court would hold that the Superintendent of Police was not authorized to call on the processionaries to remove objectionable accessories. I imagine this would be included in the meaning of the words "direct the conduct." Mr. Prendergast exceeded his powers in taking the emblems away. But had he left them with the processionaries they might at any moment have been displayed in another procession. I think that Mr. Prendergast acted wisely, and I think that undoubtedly the law should be amended so as to give police officers the power to remove objectionable accessories.

J. N. A.

The Hindus have displayed wonderful ingenuity in adopting (whether for purpose of caricature or not) Muhammadan emblems and customs. As soon as I forbade the display of banners (aftabgiris) with the star and crescent on one side and images of Hindu gods on the other, they devised one with a star and crescent on one side and the "trisulam" ☋—a Hindu emblem—on the other. When I forbade disguises as tigers, they at once proposed to bring out a representation of a tiger (vahanam). To this latter there would probably have been no objection. It is the disguises that the Muhammadans object to. I did not forbid the tiger vahanam. After all the Hindus did not parade it, perhaps for the very reason that [illegible] knew it would not be provocative.

J. N. A.

49, the High Court would say, I suppose that the power had not been bestowed by the legislature, though Mr. Shephard remarks that it may not unreasonably be said that the police should have such powers, or, on occasions, serious inconvenience and risk of disturbance is likely to occur.

I would also point out that the drafting of the section is defective, *e.g.*, a penalty is provided for a license, while the issue of a license, though evidently contemplated, is not provided for.

There was ample evidence afterwards that the caricature in Masulipatam was the result of a widespread conspiracy, for the same thing was done at Bezwada, Nuzvid, Repalle, Pedana, Bhattiprol, Kanchikacherla and other places, to the intense annoyance of the Mussalmans. In most of these places the Mussalmans were so much in the minority that they had to submit to the insult. In Guntur the Hindus asked the Inspector whether this was permitted, and on his saying no, they did not join.

When I saw the first notice of the High Court's judgment, I knew what to expect. When the suit was brought against me, I received information that it was brought by advice of the Public Prosecutor, Puranau Venkatappayya Pantulu, who had been advising the Hindus all along. The Razupeta people, who gave most trouble, were bricklayers in his pay. He is constantly building. The plaintiffs were men of straw, yet nearly the whole of the pleaders were engaged. Only one Brahman pleader from the south, G. Narain Iyer, High Court Vakil, and a Sudra, Inala Venkatareddi Nayudu, could be found to take up my case. It then struck me for the first time that there was more in this than mere religious rancour and that it was possible that the local members of the National Congress were making use of the unfortunate differences between the communities to pose not only as champions of the Hindus as against the Mussalmans, but as the upholders of the rights of the people as against the executive. It was the only way in which they could hope to obtain any influence, except such as they gained by conspiracy and intrigue against individual officials who did not stand well with them and the results of which seem to show that they had some power for evil. I had other evidence afterwards confirming this surmise.

It was in Bezwada this year that the Hindus wanted to bring out the banner with star and crescent and "trisulam." Both in Bezwada and Nuzvid they wanted to adopt tiger disguises. I have not heard of what has happened at other places.

1-11-93. J. N. A.

I have received independent information that the Public Prosecutor, both in 1889 and this year, was the prime instigator. I am afraid, however, it would be impossible to get evidence on record to that effect.

1-11-93. J. N. A.

Judicial DEPARTMENT.

G.O., DATED 6-12-93

No. 2555

Series. Press.

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Masulipatam disturbances

Requesting certain officers to submit confidentially their views on the proposal of Govt. to introduce a bill amending section 49 of Act XXIV of 1859 so as to empower a Police officer to remove from a Hindu procession devices intended to cast ridicule upon the Muhammadan religion.

Confidential.

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19 , No.

ENCLOSURES.

CURRENT No.

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Receipt for a Registered Article.

RECEIVED a registered article No. 356 addressed to—(2)

District Magistrate of Coimbatore

Registration Clerk.

Receipt for a Registered Article.

RECEIVED a registered article No. 357 addressed to—(me) Chittoor

The Dt. Magistrate of Chittoor

Registration Clerk.

Receipt for a Registered Article.

RECEIVED a registered article No. 352 addressed to—(Nam

The District Magistrate of Salem

Registration Clerk.

Receipt for a Registered Article.

RECEIVED a registered article No. 353 addressed to—(Nam

The District Magistrate Salem

Registration Clerk.

Receipt for a Registered Article.

RECEIVED a registered article No. 354 addressed to—(

The Dt. Magistrate of Ta

Registration Clerk.

Receipt for a Registered Article.

RECEIVED a registered article No. 355 addressed to—

The Dt. Magistrate Nellore

Registration Clerk.

In 1891, while the Muharram was in full swing, the Hindus suddenly put up festoons across the streets all over Razupeta, Godugapeta and other petas along the routes usually followed by the Muharram processions, and hung them so low that it was impossible to drive or ride under them. The excuse was that the cholera goddess was being propitiated. But there was no reason why these toranams should be hung so low. They are usually hung high overhead. The Mussalmans complained that they were hung low in order to make their alams bow to the goddess. I drove the Assistant Magistrate Mr. C. V. Jugga Row round the town. We had to have the toranams lifted to allow us to pass, and yet some of them were hung from the tops of high palmyras to prevent their being taken down. Mr. Jugga Row issued an order, section 144, for their removal. He told me afterwards that he thought he had been too hasty and that he was threatened by *influential* people with a suit and informed that as an order under that section was not a judicial proceeding he was not protected. He was very frightened, but apparently he managed to square the matter somehow.

I said above I knew what to expect now, and that was why I wrote at once the letter to the District Magistrate which he at my request forwarded to Government. I was in camp at the time, and I wrote under the impression that Mr. Arundel, when he refused to follow the precedent set by Mr. Mullaly in its entirety had hesitated to issue an order under section 144, Criminal Procedure Code. On my return to Bunder next day I wired, still under that impression, to the District Magistrate suggesting his obtaining the opinion of the Advocate-General on that point and informing him that in my opinion a prohibitory order would render the precautions suggested in my official letter unnecessary. The previous papers, some of which had been filed in the suit, had to be collected. As soon as that was done, I saw that Mr. Arundel had himself issued a prohibitory as a substitute for Mr. Mullaly's proclamation.

I attach copies of my demi-officials to the District Magistrate which will show the course of events up to the time of his arrival in Bunder, and my weekly reports, enclosed in original, will carry on

the story to the sham reconciliation between the Hindus and Mussalmans. With very few exception the petas have not celebrated the Dasara. It is impossible to tell what the next move in the game of provocation may be. The *Junius* of the *Hindu* is, from the style and internal evidence, Krishnama Chari, who spoke first at the meeting after I opened the proceedings. The meeting was convened principally for his benefit and yet he throws the *onus* on to the District Magistrate. The admirer of the times of Colonel Hoskins and Mr. Boswell is probably Iyurki Subbarayudu, whose effusion must have been edited by the Public Prosecutor. We shall have to be exceedingly watchful for a long while I am afraid. The District Magistrate is now as well acquainted with the temper and tactics of the caucus as I am.

The Headmaster of the Hindu High School.

J. N. A.

It was this Krishnama Chari who came to me and suggested that a meeting might be summoned to settle the matters in dispute. I said that they were at perfect liberty to meet, and that I should be glad if they would settle their differences amicably, but that I would not attend the meeting, nor recede from the position I had taken up. I consented to write to certain leading Muhammadan gentlemen suggesting that they should attend the meeting. Krishnama Chari convened his own friends. He and his friends subsequently spread the report through the town that I had originated the idea of the meeting because I wanted to right myself with the Government and High Court, who had both taken me seriously to task for my action.

J. N. A.

ENCLOSURES.

MASULIPATAM,
26th September 1893.

MY DEAR ATKINSON,

Yours of the 24th just to hand. Since my arrival here yesterday I have received information which convinces me that there is every reason for my apprehension. The Bombay riots have not taught the factions any wisdom. The Mussalmans will not submit to insult from what they look upon as the inferior race. The Hindus are equally determined that they will exercise what they consider their rights. Telegrams have been passing between Madras and the local pleaders on the subject of the details of the procession. The telegrams here are said to be drafted by the Public Prosecutor, Puranam Venkatappayya, and sent in the name of Kopalli Krishna Row. One of the telegrams is said to have asked whether, under the recent ruling, the police could refuse to grant a license to a Hindu to paint himself as a tiger, as the judgment did not decide whether the police could or could not issue licenses under section 49 of the Police Act. The reply is not known.

I have not been able to get information as to the particular details regarding which the other telegrams were sent. Ramabhajana parties, in imitation of Mussalman giros, are being got ready. The Siva manderam, made to resemble a tabut, is being most elaborately got up.

Of course, it is quite right to try conciliation, but I am quite certain that it will not be of the slightest use. The appointment of the individuals you indicate as special policemen will have a good effect temporarily at least.

I have not the least doubt as to my power under section 127 and that I have sufficient force to disperse the procession quietly, but what I wish to avoid is the formation of the procession with the emblems and accompaniments objected to, for such dispersal will enrage the mob and riots will break out afterwards as the mob will be made to believe that all action of mine is unauthorised by the High Court, and the starting of a Ramabhajana imitation of a giro or a tiger in some unguarded lane would be sufficient to start a row.

We have ample powers for dealing with a riot after it breaks out, but our first duty is, I take it, to prevent its beginning. Under present circumstances there must be no appearance at any time of the police acting on their own authority. This, I think, can only be ensured by your issuing a prohibitory order under section 144.

As I telegraphed yesterday, no extra police will be necessary if you issue the prohibitory order. The order will be quietly obeyed and appealed against, but if the giros, tigers, or imitation tabuts once start, there will certainly be extreme danger of rows afterwards, even if the processions are dispersed under section 127.

The Dasara begins on the 10th. Ordinarily Ramabhajana goes on in temples only during the first four days, and disguises are not paraded before the 5th day. The Sarasvati puja is on the 7th day, while the Siva manderam does not come out before the 9th afternoon of the festival; but it is not safe to calculate on tigers and imitation giros not starting earlier than usual. It would be safest therefore for you to be here by the 10th proximo.

The temper of both parties is very nasty. The prohibitory order should be published two or three days before the

10th and that is why I suggested wiring about it.

Even if the Advocate-General should be in doubt I think it would be best to issue the order and let it be appealed against. It will tide us over the present difficulty and allow time for an amendment of the law, so as to give the police the powers which the present crisis shows to be necessary.

If you wish to try conciliation first you had better come in about the 5th. Although Government will receive my letter in four days from the time you despatched it, we must allow ourselves time in case further correspondence is necessary and that was why I suggested wiring. From your saying "If you really consider extra police necessary," I am afraid you did not take my letter quite seriously. I was never more serious in my life. If a prohibitory order is not issued extra police will certainly be necessary and they must be on the spot before a force is enlisted under the Punitive Police Act.

I shall give Sturmer your message. Of course I am keeping the Inspector-General informed of this correspondence.

H. G. P.

MASULIPATAM,
28th September 1893.

MY DEAR ATKINSON,

I received yours of the 25th yesterday, but did not answer it at once as the papers connected with the Dasara of 1887 were being hunted up. They had got scattered owing to some of them having been filed in this suit. I find that what Arundel hesitated to do was to issue a proclamation, as the District Magistrate had done in 1886, requiring processionaries to take out licenses under section 49, Police Act, and that he actually did pass a proceedings approving of *my* making known to the public my requirements as to licenses. In the same proceedings (No. 1161, dated 9th September 1887) he determined to issue, and afterwards did issue, an order under section 144 to persons playing musical instruments in procession to abstain from playing such instruments in front of places of worship belonging to other religion than their own and for fifty

yards before they reach and after they pass such places of worship. This was the bone of contention that year and the next. In 1889 I thought it would tend to peace if I refrained from requiring licenses to be taken out, and the Hindus took advantage of that to get up the caricature of the Muharram that has caused and is causing all this excitement. Your order will have to refer to this caricaturing of the Muharram. The Hindus will maintain that there is no caricature, that the District Munsif found in their favour on this point, and that the District Judge did not question that finding. The Judge merely refrained from going into that point because he considered that it did not affect my position. At the same time the Judge decided that the question to consider was whether the Mussalmans considered the procession a caricature and found that they did. To my mind and that of all disinterested persons it is caricature and a deliberate wounding of the religious feelings of the Mussalmans. Hence the danger of a breach of the peace. I can produce any amount of Mussalman evidence on the subject, but would it be wise to go into it? It is already on record in the suit. It will only make them elated and give them the idea that we are espousing their cause.

I fully expected when I sent my urgent telegram that you would not, after you read it, act on my letter if you had not already done so, as I said that an order under section 144 would obviate the necessity for the precautions suggested in the letter. But I would not refrain from sending it on merely for fear of our being blamed as alarmists. That we must always be prepared for. When precautions are successful it is impossible to prove that they were really wanted. The word of those best able to judge must be accepted. If it is not, no harm is done except wounds to our vanity. We all have to get accustomed to that I imagine. But if we did not give warning and a riot did occur we should be justly blamed for keeping Government in the dark. In every case of a riot of this sort or of grain riot, it is the stock complaint that police and magistracy did not give sufficient warning.

H. G. P.

Departmental weekly report of Mr. H. G. PRENDERGAST, District Superintendent of Police, Kistna District, for week ending Saturday, 7th October 1893.

Masulipatam, Sunday, 1st October.—Dies non.

Masulipatam, Monday, 2nd October.—Held kit inspection. Attended sessions.

Masulipatam, Tuesday, 3rd October.—Attended sessions. Collected information regarding coming Dasara.

Masulipatam, Wednesday, 4th October.—Attended sessions. Did office work in the morning.

Masulipatam, Thursday, 5th October.—Attended office. Met District Magistrate and arranged for an interview next morning.

Masulipatam, Friday, 6th October.—Had an interview with District Magistrate and gave him a full history of the quarrel between the Hindus and Mussalmans and the names of the instigators of the manœuvres causing irritation at present and of those likely to be ringleaders in case of a riot.

There are numerous indirect indications that the Hindus are deliberately laying themselves out to provoke the Muhammadans.

10–10–93. J. N. A.

In that case I consider that use of emblems should be peremptorily ? by a magisterial order.

C. A. P.

The District Magistrate determined to issue a proclamation warning the public that the occurrence of a riot might saddle them with a punitive police, and directed me to prepare orders of appointment enrolling the individuals mentioned above as special constables. I did so. The list comprised five pleaders and seven merchants who are instigators, and 24 Hindus and 24 Mussalmans, badmash ringleaders. The sanads were signed and served by evening.

A good plan.

W. J. A. S.

Undoubtedly a very good plan to enlist some of the malcontents on the side of order.

C. A. P.

Masulipatam, Saturday, 7th October.—Attended parade and received the special constables. After the roll was called, I ordered them to report themselves at 2 P.M. on Monday when they would have their duties for the ten days of the Dasara apportioned. One pleader was reported to be in Guntur, engaged in a case, another absent at Kallepalli but expected to return next day (he turned up afterwards) and a third sent word that he was sick and would send in a medical certificate. One merchant was absent on the plea of sickness; he turned up afterwards. One of the Mussalmans was reported by the head constable who served the sanad to be in a moribund state. Three others were absent, of whom one turned up afterwards and was sent to hospital. The other two will be prosecuted.

This all that is necessary on this occasion but we cannot tell what the next move will be.

H. G. P.

This is all that is required.

W. J. A. S.

Good.

This ought to have the desired effect.

Same done in Mangalore where the Muhammadans gave out that they were going to pay the Hindus out for what their co-religionists suffered at *Bombay*.

C. A. P.

In the afternoon I attended the District Magistrate's court and laid formal information and produced evidence as to the matters likely to cause a breach of the peace.

The District Magistrate decided to issue an order prohibiting the carrying of the emblems objected to, the assuming of disguises, such as tigers, giros, &c., and the playing of music before mosques.

With these precautions I have every hope that the Dasara will pass off quietly.

Part II—*Nil.*

Departmental weekly report of Mr. H. G. PRENDERGAST, District Superintendent of Police, Kistna District, for the week ending Saturday, 14th October 1893.

Masulipatam, Sunday, 8th October.—The District Magistrate's action in issuing the notification regarding the imposition of a punitive police, the appointment of special constables and the prohibitory order, are causing much excitement in the town.

Because their little game of provocation was stopped.

18–10–93. J. N. A.

Masulipatam, Monday, 9th October.—Met the special constables at the headquarters office and formally placed them under the orders of the Town Inspector. The Hindus I posted to the Inuguduru station and the Mussalmans to the Robertsonpeta station. I appointed a due proportion of section officers from among the most respectable and ordered that every beat constable and section officer was to be accompanied by a special of the same rank, the constable handing over his baton to the special as a sign of office.

The Hindu High schoolmaster and the pleaders urged all sorts of excuses. The schoolmaster I refused to excuse, but the pleaders I gave leave to for the next day to enable them to make arrangements for handing their work over to other pleaders.

He asked me to excuse him, but assured me he felt the selection of him to be a special, a great honour.

18–10–93. J. N. A.

Masulipatam, Tuesday, 10th October.—The pleaders talked the Judge over into protesting that their work could not be handed over to other pleaders and that

he could not go on with his work without these pleaders. At a consultation between the Judge, the District Magistrate and myself it was settled that I should be furnished with a copy of the cause list and should excuse any pleader who had to appear from day duty on the day of his appearance and from all but three hours' night duty on the day preceding such appearance.

Masulipatam, Wednesday, 11th October.—Krishnama Chari, the schoolmaster, came to beg off-beat duty and to suggest that they should be kept as a reserve. I told him I could not do this in the temper the Hindus were in. I could not tell at what moment, where, or in what form, they might do something to provoke a breach of the peace. The ordinary constables being alone might easily be over-powered and therefore all beats required doubling. He then said that the whole thing was a mistake, that the caricature was not intended to be such. I told him I could not accept his bare assurance and that my only gaurantee would be the acceptance of that theory by the Mussalmans, with whom he had better bring about amicable relations by using his influence over his co-religionists. I promised him also that as soon as I was convinced that such relations were restored, I would cease sending the specials on beat duty.

He never in so many words told me that the caricatures were not so intended, but he and a High Court Pleader admitted that the caricatures were unknown before the time of Ramadandu.

18–10–93. J. N. A.

He was very sick of the ridicule he was subjected to. He is the biggest mischief-maker in Bunder and has many enemies who were laughing at him.

Quite so.

J. N. A.

He then wrote to the District Magistrate asking for an interview for himself and other leading Hindus to talk over police arrangements.

Masulipatam, Thursday, 12th October.—At the request of the District Magistrate I was present at this interview. It ended in the District Magistrate consenting to convene a meeting of Hindus and Mussalmans at 6 P.M. at the Inuguduru Police Station under the presidency of Syed Ali Saheb, Treasury Deputy Collector, and to invite the principal Native officials, Peta Munsifs and Khandan Mussalmans to attend. After the departure of the deputation, the District Magistrate asked me to attend and use my influence with Mussalmans, which, considering that they believe, as of course they are bound to do, that I am befriending them through partiality for them, is necessarily great. I was loath to take any part in

this. I felt sure it was not genuine and I knew it would be taken as a sign of weakness. However, I did consent and attended the meeting. To my disgust the president called on me to speak first. I did so briefly and suggested that the Hindus should convince the Mussalmans that they were mistaken and effect a lasting compromise.

Not all those present regarded it as pacific. The Treasury Deputy Collector Syed Ali subsequently told me in great wrath that Krishnama Chari had chosen languages intended to excite religious animosity; that among other things he had asked "why the Hindus should bother their heads about the Muhammadans, who were only infidels."

18–10–93. J. N. A.

That was in a subsequent speech.

H. G. P.

Krishnama Chari then made a pacific speech and was supported by M. Venkatratnam, B.L.

Two Mussalmans responded cordially, and then the points in dispute were taken up. Krishnama Chari had told me that he would induce the Hindus to promise to stop music on all occasions at the principal mosque, just as they stopped before cutcherries and police stations, as a mark of respect. I made use of this knowledge to urge the Mussalmans that, in consideration of this concession, they should give up a claim recently started that music should be stopped before all mosques. The Shiahs agreed, but the Sunnis demurred. In the end the Sunni protest was withdrawn and the two propositions carried unanimously. The next question was that of tigers. This was very hotly contested by the Razupeta Hindus. It was very soon evident that they were the only Hindus who were directly interested. Just as the Hindus were talked by Venkatratnam into conceding the point, a Razupeta man asked whether a tiger vahanam or vehicle would be objected to. The Mussalmans flared out at once, but I interposed and told them their objection was unreasonable, as there was no caricature in that and I knew myself that the tiger vahanam was used by Hindus without intending disrespect to any one in other places, though the vehicle had not hitherto been used in Bunder. The objection was withdrawn on Syed Ali corroborating me, and the proposition that Hindus should not assume the tiger disguise during the Dasara was carried without any rider.

The next question was that of the Nanak Shal giro; the objection to all other giros I easily persuaded the Mussalmans to give up in order to obtain concessions in return. In that also they conceded everything but two points—the bands on the arm and the distinctive robe of a Mussalman fakir called kofni. The Hindus conceded nothing but the

bands and stuck at the kofni. When the dispute had lasted an hour and a half, I suggested an adjournment to the same hour next day. This was agreed to at 9–40 P.M.

I afterwards spoke to Muhammad Hadi, Mirza Mehudi's son, who can talk, and told him to tell the Mussalmans that there were only two other points in dispute; the Hindus I knew would give up the partially furled flag question, for I had squared the leading Hindu authority on that subject, the Collector's jemadar, and they must therefore concede as much as possible on the subject of the star and crescent on the aftabgiri. He promised to see to this. I sat down to dinner at 10–30 P.M.

Masulipatam, Friday, 13th October.—Received information that the Sunnis had repented and meant to re-open the question of music. I thought it necessary, therefore, to suggest to the president to hold the meeting at 4 P.M. instead of 6 P.M. Notice was sent out accordingly.

Meantime I got the Sunni leaders up and convinced them that re-opening the question would do them no good. They promised me not to re-open the question. They had no interest in the others.

When the meeting opened the kofni question was brought up, and there was not the slightest sign of concession on either part. I therefore suggested that the next question should be taken up. I spoke at length on this subject and got the Mussalmans to consent to the proposition finally carried. There was considerable opposition by the Hindus of Razupeta, but eventually this was given up.

The next proposition was fought for a short time only, as I soon brought about a reference to the jemadar.

There remained then only the kofni question. A brilliant idea struck me to suggest the addition of a button or two, the distinctive feature of the Mussalman kofni being its seamlessness. After a bit this was agreed to and the meeting came to an end at 6–40 P.M.

Masulipatam, Saturday, 14th October.—At the close of the meeting the Razupeta people pretended to consider the prohibitory order an absolute prohibition of the Dasara. This morning I wrote the District Magistrate, the letter of which I attach a copy.

As the fear of rioting had passed I had no option but to cancel it. I surmised that my action might be interpreted by the ignorant as a sign of weakness. But that is of no consequence.

18–10–93. J. N. A.

I should think quite enough.

The District Magistrate cancelled the order and issued the warning. The word cancelled has been misinterpreted or pretended to be misinterpreted. It is alleged that the District Magistrate has had a wigging and been told to undo his work by an order from the High Court which was moved for by Bashiem Aiyengar on behalf of a Razupeta man, who was sent off by steamer to Madras as soon as the order was issued. All Hindus are being urged not to celebrate the Dasara in order that there may be of cause of action in suit to be brought against the District Magistrate and myself. It is all nonsense of course, but it is doing mischief. For all that I think the threat of the punitive police, the continuance in office of the special police and the other reasons given in my letter are sufficient to prevent any disturbance at present. Krishnama Chari and his clique have taken care that no suspicion of their having suggested and begged for the meeting should get abroad. They allow it to be supposed that it was the District Magistrate and I who are responsible for it and that it was one of our "dodges for righting ourselves with the High Court."

As my badmash specials included all the men who take a leading part in the Dasara, I had to give them leave if any Dasara was to be celebrated at all. This is considered another sign of weakness. Before I knew that it was so considered I was informed by Syed Ali Saheb that the Razupeta people thought me capable of inducing them to get up a tamasha and then suddenly spoiling it by calling out the specials for duty and therefore they would not celebrate the Dasara, and for that reason suggested that their appointments should be cancelled. I agreed and sent for them and tore up the sanads of all but two in their presence. Those two pretended they had lost their sanads. They are probably keeping them under the impression that they will be useful in the big suit they contemplate as evidence.

Part II.

On 4th October 1893, at 4 P.M., a report was received at Tiruvur station from the tanadar of Velenki Achchamma Row, Zemindarni of Tiruvur, to the following effect:—

That on the night of 3rd October 1893, the man mentioned in the margin, who

1. New case.
2. Murder, 302.
3. Petu Gopaludu, M. 22.
4. Tiruvur.
5. Tiruvur.
6. Tiruvur, ½ M.
7. 3rd October 1893, not known.
8. 8th October 1893, 9-20 A.M.

was a house servant of the zemindarni, abstracted the key of her bhoshanam from under her bed and was making off with a bag containing Rs. 500, another containing Rs. 93, a laced cloth Rs. 10, white cloth Rs. 31, petticoats Rs. 10, other cloths Rs. 20 and a brass vessel Re. 1, when he was seized by Nalla Appadu, another servant. The thief dropped the big cash-bag, but escaped with the small one of Rs. 93 and some cloths worth altogether Rs. 41. Chase was given but he got away in the dark and had not been seen since then. The case was registered under section 381 and search made for the missing man. At 7 A.M. on 5th October 1893, the missing man's body was found floating in the disused Local Fund well to the east of the Madiga, hamlet of Tiruvur. A punchayet was held and it arrived at the opinion that there were no marks of violence and that it was a case of suicide. The apothecary's certificate, received at 10 P.M. on 5th October 1893, says the stomach was empty, lungs mottled, larynx and trachea highly congested, brain surface pale, echymosed marks on throat and therefore not drowning, but strangulation was the cause of death. Head constable Bhadrachelam in charge of the division says no one but the apothecary believes in the murder. The apothecary, or rather hospital assistant, Ranganayakulu, has given false certificate before. The certificate not being handed in till 10 P.M. is suspicious. There was time for negotiations to be entered into with frightened zemindarni and for them to fail.

The zemindarni reporting the theft is suspicious, but if there was no murder, suicide may have been feared and it was necessary to guard against the charge of murder that was likely to be made by some enemy or interested person. If it was really a case of murder, nothing was easier than to dispose of the body quietly by burning it openly. The deceased and his family were khosas or hereditary slaves and no one is complaining.

From H. G. PRENDERGAST, Esq., District Superintendent of Police, Kistna, to the District Magistrate of Kistna, dated Masulipatam, 14th October 1893, No. 943.

I have the pleasure to report that at a meeting consisting of the leaders of the Hindu and Muhammadan communities and those members of the communities most interested in questions connected with the Dasara and Muharram respectively, held at the Inuguduru police station on the 12th and 13th instant under the presidency of Syed Ali Saheb Bahadur, Treasury Deputy Collector, a *modus vivendi* was unanimously adopted which, in my humble opinion, removes most of the apprehensions of a breach of the peace. My reasons for my opinion are that the meeting was convened at the suggestion of the Hindu leaders and that the Muhammadan leaders cordially responded to the invitation.

Each point in dispute was thoroughly threshed out and no resolution was adopted until every objection was withdrawn. The Muhammadans, who looked upon themselves as the aggrieved party, were as ready with concessions as the Hindus.

It very soon appeared at the meeting that it was not the Hindus as a whole, but a very small party that were at all excited about these questions and over that party sufficient influence will, I am sure, be now exercised by those among the Hindus to whom the compromise is due to prevent a recurrence of any unpleasantness even if they cannot at once remove all soreness. I have strong hope, however, that cordiality will be instilled into even this small faction very soon, and I think nothing is likely to tend more to that desirable state of things than the withdrawal of your prohibitory order.

Our thanks are due to the leading Hindus and Muhammadans for their laudable exertions on this occasion and especially to M.R.Ry. K. Krishnama Chari Avargal, M.R.Ry. C. Rangachari Avargal, M.R.Ry. M. Venkataratnam Pantulu Garu, M.R.Ry. P. Viraswami Nayudu Garu, M.R.Ry. K. Narayanaswami Nayudu Garu, Syed Ali Saheb Bahadur, Mir Azam Ali Saheb Bahadur and Aga Muhammad Hadi Saheb Bahadur Shuaji.

I have every reason to believe now that the small faction of Hindus I have referred to above will not receive the sympathy of the Hindus generally even if some misguided members of it should fail to abide by the agreement entered into, and that any such isolated action on their part will not be looked upon by

the Muhammadans as provocation by the whole community. The Muhammadans will, I am sure, come to me in the first instance if they think they have reason to complain of that faction and they can be dealt with in the ordinary course of law.

I would suggest that the withdrawal of the order should be accompanied by a warning that if disturbances occur in consequence of such withdrawal the public of Masulipatam will incur the penalty of having a punitive police imposed on them.

PROCEEDINGS of the Public Meeting of the Hindus and the Mussalmans held at the Inuguduru Police Station at 12th October 1893, relating to Hindu processions at Dasaras.

1. That the Hindus shall stop all music accompanying all sorts of their processions before the Jumma Musjid at Masulipatam and for 50 yards on either side thereof.

2. That they shall not be bound to so stop music before any other mosque in the town.

3. That the Hindus shall, during the Dasara, not disguise themselves as tigers.

Meeting adjourned for the same time to-morrow.

(Sd.) SYED ALI,
President.

12th October 1893.

Adjourned meeting of 13th October 1893.

4. That the Hindus shall be entitled to carry "Aftabgiri" and "Mahtabgiri" as usual provided they do not exhibit the star and the crescent on a white ground.

5. That the Hindus shall be entitled to carry Talinkhana flags either wholly furled or wholly unfurled, but not partly furled and partly unfurled.

6. That the Hindus shall not, when forming Ramabhajana parties, wear bands called chindi on the wrist, forearms or biceps, or "kaffney" without one or more buttons.

(Sd.) SYED ALI,
13th October 1893. *President.*

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the nineteenth day of September 1893.

PRESENT:

The Hon'ble Sir ARTHUR J. H. COLLINS, *Kt.*, Chief Justice,
and
The Hon'ble Mr. Justice SHEPHARD.

Second Appeal No. 1679 of 1892.

1. Panchakarla Ranganayakulu,
2. Jiddu Suriah,
3. Mekala Lakshmanaswami by his mother and guardian Venkatasubbamma.

Appellants (1st and 4th plaintiffs and 3rd plaintiff's representative).

H. G. Prendergast, Esq., Superintendent of Police, Kistna District, Masulipatam.

Respondent (defendant).

Second appeal against the decree of the District Court of Kistna at Masulipatam in Appeal Suit No. 1167 of 1892 modifying the decree of the Court of the District Munsif of Masulipatam in Original Suit No. 19 of 1890.

This second appeal coming on for hearing on Thursday and Friday, the 10th and 11th days of August 1893, and having stood over for consideration till this day, the Court delivered the following judgments:—

The Chief Justice.—This was a suit brought by four Hindus against a Police Superintendent of the Kistna district asking for a declaration that they have a right to celebrate a festival in the public streets of Masulipatam with such music, garments, ensigns, &c., as plaintiffs may like, for an injunction restraining defendant and his subordinates from interfering with such procession and for damages for taking possession of certain banners and removing certain caps, &c., from some of the processionists. Both the lower courts agreed in granting the plaintiffs a declaration that they had a right to celebrate in the public streets a certain festival but an injunction was refused and no damages awarded for taking possession of certain banners.

The only point that was argued in second appeal was that the plaintiffs were entitled in all events to nominal damages for the wrongful act of the Police Superintendent in taking away the plaintiffs' banners. It was not disputed that the banners were taken away by the orders of the defendant, but it was contended that the defendant acted in good faith, that he was justified in so doing as he believed these particular banners were obnoxious to the Muhammadans and if carried would produce a breach of the peace.

It is not disputed by the Government Pleader that the plaintiffs had a right to pass in procession through the streets of Masulipatam and the only question that arises is was the defendant justified in taking possession of the banners which undoubtedly he removed from the procession. I carefully guard myself in this judgment by stating that it is the powers of the police in this district that I am alone dealing with and both Mr. Pattabhiramaiyar, the vakil for the appellants, and the Government Pleader admit that the powers of the police over processions are defined by the Madras Police Act XXIV of 1859. Section 49 of that Act defines the powers of the police—they may *direct the conduct* of all assemblies and processions in the public streets, prescribe the routes by which and the times at which such processions may pass, keep order in the public streets and prevent obstructions; they may also regulate the use of music in the streets on the occasion of native festivals and may direct crowds of twelve or more persons to disperse when they have reason to apprehend any breach of the peace. The powers thus given to the police are large and set out with particularity, but I fail to see that the Superintendent of Police has any power to remove from the procession any banners belonging to the processionists and to order those banners to be taken to

the police station. I am of opinion therefore that the respondent, in taking possession of the banners, committed in law a tortious act, but under the circumstances I give only nominal damages, viz., 1 rupee: in fact only nominal damages has been asked for. The decree must be modified accordingly and in other respects I would dismiss the appeal.

It is also alleged that the defendant turned out of the procession certain persons wearing tinsel caps and robes. Whatever right of action these persons may have against the defendant, it is impossible to say that the plaintiffs are entitled to damages. The action was really brought for a declaration and also an injunction against the defendant. The plaintiffs have succeeded in obtaining a declaration against the Superintendent of Police and no question was raised before us whether such a declaration was a proper one or whether the four plaintiffs could jointly bring such an action. The District Munsif has found that the plaintiffs preferred a seriously false allegation that their procession was entirely stopped, and, taking into consideration all the circumstances of the case, I would direct that each party bear his and their own costs throughout.

Shephard, J.—As is observed by the District Judge this case is really a simple one. It has been unnecessarily complicated by the nature of the relief asked for and by the defence set up by the defendant. The simple question is whether the plaintiffs have suffered any wrong at the hands of the defendant, and, if so, to what damages they are entitled. That is the only question that ought to have been tried, for the case is not one in which a declaration or injunction is either necessary or proper. On the contrary such relief is obviously futile, for it could bind only the defendant personally. There is however no appeal filed on his behalf and it is only necessary to mention it as a reason for dismissing the appeal so far as it seeks to obtain any relief of that character for the plaintiffs.

We must take the finding of fact as recorded by the District Judge in paragraph 3 of his judgment. There it is found that the defendant took possession of two banners and that he turned out of the procession some singers and then permitted the procession to proceed. It is of these acts that the plaintiffs complained in the 9th paragraph of the plaint. It is not explained how the plaintiffs come to treat these acts of the defendant as torts for which they have a joint right of action. No objection, however, was taken on that ground. The District Judge holds that the defendant was justified in doing what he did because there was danger of breach of the peace and the action was taken in good faith to prevent it. It is this ruling which is questioned in the appeal before us.

Primâ facie the act of the defendant in taking away banners from the hands of the plaintiffs and keeping them is wrongful. That is the only act of which the plaintiffs personally complain. Such an act constitutes a trespass and however laudable the motive may have been, the injured person is entitled to damages. The defendant can only be excused from liability if it is shown that, as a Superintendent of Police, he was by law justified in doing what otherwise would have been wrongful.

The 49th section of the Madras Police Act gives the Superintendent power as occasion requires to direct the conduct of all assemblies and processions and prescribe the routes by which they may pass. It also gives him power to regulate the use of music in the streets on the occasion of festivals and ceremonies and lastly to direct all crowds of twelve or more persons to disperse when he has reason to apprehend any breach of the peace.

Section 21 of the same Act declares the general duties of police officers including that of using their best endeavours to preserve the peace. It is argued on behalf of the respondent that these provisions of the Act justified him in taking away the banners from the plaintiffs and that, although an express power to do such acts is not given by the Act, it must be taken to be included in the larger powers which are conferred. It may not unreasonably be said that on occasions serious inconvenience and risk of disturbance is likely to occur if the police does not possess the power of depriving persons of banners, emblems or other objects which are calculated to provoke a breach of the peace on the part of persons to

whom they are obnoxious. We must, however, see wher such a power is conferred by the legislature. With regard to processions eess provisions are made of a particular character and under certain conditionsver is given to disperse crowds. The latter provision does not, in my opinion, re to processions. With regard to processions the Superintendent may as occasionuires do certain things, but the Act does not say he may take away flags or obious devices carried by members of the procession and I do not see on what nciple it can be said that the legislature intended to give this power by implica. On the contrary the mention of specific things which may be done is unfavble to any inference in favour of measures which are not mentioned.

In my opinion the respondent has failed to shonat his acts are rendered legal by the provision of the Police Act and it is not l that there is any other statute under which he can claim immunity. Chap XIII of the Criminal Procedure Code gives the police certain powers in thway of preventive action, but the present case cannot be brought within its proons. It follows that the District Judge was wrong in refusing to give damagesut having regard to the other findings of the District Judge and the finding ohe District Munsif on the question of damages, I think that nominal damages onlhould be awarded.

I would modify the decree of the District Juge by giving the plaintiffs 1 rupee damages. In other respects I would dismithe appeal and I would direct each party to bear his own costs throughout.

ORDER—dated 6th December 1893, No. 2555, Judicial

In its judgment in Second Appeal No. 1679 of892, the High Court has declared that section 49 of Act XXIV of 1859 does ot empower a police officer to remove from a Hindu procession devices intende to cast ridicule upon the Muhammadan religion and in view of this decision t Government considers it imperative to amend the law so as to legalize suchction. Mr. Prendergast's report read above shows how serious may be the effeof the High Court's ruling unless the scope of section 49 is promptly extended. the following respects also the section requires alteration :—

(1) the term "superior officers of polico" is vue; it has by custom been held to apply to gazetted officers only ut the Government doubts whether this interpretation is not too naow and is inclined to confer the powers specified upon Inspectors als;

(2) the section provides a penalty for the infrgement of the conditions of a license but it does not explicitly authoze the issue of licenses; this defect should be remedied;

(3) in the judgment read above Mr. JusticShephard has expressed an opinion that a police officer does not ossess power to disperse a procession under section 49 although hmay disperse a crowd; the law on this point should be made clear;

(4) the proviso to the section refers to the "neral control" of the magistracy; the term is not sufficiently defini and the opportunity should be taken to explain more clearly what e powers of the magistracy are.

2. Accordingly the Government proposes to itroduce a Bill making the following alterations in section 49.

(1) substituting the words "all officers of plice not below the rank of Inspector" for the words "the Superintendent and superior officers of police;"

(2) adding the words "license and" before t e words "regulate the use of music;"

(3) substituting the words "and they may further, whenever they see reason to apprehend a breach of the peace, (i) direct that an assembly or procession shall not take place or tha it shall be conducted only

in accordance with the terms of a license to be issued by them, (ii) require or direct the removal of any article of dress, emblem, banner, device or other thing which, in their opinion, is intended to wound the feelings of persons belonging to any class of the community or is likely to be in good faith considered by such persons as insulting to their religion, and (iii) direct all crowds, assemblies and processions of twelve or more persons to disperse; and every person opposing or not obeying orders issued by police officers under this section, or violating the conditions of the aforesaid licenses, or opposing any police officer exercising the powers conferred upon him by this section, shall be liable, upon conviction before a Magistrate, to a fine not exceeding one hundred rupees;" for the words "and may direct all crowds . . . one hundred rupees;

(4) substituting the following for the present proviso:—"Provided that nothing in this section shall be deemed to affect the powers conferred upon Magistrates and Police officers by any other enactment for the time being in force and that the District Magistrate, the Sub-divisional Magistrate or any superior officer of police may direct that any order made or license issued under this section shall be withdrawn, modified or cancelled."

3. The Government desires that the officers named below will submit confidentially their views on the above proposals at an early date—

The Advocate-General;
" " " Inspector-General of Police;
" " " of Kistna;
" " " of North Arcot;
" " " of Nellore;
" " " of Salem;
" " " of Gódávari.

(True Extract)

J. F. PRICE,
Chief Secretary.

To the Government Solicitor,
" Inspector-General of Police,
" District Magistrate of Coimbatore,
" " " of Kistna.
" " " of North Arcot,
" " " of Nellore,
" " " of Salem,
" " " of Gódávari,

Exd. S. J. Pereira.

Proof

Govt. of {1893} Mas.

JUDICIAL.

Printer Con. 4 Dec 93

CONFIDENTIAL.

Issued

Recd. ol.

G.O., 6th December 1893, No. 25.

DECEMBER.

Masulipatam Disturbances.

Requesting certain officers to submit confidentially their views on the proposal of Government to introduce a Bill amending section 49 of Act XXIV of 1859 so as to empower a police officer to remove from a Hindu procession devices intended to cast ridicule upon the Muhammadan religion.