Confidential No. 159
1893.

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15467/93

# Confidential.

Judicial Department.
G.O., dated 27-10-93
No. 2236
2237
Series. Abs

Dated 27/10/93

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Slaughter of kine.

Read again Order of Government, dated
189 , No.

Enclosures.

Current No.

Statement with ditto.

Order, &c., of Government- A.

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INDIAN TELEGRAPHS. Monthly Number. } 1153

To (Office) Ootacamund From (Office) Simla

| Words. | Day. | Hour. | Minute. | Official Instructions. |
|---|---|---|---|---|
| 48/11 | 24 | 18 | 46 | |

CURRENT NO 4623

To (Person) Madras

From (Person) Home

Number 1579 Public
my Confidential Circular
number 1460 Dated 4th October
paragraphs four and five viceroy
would be glad to receive
reply as soon as possible so as
to Consider it before he leaves
Simla please wire when it will be
sent

32 Word Form. F1.

Recd. from LN. Sent to LN.

At Hrs. Mts. by At Hrs. Mts. by

Telegraph Master.

C. S. P. Co.—No. 363 T—6-3-93—40,00,000.

OOTACAMUND 4-10 93

The Draft reply has been prepared but it was necessary to send it to Government who is on tour. Sent 18th Sept Private Secretary requested to expedite its return
JMD
27/10/93

1153

34

20/10

Note for U.S.

Please see C.N. 4623 · G.G. wants a very early reply, if possible before Gov: Genl. leaves Simla.

N.P.
26/10

Dp this at once. Afterwards circ. to Hon: Mem: for perusal. Follow instructions in the note to the draft letter.

26

NOTE FOR THE CHIEF SECRETARY.

Submitted (with fair for Signature) with reference to para: 7 of the draft letter just added by U.S.

N.P.
28/10.

...has been
...it was necessary
...Governor who
...Sept 18th ...
...Secretary ...
...

25/10/90

In Stock ..

ORDER, &C., OF GOVERNMENT— A.

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[G/9] 5,000—14-7-93.

Current No. 4623

Judl. DEPARTMENT.

Tel

*From*

Govt. of India,
H.D.

No.

*Dated* 24 } 10/93
*Received* 25 }

*Enclosures*

SUBJECT.

Kine killing.

Enquiries when reply to letter [illegible] will be sent

[illegible] 6/10/93

Telegram to despd 25/10

Governor's Camp.,
Private Secy to H.E. the Gov

642 x India wires as follows begins x (H.E. telegram) ends. Papers were sent to H.E. on 18th. Please see to sending them back as soon as possible.

(Fair signed by C.S.)

Telegram to despd 25/10

Simla.
Home.

643 Your message 1579 yesterday draft reply has been prepared but it was necessary to send it to Governor who is on tour. sent eighteenth instant. Priv. Secy wired to to expedite.

CONFIDENTIAL.]

No. 105/4 of 1893.

FROM

THE CHIEF SECRETARY TO GOVERNMENT,
N.-W. PROVINCES AND OUDH,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

*Dated Naini Tal, the 18th September 1893.*

SIR,

POLICE (SPECIAL) DEPT.

I AM directed to reply to your letter of the 29th August in so far as it concerns the question whether the present law sufficiently empowers the executive authorities to control any agitation or local disturbance which may be due to cow-protection societies.

2. The Lieutenant-Governor has considered this question in view of recent events, and has consulted some of the most experienced officers in the Province. The result of this consultation has been embodied in the accompanying note by the Legal Remembrancer. Sir Charles Crosthwaite's opinion is that the law, as at present stands, is sufficient to enable the authorities to control and suppress any local disturbance. The difficulty in dealing with widespread disturbance is not one of law but of the sufficiency of the force at the command of the executive. But the law is powerless, as it stands, to enable the Government to control the agitation or to prevent the extension of the system which, whatever may have been its primary objects, must be regarded now as seditious and most dangerous to the public peace. It is evident that if societies constituted and having rules such as those in the Ballia and Azamgarh districts are permitted to spread over the country, they may obtain an influence against which it will be very difficult to contend. When the unlawful rules of such societies are actively enforced against any person, the present law will afford a remedy if the person injured comes forward to complain. Under the circumstances, however, it is highly improbable that any complainant will dare to come forward. The societies therefore must be brought under control, and this can be done, it appears to Sir Charles Crosthwaite, without interfering with the lawful aims of pious Hindus by an easy addition to the Penal Code as explained in paragraph 6 (2) of the Legal Remembrancer's note, which will bring the law of this country as regards conspiracy into agreement with the English law on the subject.

As regards the punishment for the offence of belonging to an unlawful society, a period of six months' imprisonment is suggested

in the Legal Remembrancer's draft. This is perhaps sufficient for ordinary members of such societies. In the case of officers of the societies, who are usually men of some education and position, such punishment is not sufficient. They are the persons who have invented these illegal rules and to whose efforts the societies owe their existence, and it is they, if any, who have ulterior objects in view. The Lieutenant-Governor suggests a period of two years' imprisonment with fine as the maximum penalty. As one of the illegal measures adopted by these societies is the prohibition against the use of pounds established under the Cattle Trespass Act, 1871, it is proposed to amend that Act with the view of making the establishment of a pound otherwise than in accordance with section 4 of that Act punishable with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees or with both.

3. In the recent events in these Provinces nothing has caused more concern to the Lieutenant-Governor than the secrecy with which the combined movements of large numbers of persons for an unlawful object have been arranged and carried out. Owing to various causes, the present law* which binds landholders to give information in certain cases, has become ineffectual, especially where landholders are not resident and where, as in the eastern districts, property is much divided. In order to remedy this, the Lieutenant-Governor proposes additions to section 45 of the ~~Indian Penal~~ Code, the object of which is to enable the Magistrate of the district to appoint one or more of the owners or occupiers of land to be a village headman for the purposes of that section. He also proposes to make village accountants or patwáris responsible for giving information. The patwáris, it is suspected, have taken part in the present agitation, and in the diffusion of the illegal written orders of the societies. It is necessary also to add a clause to section 45 enabling the Magistrate of the district to call for information and to require the village headmen, &c., to supply information regarding other matters than those specified in section 45, *e.g.* the gathering of people for any object, the holding of meetings, the collection of contributions from villagers for any purpose, the visits of preachers or agitators. It is not advisable to specify the matters on which information may be required. And in drafting this clause the wording of clause *(f)*, section 8, of the Village and Road Police North-Western Provinces Act has been followed. If it is thought inadvisable to entrust the Magistrate of the district with powers of this kind, the power can be given to the Local Government. The Local Government, however, can, in its executive capacity, control the District Magistrate in the exercise of the powers given to him; and as occasions may arise requiring information to be given as to some sudden movement or agitation, it is better to give the power to the Magistrate.

* Section 45, Indian Criminal Procedure Code.

4. In the next place it is held to be necessary to amend Act V of 1861 in several particulars. Some deficiencies of that Act, which are now noticed, may have been brought to the notice of the Government of India in connection with other matters, and it is believed that the



amendment of that Act is under the consideration of the Home Department. The following amendments are under present circumstances urgent and should be carried out promptly. It is advisable to make non-resident landowners liable, if the Government shall so direct, for a share of the cost of additional police imposed on the occupiers and inhabitants of their estates. The defect in the present law, which renders the inhabitants only liable, has frequently come to the notice of this Government in connection with ordinary cases in which the misconduct of villagers has necessitated the quartering on them of additional police. It is frequently the case that the misconduct of the villagers, the harbouring of dakáits and other bad characters, and the commission of predatory crimes, such as cattle-lifting and the like, are permitted, if not encouraged, by the owners of the land who do not reside on their land, and thus escape from payment of a part of the cost of the police. In the present case the necessity of altering the law has become most apparent. There can in Sir Charles Crosthwaite's opinion be no doubt whatever that some large landowners and others of smaller importance who do not reside in the disturbed districts or tracts have been responsible, not perhaps for the riots, but for the unlawful machinery which has made them possible, and for the mischievous agitation which has led to them. They and their agents must of course have known what was going on, and cannot have been ignorant of the letters which were being circulated and of the unlawful assemblies which were being arranged. These persons under the present law escape altogether from contributing to the cost of the additional police by reason of their residing elsewhere. In another matter also the law is defective, inasmuch as it provides no means for compensating those whose persons have been injured or property destroyed in the riots. At Azamgarh the Lieutenant-Governor received several petitions from Muhammadans, praying that compensation might be awarded to them for the injuries they had sustained, and it appears obviously right that such persons should be compensated at the expense of those who are responsible for the mischief. In this connection it would, Sir Charles Crosthwaite thinks, be well to provide that instead of, or in addition to, the quartering of additional police at their cost, the landowners or inhabitants should be liable to fine to such amount as the Local Government might direct. The fine to be imposed in addition to the cost of the police when the misconduct of the landowners and inhabitants had caused loss to any person, and to be applied to compensating the injured person. The fine to be instead of police when the landowners or inhabitants had been guilty of misconduct deserving punishment, but not such as to render the quartering of police desirable. The class of cases which this provision is intended to meet is that, for example, in which the inhabitants of a village turn out and assault Muhammadan cattle-drivers and bar the road. The village may be unable to bear the cost of a police guard for any lengthy period, while it is very inconvenient to enlist additional officers and constables for a short period. A moderate fine on the village would be a most appropriate and effectual punishment. Act V of 1861, section 15, is also defective in a third point. It makes the inhabitants generally

of the disturbed district liable for the cost of the police quartered upon it, and leaves the Magistrate no discretion to exempt any class of persons. Thus the very persons against whom disturbances were got up and who have suffered from them may be called upon to contribute to the cost of the police equally with those who were in fault.

5. The alterations of the law herein advocated are, the Lieutenant-Governor thinks, simple, and such as cannot be objected to by reasonable and loyal persons. They ought, he thinks, to be passed as soon as possible, for it is certain that we are face to face with a very dangerous organization which threatens in some districts to become the government *de facto* of the country, and if not suppressed will certainly cause very great trouble in the not distant future.

Sir Charles Crosthwaite believes that this danger may still be averted by firm and fearless action. The true way of administering India is by enforcing village responsibility and compelling the people to control each other, or if they cannot, to inform the authorities and enable them to do it. In these Provinces the tendency for years has been to break up and disintegrate the village communities. We have attempted to keep order and suppress crime by means of an outside police who seem yearly to become more feeble and corrupt, and are hated by the people. We fill our jails with criminals at a vast expense, without getting the upper hand of the criminal classes. Whereas by falling back on the old system of the country, and by enforcing the responsibility of landowners and of villagers as a body, we should get much better results in a more merciful and less costly manner. The present organization of the cow societies works on the people as a whole, and it must be met by the assertion of the principle of joint responsibility.

6. There is one more amendment of the criminal law which can be easily effected, and which the present circumstances of the country most urgently demand. The false and alarming stories that have been published in the newspapers since the occurrence of the disturbances at the Id festival have done very great mischief, and are continuing to do mischief. It is hardly necessary to quote instances, as the Government of India is doubtless aware of the facts. I am however to enclose a copy of correspondence which has taken place between this Government and the *Morning Post*, a newspaper edited by a European and published at Allahabad. It can hardly be doubted that the Editor has been victimized, in the case of both the false reports published, by some one who desired to increase the excitement between Hindus and Muhammadans and to inflame the minds of the former. It is evident from the Editor's reply that he had taken no pains whatever to ascertain the truth of the alarming stories which he published, and which he served up with remarks of his own calculated still more to alarm the public. These stories have been taken up by the Bengal Press and made use of to excite the Hindus against the Government and against the Musalmans.



The tardy contradiction and insufficient apology made by the Editor shows the necessity of having a law which can bring home to persons of his type some sense of responsibility and of the duty Editors of journals owe to the public.

7. The present law (section 505, Indian Penal Code) throws on the Government the onus of proving that the person circulating or publishing a false report knew that it was false. This is an almost impossible task, and section 505 is consequently useless. Sir Charles Crosthwaite recommends that section 505 be amended so as to make it applicable not only to statements which the person circulating or publishing them knows to be false, but to those also which he does not believe in good faith to be true. He recommends also that in that section after the words "with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State, or against the public tranquillity," the following words be inserted—"or knowing or having reason to believe that such report will cause fear or alarm to the public, and thereby will induce any person to commit an offence as aforesaid."

If this alteration in the law is made at once, it will enable the Government to control one of the worst forms of journalistic crime, namely, the invention and dissemination of lies for the purpose of exciting the people against the Government and of setting race against race. Very few issues of the native newspapers are without instances of this offence; and some newspapers owned and edited, it is believed, by Europeans, such as the Allahabad *Morning Post*, are equally guilty, though perhaps from different motives. The inflammatory and seditious tone of the Native Press, especially in Bengal, cannot have escaped the notice of the Government of India. The Native Press is doing infinite mischief, and unless it can be to some extent suppressed and controlled, it will lead to rebellion and bloodshed.

The other matters dealt with in your letter under reply are receiving the Lieutenant-Governor's attention, and he hopes to address the Government of India concerning them at an early date.

I have the honor to be,

SIR,

Your most obedient servant,

J. J. D. LATOUCHE,

*Chief Secy. to Govt., N.-W. P. and Oudh.*

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CONFIDENTIAL.]

NOTE.

From the papers submitted to me it appears that the objects and aims of the Gaurakshani Sabha, or Cow-protection Society, in the districts of the Benares and Gorakhpur Divisions, are partly lawful and partly unlawful. The agitation is a lawful one, and ought not in my opinion to be interfered with so long as it restricts its operations to the furtherance of the following aims and objects :—

(1) to provide a home for sick and infirm cattle ;

(2) to purchase cattle from Hindus who are obliged to sell, and thus to prevent cattle from falling into the hands of Muhammadans who might slaughter them ;

(3) to raise by voluntary contributions the funds required for the above purposes ; and

(4) to inculcate the kind treatment of cattle.

2. It would seem, however, that the society has not confined its operations within the above limits, but has developed into a movement for the purpose of securing the following objects in addition to the lawful objects above specified :—

(1) the prohibiting of the use of Government pounds, the unauthorized establishment of pounds, and the levy of fees from the owners of cattle taken to these unauthorized pounds ;

(2) the prevention of the sale of cattle by Hindus to Muhammadans (especially butchers), chamárs and persons of low caste, under threat of exclusion of the seller from caste ;

(3) the punishment, by the imposition of a fine and by exclusion from caste, of Hindus who make use of Government pounds, or sell cattle to Muhammadans or to persons of low caste ;

(4) the compulsory levy of subscriptions under threat of exclusion from caste or of incurring the sin of cow-killing ;

(5) the enforcement by fines and exclusion from caste of obedience to the society's order.

3. The establishment of unauthorized pounds and the punishment of Hindus by fine and exclusion from caste are not offences punishable under any law at present in force.

4. The prohibition, enforced by threats of fine and exclusion from caste, against taking cattle to a Government pound, and against the sale of cattle to Muhammadans and to low caste persons, would be offences punishable under section 503, Indian Penal Code ; while the levy of fees from the owners of cattle impounded in unauthorized pounds, and of subscriptions under threat of exclusion from caste, would be offences punishable under section 383, Indian Penal Code. Persons, therefore, who in pursuance of the objects of the society are guilty of the above offences can be punished under the Indian Penal Code. Hindus are, however, afraid to come forward, either as complainants or witnesses, and it is manifest that the cases in which evidence of criminal intimidation or of extortion will be obtained against the members or adherents of the society will be few.

5. A society, some of whose aims and objects are those enumerated in the second paragraph of this note, is in my opinion an unlawful society or conspiracy. In the absence, however, of proof of an offence, or of an overt act

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To
O. No. 4335

towards the commission of an offence in pursuance of the object of the conspiracy, such society or conspiracy does not seem to me to fall under any of the provisions of the Penal Code, or to be opposed to those of any other law at present in force.

6. In order that the existing society or agitation may be brought under effective control, and that further mischief may be prevented, the following action appears to me to be advisable :—

(1) The existing law should be enforced—

*(a)* in every case in which evidence of criminal intimidation or of extortion, or abetment of these offences, is obtainable against the members or adherents of the society ;

*(b)* as regards the dispersing, under Chapter IX of the Code of Criminal Procedure, of assemblies convened by the promoters of the society, when such assemblies are likely to cause a disturbance of the public peace ;

*(c)* as regards the quartering of additional police under section 15 of Act V of 1861 in districts which owing to the action of the society are in a disturbed or dangerous state.

(2) Legislation should be undertaken for the following purposes :—

*(a)* To amend the Indian Penal Code :

(i) Membership in an unlawful society or conspiracy should be made an offence.

The following sections might be inserted after section 510, Indian Penal Code :—

510*A*.—An lawful society is a society of two or more persons, whose common object is, by causing injury or by threats of injury, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

510*B*.—Whoever is a member of an unlawful society shall be punished with imprisonment of either description for a term which may extend to six months or with fine or both.

In England an agreement between two or more persons to commit an offence, or wrongfully to injure or prejudice a third person or any body of men in any manner, is a conspiracy punishable as a misdemeanour.

(ii) In view of the ill-feeling at present existing between the Hindu and Muhammadan communities, the publication and dissemination of false and mischievous reports should be prevented as far as possible. In a prosecution, however, under section 505, Indian Penal Code, the fact that the accused knew that the report or rumour published or circulated by him was a false one must be proved by the Crown. In the majority of cases it will be exceedingly difficult, if not impossible, to obtain evidence in proof of such guilty knowledge. It is therefore proposed that section 505, Indian Penal Code, be amended as follows :—

*Section* 505.—Whoever, otherwise than in good faith, circulates or publishes any false statement, rumour or report, with intent, &c., &c.

*(b)* To amend the Cattle Trespass Act, 1871, with the view of making the establishment of a pound otherwise than in accordance with the provisions of section 4 an offence under the Act.



*(c)* To amend the Code of Criminal Procedure. As it is most necessary that the Magistrate of the district should be informed of the establishment and spread within his district of societies, such as the Gaurakshani Sabha, and of the meetings held and the action taken by these societies, the following amendments of section 45 are recommended :—

(i) The insertion of the words "village accountant" between the words "every village headman" and "village watchman."

(ii) The addition of the following clause after clause *(d)* :—

"*(e)*. Any matter regarding which he has been required by the Magistrate of the district to supply local information."

(iii) The addition of the following explanation :—

"*Explanation* (2).—Where there is a village headman appointed under any other law, the person so appointed shall be the village headman for the purposes of this section. Where there is no village headman appointed under any other law, the village headman, for the purposes of this section, shall be appointed by the Magistrate of the district from among the owners or occupiers of land resident in the village. If the Magistrate of the district thinks fit he may appoint more than one headman in any village."

*(d)* To amend Act V of 1861 :

(i) With the view of making absentee landlords also chargeable with the cost of aditional police, and of enabling the Magistrate of the district to exempt classes or sections of the population from the cost of such police ; and

(ii) With the view of empowering the Magistrate of the district to award compensation for injuries caused by the act of an unlawful assembly, and to charge, assess and recover the amount so awarded in the same manner as the cost of additional police is charged, assessed and recovered.

The following amendments are accordingly suggested :—

(i) For the last sentence of section 15 the following should be substituted :—

"The landowners and inhabitants of the part of the country described in the notification, or where the disturbed or dangerous state is due to the action of a class or section of the landowners or inhabitants, that class or section shall be charged with the cost of such additional police force ; and the Magistrate of the district, after inquiry if necessary, shall assess the proportion in which the amount is to be paid by the landowners and inhabitants, or by the said class or section according to his judgment of their respective means."

(ii) After section 16 the following section should be inserted :—

"16A.—Whenever in any part of the general police district loss or damage is caused to any person by the act of an unlawful assembly, the Magistrate of the district may determine the amount of compensation to be awarded to the person injured ; and with the previous sanction of the Local Government, to be notified by proclamation in the *Government Gazette*, may direct that the compensation shall be recovered in the proportion prescribed by section 15 from all, or any class or section

of, the landowners and inhabitants of the part of the country described in the notification. The amount of compensation shall be assessed and recovered by the Magistrate of the district in the same manner as the cost of additional police is assessed and recovered."

J. DEAS.

*The 15th September* 1893.

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Enclos. N° 4
to
C. No. 4335

FROM

THE CHIEF SECRETARY TO GOVERNMENT,
N.-W. PROVINCES AND OUDH,

To

THE EDITOR, "MORNING POST,"
ALLAHABAD.

*Dated Naini Tal, the 3rd September* 1893.

SIR,

GENERAL DEPT. IN the issue of the *Morning Post* of 29th August 1893 (page 2) two statements are published:—

(1) That a cow's head was thrown into a principal Hindu temple at Cawnpore.

(2) That the Munsif of Sahaswán in Budaun had been murdered by Muhammadans because in a case concerning a mosque he had given a decision which displeased them.

On inquiry it has been ascertained that both these statements are absolutely false. The publication of such false reports in a paper of the circulation and character of the *Morning Post*, especially in conjunction with the editorial remarks immediately preceding them, and at a time such as the present, must cause fear and alarm to the public, and is likely to provoke the commission of offences against the public tranquillity. If these statements were published with the knowledge that they were false the publication comes within the provisions of section 505 of the Indian Penal Code.

The Government presumes that you have been misled by some malicious persons or person, but the falsehood about the Munsif's murder is repeated and emphasized in your issue of the 30th, and it was only on 2nd September that a tardy contradiction appeared.

In the *Morning Post* of 1st September a contradiction is published of the story about the cow's head, but it is added that a disturbance is threatened in Cawnpore. The Magistrate of the District (Mr. Bird), writing on the 31st August, did not anticipate any disturbance.

You will no doubt see the propriety of contradicting these stories to which you have given circulation in a much more emphatic manner than you have yet done; and also of giving the name of your informant, as in the present state of feeling between Hindus and Muhammadans such falsehoods are directly calculated to provoke a disturbance, and persons inventing and knowingly disseminating them must be punished.

I have, &c.,

J. J. D. LATOUCHE,

*Chief Secy. to Govt., N.-W. P. and Oudh.*

"THE MORNING POST":

*Allahabad, September 14th,* 1893.

DEAR SIR,

I DELAYED publishing and acknowledging your letter of the 3rd, in order to make inquiries. The result appears in our issue of the 12th. I regret that I have not yet been able to trace the sender of the murder story. I may add that in future I shall refer all such reports to the Local Government before publishing them.

Yours truly,
T. G. PIKE,
*Editor.*

---

*Extract from the "Morning Post" of the 12th September* 1893.

WE communicated with our correspondent at Cawnpore, whose reply we quote in full:—"The cow-head rumour was very strong in the city. I first got what I considered fairly reliable information from a member of the Municipal Board. The following morning I heard it corroborated by at least forty men from different parts of the city. I put on a reliable Muhammadan and a Hindu to get me special information about it. The former is a merchant, who has dealings with the owners of the temple. I learned that the owners desired to suppress the rumour, as it was likely to bring ill odour on the building thus desecrated, but that the rumour was true; that it had been done at midnight; that four men were present when the head was found; and that a boy had been seen running away, and it was presumed that he had done it. It may be true or the reverse, but it is still firmly believed in the city, and the impression is that steps have been taken to deny it for diplomatic reasons. Of course, in writing you, I said that 'from what I could gather,' that was the cause of the ill-feeling. I learn to-day from a friend who has known the family (connected with the temple) for years, that there is much internal quarrelling, and that the probability is that, if it be true, they have done it among themselves, and it is not the work of a Muhammadan. From Government's agitation about the matter it would suggest that they know it to be true, and, presuming that your informant is a Government servant, they want to make it hot for him for divulging secrets. For Government's special benefit you contradicted the rumour next day. What more do they want? All is quiet here now. Our Collector worked like a slave for three or four days right in the heart of the agitated parts. He handled things well, and deserves great credit.

"*P. S.*—There is no getting really at the root of a thing like this unless by a proper inquiry of a magisterial nature, and not even then. Beyond what I have given you above I cannot vouch for the accuracy or otherwise of the report."

We need say no more about the matter than that we do not divulge the names of correspondents under any circumstances, unless, of course, we are deliberately misled, as in the Sahaswán case. We are endeavouring to trace the sender of this report.—EDITOR.

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Judl Dept.
3
O. N. 4335

**Strictly Confidential.]**

NO. 1323.

FROM

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

TO

THE SOLICITOR TO GOVERNMENT,
CALCUTTA.

Home Department.
*Public.*

*Simla, the 16th September 1893.*

SIR,

I AM directed to forward a statement of facts regarding the *Gorakshini Sabhas* or cow-protection societies which have been established in certain parts of India, and to request that you will be good enough to lay it confidentially before the Honourable the Advocate General for his opinion on the questions raised in the latter portion of the statement.

I have the honour to be,
SIR,
Your most obedient Servant,
C. J. LYALL,
*Secretary to the Government of India.*

Strictly Confidential.]

*Case for the consideration of the Honourable the Advocate General.*

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Societies called *Gorakshini Sabhas* or "Cow-protection associations" have been established in various parts of the North-Western Provinces and Oudh. Their rules are designed to prevent cattle from passing under any circumstances into the hands of those who will either sacrifice them or slaughter them for food. They are described as organised in the following way:—

Each district is divided into local areas, to each of which is allotted a *Sabhapati*, with a *Sadar Sabhapati* as chief controlling authority for the district. Under the *Sabhapati* there are *Sabhasads*, who are receivers of contributions throughout the villages, each large village having one or more. Besides these there are various officers, paid and unpaid, bearing different designations and exercising different functions. The whole of the Hindu population is, where a society of the kind has been established, compelled to contribute to its purposes or to suffer expulsion from caste. Among the rules of one such society are the following:—

"For the protection of *gaomáta** each household shall every day contribute from its food supply one *chituki* (or pinch), equivalent to one *paisa*, per member. From this *chituki* fund a cow refuge (*gaoshála*) shall be built, and the expenses of its maintenance shall be met. And if any one is compelled to sell a cow at a fair, the cow shall be bought up and interned in the cow-refuge; and if anywhere money be needed for the protection of cows, it shall be paid at once. *The eating of food without setting apart the* chituki *shall be an offence equal to that of eating a cow's flesh.*

* "The mother cow."

"It is well-known that sacrificers who are put out by this cow-protection give excessive prices, purchasing at even a great loss, and perpetrate their sacrifices with the intention of causing heartburnings. There is no other course but this, that no kind of cow, buffalo, or bullock shall be allowed to go into a place where it can fall into the hands of one who sacrifices.

"Nats, Banjáras, Chamárs, and others buy cows and sell them to butchers; and Musalmans and others are the very cause of the slaughter of cows. Cows shall not be sold into the hands of any such persons; and if any kind of cow die, the owner shall sell its skin to a proper person and apply the money to cow-protection."

Among the papers of another *Sabha*, the following list of offences of which the officers of the *Sabha* take cognisance has been found:—

"(i) Whoever, whether Hindu or Musalman, lets loose any cow; or

(ii) Whoever takes a cow to the Government pound; or

(iii) Whoever does not subscribe to the *Sabha*; or

(iv) Whoever castrates an ox; or

(v) Whoever sells a female buffalo; or

(vi) Whoever sells cattle to an unknown person; or

(vii) Whoever sells cattle to a butcher, or to Nats, Dosádhs, Chamárs, or Banjáras—

shall be guilty of the offence of cow-killing.

(viii) Whoever takes any kind of cow or old ox to the Dadri or Sheorat *mela* shall be fined the value of 10 cows, and be outcasted and turned out of his village."

The *Sabhas* constitute themselves tribunals to take cognisance of the offences laid down in their rules, and records of regular trials held under the presidency of the *Sabhapati* have been found. The following are specimens :—

*Gao Mahárání* (*Cow Empress*) versus *Sita Ram Ahir of Haldi.*

*Charge*—Impounding a cow in the Government pound.

"The cow was sold by auction (from the pound) to one Gangu, a butcher, for Rs. 10. The fact was brought to the notice of the *Sabhapati*, who, sending for Sita Ram, ordered him to buy back the cow, which he did for Rs. 14, and then sent him up for trial before the *Sabha*. The court was formally held in————'s house in————. Sita Ram pleaded guilty, and was sentenced to Rs. 4-8-0 fine. He refused to pay the fine, and was brought before the *Sadar Sabha*, and sentenced to 24 days' outcasting and various religious penalties."

*Gao Mahárání* versus *Sheo Lochan.*

*Charge*—Impounding a cow in the Government pound.

"Tried by the head *Sabhapati*. Sentenced to 12 days' outcasting, with the accompanying religious penalties, and to pay a fine of 8 cows. On default to four times the above punishment. Any one abetting his default to pay half the above fine."

*Gao Mahárání* versus *Ram Bhavan.*

*Charge*—Inducing people to act contrary to the *Sabha's* orders.

"Sentenced to a fine of Rs. 10, to be paid towards the *Gaoshala* fund, and 15 days outcasting."

The papers of which these are specimens disclose a widespread system of coercion among Hindus of all castes directed towards the establishment of the authority of the *Sabha* and the boycotting of the Musalmans. The enforcement of contributions is secured by the penalty of outcasting and the threat of religious terrors. All Hindus are thus compelled to join a *Sabha* where one has been established, and any recusant person, or member who violates the rules of the *Sabha*, is formally tried and punished with money penalties and outcasting as shewn in the above records of cases.

Whenever any prominent person is considered to have been guilty of conduct offensive to a *Sabha*, notices are distributed enjoining all Hindus to refrain from associating with him ; and persons receiving these notices are required to make copies of them and distribute them to others under penalty of being considered guilty of the death of so many cows. Many such notices or proclamations have been found.

The opinion of the Advocate General is desired as to whether proceedings such as those above described can be brought within the provisions of the Indian Penal Code.

It would seem that the enforcement of contributions by the threat of outcasting or other religious penalties would come under sections 503-506 of the Indian Penal Code as criminal intimidation, and also, if the threat is as described above, that the person threatened will be held guilty of cow slaughter or of eating cow's flesh, under section 508 (apparently a mere threat of outcasting has been held* not to come under that section).

* See O'Kinealy's Indian Penal Code, 3rd Edition, page 336.

Such proceedings in trials by the Sabhas resulting in the exaction of fines as are described above might probably be brought within the definition of extortion in section 383. The word "dishonestly" used in that section, as defined in section 24 of the Code, seems to cover such usurpation of authority as is involved in claiming the right to fine a person for an act which is no offence.

The Government of India also wish to be advised whether persons who conspire together to form an association on the basis and for the purposes above described, and who pass rules prescribing penalties for such acts as have been detailed, cannot under section 107 of the Indian Penal Code be indicted for abetment of criminal intimidation, extortion, or an offence punishable under section 508, as the case may be, or otherwise prosecuted.

C. J. LYALL,

*Secy. to the Govt. of India, Home Department.*

*Opinion of the Hon'ble the Advocate General upon the case submitted with the letter No. 1323, dated 16th September 1893, from the Secretary to the Government of India, Home Department, to the Officiating Solicitor to Government.*

The case submitted is novel. There are no cases in the books or reports similar to the present. I am therefore advising on a *res nova*, and I cannot but do so with some doubt. There are two cases, namely, the Queen *vs.* Sankara, I. L. R. 6 Madras 381, and *in re* D'Cruz, I. L. R. 8 Madras 140, in which religious or ecclesiastical authority was exercised over persons who were excommunicated, and it was held that there was no offence under section 503 or 508 of the Indian Penal Code. I think these cases have no application to the present. The societies formed have (so far as I am aware) no religious ecclesiastical or other authority to punish persons with pains and penalties such as outcasting and imposing fines. In the case now before me it is stated as a fact that the whole of the Hindu population is, where a society of this kind is established, compelled to contribute to its purposes or suffer expulsion, and that the enforcement of contributions is secured by the penalty of outcasting. I would have preferred a statement in detail of the exact method employed to compel persons to become members or to contribute or to suffer the prescribed penalties. I will, however, assume for the purposes of this opinion the facts and conclusions stated in this case.

If outcasting by the societies (although without legal authority as it appears to me) has in point of fact the effect of outcasting a person or ostracising him from the society to which he belongs, I am of opinion that the offence of criminal intimidation under section 503 of the Indian Penal Code is made out, when a complaint is made by a person who declares that he was induced to become a member of one of these societies, and to agree to observe its rules, by reason of and under the influence of a threat held out of being declared an outcast. When contributions have been paid or fines inflicted and paid under the abovementioned threat, I think the case falls under the head of extortion (see section 383 of the Indian Penal Code). If either of these charges is made out, the actual instruments are liable as principals and others who instigate such principals as abettors under section 107 of the Indian Penal Code.

It is clear that any person who voluntarily joins one of these societies cannot complain either of criminal intimidation or extortion.

Under the English law societies of this kind would be suppressed by indictments under the common law for conspiracy to carry into effect a purpose hurtful to some individual or a particular class of the community, or to the public at large. (Stephen's Commentaries, vol. 2, page 274; Archbold's Pleading and Evidence, 20th edition, 1087; and Roscoe's Criminal Evidence, 11th edition, 399.)

Such offence of conspiracy as I have described is not an offence under the Indian Penal Code. In the presidency towns conspiracy to carry out the objects above indicated, being a part of the English Criminal Law untouched by the Indian Penal Code, is indictable as an offence. (See Queen *vs.* Thompson, 1 B. L. R., Original Criminal, page 1.)

Although I have advised as above, I would propose to the Government to pass an Act dealing directly with the questions which have arisen, if political considerations do not interfere with such action. In the year 1886 the Bengal Government passed an Act (Act III of 1886), although under the Penal Code there was a partial remedy (see the remarks of the Advocate General in the Supplement of the *Calcutta Gazette* of the 22nd September 1886, page 1867). It was thought advisable not to risk the failure of a prosecution.

Before instituting a prosecution under the existing law (should it be deemed inexpedient to amend it), proper legal advice should be taken on the facts of a case which should be carefully investigated, in order to provide against the risk of failure, the chances of which will continue considerable unless the law is changed and explicit and specific directions are given by the law.

*22nd September 1893.*

G. C. PAUL.

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# Appendix.

## BENGAL.

1. The *Sulabh Dainik* of the 11th July has the following :—

The *Bagr-id* riots.

Revival of race-animosity is the cause of the serious disturbances that have taken place at Bareilly, Azamgarh, and other places in connection with cow-slaughter on the occasion of the *Bagr-id*. The violent and hot-headed Musalman first wantonly attempted to offer an insult to the Hindu religion, and the Hindus having opposed that attempt, disturbances arose. And the carelessness and indiscretion of the officials have intensified the evil.

But we ask the Musalman—"What good do you expect from such disputes? Both Hindus and Musalmans now live under the same sovereign. The fact that the sovereign is kind to you, Musalmans, should not lead you to expect that you will avoid punishment if you deserve it, and the fact that the sovereign does not like us Hindus will not justify the supposition that we shall be punished, though innocent. What good do you then hope to gain, O Musalmans! by making such disputes? What harm, too, can you hope to do to us Hindus by such disputes?

"Do not your books of morality, O Musalmans! praise the virtue of unity? Have you forgotten the excellency of that unity which once made you masters of the world? Have never heard that great proverb of the English, 'United we stand; divided we fall?' Has no historian related to you the evil consequences of the dissensions between the Patricians and the Plebeians of Rome? Why then do you now forget your invaluable motto, Unity, and thereby bring ruin upon yourselves? If the Hindu and the Musalman again heartily sympathise with each other, and have the English Government for their protector, there is no power on earth that they will need to fear.

"And we must also tell you, O English Government! that if you adopt proper precautions in time, these evils cannot occur. But you are careless; you have much to gain in the shape of court-fees from such disputes. But to endanger the people in this way for the sake of money is to ill-discharge the duties of a Government. If the young Magistrate of Azamgarh had adopted proper precautions in time, the disturbances could not have taken place. But he was sleeping all the time, and the result was that dreadful disturbances broke out under his eyes."

2. The *Sulabh Dainik* of the 26th July has the following in the course of an article headed "Who is to blame?"

Quarrels between Hindus and Musalmans.

On whom rests the blame of the late riots between the Hindus and Musulmans? So far as can be ascertained, the riots were everywhere brought about by the fault of the authorities, by the insolence, short-sightedness, and ignorance of the religion of the people on the part of the magistracy. Yet these very officers are considered the best criminal judges and the strongest supports of the Empire.

The Magistrates being, as a rule, Europeans are beef-eaters, and cannot therefore see any objection to the slaughter of cows and beef-eating by the Muhammadans. A Magistrate is rather astonished that the Muhammadan should come to him for permission to slaughter cows. He grants the Muhammadan's prayer at once, and considers any objections made by the Hindus as arising from mere prejudice. He also at once binds down the Hindus to keep the peace, and encourages the Muhammadans by personally appearing at the place of the slaughter. The illiterate, hot-blooded Muhammadans naturally enough take this in the light of an encouragement given them by Her Majesty herself to slaughter cows. What wonder that they should fear nobody? This explains the origin of the quarrels which ultimately lead to bloodshed. The blame rests therefore entirely on the shoulders of the Government's pet civilian magistracy, who have scarcely any experience of the manners

and customs of the people. And yet the Secretary of State did not hesitate to declare the other day that the civilians rendered the greatest help in carrying on the administration of the country.

The authorities entertain the most inveterate ill-feeling towards the Hindus. There was great oppression of the Hindus under the reign of Aurungzebe. It was during that reign that the Muhammadans escaped scot-free after persecuting the Hindus. It was during that rule that the *Jizia* (poll-tax) was imposed, and the Hindu's cup of misery was full to overflowing. Is it not a sin even to think that Aurungzebe's time has come back to India even under the beneficient British Government? But the action of the authorities fully reminds one of the *Jizia* tax. Either with the object of maintaining the public peace during the *Muharram* festival or with the object of keeping the Hindus under check, a military police force has been stationed in Azamgarh at a cost of Rs. 30,000. The cost is to be borne entirely by the Hindus, the Muhammadans of the place not being called upon to contribute a cowrie towards it. What is this but the *Jizia* in another shape? What has more surprised the writer is that after the riots in Azamgarh, only Hindus to the number of 400 were arrested, as if the Muhammadans had nothing to do with the riots. A military police has also been stationed at Bareilly, and there too the Hindus alone will have to bear the cost.

If more instances of the attitude of the authorities in these quarrels were wanted, the writer could point to the occurrence at Bazardiya near Benares, where the greatest violence has been done to the religious feelings of the Hindus by the Musalmans, and yet it is the Hindus who are being sent to jail by the authorities in batches. The writer is fully aware that the riots between the Hindus and the Musalmans in the North-Western Provinces are the fruit of the seeds of dissension sown among them by the Lieutenant-Governor, Sir Auckland Colvin. But will Sir Charles Crosthwaite quietly accept the results brought about by the folly of his predecessor? Or is His Honor determined not to say anything to what his civilian brothers may do? Under these circumstances, it is absolutely necessary that the Government of India should at once order an enquiry into the cause of the present quarrels between the Hindus and the Musalmans.

3. The *Sulabh Dainik* of 5th August has the following :—

The officials in the cow killing cases.

We have already referred to the reign of anarchy in the North-Western Provinces, and that anarchy is gradually increasing instead of decreasing. When one considers the present condition of Balia and Azamgarh, one cannot believe that they form a part of British territory, for justice has vanished from these two districts; oppression has taken the place of justice; administration has made way for grinding oppression, and instead of peace there is great unrest and uneasiness; instead of impartiality there is partiality, and one finds there strange travesties of justice by civilian officers. The English law provides for the administration of justice without regard to caste, creed or colour, and for the punishment of those who wound the religious feelings of other people. But the very reverse of this is now found in Azamgarh, and we know not but greater evils may happen in future.

We shall inform our readers of the present condition of Balia and Azamgarh, and they will then see how justice is being administered there. The *Amrita Bazar Patrika* says that a body of Hindus in Balia were apprehended as rioters, although the complainants could not identify any among them as guilty of the offence. According to the criminal law, a man accused of any offence must be identified before he can be punished. Indeed, it would be extremely unjust to punish a man without proof of his guilt. But the reader will be extremely surprised to hear what has been done in Balia.

The judicial officer in the present instance was an Englishman, and not only that, but a civilian to boot. He not only found the accused guilty of having been members of an unlawful assembly, but also concluded that they had committed robbery. And the result of such a decision might very well be anticipated. It is a serious matter that a number of persons were convicted of rioting and robbery, although no one could identify them as guilty of those



offences. If the number of such officers increases, and the authorities do not cure them of their haughtiness and partiality, the North-Western Provinces will soon become a vast cremation ground; Sir Charles Crosthwaite will rule over a realm inhabited by ghosts, and the judical officer will have no other company than that of carcass-eating jackals and vultures. Many of these so-called rioters were men of education, position and respectability, and these are the men who have been convicted of dacoity. Yes, how should a civilian display his glory if not in this way? Such, alas, are the fantastic freaks which the civilians are playing in fallen India!

But the matter has not ended here. Warrants have been issued against the Hindu residents of 35 villages. The police is going to those villages at all hours of the day, and is apprehending the Hindu residents, plundering their property and working their ruin in a trice of time. We cannot easily bring ourselves to believe these reports, for the English law still prevails in India; the despotic system of Government is not yet established in this country, and the fear of Siberian exile, as in Russia, does not yet dominate men's minds here. But from what we hear we cannot but conclude that in the Indian Empire of the English an impartial administration of justice will soon disappear.

The mode of trial adopted in the present instance was also a novel one. Though no one could identify the accused persons as having committed the offences with which they were charged, they were considered deserving of punishment by the civilian officer. In his opinion these men deserved to be punished, because they belonged to the villages in which the disturbances had taken place, and because the villagers could not identify the persons who had committed the disturbances, although, as a matter of fact, it was impossible for the residents to identify the persons who had committed disturbances in their villages and then vanished.

There is no knowing how many innocent persons are being punished in this way every day. And what is still more astonishing is that, while common persons are escaping in some cases, men of position and respectability are being in all cases punished with imprisonment or fine. The other day two respectable Rajputs of Balia were publicly whipped in court, and the sight of their indignity drew tears from all who saw it. Again, two boys having caught a Musalman woman in the act of polluting a Hindu temple by throwing beef into it, brought her before the Magistrate. The woman, however, denied her guilt, and was believed by the Magistrate. He, therefore, sentenced the boys to three months' imprisonment each for giving false information.

Again, more than a hundred Hindus were hearing the *Bhagavatgita* read at a certain place. A Musalman policeman sent them up for trial on a charge of unlawful assembly. The Magistrate fined some Rs. 5 each, and sentenced the rest to imprisonment for three months each. The reader will be surprised to hear that one of the persons so punished with imprisonment is a blind man. Thirty-eight Hindu residents of Gopalnagar have also been sentenced to imprisonment for four months each, and one Bhagirath, a Hindu legal practitioner of Bareilly, has been sentenced to imprisonment for six months and a fine of Rs. 500. Two Bengali residents of Bareilly were also apprehended, but were fortunately let off. What should we call all this if we must not call it anarchy?

These judicial officers are not only punishing the Hindus, but are also disregarding the instructions of their superior officers. The Magistrate of Azamgarh received written instructions from the Divisional Commissioner to see that Musalmans did not in any way provoke the Hindus by wounding their religious feelings. The instructions in question also stated that that "any attempt to violate the agreement or to parade animals for slaughter will be severely punished." The Commissioner also directed the Magistrate to tell the Musalman leaders to sacrifice only goats and sheep in those quarters which have both Hindu and Musalman residents. But the Magistrate paid no regard to these instructions, and has acted very haughtily. And yet the Commissioner has not taken him to task. The civilian Magistrates are great pets of Government, and they can commit any wrong with impunity.

Some say that Sir Charles Crosthwaite is not aware of these things. But if this true, it is a grave reflection on him as a ruler, for a Governor who does not keep himself informed of all that goes on in his province is unfit to rule. We, for ourselves, consider Sir Charles Crosthwaite completely guilty.

We again ask Lord Lansdowne to promptly provide a remedy for this evil. The Local Government is completely indifferent in the matter, and the Viceroy is now the only hope of the people. Can he know nothing of all this from the heights of Simla ?

4. The *Sulabh Dainik* of the 7th September has the following :—

The authorities in the riots.

We have been so long pointing out that the Azamgarh riots were due to the fault of the officials. But Government seems to have paid little heed to us, for it has not yet ordered any enquiry into the conduct of the officials. The cry for an Opium Commission is rending the skies in England and India, but it is hardly considered worth Government's while to attend to a matter which involves the question of internal dissensions, slaughter of the people by themselves, and the peace and tranquillity in the country. Do the authorities really desire to see both the Hindus and the Musalmans weakened by mutual quarrels and hostilities ?

5. The *Sulabh Dainik* of the 12th September accounts as follows for the riots that are now frequently taking place in this country :—

Treatment of the Hindus in the North-Western Provinces.

There is no limit now to the oppression by Musalman police officers in the North-Western Provinces. The North-Western Provinces police have had Brahmananda Swami convicted on a false charge of having made a speech about cow-slaughter, which was calculated to lead to a breach of the peace, although there was nothing in his speech that could justly offend the Musalmans. And is this *administration !* Does it not much better deserve the name of *grinding oppression* ? This is in fact nothing more or less than maladministration—maladministration whose immediate effect is discontent, and whose ultimate effect will be riot and disturbance.

This police oppression would not have been half so galling if people had been able to obtain redress on appeal to the authorities. But, as a matter of fact, no such redress can be hoped for by the great majority of people, for the lower Courts accept the statements of the police as gospel truths, and there are few who can go to the High Court or the Lieutenant-Governor or the Viceroy for redress. Ninety-five per cent. of the oppressed persons have to bear this oppression in silence, albeit with hearts seething with discontent. The ring-leaders of all the disturbances that are now taking place in the country are to be found among these oppressed people.

Even if the authorities ever show any inclination to remedy this state of things, certain mean-minded papers, whose sole occupation is to make truth appear as falsehood and falsehood as truth, present things in so distorted a shape as to completely mislead the authorities. The result of all this is that there is grinding oppression in the name of administration, and the indiscriminate punishment of the guilty and the innocent in the name of justice.

All that the Hindus say about these riots is rejected as false, while every word uttered by the Musalmans is accepted as gospel truth. A respectable Hindu of Balia has been sentenced to six months' imprisonment on a charge of having intimidated an oilman not to sell oil to Musalmans, and on no other evidence than that of certain Musalman witnesses.

The Lieutenant-Governor of the North-Western Provinces having now declared the Gorakshini Sabhas to be the cause of the present disturbances, the police is now greatly harassing those Sabhas.

Azamgarh is not more than 10 hours' journey from the residence of the Lieutenant-Governor, and yet old men and boys, aye, even lame and blind persons, were sent to jail, on a charge of riot, so to speak, under his very eyes without one word of protest from him.

At Gorakhpur a Hindu had a platform on which the Musalmans used to rest their *tazias*. The Hindu having now demolished his platform, he has been



sent up for trial on a charge of riot. This is the first time people hear that a man has not the right to deal with his own property as he likes.

Again, in certain districts of the North-Western Provinces, licenses for keeping arms have been withdrawn from the Hindus, the Mussalmans being permitted to use them freely. Do the officials then wish to see the disarmed Hindus perish like moths in the flame of Moslem arms ? And is this, too, to be called justice and impartiality ?

In conclusion, we request the Government to remove the present ill-feeling between the Hindus and Musalmans by treating both these peoples alike.

6. The *Dainik-o-Samachar Chandrika* of the 17th August has the following :—

Government and the quarrels between Hindus and Muhammadans.

When the Education Commission recommended that more favour should be shown to the Muhammadans in the matter of education, the Hindu members of that Commission, as well as one of the English members, who was no other than the present Finance Minister, Sir David Barbour, objected to that recommendation.

We, too, for our part, have protested whenever an attempt has been made to favour the Muhammadans at the expense of the Hindus. For the last 22 years we have been protesting in the newspapers against this policy. By affording greater facilities to the Muhammadans in the matter of admission to the public service, Government has deviated from the path of sound policy and paved the way for future troubles.

After the Sepoy Mutiny, the Government changed its policy in many directions. Just and far-sighted Viceroys, like Lord Ripon have from time to time tried to steer the vessel of the State along the right course, but on the whole that vessel has been steered the wrong way. From the time of the Sepoy Mutiny it has appeared as if the Government has been of set purpose favouring the Muhammadans and thwarting the Hindus to some extent. But why say "as if ?" In the opinion of many, this showing of favour to the Muhammadans is a fact and no imagination.

On the occasion of the Sepoy Mutiny the Hindus and Muhammadans rose in concert against the English Government. This union of the two races alarmed the Government, and after the danger was over, the Anglo-Indians adopted the policy of setting the two races against each other. And the officials have been since making every possible effort to prevent a hearty union of the two races.

Whenever there is a quarrel between the Hindus and Muhammadans, the officials seem to take the side of the latter. For a long time we have been warning the officials about the evil effects of this policy. But good advice is never liked till bitter experience shows its value.

Governors of the type of Sir Auckland Colvin have made bad worse. Before Sir Auckland, no Governor in any province of India acted as he acted. Many Governors had, indeed, displayed their partiality for the Muhammadans in reports and resolutions, but no one ever attempted, like Sir Auckland, to actually set the two races against each other.

The policy that Sir Auckland Colvin adopted in the North-Western Provinces has been more or less adopted in all the other Indian provinces. Under Sir Charles Elliott that policy has been pursued in Bengal.

The officials have paved the way for troubles by their crooked policy. Differences between Hindus and Muhammadans in connection with cow-slaughter have always existed. And it is by following the path that leads to strict justice that the English Government had so long been able to maintain the peace. And it is since the officials have deviated from the path of strict justice that breaches of the peace have become frequent. The danger has, in fact, deepened since the day the Muhammadan has begun to feel, from the conduct of the Government, that he is in greater favour with it than the Hindu.

We have been warning the English Government from the very day it adopted the policy of setting the Hindus and Muhammadans against each other. It is not prudent to set two bulls fighting, for bulls in their fury attack even those that set them fighting.

Has not the present ill-feeling between the Hindus and Muhammadans proved a fruitful source of trouble to the English officials and the police? Have not there been riots at Rangoon as well as at Bombay? The Anglo-Indian Press says that, furious as they were, the Musalman rioters of Bombay attacked only two Europeans. But that Press should know that rioters will not certainly always show such consideration for Europeans. Furious mobs make no distinction of friend and foe.

Steps should now be taken to make all officers act according to the strictest principles of justice. The Muhammadans should not covet more than what is justly due to them, and should know that it is not difficult to comply with the injunctions of one's own religion without wounding the religious feelings of the followers of other religions.

The authorities in the cow-slaughter quarrels.

7. The *Dainik-o-Samachar Chandrika* of the 21st August says that in the cow-slaughter quarrels in Bareilly the authorities showed themselves biassed in favour of the Muhammadans. And warrants have since been issued against two respectable Bengalis on the charge that they were the instigators of the quarrels, though the authorities themselves were the real instigators. The real facts at the bottom of the Azamgarh riots are being suppressed by the authorities, while they are laying the whole blame of these riots on the Hindus. It is said that warrants have been issued against the entire Hindu population of thirty-five villages. But the writer has heard from many people that the Azamgarh riots were due to the granting of licenses to Muhammadans for slaughtering cows in Mau and the adjoining places, where cow-slaughter was not allowed since the time of Akbar. Did not the authorities act in a short-sighted manner in allowing cow-slaughter in places where it was prohibited even by a Muhammadan Emperor? And yet the authorities are pouring the vials of their wrath on the heads of the Hindus, and the Lieutenant-Governor of the North-Western Provinces is for making only the Hindus responsible for the riots.

Sir Charles Crosthwaite in the cow-killing affair.

8. The *Dainik-o-Samachar Chandrika* of the 22nd August has the following :—

Sir Charles Crosthwaite, the Lieutenant-Governor of the North-Western Provinces, is for suppressing the *Gorakshani Sabhas* and, as for his subordinates, they resolved to suppress those *Sabhas* even before he himself thought of doing so. Sir Charles thinks that these *Sabhas* have been established with the sole object of exciting rebellion.

Was it for this, then, that his subordinate officials encouraged the Musalmans to cow-slaughter, and bade them to oppose every effort of the Hindus to protect cows? Was it for this, then, that the officials fomented ill-feeling between the Hindus and Musalmans?

Did the officials, then, say to themselves :—"The Hindus are combining and establishing *Gorakshani Sabhas* on the pretence of protecting cows, but really with the object of producing rebellion. Let us then bring about a quarrel between the Hindus and Musalmans by inciting the latter to indiscriminate cow-slaughter. That will suppress the movement and prevent a rebellion?"

If the officials had really the impression in their minds that the Hindus intended to make a rebellion, then it is clear that they deliberately incited the Musalmans to cow-slaughter and opposed the efforts of the Hindus to protect cows. Whoever talks of rebellion in this connection must be set down as an opposer of the efforts of the Hindus to protect cows and as an abettor of cow-slaughter by the Musalmans.

The Hindus, it is true, have established the *Gorakshani Sabhas* with the object of protecting cows, but they have never so much as thought of making a rebellion. It is the officials who are dreaming of rebellion, and are, under the influence of that dream, opposing the efforts for the protection of cows and encouraging cow-slaughter. The offence of the Hindus is only an imaginary one, while that of the officials is a real and palpable one. It is the officials who ought to be punished. How is it, then, that the Hindus are being punished instead of the officials?

The Hindus want to protect cows, for the worship and protection of cows has been with them a religious duty from time immemorial. The Hindu, on



doubt, considers himself exceptionally blessed if he can protect cows, but he also knows full well that he will never be able, under the rule of beef-eating Christians, to prevent the slaughter of cows by the beef-eating Musalmans. Indeed, none but a mad man can think of achieving such an impossibility.

The efforts of the Hindus for the protection of cows did not bring about the disturbances, nor would the slaughter of cows by the Musalmans have brought them about. It was the undue encouragement given by the officials to the slaughter of cows by the Musalmans that brought about the disturbances. There would have been no disturbance if the officials had not permitted the Musalmans to slaughter cows anywhere and everywhere.

When the officials say that it is wrong to make any attempts to protect cows or to establish *Gorakshani Sabhas*, they only recriminate in the usual fashion of offenders. They have brought about the disturbances by their own conduct, and they now want to clear themselves by laying the blame at the door of others. It is the officials of the North-Western Provinces who are really guilty in this matter, for they are the men who have unduly encouraged cow-slaughter by the Musalmans. Sir Charles Crosthwaite, too, is guilty, in that he did not prevent his subordinate officials from doing that wrong.

But the Lieutenant-Governor is now abusing the Hindus and attributing to them seditious motives. He is thus still encouraging the Musalmans, and thus making the anti-Hindu Musalmans more anti-Hindu. Sir Charles Crosthwaite's offence is an unpardonable one.

The present is a golden opportunity for the *Pioneer* and people of the *Pioneer's* type. Our Allahabad contemporary has availed himself of this opportunity to screw up his animosity against the Hindus to the highest pitch, and is doing his best to set the Musalmans on the Hindus. He thinks that the military should be brought out in order to make the Hindus feel the British prowess, and he is also trying his best to make the Hindus feel that the Musalmans are in greater favour with the Government than they.

British prowess is not unknown to the Hindus, nor are the Hindus unaware that the Musalmans are more favoured by the Government than they. The Hindus are also aware that it is newspapers of the type of the *Pioneer* that are the chief enemies of the State. It is not we, but Lord Canning who said that it was the *Friend of India* of Serampore which brought about the mutiny, and that the *Hurkaru* added fuel to the fire. If Lord Lansdowne had been Lord Canning, the *Pioneer* would have been punished and the *Englishman* would have been compelled to become more careful.

Protection of cows cannot and will not subvert the British Empire in India. There will be no reason to apprehend that danger, even if the country is dotted with *Gorakshani Sabhas* from one extremity to the other. But the subversion of the Empire will become possible if the *Pioneer* and the papers of its type are suffered to use their foul tongues unchecked, and if their views and proposals are accepted by the officials. They are the greatest enemies of the State who propose to weaken the Hindus and Musalmans one after another by setting them against each other.

History bears clear testimony to the fact that it is the faults of the officials that lead to great catastrophies in States. There was a civil war in England simply because the officials under Charles I committed injustice and oppression. It was also owing to the faults of the officials that James II was deposed and William of Orange invited to fill the throne of England.

Was it not, again, the fault of the officials that Louis XVI came to grief and the French Revolution was brought about? Italy could become independent only because the Italian people were driven mad by the oppression of the Austrian officials. If the Turkish officials had not been oppressive, Greece would have remained to this day subject to the Turkish yoke.

It was the oppression of the English officials that converted America into a republic, and it was the oppression of the Spanish officials that led to the separation of Mexico and South America from the Spanish dominions. The officials are the representatives of the sovereign, and it is owing to their faults that Governments are subverted. Hence the popular Hindu saying—"The fault of the sovereign destroys the State."

It was also the fault of the officials that the Sepoy Mutiny broke out. And if the Indian officials again become oppressive, there will again be a disaster, and no one will be able to prevent it. The men who are driven mad do not fear the cannon. The one duty of the officials is to prevent the people from running mad.

Justice is the soul of statesmanship; and steps should be taken to make all the peoples inhabiting India—Hindus, Musalmans, Christians, Jains and Sikhs—feel that the officials are strictly just, and care should be taken that no officer can show undue partiality to any people in any matter or on any occasion.

Sir Charles Crosthwaite would have acted like a Provincial Governor and a representative of the sovereign if, instead of abusing the Hindus, he had checked the guilty officials and told them what their duties are. People will pay no heed to him who abuses others instead of checking the lunatic in his own house.

Sir Charles ought not to have even suffered the word "rebellion" to pass his lips. Impartial people are saying—"Sir Charles has raised the cry of rebellion, which never was, nor is, nor ever shall be, simply for the purpose of saving the guilty officials, through whose fault there has been bloodshed, from censure and punishment by the Home authorities."

The oppressions that could take place under Lord Dalhousie and others in the days of the East Indian Company are no longer possible. The relations between England and India have now become closer, and reports of oppressions by officials here now reach England in no time. Oppression cannot therefore now reach its climax so as to become unbearable, and so long as oppression does not reach its climax, there will be no rebellion. Sir Charles ought not therefore to have suffered the word "rebellion" to pass his lips—nay, he should not have even dreamt of rebellion.

The Hindus will be content if they can only enjoy peace and happiness. If they have peace and happiness they will never object to the British rule lasting till Doomsday. The Hindus want only peace and happiness and liberty to perform their religious duties free from interference. He must be wanting in foresight who exalts the Musalman with the view of humbling the Hindu. In the eyes of the English Government the Hindu and the Musalman are equal. If kept content both these races will be friends of the English Government: if not, not. Disturbances take place in a State when people run mad, and history is clear in its testimony that madness in the people is always the result of the fault of the officials. The sovereign is called "Raja" because it is his duty to please his subjects (Sanskrit 'ranja' to please). The sovereign whose officials are able to please the people never loses his kingdom. It is the fault of the sovereign that ruins a State—it is the fault of the officials that leads to the subversion of Governments.

9. The *Dainik-o-Samachar Chandrika* of the 7th September has the following:—

Sir Charles Crosthwaite's riot Resolution.

In his Resolution on the cow-slaughter riots, Sir Charles Crosthwaite has shown the same bias which he showed in his speeches at Balia and Azamgarh. Every disinterested person will see that in this Resolution Sir Charles has tried to clear himself and his subordinates of all blame. Sir Charles sees that the subject of the cow-slaughter riots will be discussed in Parliament, and that the Government of India will be called upon for an explanation of those disturbances, and he has therefore thought it fit to justify beforehand his own conduct as well as that of his officials in this connection. Bnt even this self-justifying Resolution, Sir Charles has had to admit the inefficiency and want of foresight of the officials, and specially of Mr. Dupernex, the Magistrate of Azamgarh. Sir Charles has tried hard to clear Mr. Dupernex of blame, but in vain.

Sir Charles has admitted in his Resolution that Mr Dupernex issued a notice relating to cow-slaughter in certain villages in which he apprehended breaches of the peace in that connection. But, as a matter of fact, this notice, which contained a list of the villages in which cow-slaughter takes place every year, and indulged in surmises as to the places where such slaughter was likely to



produce disturbances this year, was published in every village in Azamgarh, and no wonder that it alarmed the Hindus on the one hand, and encouraged the Musalmans on the other. Where was the need, one might ask, of publishing in every village a notice which contained nothing but surmises as to the villages in which breaches of the peace were likely to take place?

In the Resolution issued by him, Sir Charles has not been able to refute a single statement of Pandit Bissen Narayan. On the contrary, a careful perusal of his Resolution will show that many of the Pandit's statements find support in the Resolution.

If Mr. Dupernex has issued a notice to the effect that cow-slaughter would be permitted only at those places where it had always taken place, and that interference by the Hindus with cow-slaughter at such places would be punished, no disturbance would have taken place.

Pandit Bissen Narayan has stated that at the village of Mau the Hindus and Musalmans were trying to arrive at a mutual agreement about cow-slaughter; but as the discussions were naturally of a noisy character, the police took the whole thing for a riot and proceeded to fire. The Hindus thought that they were being fired upon by the Musalmans and got excited. It was thus, says the Pandit, that the mischief arose. If the Pandit is right, it is the police which is clearly responsible for the disturbance.

The Pandit has also said that the disturbance at another place was owing to a Joint-Magistrate having encouraged the Musalmans to cow-slaughter. How can one disbelieve what the Pandit has ascertained by personal enquiry on the spot and accept as gospel truth what Sir Charles has gathered from his officials?

The fact is that Sir Charles has tried to lay all the blame of the cow-slaughter on the Hindus just as Sir Auckland Colvin laid all the blame of the Hurdwar affair on them.

Sir Charles lays all the blame of the late disturbances at the door of the Gorakshani Sabhas which, he says, had excited the Hindus against cow-slaughter. In support of this assertion of his, Sir Charles has referred to two or three cases in which certain Hindus had tried to rescue cows from the hands of butchers. But it is to be remembered that the facts in connection with those cases have not yet been fully disclosed, and that in one of those cases the Magistrates supported the Hindus.

Sir Charles also considers it a crime on the part of the Sabhas that they have provided asylums for cows that wander away or are uncared for. Yes, the jaundiced eye sees everything yellow.

Sir Charles also considers it a crime on the part of the Gorakshani Sabhas that they collect subscriptions from the Hindus for the protection of cows, and that they have made arrangements for the excommunication of those Hindus who will not contribute money in aid of that cause. We are not sure whether this statement about excommunication which Sir Charles has certainly made on the authority of the guilty officials is true. But even if this be true, the Gorakshani Sabhas cannot be in any way blamed. How can the Sabhas be blamed for the arranging for the excommunication of those Hindus who clearly fail in their duties as Hindus by refusing all aid in the work of the protection of cows which to all true Hindus are objects of worship? How can those Sabhas be blamed when they have not excited the Hindus against the sacrifice of cows by the Musalmans in obedience to their religion or collected subscriptions for opposing such sacrifices?

We cannot, however, help suspecting that Sir Charles has privately censured those officials whose actions he has publicly defended in his Resolution, and we hope that the officials will be more careful in future.

10. The *Dainik-o-Samachar Chandrika* of the 13th September has the following:—

The Government of the North-Western Provinces in the recent riots.

The Lieutenant-Governor of the North-Western Provinces apparently thinks that he will be able to establish peace in the country simply by punishing the Hindus. But His Honor is mistaken in so thinking; for peace will never be established so long as the officers of Government do not treat the different sections

of the people with impartiality. As things now stand, the unrest prevailing in the North-Western Provinces will go on spreading to other parts of the country. This is proved by the disturbance which happened the other day in the Basantpur thana of the Saran district. The sight of the Commissariat cattle there would not have moved the Hindus if the officials of the North-Western Provinces have conducted themselves with impartiality. In Azamgarh, Balia, Bareilly and other places Musalmans have been made complainants and witnesses, and Hindus defendants, and there is now a close compact between the Musalmans and the officers of Government. This compact has driven the Hindus mad in despair, for they have now given up all hope of obtaining redress at the hands of the officers. The bad policy of Sir Charles Crosthwaite is now developing itself and doing more mischief day after day. Lord Lansdowne ought not to remain indifferent at this juncture. In any other country a ruler like Sir Charles would have been removed from office, and an impartial and capable man appointed in his place. But here the removal of a Magistrate from office is believed by Government to involve loss of prestige, so the removal of a provincial ruler is out of the question. The officers of Government are determined to establish peace by putting down the Hindus by every means in their power. But the enforcement of this repressive policy will make many Hindus desperate. And who shall say that the conduct of the officers of Government is not serving as an encouragement to the Musalmans? The writer cannot suppose, for instance, that at Basantpur the Musalmans in charge of the Commissariat cattle did not behave improperly or give offence to the Hindus. The Government officials in the North-Western Provinces are now actuated by anti-Hindu feelings, and as the editors of most of the Anglo-Indian papers are hostile to the Hindus, they have selected the present opportunity to write against them. Thus the Hindus in the North-West find themselves opposed by the Musalmans, the officers of Government, and the editors of the Ango-Indian and Musalman journals. They are thus in a very bad predicament at the present moment. Hindus all over India have become terror-struck at this, and the thought of what may befall them in the future is sorely exercising the minds of the far-sighted among them. At such a time as this, no Hindu editor ought to remain silent. Though their advice will not be accepted by the officers, still all Hindu editors owe it to themselves to give them that advice. The writer is sorry to see a certain influential Hindu journal in an indifferent attitude at this time. It would have been well if some arrangement had been made for the transfer of the riot cases from the courts of Balia, Azamgarh, and Bareilly, and if the trial of these cases had been entrusted to an independent tribunal consisting of judicial officers from other provinces. Their trial is causing great dissatisfaction. The Government of the North-Western Provinces probably wants to make Parliament believe that a great rebellion has taken place in India, and it is with that object that it is making mountains of mole hills. But it is not sound policy to adopt such a course. The situation requires that there should be an impartial inquiry into these events.

The authorities in the cow-slaughter riots.

11. In the *Sahachar* of the 9th August reference is made to the riots between Hindus and Musalmans in the North-Western Provinces, and the following remarks made:—The Lieutenant-Governor of the North-Western Provinces will of course say that he has the good of both Hindus and Musalmans at heart, that every one ought to perform the rites of his religion in such a way as not to hurt the religious feelings of others, and that Government will inflict severe punishments on people breaking the peace. Addressing the Hindus, His Honor will probably say—"You may consider cows as sacred, but what right have you to restrain the hands of those who eat its flesh?" But though these platitudes will be indulged in, nothing will be said to the officials who fomented these riots. No; they will probably only get credit for suppressing these riots. Thus it is clear that the surface wound only will be dressed, but no attempt will be made to reach the deep-seated sore. The people themselves will therefore have to do that. Moreover, what is the necessity of asking a European Magistrate to interfere in these religious differences? That is a matter which should be settled by the leaders of the Hindu and the Musalman society. If a Magistrate like Mr. Dupernex had not interfered, the Hindus and the Musalmans of Azamgarh would have been able to settle their differences amicably. How long will the two peoples quarrel with each other? The Muhammadan Literary Society has hit upon the true remedy, and



the Hindus should co-operate with the Society in the matter. The success of the jury agitation has shown what can be accomplished by the joint efforts of Hindus and Musalmans. And will the people now allow a few wicked European officials to set Hindus and Musalmans upon each other, and thereby destroy all their prospects of political advancement? Government will, of course, express satisfaction at the conduct of officers like Mr. Dupernex, but it will never avow that it is its policy to foment quarrels between the two peoples by setting the lower classes among them against each other. Whatever the Provincial Governors may think on the subject, they know well that the Government of India, the Ministry in England, and Parliament will never encourage these race quarrels. The people's advantage lies in this. They ought to act in such a way as not to allow men like Mr. Dupernex an opportunity of interfering in their affairs. Let the people show that they have found out their false friends and their tricks, and act accordingly. They do not allow even the Supreme Government to interfere with their religion; why should they then allow Civilian Magistrates to do that? Let the leaders of the two communities meet together and settle their differences in such a way as will prevent such quarrels in future.

"The future danger of India."

12. The *Sahachar* of the 30th August has the following in the course of an article headed "The future danger of India":—

Sir Charles Crosthwaite and some short-sighted European officials under him, who can see only present interests, are blaming the *Gorakshani Sabhas* as the cause of the recent riots. At Balia and other places hundreds of Hindus have been arrested and a great many of them have been sent to jail; many have fled, while not a few are trembling in fear as to what their lot will be. The writer asks the Government of India to see things with eyes wide open and to save the Empire from the danger with which it is threatened. The Empire is really in danger, for some hot-headed and anti-Hindu European civilians are, by oppressing the Hindus, placing facilities in the way of Russia gaining her object. It is a great mistake to blame the Hindus and punish them for the recent disturbances. As for the *Gorakshani Sabhas,* they have not been newly established, nor were their members the men who attacked the Musalmans. The Hindus who attacked the Musalmans of Azamgarh had nothing to do with the *Sabhas.* This being the case, if the authorities attempt to coerce the *Sabhas,* they will be guilty of committing oppression on a truly loyal people. Were there *Gorakshani Sabhas* in Rangoon? Why were the Hindus in Prabhas Patan attacked, and why those riots in Bombay? In Bombay Mr. Vincent, the Police Commissioner, is blaming the *Gorakshani Sabhas* simply because he wants to hide the errors of judgment he himself committed in connection with the riots there. Like other officers, he connived at, or made light of, these riots, in order that by putting them down he might get a knighthood like Sir Frank Souter. He had thought of catching fish by making a breach in the embankment and closing the breach as soon as he had got enough fish for his dinner. But the rush of water through the breach having proved too heavy for him, he could not close the breach as he had thought he would. And the result of his making that breach in the embankment was that the men who used to shut their door at the sight of red *pugris* defied even the soldiery. In Calcutta, too, the Musalmans arranged to have a riot which was only prevented by the prompt action of the Police Commissioner. But are there *Gorakshani Sabhas* in Calcutta? Large numbers of cattle are daily slaughtered in Calcutta, and butchers drive through the streets every evening the animals which they intend to slaughter. The Hindu goalas, again, sell their cattle to these butchers. But how is it that, in spite of this, a conspiracy was set on foot in Calcutta to destroy Hindu temples and to commit murders and other excesses? Who opposed the slaughter of cows in Calcutta? Government should be on its guard and reject the statements of those officers who, having Mr. Paul's resolution in view, are now committing oppressions on the Hindus. The Empire has been won with the blood of large numbers of Hindus, and who shall say that Government's present policy towards the Hindus is not discussed in the ranks of those Gurkha and Sikh soldiers upon whom it relies so much? Formerly the Hindus under British rule had no cause for anxiety; but now Government's attitude towards them has given rise to various thoughts in their minds. This is a thing which Government ought to take into account. Neverthless, the Hindus still remain deeply loyal to the Maharani, and not a word against the Government

has yet escaped or will ever escape their lips. They know that Sir Charles Crosthwaite and his officials are not the arbiters of their fate, and that the Viceroy has not the prejudices of the civilian body, and will yet do them justice. And the question now is if through the machinations of Russia and the foolishness of the European officials of Government the Hindus lose their confidence in the Viceroy and the British people, would that be for the good or the evil of the Empire?

13. The *Dacca Gazette* of the 17th July has the following:—

The cow-slaughter question.

The Hindus and Musalmans have been living together in this country for a long time, but why have riots between these two peoples become so frequent of late? It is not unfrequently seen that the Hindu joins in the Musalman's religious and social rites and festivities, and the Musalman reciprocates the Hindu's civilities. Why then are riots and disturbances between them so often heard of now? It is necessary that the cause of such disturbances should be soon ascertained, otherwise the matter will gradually assume a more serious aspect, and great harm will come to both sections of the people.

The evil can be, no doubt, remedied in a great measure by the authorities acting carefully in the matter. The principal causes of the quarrel between Hindus and Musalmans is the slaugher of cows by the latter. The cow being looked upon by the Hindus as a goddess, his religious feelings are naturally wounded to see it slaughtered before his eyes. On the other hand, the slaughter of cows being permitted by the Muhammadan religion at certain festivals, no one has the right to prevent the Musalman from practising the rite. Under these circumstances, the quarrel between the two peoples cannot be easily made up. Indeed, these quarrels will not cease if each does not pay due regard to the religious feelings of the other. A mediator is therefore needed. But who is to be the mediator? One naturally looks to Government to be such a mediator. These quarrels can never happen if Government acts with justice and firmness. But unfortunately the authorities themselves, by their unjust and inconsiderate action, often provide occasion for such quarrels What the authorities seem very often to forget is that no unjust claims or demands made by any section of the people in the name of religion ought to be conceded or granted. No objection made by the Hindus to the slaughtering of cows by Musalmans should be heeded; and Musalmans should not, on the other hand, be allowed to slaughter cows in public places or before the eyes of the Hindus. It is a matter of regret, however, that most of the officials seem to like these breaches between the Hindus and Musalmans, and want to estrange their feelings from each other. These officials seem scarcely to take note who will be the greatest loser under these circumstances. They do not see that it is the Government which will have to sustain the greatest loss if these quarrels are allowed to go on increasing. The British Empire in India is based on the loyalty of its people, both Hindu and Musalman. No brute force can save the Empire from falling into a state of the most horrible anarchy if either the Hindus or the Musalmans become discontented with British rule. The handful of English soldiers in this country will in that case be washed away in the torrents of blood which will be set aflowing by the indiscriminate slaughter of Hindus and Musalmans by each other's hands. It is therefore clear that quarrels between Hindus and Musalmans are not conducive to the permanence of British rule. But that Empire will be based on a solid foundation if the Hindus and Musalmans are united in bonds of love and friendship; and both these peoples will enjoy peace and happiness under such a rule. It is, no doubt, unfortunate for India that her rulers do not see this.

14. The *Banganivasi* of the 11th August has the following:—

The officials in the Azamgarh disturbance.

We cannot say when the Hindus and Musalmans will cease quarrelling over cow-slaughter. The Hindus and Musalmans are the only people who will suffer harm in consequence of these quarrels, for those who set them against each other will only enjoy the scene from a distance. The mean and short-sighted officials cannot see that the weakening of the people by internal dissensions means the weakening of the State. And because they fail to see this, they make every possible



effort to set Hindustanis against Bengalis, Rajputs against Sikhs, Sunnis against Shiahs, and Musalmans against Hindus. Restless and short-sighted officers cannot prevent impending disturbances of the peace easily, and without bloodshed, as sober, staid, and high-minded officers can do.

It is found on enquiry that the late disturbances at Azamgarh were mainly due to the carelessness of the officials. Several serious charges have been made against the officials in this connection, and it is to be hoped that the Local Government will not fail to make a proper enquiry into the truth of those charges. The people hope that even if Sir Charles Crosthwaite is unable to punish his subordinate officers, the Government of India will enquire into the matter.

Messrs. Brunyate and Dupernex have committed an offence whose enormity nothing can exceed, if, being Government officers, they have really incited the Musalmans to cow-slaughter. The Musalmans had, it is said, intended not to slaughter cows at certain places. But these officers, it is said, dissuaded them from that intention. Mr. Dupernex granted permission for cow-slaughter even at places where no cows had been sacrificed even during the Musalman rule. He summoned the Hindus, and told them to give an agreement to the effect that they had no objection to cow-slaughter. It was also proclaimed throughout the town by beat of drum that cow-slaughter would be permitted between 9 A.M. and 12 noon. This proclamation was not at all necessary, and it was certainly a very short-sighted act. Its only effect was to wound the feelings of the Hindus. Every one can see the object of the officer in provoking the Hindus in this way. But the English officer did not stop here. It is said that he compelled a Hindu tahsildar, a Hindu Deputy Collector, a Hindu Police Inspector, and even several Hindu *raïses* to witness cow-slaughter. On what principle of justice or policy can this act be justified?

Even under the Musalman rule such occurrences did not take place everywhere. And how is it that far more oppression is now committed in the name of the liberal, noble, impartial and enlightened English Government than was ever committed under the Musalman rule? One is at a loss to explain this to oneself.

The Hindus are charged with having been the aggressors; but an examination of the facts will show that this is a false charge.

Even if it is granted that the Hindus became frantic, it becomes necessary to consider who were the persons that drove them mad. Who on earth can hear his religion traduced, and see it insulted and interfered with, and not get excited? The meanest worm when trampled upon turns round upon its oppressor. It is, therefore, unreasonable to expect the Hindus to look calmly on while their religion is interfered with again and again.

Again the Kshatriyas have been told that they will be whipped publicly if they make any attempt to save cows from slaughter. The Maharaja of Dumraon, and the late Member of the North-Western Provinces' Legislative Council, Rai Durga Prasad Bahadur, both of whom have landed property at Azamgarh, have also been insulted by being served with a notice requiring them to show cause why they should not be prosecuted for complicity in the disturbances, although they never went to that place. A born blind, who could not possibly have taken part in the disturbances, was sent to hajut. In short, all Hindus have been oppressed.

Nothing on earth will produce disturbances if not such things as these. A public enquiry into the matter is necessary, for without such an enquiry it will be difficult to maintain the peace. It is not possible to maintain the peace for ever by brute force.

15. Referring to the precautions which were taken at Agra to prevent a collision between Hindus and Musalmans on the occasion of the Chilum festival, the same paper says that it will be difficult to live in this country if, at every festival, a quarrel between Hindus and Musalmans has to be apprehended. Indeed, it is high time that the leaders of the two communities took steps to prevent these quarrels. Sir Charles Crosthwaite has widened the breach

The Government of the North-Western Provinces in the cow-killing riots.

between the two peoples by throwing the whole blame of the riots on the Hindus and showing indulgence to the Musalmans. It seems to be the policy of the North-Western Provinces authorities to weaken the country by setting the two peoples by the ear. Peace and friendly feelings among the various classes who inhabit India will be impossible so long as the authorities continue to show special favour to some and to rebuke others at every step.

## BOMBAY.

16. Alluding to disturbances between Hindus and Muhammadans, the *Shubh Suchak* in its issue of the 21st July, says:—

Remarks on the disturbances between Hindus and Muhammadans.

These disturbances take place generally on the Bakri Id and Moharam holidays. The object of the Muhammadans is to wound the religious feelings of the Hindus by slaughtering cows on these holidays in the neighbourhood of a place or temple held sacred by the latter, although they have separate places allotted to them for slaughtering cows in. Will the Muhammadans ever do such acts if they once receive exemplary punishment? Have Government ever thought of framing rules as to how Muhammadans should conduct themselves on such occasions and bringing them into force? If Government once severely punish the aggressors, no such disturbances will ever take place. Such riots do not occur in a Native State, even in the Muhammadan State of Hyderabad (Deccan); they take place in British territory, from which fact we infer that the Muhammadans have the support of European officers. We think that bigoted Muhammadans do not see that they and the Hindus have to live together. There are many grounds to say that such disputes arise on account of the belief of many European officers in the principle of 'Divide and rule.' Ye Muhammadans! What is your object in destroying cattle useful to agriculture? Do you not see that you are bringing about your own ruin at the instigation of others who wish to accomplish their own object? Awake and behave towards each other as children of the same mother!

17. The *Karnatak Patra* in its issue of the 31st July, writes:—Besides the great riot at Rangoon which originated in an attempt made by the Musalmans of that place to kill a cow on a public road, several similar riots are reported to have taken place in Northern India last month. The Gorakshani Sabhas in the districts of Ballia and Gazipur have been the immediate cause of the disturbance. Twice or thrice since January last large numbers of villagers belonging to these districts sallied forth with *lathis* in their hands to rescue herds of cattle whenever they learnt that butchers were driving the herds from neighbouring villages to Benares and other places for slaughter, and were successful in their attempt. The 25th of last month was the Bakri Id of the Musalmans, and large numbers of cows were to be slaughtered by them at Mhow and many other places on that day. Mobs of several thousand villagers from Ballia and Ghazipur streamed across the borders of those districts, and entering Mhow and some other villages and towns in its vicinity at daybreak of the 25th June suddenly attacked the Musalmans of those places. A regular fight with *lathis* took place between the two parties at Mhow, Ghosi, Jianpur, Adri and some other places, and many men were killed on both sides, notwithstanding the strenuous efforts of the district authorities to maintain peace. The Hindus were successful in their attempt to protect cows in most cases, and they forced the Musalmans of Mhow to pass an agreement never to kill a cow. No such quarrels were ever heard of between Hindus and Musalmans ten years ago. The Anglo-Indian Nabobs must thank themselves for this consequence of their knavish tricks based on the principle of "divide and rule." They at first fomented quarrels between Government servants of different castes. When they found Brahmans to be more than a match to them in intelligence and official abilities, they tried to push them back by setting other castes against them. Quarrels between Brahmans on one side and Kayasthas, Musalmans, Parbhus, Lingayats or Mudliars on the other thus came into existence some twenty-five years ago, *i.e.*, soon after the Universities began to send out large numbers of Brahman graduates for Government service. A pretty fair success achieved by this trick

Remarks on the recent disturbances between Hindus and Mnhammadans in Northern India.



encouraged the great *saheb logue*, whose greed for power and money was in danger of being checked by their Brahman subordinates, the time-honoured guardians of India. They therefore extended the operation of the same formula, "divide and rule," to the higher purpose of raising quarrels between race and race, when the Indian National Congress was brought into being. The Parsis and the Musalmans were patted on the back and let loose to oppose the leaders of that great movement. But the former proved too advanced to be so easily misguided by the designing Anglo-Indian organs, while the ignorance and fanaticism of the latter fully answered the purpose in view. A champion of the Musalman community accordingly made his appearance on the platform, and promised to pull the Congress to pieces to the great joy of the wire-pullers behind the curtain. But his invectives against his Hindu brethren and "cries of wolf" hardly made any impression on his own community, and thus he withdrew from the stage with a sorry face. The Hindu community, whose mildness is proverbial, calmly bore all that was said by the simple Sir Syed Ahmed, as they did on the occasion of the famous Ilbert Bill, and, so far as we can judge, nobody ever thought of an antidote to such exhibition of ill-temper against them. But by a strange coincidence of circumstances the idea of protecting the cow was put into the heads of his countrymen by a learned Hindu sage in the south about the very time when Sir Syed Ahmed was making his victorious tours in Northern India. The sage was in no way concerned with the Congress, and probably never knew who its opponents were and what they were saying about it. The few Gorakshani Sabhas organized by him are now in a flourishing condition, and thousands of poor, useful and harmless animals have been saved by their efforts. Nobody thought that these apparently harmless Gorakshani Sabhas would ever prove a source of riots and disturbances in any part of the country. But the fact is that religious fanaticism is the same in all ignorant masses. whether they be Hindus, Musalmans or any other nationality. Musalman fanaticism, deliberately awakened by the Anglo-Indian wire-pullers, has thus come face to face with the equally fanatic order of the Hindu masses for the protection of the cow, innocently put into action by a learned Pandit of their own community. It is now the duty of Government to find means to put a stop to these troublesome scenes, which, if allowed to continue any longer, may end in serious consequences. The imposition of punitive police now resorted to by Government will, we are afraid, prove worse than a deliberate fomentation of quarrel between the two parties. For the poor people will thereby be further irritated for their inability to meet the heavy demands of Government on their scanty means, and it is quite possible that the Hindu and Musalman sepoys forming the punitive police may sympathize with their respective parties and thus give a more serious aspect to the animosity now existing between the unarmed and half-fed rayats.

18. The *Rajyabhakta* in its issue of the 8th August, observes:—The question of prevention of cow-killing has so much influenced the Hindus that they are prepared to sacrifice their lives for the sake of cows. It is gratifying that Government are not indifferent in this matter, still the accounts of recent riots between Hindus and Muhammadans at Azamgarh and other places show that Government officers are encouraging the Muhammadans in their attempts at wounding the religious feelings of the Hindus. This is likely to lower Government in the estimation of the Hindus. It is not in the interests of Government to violate the solemn promises given in the Queen's Proclamation of 1858 by keeping aloof from all interference in religious matters. The Hindus are extremely meek, but everything has its limit; and history shows that they have taken extreme steps when their endurance has been tried to its utmost. If the Mogal Emperor Akbar prevented the slaughter of cows, why should not the British Government do the same? Even on principles of political economy it is incumbent on Government to do it. Government in showing leniency to Muhammadans in this matter are doing an act of injustice to Hindus. Government officers are to be blamed for the riots at Azamgarh and other places on the last Bakri Id holiday, for they gave free permission to the Muhammadans to slaughter cows on public roads and forced an undertaking from the leading Hindus that they would not molest them. The Muhammadans thought that Government were on their

The prevention of cow-killing and the action of Government.

side and did not care for the religious feelings of the Hindus and serious consequences ensued. Government ought to take notice of the blameworthy conduct of these officers and show that they had no hand in the matter.

19. The *Kalpataru* in its issue of 20th August, states:—The general belief in Bombay is that from 300 to 500 persons must have been killed in the riots, though the English and vernacular newspapers fix the number at only 100, for a number of corpses were seen by people while they were being taken away loaded in carts like firewood. Now, there being strict military and police surveillance nobody dare commit a riot openly, but some Muhammadans, it is said, get their beards shaved, apply to their foreheads sandalwood-powder marks and dress like Hindus, and mixing among Hindus commit attacks on them by stabbing them with knives which they carry about them under their clothes. Some Hindus died from having used milk and sweets poisoned with arsenic by Muhammadan sellers, and since these deaths it is said the police have ordered that nobody should buy milk offered for sale by Muhammadans. Amongst the men arrested by the police and sent to jail was one innocent gentleman who had gone to see a demolished Masjid. He states that on the first day of his imprisonment he was given raw rice to eat, on the second day some split gram and on the third some parched rice, and that if he had not been released on bail he would have died after two days. It is said that Mr. Vincent, Police Commissioner, suspected a high police officer, a Muhammadon, to have incited the Muhmmadan rioters. There is similar talk about two other high Muhammadan police officers. If this report be true, it remains to be seen what notice is taken of these officers We have received a heart-rending account from an eye-witness of the state of destitution in which some of the Hindu families left their lodgings and took shelter in the Mádhav Bág and of the outrages committed by Muhammadan rioters on Hindu women.

20. The *Máhratta* in its issue of the 27th August, writes:—Sir Charles Crosthwaite, the Lieutenant-Governor of the North-West Provinces, held two important Darbárs at Ballia and Azimgarh on the 11th and 15th instant, respectively, which were attended by the local nobility and gentry. The immediate cause of this "sudden and unexpected visit" on His Honour's part to the two districts was the serious riots between Hindus and Muhammadans in that part of the United Provinces in June last on the occasion of the Muhammadan festival of Bakri Id. The bad blood and passions stirred up between the two communities required to be appeased, and it would have been better if His Honour had during his addresses at both the Darbárs followed in the footsteps of Sir A. P. MacDonnell and confined himself to restoring peace and goodwill between the two communities, the more especially so since the evidence which would enable an impartial observer to fix the responsibility for the unfortunate riots on the leaders of one or the other community is not available. Under these circumstances we are grieved to find that the responsible head of the local Government should have undertaken upon himself the responsibility of charging the Hindu landed aristocracy of four districts in the United Provinces with having instigated the lower classes of the Hindus to commence the riots, and this too at a time when, according to his own admission, His Honour knew that there was not sufficient evidence before him. It would appear from the painfully interesting narrative of Mr. Dhar, Barrister-at-Law of Lucknow, who visited the scenes of the riots and made minute enquires on the spot, that it was not the Hindus alone, but the Muhammadans also, who had assembled together at the places of disturbance throughout the four districts. Such being the case, it is diffcult to see why Sir Charles Crosthwaite should have singled out the members of the Hindu landed aristocracy of the four districts for this denunciation and censure. Could not His Honour have found a really satisfactory explanation of the particularly distinctive feature of this year's disturbances in the facts that the district officers had displayed a wanton disregard for the feelings of the Hindu community in ostentatiously authorizing indiscriminate cowslaughter by Munammadans on the occasion of their religious festivals in places where no such slaughter had been allowed for years past, and that too against the spirit of his explicit orders on this very subject. We are afraid that Sir Charles Crosthwaite's speeches at Ballia and Azimgarh will have

Sir Charles Crosthwaite's speech on the riots at Ballia and Azimgarh criticised.



the effect of adding fuel to fire; for his sweeping and unwarranted condemnation of the conduct of the Hindu landed aristocracy cannot be looked upon by us in any other light than that of its being an attempt to add insult to injury to the Hindu community. It is to be hoped that the Government of India will intervene in time, and refer the whole question to a commission with authority to enquire into the truth or otherwise of the statements made in Mr. Dhar's narrative.

## N.-W. PROVINCES.

21. The *Hindustáni* (Lucknow), of the 12th July, states that though no serious riots occurred at Bareilly as at Azamgarh, there is general dissatisfaction at Bareilly with the proceedings of the local officers. With reference to the riots in Azamgarh, the *Pioneer* lays the blame on the Hindus. But the ill-digested orders issued by inexperienced Civilians are chiefly responsible for such disturbances. Is it true that permission was granted to Musalmáns to kill kine freely, and that far from any endeavours being made to conciliate the Hindus they were ill-treated? Did not Mr. Moule and Mr. Macpherson deal severely with the Hindus of Bareilly on the suspension of traffic by the latter, and did not their undue sympathy with the Musalmáns encourage them to annoy Hindus? Religious quarrels generally break out among the lower classes, such as butchers, weavers, cotton-carders, Ahirs, Lodhas, &c. At the instigation of Lord Salisbury, the inhabitants of Ulster are ready to rebel. Similarly, the Musalmáns of Bareilly, being convinced of the partiality of Mr. Moule and Mr. Macpherson towards them, made it a point to insult and harass the Hindus. District Magistrates sometimes make serious mistakes, and sometimes the orders issued by a Magistrate are reversed by his successor. The editor is not prepared to say that the officers intentionally stir up animosity between Hindus and Musalmáns, though there are some Anglo-Indians who take Sir John Strachey for their leader and who think that the existence of mutual ill-will between the two communities is essential to the maintenance of British rule in this country. Messrs. Moule and Macpherson at Bareilly and Mr. Dupernex at Azamgarh were guilty of reprehensible proceedings. The *Pioneer* states that if the Hindus were dissatisfied, they might have appealed to the Local Government, but should not have taken the law into their own hands. But we know from every-day experience that appeals are worse than useless. In 99 cases out of a hundred the orders of an Assistant Magistrate, even if wrong, are upheld by the District Magistrate, those of the District Magistrate by the Commissioner, and those of Commissioner by the Local Government. The educated natives have learnt the constitutional methods of agitation, but such methods are quite unknown to the ignorant peasants of Azamgarh, who, finding their religion attacked and the Magistrate unfavourably disposed towards them, were naturally induced to take the law into their own hands. The *Pioneer* rejoices at such disturbances and reproaches the English Radicals for advocating the claims of men, who are ready to break each other's heads, to a larger share in the administration of the country. But all religious strife would be avoided if wiser counsels prevailed with the officers. Since the above was written, the editor has received a communication from Azamgarh which shows how a young and inexperienced Civilian can ruin a large district. At the instigation of some Musalmáns, the Magistrate asked for a list of the places within the town where the Musalmáns intended to kill kine on the day of the Id. On receipt of the list he sent for the Hindus living near those places and forced them to declare that they had no objection, without taking the trouble to satisfy himself that kine had always been slaughtered at the identical places. Some Hindus were even arrested and sent to the lock-up. On the day preceding the Id he issued a proclamation permitting Musalmáns to freely kill animals between 9 A.M. and 12 noon, and the result was that hundreds of kine were slaughtered within the town. He was not content with the grant of free permission, but himself attended several places to witness the slaughter. The feelings of the Hindus may be easily imagined. However, the Hindus living in the town did not allow passion to overpower their reason and did not break the peace. But the ignorant Hindu villagers at several places in the interior of the district made efforts to forcibly rescue kine. In the affrays that ensued the Hindus were

Id disputes at Bareilly and Azamgarh.

generally killed, except at Mhow, where some Musálmans were killed by the police. Now Hindus themselves are being arrested by the police. The Hindu traders in the city are being much oppressed by the tahsil officials in connection with the supply of provisions to the troops and the additional police force which have been sent to Azamgarh. If the higher authorities do not interfere and put a stop to all this tyranny and oppression, the whole district will be ruined.

22. The *Sitára-i-Hind* (Moradabad), of the 20th July, regrets to notice that the authorities pursue the divide-and-govern policy and excite religious animosity between the Hindus and Musalmáns. But such a policy is equally injurious to Government and the people. If a strong religious feeling were once excited among the people in a large part of the country, the contagion might spread to the native army. Government ought to benefit by the bitter experience of 1857 and restore friendship between the two communities instead of encouraging mutual discord.

Government and religious disputes.

## CENTRAL PROVINCES.

24. The *Shubh Chintak* (Jubbulpore), of August 12th, in continuation of its previous articles on the subject of the preservation of kine, observes that there is no doubt that *Bhagwan* will some day espouse the part of the cow and award suitable punishment to the butchers, but who will avenge the unbearable afflictions that have befallen her at present? The rulers of the country cannot be expected to save cows from slaughter, for they themselves are beef-eaters. Alas, there was once a time when the Indian Rajas used to protect the cow, and sought to afford the people milk, butter, ghee, &c., in abundance, but the present time is such as, not to speak of milk and curd, the people cannot even get cowdung and cowdung fuel! It is to be regretted that beef-eaters do not abstain from this diet, notwithstanding it has been proved as being productive of various diseases. Some Europeans are, however, very judicious, and give up anything they consider injurious to health, as is evidenced from Vegetarian Societies established in Europe; but the Muhammadans are very obstinate, and consume beef like vultures, owing to the envious feelings they entertain towards the Hindus. How is it that the breath and persons of Muhammadans are so offensive? Because, in the first place, the beef itself is a putrid substance—and, secondly, particles of it get wedged in between the teeth and remain there for days. And again, owing to the properties of beef, the consumers perspire profusely, with the result that vermin is bred largely; and since Muhammadans do not bathe—if they bathe at all, they do so either on a Thursday or a Friday, or only on the occasion of a festival—they are therefore covered with vermin.

Remarks against Muhammadans in regard to the slaughter of kine.

25. The *Shubh Chintak* (Jubbulpore), dated 19th August 1893, in continuation of its previous article on the anti-kine-killing movement, remarks that the Muhammadans believe that by eating meat they will go straight to Paradise, and this is the reason they not only slaughter cows, but other animals also: they do not, however, think of the tremendous loss in India which kine-killing has caused and is causing to agriculture, whereby they also are co-sufferers with the Hindus. This being the case it is not known why they slaugter kine, and cherish ill-feeling against the Hindus; it has been rightly said that when one's ruin approaches, his senses desert him. Although Muhamadans know that their living depends much upon the Hindus, yet they will persist in creating disturbances to hurt the feelings of their well-wishing Hindu brethren, at least on the day of BukrId, if not always. This year the obstinate and hard-hearted Muhammadans persisted in slaughteriug kine to annoy the Hindus, which obstinacy they carried to the end through the support of a few short-sighted officers. Refers to the several recent riots at Rangoon, Azamgarh, Junagarh, Bombay and other places, and remarks that the chief cause of the Muhammadan's creating such disturbances and causing bloodshed will gradually become known.

The Gao Ruksha and the people of Nagpur.

26. The *Shubh Chintak* (Jubbulpore), of 26th August. observes as follows:—It is a matter for regret that the Muhammadans have been devising various schemes to frustrate the objects of the Gao Ruksha movement and prejudice Government against the Hindus.

The Gao Ruksha and the people of Nagpore.



To put an end to the anti-kine-killing movement and annoy Hindus, the Muhammadans slaughter kine in open *maidans* on the occasion of the *Bukr Íd* and other festivities, thinking that by sacrificing cows they will go to Paradise. The short-sightedness of the authorities has encouraged the Muhammadans to interfere in the religious privileges of the Hindus, whose unbearable afflictions are increasing daily. Sir Charles Crosthwaite, the Lieutenant-Governor of the North-Western Provinces, espousing the part of the Muhammadans at the Durbár at Ballia, declared that the Gao Ruksha Sabha was the cause of the Muhammadans' rioting. Alas! that the Lieutenant-Governor should say so without due deliberation. Does His Honor not know that Hindus regard the preservation of cows as a duty, in the same manner as Muhammadans consider kine slaughter theirs? In the same way as Muhammadans display their ardour in slaughtering kine—the authorities assisting them—Hindus endeavour to prevent such slaughter. This being so, how can the Lieutenant-Governor assert the Gao Ruksha movement is the cause of the riots and express an *ex parte* condemnation? Praises the Lieutenant-Governor of Bengal for his impartial treatment of Hindus and Muhammadans. Had Sir Charles Crosthwaite followed the example of forbearance and impartiality displayed by Sir Antony MacDonnell, he would never have uttered such caustic words so pregnant with partiality, under present circumstances and at the present time. When so high an authority reveals his policy beforehand, at a time when the cases of both Hindus and Muhammadans are pending in Courts of law in different cities, why will not the trying Magistrates decide them in accordance with His Honor's opinion.

27. The *Subodh Sindhu* (Khandwa), of August 30th, in stating that religious riots have taken place between the Hindus and Muhammadans since the past ten years in Northern India in connection with the slaughter of kine, refers to the serious riots committed at Rangoon, Azamgarh and other places during the current year, and observes that if such rioting be not nipped in the bud, Government will find considerable difficulty in putting them down later. This was pointed out to Government on several previous occasions, but the authorities took no notice; and not only this, but Muhammadans were given undue liberty in some places, which encouraged them. Government being neutral, should treat both parties alike, but this is not done; and when occasion for administerting justice in religious matter arises, the authorities always come down only upon the Hindus, and instances of the kind have frequently come under observation.

Views of the authorities on the religious riots between the Hindus and Muhammadans.

28. The *Mouji Nerbudda* (Hoshangabad), of September 1st, referring to the recent riots at Bombay, observes that there must be some cause for the feelings of animus that have sprung up suddenly between the Hindus and Muhammadans, who nearly 10 or 12 years ago were on amicable terms with each other, took part in each other's religious processions, and almost all the native Chiefs respected the religious ceremonies of the Muhammadans and also themselves participated in them. Are these riots the outcome of the National Congress? Has the kine preservation movement passed a decree for man-slaughter? Have the Hindus and Muhammadans resolved to annihilate each other? Have the Hindus determined to take revenge upon the Muhammadans for the latter's invading and conquering India in ancient times and to extirpate them from the country now? If this idea has sprung up amongst them to-day concerning the Muhammadans, the same will be formed in regard to the British Government hereafter, in which case it will be difficult for them to save themselves then from cannon balls and bullets, though they have now to deal only with stones, bricks and staves. The administration is to blame and not the Hindus and Muhammadans. Should Government troops and the Police proceed to the scenes of riots *after* the Hindus and Muhammadans have freely fought and killed several on both sides, to waste ammunition and kill others, and the correspondents of English newspapers publish false accounts of the riots and cause further agitation amongst the contending factions, and sow the seeds of enmity between them even at places where no riots occurred? The accounts of the riots published in the *Pioneer* are altogether false, as would appear from the *Akhber-e-Alam-Afroz* of Bombay and the *India* (?) *Gazette*. As all the riots have originated from the Hindus, and as the slaughter of kine, particularly the sacrifice of cows, is the cause of the said riots—for nobody ever

Remarks on the riots between the Hindus and Muhammadans at Bombay

thinks of the slaughter of the kine that goes on daily in cities and markets—the natural inference drawn is that the crusade is not against kine-killing in general, but against the Muhammadans only or their religion. The *Mouj* therefore requests the Hindus to arrange, in the first instance, stopping the slaughter of cows for consumption of British soldiers, as more than one hundred thousand cows are slaughtered annually on this account. If the Hindus will succeed in effecting this, and Government will accede to their request, there will be no difficulty then whatever in regard to Muhammadans. But if the Muhammadans only are to be forced to abstain from kine-slaughter, particularly when performing their religious ceremony, the Hindus will not be exonerated from the blame of any rioting, as they will be regarded as the source of the quarrel and the ruin of the country.

1893
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Enclos. No. 1
To
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CURRENT No. 3335

Strictly Confidential.]

No. 1460

CHIEF SECRETARY
10 OCT 93
GOVERNMENT OF 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.
*Public.*

*Simla, the 4th October 1893.*

SIR,

IN continuation of my confidential Circular No. $\frac{1}{1\text{-C.}-6\text{-C}}$, dated the 29th August last, with which I forwarded a copy of a note setting forth the history of the movement against the slaughter of kine which is now active in many parts of India, and asked for further information on the subject, I am now directed to enclose a copy of a letter, No. 105—4, dated the 18th September 1893, from the Government of the North-Western Provinces and Oudh, making certain proposals for amending the law in order to enable the Government to control agitation or local disturbance which may be due to cow-protection societies.

2. It will be seen that Sir Charles Crosthwaite advocates the following amendments of the law :—

I.—In the Penal Code—

(*a*) The insertion of two sections dealing with the law of conspiracy ;

(*b*) The amendment of section 505, which relates to the circulation of false and mischievous reports, so as (1) to cast the onus of proving good faith (*vide* section 52) on the person who circulates or publishes the report ; and (2) to make punishable such circulation not only *with intent* to cause fear or alarm to the public, but also when the circulator knows or has reason to believe that fear or alarm is likely to be caused.

II.—In the Criminal Procedure Code—

Additions to section 45—

(i) " Village accountant " to be added after " village headman."

(ii) The following clause to be added after clause (*d*) :—

" (*e*) Any matter regarding which he has been required by the Magistrate of the district to supply information."

(iii) The addition of an explanation enabling the Magistrate to appoint one or more village headmen where there is none appointed under any other law.

III.—In the Police Act, V of 1861 (this Act is not in force in Madras or Bombay, but similar additions could, if necessary, be made to the Police law of those Presidencies)—

(*a*) to amend section 15 so as to throw the cost of additional police not only on the " inhabitants " of the disturbed tracts, but also on the landowners, who may be absentees ;

(*b*) to amend the same section by enabling the cost of additional police to be cast upon the class or section of the landowners or inhabitants to which the disturbances are due;

(*c*) to add a section enabling the Magistrate, with the previous sanction of the Local Government, to assess upon the landowners and inhabitants, and to recover from them, compensation for loss or damage caused by the action of an unlawful assembly in the same way as the cost of additional police is assessed and recovered under the amended section 15.

IV.—In the Cattle-trespass Act, 1871—

To make the establishment of a pound otherwise than in accordance with the provisions of section 4 an offence under the Act.

I am to add, with reference to the last proposal, that the Lieutenant-Governor has since modified his suggestion, and now proposes that a section should be added to the chapter on Penalties (VI) in the following terms :—

"Whoever, having seized cattle under the provisions of section 10 or 11 of this Act, shall take such cattle to any place other than the nearest pound, and whoever, not being a pound-keeper appointed under this Act, shall receive or keep such cattle, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding 500 rupees, or with both."*

3. In connection with the first of the above proposals, that relating to the provision of a law of conspiracy for India, I am further to enclose a copy of a case submitted to the Advocate General by the Government of India, and of that officer's opinion thereon.

4. The Governor General in Council will be glad to receive at a very early date the opinion of His Exy. the Governor in Council, and those of such officers as he may deem it expedient to consult, on the legislation proposed. If His Exy. in Council should be unable to reply without further consideration in regard to the proposals numbered II, III, and IV, the Government of India will be glad to receive, if possible by the end of October 1893, such observations as the Govt. of Madras may have to make in regard to those included under head I for the amendment of the Indian Penal Code.

5. It will be seen that Sir Charles Crosthwaite's proposals are based on a conviction that the proceedings of the cow-protection societies constitute a serious menace to the peace of the country, and it is understood that he is about to submit a full statement of the evidence on which he has been led to form this conclusion. I am to enquire whether the movement appears to be spreading or becoming dangerous in the Madras Presy, and whether in consequence exceptional measures of any kind seem to His Exy. the Gov. in Cl. to be necessary. If so, I am to ask that any recommendations of the kind may be supported by a detailed account of the facts which appear to the Govt. of Madras to warrant them. Such information should be presented in a form in which it could be published, and should deal with the number (so far as can be ascertained) of the societies for cow-protection existing in the Madras Presy, their organization, their rules of working, the degree to which they have established an influence over the people, and any disturbances which may have been the result of agitation due to them.

6. It will not have escaped the notice of His Exy. the Gov. in Cl. that since the occurrence of the riots at Rangoon, in Azamgarh and elsewhere in the North-Western Provinces, and in other parts of the country, the discussion in the English and vernacular press of the question of kine-slaughter, and the duties and action of the British Government and its officers in regard to it, has assumed a form which appears to threaten considerable danger to the public peace. I am to enclose, for the information of His Exy. the Gov. in Cl., a collection of extracts* bearing upon this subject which has been made from the weekly reports in Native papers published in the several Presidencies and Provinces since the end of June last. Such writings, imputing prejudiced and partial action to the constituted authorities, and containing violent and inflammatory language addressed to religious partisans, seem not unlikely to lead sooner or later to a general weakening of the

* *Vide* Appendix.



bonds of order and public discipline, even where they do not directly incite to disturbance and outrage. I am to enquire whether His Exy. the Gov.-in-Cl. has any suggestion to make for action in restraint of such publications, and whether it is considered desirable, or practicable, to proceed to legislation on the subject. It will, of course, be borne in mind that only the gravest necessity would be held to justify the reimposition of any such control over the public press as was aimed at by Act IX of 1878, and further that, in view of the fact that much of the most virulent writing now appears in newspapers published in English, which owing to the spread of acquaintance with that language are widely read, and are also largely extracted and translated in the vernacular press, it would not be possible to confine, as was done by that Act, any restrictive measures which might be proposed to publications in Oriental languages.

7. In paragraph 3 of my letter of the 29th August enquiry was made as to the sufficiency of the existing law in force in the Madras Presy. bearing upon the question of the slaughter of kine. In this connection I am to draw the attention of His Exy. the Gov. in Council to the provisions of section 43 of the Punjab Laws Act (IV of 1872) quoted in the margin, and to ask whether any similar enactment appears to be necessary or advisable in the Madras Presy.

"The slaughter of kine and the sale of beef shall not take place, except subject to rules to be made from time to time, either generally or in any particular instance, prescribed by the Local Government."

It should be borne in mind that the circumstances of the Punjab, which previous to annexation was under Sikh rulers who treated kine-slaughter as a capital crime, were wholly exceptional, and that the maintenance of restraints on the practice which were justifiable there would not be practicable in other parts of India, where the British Government succeeded to the authority of Musalman sovereigns, or where adherents of the two rival creeds have long lived side by side under British rule without serious cause of dispute arising from this subject. The general principle which should be followed—and the Government of India have no doubt that it is well understood and ordinarily followed by all experienced officers throughout the country—is to maintain existing custom, and, while respecting the religious observances of Muhammadans, to secure Hindus against wanton injury to their feelings by Musalmans or others in the exercise by the latter of their right to slaughter kine for food or sacrifice. It may be that the provisions of section 144 of the Criminal Procedure Code and of sections 153 and 298 of the Indian Penal Code are ordinarily sufficient to meet the case, and that no special rules are required. But if in any locality there has been disturbance or excitement, to deal with which special measures seem necessary, it might be useful to ascertain and carefully record the existing custom, and to guard against any extension of kine-killing in public or private, or any deviation from accepted usage, either by such rules as might be made under section 43 of the Punjab Laws Act, or by an executive Resolution which could be published as a standing order for the guidance of local officers and the information of persons interested.

8. I am to request that all correspondence connected with this subject, and with my previous letter of the 29th August, may be kept strictly *secret and confidential.*

I have the honour to be,

SIR,

Your most obedient Servant,

C. Lyall

*Secretary to the Government of India.*

CURRENT No. 4335

Judicial.

CONFIDENTIAL. No. 275

From

The Govt. of India,

H.D.

No. 1660.

Df: 4 } Octr. 98.
Rf. 10 }

Encl. 5.

Re Kine-killing.

DEPARTMENT.

Conf. Cur Gao 275 of 4 Oct.

From the G of I.

Dated

FOR ORDERS.

[illegible] suggestion to [illegible] imprisonment for [illegible] flogging 6 months [illegible] 2 years instead of 2 [illegible]

I think we may report at once & without hesitation in favour of the amendments proposed in the I.P.C. The addition [of] the sections 510A & B will supply an admitted [de]fect in the Indian law [as] to conspiracy & assimilate it to that of England. The insertion of the words "otherwise than in good faith" in sec 505, [as] proposed by the Legal Remembr. Punjab will have the effect of throwing the burden of proof of good faith on the accused (Ev. Act sec 105), and the additions proposed by Sir C. Crosthwaite appear useful.

N.W.P.

II. The objection in the note as to the proposed addition to sec 45 is not strong. It will be quite sufficient if the information is given to the nearest Magte. or S.H.O. & it might be considered too great a burden on these village officers &c to require them to communicate with the Dt. Magte. direct.

W | I have no faith in sec 45, but there is no objection to the addition of village accountants.

II. 3. is not wanted in Madras.

III. As to the punitive Police question, Our local Act III of 1882 is defective in regard to the points stated by Sir C. Crosthwaite. We have had very little experience of the working of the Act & I think it has been used only in one case, that of Salem. Though the law does not provide for compensation the cost of restoring the mosque destroyed in the riots was, if I am not mistaken, paid out of the punitive police rate. I support the proposed amendment as to landowners & as to payment of compensation. I think we should recommend that the Govt. of India should pass a punitive police law which would apply to all India & should repeal our local Act on the subject.

IV. I agree with the note as to the amendment of the Cattle Trespass Act. Rescue of cattle on way to the slaughter house, or intimidation [in] regard to taking cattle to bazaars will be [punish]able under other laws.

A phrase admitting any amount of [illegible]

[illegible] will be no occasion to defer sending the letter – till I have seen it but I should like to see it anyhow. W 13 Oct.

The G. of I. wants an immediate reply regarding the amendment of the I.P.C. &, if possible, regarding the other proposals also.

2. The additional clause (e) to sec. 45 C.C.P. will hardly do for it provides that the Headman etc shall communicate to the nearest Mag: or Station House Officer information which he has been called upon to supply by the Dt. Mag. The better method of obtaining Sir C. Crosthwaite's object would be to add to sec. 45 something to the following effect:—

"The Magistrate of the District shall have power to require any of the officers & persons mentioned in the first para of this section to furnish him with any information which he considers necessary for the prevention or detection of any offence & ~~every~~ such officer or person shall be bound to comply with such requisition at the earliest possible opportunity."

WO

3. The proposed addition to sec. 45 [illegible] a provision to enable the Dt. [illegible] to Dr. Headman. This is a bit of ~~[illegible]~~ procedure law

... there is ...
to be necessary ...
this Presidency.

The third group of propos[als] relating to punitive police forces, the ~~alteration~~ distribution of the cost of such forces & the recovery of compensation for damages caused by illegal assemblies may perhaps be referred to Col. Porteous for remarks. Absenteeism on the part of landowners is probably much less frequent here than in the North.

5. The proposed alteration in the Cattle-Trespass Act will not meet the object aimed at. The rescue of cattle on the way to the Slaughter House is not a seizure "under the provisions "of section 10 or 11 of the Act". On the other hand to prohibit persons from establishing private pounds or "go-sálas" seems somewhat drastic.

Para. 5 of India's letter may be dealt with by Special Branch which is at present, it is understood, compiling particulars about the Cow-Killing agitation. Para. 6 of the letter relates to limiting the freedom of the Press & calls for orders.

Para. 7 also calls for orders. I have asked Mr. Mullaly to send to Ind. the G. of I. Circular of the 29th August: he has ~~not~~ done so ~~not~~ & ~~as the present~~ it is subm. herewith ~~Mullaly will submit his note on~~ ~~... calls for immediate attention~~ ~~killing in a day or so, he says.~~ ~~cow alone; then the Circular~~ ~~received it will be sent on.~~

HP
10/10/93

Cow-K[illing]
Agitation

The Gorakshana movement has not attained any importance in Madras, nor [has there] been any difficulty I believe about cow slaughter for beef supply or sacrifice. Almost every municipality in the Presidency has its beef slaughter house, and I have never heard of any objection to their institution.

As to para 6 of the Govt. of India letter, I don't think it is expedient at present to go further than the amendment of Sec 505 of the IPC proposed by the Lt Govt N.W.P. which will apply both to English & vernacular papers.

I don't think any regulations such as referred to in para 7 are needed in Madras. As noted above the matter is settled in almost every municipal town.

I think we may reply to the whole letter at once. There seems to be no need to consult any body.

HS
11 Oct

a private pound is an anomaly.
"Go-sálas" are apparently only homes for ownerless cows or cattle (see page 6 of the Note on the agitation) in Govt of India letter of 29/8/93

x About Sivananda Swami & his doings etc. I have gone over the note and it is for the Press Ind.

... colleagues that [we should] support Sir C. Crosthwaite in the amendments which he proposes to the Secs. 510 & 505 of the I.P.C. and also to Sec 45 of the C.P.C.

Also as to the punitive police - i.e. the substitution of a general law for our local enactment.

I gather that Sir C.C.'s alteration wd. enable the Local Govt. to distribute the fine - compensation - or police levy on such section of the residents or landowners or both as it thinks fit.

Also as to the amendment in the Cattle Trespass Act - if such amendment can be drawn so as not to prevent the establishment of private bona fide Go-sálás.

As to para 7. there does not appear to be any necessity for doing more than is proposed by that para. & accepted by the hon. Mr. Garstin. This may mean doing nothing now - but the time may come when it will be useful.

If Mr. Mullaly in the S.B. has nothing of importance in his note, I think we might answer the letter at once, but I think we should see it first. If it is satisfactory - there will be no occasion to defer sending the letter - till I have seen it - but I should like to see it anyhow.

W
13 Oct.

Gaorakhshini Sabhas

I agree with the Hon: Sir H. Stokes as to the proposed additions to the Penal Code in Secs: 510 & 505 & wd. adopt the suggestion of Sir C. Crosthwaite that the punishment awarded for belonging to an unlawful society shd. be raised to 2 years.

I don't see the force of the objection, in the Note, to the proposed addition to Sec. 45 of the Crim: Proc: Code. It is intended to provide that the Dist. Magte. shd. notify to all or any village Heads that they are to give certain information to the Magte. or Station House Officer nearest to them - not that they are to report to him direct. The notifn. wd. merely order all village Heads to report at once all information in their possession relating to the meetings & doings of Gaorakhshini Sabhas & such like matters. Sec: 45 itself already requires that the reports be sent to the nearest Magte. or St: House officer.

Village accountants may be added to Sec: 45.

The proposed "explanation 2" is rather more than an explanation. It provides that where there is no village Headman appd. under any other law, ?(a) the Dt. Magte. for the purposes of this section shall be appd. by the Dt. Magte. from among the resident land owners of the village & that if he thinks fit the Magte. of the Dist. may appt. more than one Headman.

There is a bit of ~~...~~ procedure law

335

... me there is ...
to be ...

+ I think it goes too far – & that the words "may be" "should be" substituted for "shall be" – Otherwise, I don't object to the explanation, as it may come in useful in Madras someday, & should not bar its applicability to Madras.

I agree with the Hon: Sir H. Stokes' remarks as to punitive Police & the adoption of Sir C. Crosthwaite's proposals+ – Also as to repealing our Madras Act III of 1859 after a general Punitive Police Act has been passed for all India – But I would suggest one addition, namely, that the Local Govt. should have the power of apportioning the cost of the Police & the amount of the fine, among the large landowners or inhabitants, as they may think fit. If the large landowners are made to pay half the fines they will be more likely to be on their good behaviour.

+ in Para 4 of his letter of 18/9/93 No. 105/4 of 93.

I agree with Sir C. Crosthwaite's proposals for the amendment of the Cattle Trespass Act – but these do not prevent the establishment of 'homes' or 'goshalas'+ for cattle – These are different from pounds I believe – Rescuing cattle on their way to the slaughter-house or intimidation in the matter of taking them to a Govt. pound are already punishable.

+ they are called 'asylums for cows' on page 6 of the Note on the agitation forwarded by the Govt of India with their letter of Sept. 28th/93 – That Note was prepared in the T & D Dept.

With reference to Para 6 of the letter from the Govt of India I am of opinion that the Govt. should at once take action, by proceeding to legislation, to restrain the publication of violent & inflammatory language & imputing partial & prejudiced action to the authorities – & the law when passed should apply both to papers published in English & to those published in vernacular.

As to Para 7 of the Govt of India I have heard of no disturbance arising out of the slaughter of cattle in the Madras Presidency but they may arise in the future. & I agree with the Govt of India that in any place where there have been disturbances or excitement over the question, the existing custom should be ascertained & recorded & that orders should then be passed prohibiting any extension of cattle-slaughter in public or private, or any deviation from accepted usage –

13/10/93 J. H. G.

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...gain G.O., dated 18 , No.

Current No. 4335 of 1893, dated 4 Oct from the G. of I.

Current No. of 18 , dated from

Order misc: 27th October No. 2236.

The following letter will be dspd to the G. of I.

(Fromorders)

Letter No. 2237. 14 Oct. 16/10/93

To the Sec. to the G. of I., Home Dept.

Sir,

I am directed to reply to your letter of 4 Oct. 1893, No. 1460, Public, in which this Govt has been invited to give its opinion on certain subjects connected with the agitation against the slaughter of cattle. The information called for in your letter of 29 Aug. 1893, No. 1—1C, Police, on the same subject will be furnished at an early date. As your later letter is of an urgent character H.E. in C. considers it expedient to reply to it at once in preference to delaying the answer until the information referred to in your other communication is available.

2. The Madras Govt recognise the gra... propo... therefore ...

W 220ct

HL 16 Oct

17/10/93

Note

This earlier letter will be disposed of in the Special Branch which has already prepared a Note on the subject.

... there is ...
to be necess...
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Charles Crosthwaite ...
mediate legislation is ... y.
H.E. in C. therefore endorses
proposal to insert two sections
on the subject of conspiracy
in the Penal Code (making the
penalty for belonging to an unlawful
Society two years' rigorous im-
prisonment & fine as suggested
by Sir Charles Crosthwaite) & to
amend sec. 505 of the ~~said~~ Code,
in the manner specified in your
letter under reply.

3. This Govt. has also no objection
to the amendment of sec. 45 of
the Code of Crim. Proc. in the mode,
suggested in your letter but
the addition of an Explanation
enabling the Dt. Mag. to appoint
Village Headmen where there
are none at present is hardly
necessary so far as regards this
Presidency & in the form drafted
by the Legal Remembrancer the
"Explanation" is perhaps somewhat
too peremptory in that it compels
the Dt. Mag. to appoint Headmen
instead of leaving it to his
discretion.

4. As regards the imposition of
punitive police I am to point
out that there is already
an Act on the subject in
this Presidency. This enactment
(Act III of 1882, Madras,) however
~~suffers from~~ [labours under] the defects alluded
to ~~by~~ Sir Charles Crosthwaite,
H.E. in C. would suggest that
G. of Ind. should under-
... seal

DEPARTMENT.

Cur...
Cur...

From

Dated

FOR ORDERS.

Note The Hon. Mr. Garstin proposes another amendment but, as H.E. points out his proposal seems already covered by the second amendment on the subject of punitive police mentioned in the G. of I.'s letter.

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subject of punitive polic...
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