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J. S. D
257
1894

Encl.

[Strictly Confidential.]

No. 79/82

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.
THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.
THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.
THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

~~Home Department~~
~~Public.~~

Calcutta, the 17th January 1894.

SIR,

In continuation of my letter No. 1460-61, dated the 4th October last, on the subject of the agitation against the slaughter of kine, I am now directed to communicate the following conclusions at which the Government of India have arrived after full consideration of the correspondence connected with the question.

2. It appears to the Governor General in Council in the first place to be necessary that each Local Government should carefully consider the means for controlling the agitation which are furnished by the existing law, and should give those means a full trial. To assist in the consideration of this subject, I am to enclose a copy of a letter, No. 912 J.-D., dated the 5th November 1893, addressed by the Bengal Government to the Commissioner of the Patna Division, indicating certain measures which appeared to that Government to be practicable and advisable. It is understood that this letter was issued by the Officiating Lieutenant-Governor of Bengal after taking legal advice; but it is left to ^{the Government of Madras} ~~the Government of Madras~~ after considering it to take such action in the directions indicated as may be thought desirable.

I am specially to commend to ^{the} ~~the~~ attention of ^{the Government of Madras} ~~the Government of Madras~~ that portion of the letter (paragraph 7) which deals with itinerant propagandists of the movement, all of whom should be closely watched. Wherever their addresses appear to contain incitements to violence or language calculated to lead to a breach of the peace, suitable restraining action should be taken under the Criminal Procedure Code.

It may eventually be found necessary to resort to further legislation in order to bring the agitation under complete control; but the Government of India are of opinion that the powers already granted by the law should first be adequately tried, and that no further legislation should be undertaken unless it is found, after sufficient trial, that those powers do not enable the authorities to cope with the agitation and the disturbances consequent upon it. I am to request that the Government of India may be favoured with brief monthly reports as to the progress of the agitation, and the action taken in compliance with the above suggestions.

3. I am to state that the Government of India propose to take measures to amend section 15 of the Police Act (V of 1801) and section 45 of the Criminal Procedure Code in the manner suggested by Sir Charles Crosthwaite; and that

they will also amend sections 44 and 45 of the Criminal Procedure Code so as to include offences under sections 143 (unlawful assembly) and 147 (rioting) of the Indian Penal Code among those of the commission of which, or the intention to commit which, village headmen, landholders, and others shall be bound to give information.

4. The Governor General in Council desires that in all Municipal towns sustained efforts may be made to restrict the slaughter of kine *otherwise than for sacrifice* to prescribed slaughter-houses, to prohibit the sale of beef except in licensed shops, and to regulate the mode of conveyance of beef from slaughter-houses to shops or private houses, so as to obviate any cause of offence therefrom. The various Municipal Acts in force in the different provinces of India have been examined with a view to ascertain how far they provide a legal basis for such action, and I am to enclose a conspectus which is believed correctly to summarise their provisions on the subject. If in any province the legislation in force is found to be insufficient, proposals for the amendment of the law should be submitted to the Government of India without delay. I am, however, to observe that in the opinion of the Governor General in Council, while Municipal Acts or bye-laws might provide rules for regulating the slaughter of animals for sale, the removal of the beef and its sale, the enforcement of these provisions and the punishment of breaches of them, in places where religious feeling on the subject is active, should ordinarily be reserved by the executive in its own hands, and not left to Municipal Commissioners acting as Honorary Magistrates. It is possible that in parts of the country where there is much religious excitement, the business of licensing shops for the sale of beef might also with advantage remain in the hands of the executive.

5. The Government of India are further of opinion that, wherever an opportunity offers, in Municipal towns efforts should be made to arrive at an amicable understanding as to the premises in which the private slaughter of kine for sacrificial purposes has been customary and may be allowed to continue with due precautions to avoid publicity. In such efforts the initiative, it is scarcely necessary to remark, should rest with the executive, and this matter should be wholly reserved by the Magistrate for regulation by himself, and not left in any way under the control of the Municipal authorities. In rural villages, on the other hand, the Governor General in Council is of opinion that it will rarely be desirable to take action of this nature. Much may, possibly, be done by enlisting the assistance of the local landlords, and the establishment of a good understanding between the two creeds in Municipal towns may have a beneficial influence on public feeling in rural villages; but in the latter places it will not ordinarily be practicable to provide for the due enforcement of rules, and in such circumstances it seems better that rules should not be made.

6. Lastly, I am to say that the Government of India have considered the question whether any measures, such as the use of a particular road and the avoidance of others, should be taken to regulate the means of conveyance or manner of transport of cattle intended for slaughter to slaughter-houses or other places set apart for this purpose, and have decided that it is not expedient to take action in this direction. But in cases where large droves of cattle intended for Commissariat use are traversing a district it may often be useful for the District Magistrate to ascertain the route to be taken and the places where the cattle are to rest or halt, and then to take such measures in communication with the local landlords (or the police occasionally) as may tend to obviate any obstruction to the free passage of the cattle to their destination.

I have the honour to be,

Sir,

Your most obedient Servant,

C. J. LYALL,

Secretary to the Government of India.

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Encl.

[Strictly Confidential.]

No. 84.

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 THE
NORTH-WESTERN PROVINCES AND OUDH.

Home Department.
Public.

Calcutta, the 17th January 1894.

SIR,

WITH reference to your letter No. 104, dated the 16th September 1893, on the subject of the agitation against the slaughter of kine, I am now directed to communicate the following conclusions at which the Government of India have arrived after full consideration of the correspondence connected with the question.

2. It appears to the Governor General in Council in the first place to be necessary that each Local Government should carefully consider the means for controlling the agitation which are furnished by the existing law, and should give those means a full trial. To assist in the consideration of this subject, I am to enclose a copy of a letter, No. 912 J. D., dated the 5th November 1893, addressed by the Bengal Government to the Commissioner of the Patna Division, indicating certain measures which appeared to that Government to be practicable and advisable. It is understood that this letter was issued by the Officiating Lieutenant-Governor of Bengal after taking legal advice; but it is left to His Honour the Lieutenant-Governor after considering it to take such action in the directions indicated as may be thought desirable.

I am specially to commend to the attention of His Honour the Lieutenant-Governor that portion of the letter (paragraph 7) which deals with itinerant propagandists of the movement, all of whom should be closely watched. Wherever their addresses appear to contain incitements to violence or language calculated to lead to a breach of the peace, suitable restraining action should be taken under the Criminal Procedure Code.

It may eventually be found necessary to resort to further legislation in order to bring the agitation under complete control; but the Government of India are of opinion that the powers already granted by the law should first be adequately tried, and that no further legislation should be undertaken unless it is found, after sufficient trial, that those powers do not enable the authorities to cope with the agitation and the disturbances consequent upon it. I am to request that the Government of India may be favoured with brief monthly reports as to the progress of the agitation, and the action taken in compliance with the above suggestions.

3. I am to state that the Government of India propose to take measures to amend section 15 of the Police Act (V of 1861) and section 45 of the Criminal Procedure Code in the manner suggested by Sir Charles Crosthwaite; and that they will also amend sections 44 and 45 of the Criminal Procedure Code so as to include offences under sections 143 (unlawful assembly) and 147 (rioting)

of the Indian Penal Code among those of the commission of which, or the intention to commit which, village headmen, landholders, and others shall be bound to give information.

4. The Governor General in Council desires that in all Municipal towns sustained efforts may be made to restrict the slaughter of kine *otherwise than for sacrifice* to prescribed slaughter-houses, to prohibit the sale of beef except in licensed shops, and to regulate the mode of conveyance of beef from slaughter-houses to shops or private houses so as to obviate any cause of offence therefrom. The various Municipal Acts in force in the different provinces of India have been examined with a view to ascertain how far they provide a legal basis for such action, and I am to enclose a conspectus which is believed correctly to summarise their provisions on the subject. If in any province the legislation in force is found to be insufficient, proposals for the amendment of the law should be submitted to the Government of India without delay. I am, however, to observe that, in the opinion of the Governor General in Council, while Municipal Acts or bye-laws might provide rules for regulating the slaughter of animals for sale and the sale of beef and its removal from slaughter-houses, the enforcement of these provisions and the punishment of breaches of them, in places where religious feeling on the subject is active, should ordinarily be reserved by the executive in its own hands, and not left to Municipal Commissioners acting as Honorary Magistrates. It is possible that in parts of the country where there is much religious excitement, the business of licensing shops for the sale of beef might also with advantage remain in the hands of the executive.

5. The Government of India are further of opinion that, whenever an opportunity offers, in Municipal towns efforts should be made to arrive at an amicable understanding as to the premises in which the private slaughter of kine for sacrificial purposes has been customary and may be allowed to continue with due precautions to avoid publicity. In such efforts the initiative, it is scarcely necessary to remark, should rest with the executive, and this matter should be wholly reserved by the Magistrate for regulation by himself, and not left in any way under the control of the Municipal authorities. In rural villages, on the other hand, the Governor General in Council is of opinion that it will rarely be desirable to take action of this nature. Something may be done by enlisting where possible the assistance of the local landlords, and the establishment of a good understanding between the two creeds in towns may have a beneficial effect on public feeling in villages; but in the latter places it will not ordinarily be practicable to provide for the due enforcement of rules, and in such circumstances it seems better that rules should not be made.

6. Lastly, I am to say that the Government of India have considered the question whether any measures, such as the use of a particular road and the avoidance of others, should be taken to regulate the means of conveyance or manner of transport of cattle intended for slaughter to slaughter houses or other places set apart for this purpose, and have decided that it is not expedient to take action in this direction. But in cases when large droves of cattle intended for Commissariat use are traversing a district, it may often be useful for the District Magistrate to ascertain the route to be taken and the places when the cattle are to rest and halt, and then to take such measures in communication with the local landlords (or the police occasionally) as may tend to obviate any obstruction to the free passage of the cattle to their destination.

I have the honour to be,

Sir,

Your most obedient Servant,

O. J. LYALL,

Secretary to the Government of India.

J.A.D
257
1894

Encl 14

[Strictly Confidential.]

No. 83

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
BENGAL.

Home Department
Police.

Calcutta, the 7th January 1894.

SIR,

I AM directed to say that the attention of the Government of India has been attracted by a letter, No. 5638 J., dated the 30th December 1893, purporting to have been sent by you to the Commissioner of the Patna Division, which appeared in the *Amrita Bazar Patrika* of the 9th instant, and has since been copied into other newspapers. This letter lays down, as principles to be enforced in Municipalities and Cantonments, the first three of those stated in paragraph 4 of your secret and confidential letter No. 5513 J., dated the 23rd December last, requests the Commissioner to report without delay how far it is the case that Municipalities in Behar and the Dinapore Cantonment have passed bye-laws enforcing these principles and have worked them efficiently, and directs that officer, if there has been any defect hitherto, to "stimulate the authorities to make the necessary bye laws and work them properly." Assuming that the letter is genuine, I am to invite attention to the directions given in the last paragraph of my Circular No. 1162, dated the 4th October last, that all correspondence connected with the agitation regarding the slaughter of kine should be kept strictly *secret and confidential*. It is true that these directions primarily refer to correspondence with the Government of India, but His Excellency in Council thinks that it will be better if regard be had to them also in correspondence between Local Governments and their officers.

2. I am to say that, while the Government of India fully sympathise with the Lieutenant-Governor's desire to remove all legitimate causes of offence and incitements to disturbances arising from the slaughter of kine in Municipal towns and other places in Behar, they think it unfortunate that a circular dealing with the matter should have been made public at the present time. The enquiries which, in your letter of the 23rd December, Sir Charles Elliott stated that he was making were understood to have been, like those hitherto made, entrusted to confidential agency; and there was nothing to lead the Government of India to suppose that it was His Honour's intention to issue a public Circular within the next few days. The result of the publication of the orders in the Hindu press has been to raise a fresh subject of controversy, and to place new difficulties in the way of the Government of India in dealing with a question of the utmost delicacy and importance.

3. I am in the first place to point out that rules for Cantonments, such as His Honour suggests should be applied in the Cantonment of Dinapore, are not made by Cantonment Committees, but by the Governor General in Council under section 26 of the Cantonment Act, XIII of 1889. It was therefore out of order to direct the Commissioner of Patna to take action in regard to the Dinapore Cantonment in the manner stated in the letter.

4. While the Government of India see no objection generally to the principles enunciated under the second and third heads of the letter,* if they are in accordance with the Municipal law in force in the Lower Provinces of Bengal, they doubt whether the first principle stated, regarding the avoidance of public roads and of drawing attention to the fact that cattle are intended for slaughter, can be either formulated in a practicable form in the shape of a rule or bye-law, or,

* (1) That, as far as possible, cattle, intended for slaughter, should not be led or driven through public and frequented streets, nor along main roads where alternative paths can be taken, nor in such a way as to draw attention to them or to compel the public to know of their destination.

(2) That, when slaughtered for food, this should be done in places specially set apart for the purpose in a secluded spot surrounded by walls high enough to prevent any one from seeing what is happening inside.

(3) That beef should not be hawked about or exposed for sale except within a shop licensed for the purpose.

if formulated, brought into operation without the risk of causing quarrels and disturbances of the very nature which it is His Honour's object to avoid. It may well be that in particular places there is no way of reaching the appointed slaughter-house except by a public and frequented road; and probably in all such places cattle must necessarily for some part of their journey be driven along public roads. Such a rule, forbidding Muhammadans to use the public roads, which they may have for many years past been in the habit of using, for driving cattle intended for slaughter, might be construed so as to give every Hindu who saw a bullock being so driven by a Musalman drover the right to stop the animal and question the man as to the place to which he was taking it. It is unnecessary to observe that such action would not only be deeply resented by Musalmans, but would be most likely to lead to outbreaks of violence.

5. For these reasons I am to say that the Governor General in Council considers that His Honour should take the earliest opportunity to instruct the Commissioner of Patna that the first principle is not to be pressed on Municipalities in Behar and elsewhere, and that it should be regarded as withdrawn. The other two principles may probably, on examination of the bye-laws in force in Municipal towns, be found to be already sufficiently provided for; but I am to suggest that, instead of leaving their enforcement to the action of the Municipal bodies, on which followers of one or the other religion may preponderate, it would be most expedient that the Magistrate, who will ordinarily be a European, should reserve the trial of cases of breach of the rules on this subject for disposal by himself or a European subordinate.

6. I am to enclose for the information of the Government of Bengal a copy of the confidential instructions which have been issued by the Governor General in Council, after full consideration of the correspondence, on the subject of the measures required for bringing the agitation regarding the slaughter of kine under control, and to request that, with the Lieutenant-Governor's permission, action may be taken accordingly in the territories under His Honour's administration. I am to add that these orders were passed after consideration of your letter No. 5513 J., dated the 23rd December. As regards paragraph 7 of that letter, orders which the Governor General in Council deems sufficient have been issued in the Military Department; and the question raised in paragraph 8, regarding the state of the case-law in respect of sacred bulls, will be dealt with separately in communication with Local Governments and Administrations.

I have the honour to be,

Sir,

Your most obedient Servant,

C. J. LYALL,

Secretary to the Government of India.

Provisions of the Municipal Acts relating to (I) the regulation of slaughter-houses

Name of Province.	Provisions relating to the regulation of slaughter-houses.
MADRAS DISTRICTS.	<p>Prohibits the use of any place in a municipality as a slaughter-house or for the slaughtering of any animal intended for food except with a license from the municipality, and gives power to regulate slaughter-houses. [Sections 191 (2) and 192, 255 (1) (iii) of Madras Act IV of 1854.]</p>
MADRAS CITY	<p>Ditto ditto ditto. [Sections 346—348 and 413 (A) of Madras Act I of 1884.]</p>
BOMBAY DISTRICTS	<p>Prohibits the use of any place as a slaughter-house excepting the municipal slaughter-houses or such other slaughter-houses as may have been licensed by the municipality, and gives power to regulate slaughter-houses. [Section 66 of Bombay Act VI of 1873 and section 33 (e) of Act II of 1854.]</p>
BOMBAY CITY	<p>Prohibits the use of any place as a slaughter-house without or otherwise than in conformity with the terms of a license granted by the Commissioner, and gives power to regulate slaughter-houses. [Sections 403 and 461 (m) and (n) of Bombay Act III of 1858.]</p>
MADRAS MUFASSAL.	<p>Prohibits the use of any place as a slaughter-house without a license from the Commissioners, and empowers them to order the closure of a slaughter-house if it proves a nuisance to the neighbourhood. Gives power to make bye-laws to give effect to these objects. [Sections 261, 262 and 350 of Act III (B.C.) of 1884.]</p>
MADRAS CALCUTTA	<p>Prohibits the use of any place as a slaughter-house without a license from the Commissioners, and empowers them to provide places for slaughter-houses. [Sections 341 and 343 of Act II (B.C.) of 1888.]</p>
WESTERN PROVINCES AND OUDH.	<p>Gives power to make rules "for prohibiting, preventing and punishing such Acts or omissions or annoyance to the public, or to people in general who dwell or occupy property in the neighbourhood." [Section 55 (1) (e) of Act XX of 1891.]</p> <p>Gives power to fix places for the slaughter of animals for sale, and prohibits the slaughter of any such animals at any other place within the municipality. Also empowers Municipal Committees to make rules for the regulation of slaughter-houses. [Sections 98 and 143 (1) (e) (i) of Act XX of 1891.]</p> <p>NOTE.—Section 48 of the Punjab Laws Act, IV of 1872, prohibits the slaughter of kine and the slaughter of any such animals elsewhere within the municipality. Also empowers Municipal Committees to make rules for the regulation of slaughter-houses. [Sections 56 and 84 (1) (d) of Act XVIII of 1889.]</p>
WESTERN PROVINCES	<p>Gives power to fix and abolish places for the slaughter of animals for sale, and prohibits the slaughter of any such animals elsewhere within the municipality. Also empowers Municipal Committees to make rules for the regulation of slaughter-houses. [Sections 79 and 106 (e) of Act XVII of 1884.]</p> <p>Ditto ditto ditto.</p>
WESTERN PROVINCES	<p>Ditto ditto ditto. [Sections 89 and 116 (e) of the Berar Municipal Law, 1886.]</p>
WESTERN PROVINCES	<p>Ditto ditto ditto. [Sections 89 and 116 (e) of the Ajmere Municipal Regulation, 1886.]</p> <p>NOTE.—Section 24 of the Ajmer Laws Regulation, 1877, empowers the Chief Commissioner to make rules for the regulation of slaughter-houses.</p>

2) The sale of meat and (3) the conveyance of meat from slaughter-houses to shops, etc.

Provisions relating to the sale of meat.

Provisions relating to the conveyance of meat from slaughter-houses to shops, etc.

Prohibits the use of any place for selling or storing for sale the flesh of any animal intended for food without a license from the Chairman.

[Section 191 (2) of Madras Act IV of 1884.]

Gives power to make rules for securing cleanliness and order in the streets.

[Section 255 (1) (IV) of Madras Act IV of 1884.]

Prohibits the use of any place for selling or storing for sale the flesh of any animal intended for food without a license from the President. Also gives power to make bye-laws for the inspection and regulation of places used for the sale of the flesh of animals, for the management and conduct of the business therein, and for keeping them in a cleanly and proper state.

[Sections 348 and 413 (4) of Madras Act I of 1884.]

Gives power to make rules for securing cleanliness and order in the streets.

[Section 413 (4) of Madras Act I of 1884.]

Prohibits the use of any place as a market for the sale of meat excepting the municipal markets or such other markets as may have been licensed by the municipality. Gives power to make rules for the regulation of and the proper and cleanly conduct of business in the markets.

[Section 26 of Bombay Act VI of 1873 and section 33 (a) of Act II of 1884.]

Prohibits the sale in a municipal market of any animal or article without a license from the Commissioner, and the establishment of any new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food or any other article of human food, except with the Commissioner's sanction. Forbids the sale or the exposition for sale, without a license from the Commissioner, of any four-footed animal or any meat intended for human food in any place other than a municipal or private market. Prohibits the import into the City of Bombay of any cattle intended for human food or the flesh of such cattle, which has been slaughtered at any slaughter-house or place not maintained or licensed under the Bombay City Municipal Act, 1858, without the written permission of the Commissioner.

[Sections 401, 402, 410 and 412 of Bombay Act III of 1888.]

Prohibits the use of any place as a shop for the sale of meat without a license from the Commissioners, and empowers them to order the closure of such shops if they prove a nuisance to the neighbourhood.

[Sections 261 and 262 of Act III (B.C.) of 1891.]

Prohibits the use without a license from the Commissioners of any place as a shop for the sale of fresh meat except in a municipal, registered or licensed market.

[Section 256 of Act II (B.C.) of 1888.]

Prohibits the use within the municipality as may, in the opinion of the Board, cause or tend to cause any common injury, danger or nuisance, or may, in its opinion, be prejudicial to the public convenience." [Section 256 of Act II (B.C.) of 1888.]

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Beef except subject to rules to be prescribed by the Local Government.

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Provisions relating to regulating and restricting the slaughter of animals and the sale of beef or other meat.

No. 37.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLICE.

Calcutta, the 22^o January 1894.

OFFICE MEMORANDUM.

In continuation of the Office Memorandum from this Department, No. 373, dated the 29th July 1893, the undersigned is directed to say that the Governor General in Council in this Department has decided that the following further amendment should be made in Act V of 1861 (an Act for the regulation of Police) :—

Section 15.—The Magistrate should be empowered to recover the cost of punitive Police from the "land-owners" as well as from the "inhabitants" of the part of the country described in the Notification, it being made clear that, as in the case of "inhabitants," he is at liberty to recover it either from all the land-owners of the tract which is in a disturbed or dangerous state, or from any particular land-owners, or class or classes of land-owners, whose conduct is at fault.

2. The undersigned is further to say that it has been decided that the following amendments should be made in the Code of Criminal Procedure—

- (1) *Sections 41 and 45.*—The offences of (a) being a member of an unlawful assembly—sections 143, 144, 145 of the Penal Code; and (b) rioting—sections 147 and 148 of the Penal Code—should be included in these sections of the Criminal Procedure Code as offences regarding the commission of which, or the intention to commit which, the public and the classes of persons mentioned in section 45, respectively, shall be bound to furnish information.
- (2) *Section 45.*—"Village-accountants" should be included in this section as persons bound to furnish information of the matters mentioned therein.
- (3) *Section 45.*—A clause should be added after clause (d) requiring any of the persons named in this section to furnish information regarding "any matter regarding which he has been required by the District Magistrate, with the sanction of the Local Government, to supply information."
- (4) *Section 45.*—An explanation should be added to this section enabling the District Magistrate to appoint one or more village-headmen for the purposes of the section in any village where there is none appointed under any other law.

3. The undersigned is directed to request that a Bill embodying these amendments of the law and those specified in the Office Memorandum from this Department of the 29th July 1893 may be drafted and introduced in the Council of the Governor General for the purpose of making Laws and Regulations with as little delay as possible.

O. J. LYALL,

Secretary to the Government of India.

To the Legislative Department.

G. L. C. P. O.—No. 1036 H. D.—23-1-94—5L.—G. C. S.

J. & D
257
1894

Encl.