

*Friday,
4th February, 1910*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLVIII

April 1909 - March 1910

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OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

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Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909 (24 & 25 Vict., c. 67, 55 & 56 Vict., c. 14, and 9 Edw. VII, c. 4).

The Council met at Government House on Friday, the 4th February 1910.

PRESENT:

His Excellency THE EARL OF MINTO, P.C., G.C.M.G., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*,

and 55 Members, of whom 50 were Additional Members.

OATH OF OFFICE.

The following Additional Member, before taking his seat, made the prescribed oath of his allegiance to the Crown :—

The Hon'ble Lieutenant-General Sir Douglas Haig, K.C.V.O., C.B.

QUESTIONS AND ANSWERS.

The Hon'ble MR. DADABHOY asked :—

“ Is it a fact that the coaching tariffs of the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway have of late been increased about 50 per cent. ? Will Government be pleased to state the reasons for this general and phenomenal increase in fares after years of stationary rates ? Is it true that the number of higher class passengers have already fallen off in consequence ? Has the total volume of passenger traffic been affected ? ”

The Hon'ble SIR T. WYNNE replied :—

“ The Great Indian Peninsula and Bombay, Baroda and Central India Railway Administrations have, with effect from 1st January 1910, raised their 1st and 2nd class passenger fares as under :

First class	{ For first 300 miles to 18 pies per mile.
	{ For additional distances to 12 pies per mile.
Second class	{ For first 300 miles to 9 pies per mile.
	{ For additional distances to 6 pies per mile.

[*Sir T. Wynn*; *Mr. Dadabhoy*; *Sir Herbert Risley*.] [4TH FEBRUARY 1910.]

“ These increased fares are within the maximum fares which the Companies are authorised to charge under their contracts with the Secretary of State, and are not in excess of the fares that are at present, and have been in force, on the East Indian Railway and some other Railways for many years.

“ There is no information at present as to the effect which the imposition of higher fares is exercising on passenger traffic.”

The Hon'ble MR. DADABHOY asked :—

“ In reply to my question last year on the subject of the proposed separation of judicial and executive functions in India on the lines laid down by the Hon'ble Home Member in March 1908, and the introduction of the reform tentatively into the two Bengals, Government were pleased to promise to make a reference to the Secretary of State after the replies of the Lieutenant-Governors of Bengal and Eastern Bengal and Assam and the High Court of Calcutta to the Government of India's 'proposals for introducing into selected districts of Bengal and Eastern Bengal and Assam, by way of experiment, a scheme for the separation of judicial and executive duties' had been received and the scheme had been further examined. Will Government be pleased to state if the replies have now been received, if the scheme has been further examined, and if any reference has been made to the Secretary of State? Will the replies be published? ”

The Hon'ble SIR HERBERT RISLEY replied :—

“ The replies have been received and are now being considered. A reference has not yet been made to the Secretary of State. Government are unable to say at present whether the letters of the Government of Bengal and Eastern Bengal and Assam will be published or not.”

The Hon'ble MR. DADABHOY asked :—

“ Have the reports of Local Governments on Free Primary Education, which were under consideration last year, been finally considered by this Government? If so, when can a definite pronouncement on the subject by Government be expected? ”

The Hon'ble SIR HERBERT RISLEY replied :—

“ The replies of the Local Governments have been considered by the Government of India, but no further action can be taken at present owing to want of

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funds. The remission of fees is primarily a measure of relief analogous to the reduction of taxation. It has not itself the effect of increasing the number of schools, and for this and other reasons it has met with a good deal of criticism. The measure, however, is well worthy of further consideration when the state of the finances is more favourable. The decision must of course depend upon the circumstances existing at that time and it would be premature to make any definite statement of policy now."

INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble Mr. MAXWELL said :—" My Lord, on behalf of the Hon'ble Mr. Harvey, I beg to move that the Bill to amend the Indian Companies Act be referred to a Select Committee. It was hoped that this measure might be enacted at the meeting of Council held on the 22nd October in Simla. Certain criticisms on points of substance have, however, been received, of which the most important came from the Bengal Chamber of Commerce. As the Hon'ble Mr. Harvey explained when he moved the introduction of the Bill, this measure closely follows the precedent of the English Act: and it was not anticipated that any criticisms would be raised in respect of it. As some have, however, been received, we have thought it advisable to refer the Bill to a Select Committee with a view to adequate consideration being given to them.

" I therefore move that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. W. L. Harvey, the Hon'ble Mr. S. P. Sinha, the Hon'ble Mr. Quin, the Hon'ble Mr. Slacke, the Hon'ble Babu Bhupendra Nath Basu, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Graham, the Hon'ble Sir Sassoon David, and myself."

The motion was put and agreed to.

INDIAN PAPER CURRENCY BILL.

The Hon'ble SIR GUY FLEETWOOD WILSON presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to the Government Paper Currency, and gave notice that he would move that the Bill be considered at the next meeting of the Council.

PRESS BILL.

The Hon'ble SIR HERBERT RISLEY said :—" My Lord, I have the honour to move for leave to introduce a Bill to provide for the better control of the Indian Press, or in other words to confine the Press—the whole of the Press, European or Indian, English or vernacular—within the limits of legitimate discussion. The subject is a large one and I have considered carefully how it should be presented to this Council, so that the essential issues may be clearly brought out and may not be obscured by history that has ceased to be relevant and principles which no longer apply. In the first place let me state as simply as possible what the Bill proposes to do.

" It will be convenient if I first describe the kind of matter which may not be published. This is set out in clause 4 of the Bill under six separate heads.

" The first of these relates to incitements to murder or to any offence under the Explosive Substances Act or to any actual violence. Incitements of this nature are already covered by the Newspapers (Incitements to Offences) Act, 1908, but we think it advisable to include them in this Bill in order that we may, if necessary, take action of a less severe kind than that prescribed by the Act of 1908.

" The next kind of writing which is forbidden is that which is likely to seduce any officer, soldier or sailor from his allegiance or his duty. That calls for no comment: it is obvious that such writings must be dangerous to the public welfare.

" Then under head (c) we come to writings which are likely to bring into hatred or contempt His Majesty, or the Government, or any lawful authority, or any Native Prince or Chief under the suzerainty of His Majesty, or which are likely to excite disaffection against His Majesty, or the Government, or such Princes or Chiefs, or to excite antipathy between members of different races, castes, classes, religions or sects. The greater part of this head is covered by the terms of sections 124A and 153A of the Indian Penal Code; but we have made two additions of some importance. In the first place, we have included what I may describe as the preaching of sedition against the Princes or Chiefs of our Native States. We have had not a few instances of newspapers published in British India containing seditious matter of that kind. The Government of India cannot tolerate this; they cannot allow their terri-

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ories to be used as a safe asylum from which attacks can be launched upon Indian Princes. The other direction in which this heading goes beyond the terms of the two sections I have quoted is that it includes the bringing of any lawful authority into hatred or contempt. There have been many venomous attacks upon Magistrates and Judges, even upon Judges of the High Courts, and this must be prevented.

“The fourth heading relates to intimidation and blackmailing. It will cover the case of the blackmailing of Indian Princes against which the corresponding clause of Lord Lytton's Act of 1878 was directed.

“The fifth heading prohibits matter which is likely to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order. Under the Indian Criminal Law Amendment Act, 1908, the Government have power to declare that an association which has these objects is an unlawful association, and a newspaper should not be allowed to do what an association may not do.

“The last sub-clause deals with the intimidation of public servants and is taken *verbatim* from the Act of 1878. The protection which this sub-clause will give is certainly more necessary now than it was thirty years ago.

“I will now show how we propose to prevent the publication of matter of the kind I have described. Hon'ble Members are no doubt aware that under the Press and Registration of Books Act of 1867 every person who wishes to keep a press for the printing of books or papers must make a declaration to that effect before a Magistrate. Another provision of that Act requires that every printer and publisher of a newspaper must make a similar declaration. These declarations are registered and are available for the information of anyone who wishes to take proceedings against the press or the newspaper. Clause 3 of our Bill provides that every person who makes a declaration hereafter as the keeper of a press must deposit security for an amount to be fixed in each case by the Magistrate, but not being less than Rs. 500 or more than Rs. 5,000. Clause 8 contains a similar provision in respect of the publisher of a newspaper. The printer of a newspaper is not required to deposit security as his case is already covered by the provision requiring security from the person who keeps the press. These provisions, as I have said, apply only to future registrations. In the case of existing presses and existing newspapers no security can be demanded until the press or paper offends by printing or publishing matter of the prohibited kind. But when a press or newspaper has printed or published such matter, the Local Government may at once call upon the person registered as the keeper of the press or the publisher of the newspaper to

deposit security to an amount to be fixed by the Local Government subject to the same limits as are prescribed for fresh registrations.

“ The next stage in the procedure provided by the Bill is that the Local Government can order the forfeiture of the security deposited if it appears that the press has printed or the newspaper has published any matter of the prohibited kind. If the keeper of the press or the publisher of the newspaper wishes to continue his business after such an order has been passed, he is at liberty to do so, but he must make a fresh declaration under the Press and Registration of Books Act and the Magistrate may then demand enhanced security up to a maximum of Rs. 10,000. Should the keeper of a press or the publisher of a newspaper again publish prohibited matter after enhanced security has been taken, the Local Government may order the forfeiture of the enhanced security in the case of the newspaper, and of both security and press in the case of the printing-press. I wish to make it quite clear to Hon'ble Members that no keeper of a press who is registered at the time of the passing of this Bill will be affected by its provisions unless and until he offends by printing prohibited matter; but if he does that, he may be called upon to deposit security. If he again offends, his security may be forfeited, while for a third offence both security and press may be forfeited. For persons who are now registered as publishers of newspapers the procedure is the same. That is to say, no interference at all until one offence is committed; then a demand for security which may be forfeited for the second offence; next the taking of enhanced security; and the forfeiture of this enhanced security for the third offence. In the case of new registrations security is demanded from the beginning. This is necessary to provide against an evasion of the law by new registrations which are new only in name.

“ It will be readily admitted that if we take security at all we must take it from the keepers of printing-presses; for the law, to be effective, must cover not only newspapers, but also books, pamphlets, leaflets and every other kind of document by which seditious matter can be disseminated. But it may be asked, why take security from the publisher of a newspaper in addition to taking it from the keepers of presses? The answer is that we cannot always be certain of getting at the newspaper through its press, for difficulties have arisen in ascertaining at what press a newspaper is printed. Many of the small newspapers, which are notorious offenders, have no presses of their own, but are printed at a job press which may be changed from month to month, and it is by no means easy to learn with certainty at which particular press an offending issue of the newspaper was published. Moreover, if security were not demanded from the publisher of a newspaper, he might

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continue to offend with no greater penalty than the demanding of security from each of the different presses at which successive issues of his journal were printed.

“ We have fixed a minimum as well as a maximum for the security to be demanded in order to give an indication which will guide officers in all ordinary cases. But to meet the exceptional cases of the petty press which publishes only trade circulars, bill headings and the like, and the case of the school or college magazine and other similar publications which are not newspapers in the ordinary sense of the term, though they cannot be excluded from the definition—in order to meet these cases we have given the Magistrate power to take reduced security or to dispense with security altogether.

“ The provisions which I have described so far relate to the cases of newspapers and of matter which is printed at presses that are known. But we have also to deal with books and pamphlets, especially the latter, which are printed out of India or secretly in India. To meet these cases power is taken for the Local Government to declare by notification that such publications are forfeited and to issue search-warrants for their discovery. In aid of this provision power is also given to customs officials to detain suspected packages pending examination of their contents by the Local Government, and to post office officials to open and detain with a like object any suspected packet which has been transmitted by post. We have also prohibited the transmission by post of any newspaper in respect of which the necessary declaration and deposit of security, when required, have not been made.

“ Finally we have laid an obligation upon the printer of a newspaper to deliver to Government at the time of publication two copies of every issue. This has been rendered necessary by the failure of certain newspaper proprietors to send punctually the copies for which the Government subscribe, while in one case a subscription equal to ten times the ordinary subscription was demanded from the Government.

“ So far I have dealt only with the powers which are given by the Act. I will now turn to the check which we have provided. This consists of an appeal to a special tribunal of three Judges of the High Court against any order of forfeiture passed by the Government. If it appears to the High Court that the matter in respect of which the order was passed does not come within the terms of section 4 of this Bill, then the High Court will set aside the order of forfeiture. I think it will be admitted that that is a very complete check upon any

hasty or improper action by a Local Government. We have, therefore, barred all other legal remedies.

“ There are two other clauses that I must mention. One provides that the penalty for keeping a press or publishing a newspaper without making the deposit of security shall be the same as that imposed upon a person who keeps a press or publishes a newspaper without making the declaration required by the Press and Registration of Books Act. The other is a provision which saves the operation of other laws.

“ I have explained the scope of the Bill, what it proposes to do. I will now mention its limitations, what it does not propose to do. In the first place, it does not create a Censorship. It imposes no antecedent restraint on the Press: a man may publish what he pleases; he has the widest range for every form of intellectual activity within the limits laid down by the law. Secondly, it is not like the Press Act of 1878, a purely executive measure. The initiative, indeed, rests with the Executive Government, but ample security against hasty or arbitrary action is provided in the form of what is virtually an appeal to a highly competent judicial authority. Thirdly, it is not a measure of universal licensing with power to the Government to withdraw or refuse a license at discretion. The liberty of unlicensed printing, for which Milton pleaded three centuries and a half ago, and at the time pleaded in vain, is untouched by this Bill. Security is demanded only from papers established after the passing of the Act. That is necessary to guard against the Protean changes of identity of which we have had illustrations in Bengal. But security is one thing and a system of licensing is another. Security may rightly be required in the interests of the community in order to guarantee that those who undertake for the first time the important task of instructing the people regarding public affairs shall at any rate be fully aware of the responsibility they incur.

“ I do not set much store by precedents and parallels drawn from foreign sources. As Lord Morley has pointed out, no political principle whatever is capable of application in every sort of circumstances without reference to conditions in every place and at every time. Each country has its own problems and must solve them in its own way. India has hers, of which this is one of the gravest. We too must travel on our own road with such guidance as our necessities give us; we cannot walk by borrowed light. But if there is any European country upon whose experience we might draw upon and whose example we might follow, it would be Austria, where there exists much the same kind of medley of nationalities, classes, languages and religions as we find

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in India, and where (as Bismarck pointed out long ago) a certain section of the Press has exercised an influence of evil tendency. Yet what a contrast there is between this Bill and the regular practice in Austria. In that country not only can the business of printing not be carried out without a license, but every number of a periodical must be submitted to the police before publication so that it may be confiscated if it contains anything contrary to the law. All periodicals, whether they have offended or not, must deposit money, on pain of suppression, as a guarantee for the payment of fines. The police frequently order a newspaper to leave out of its columns an article which they deem offensive and give notice to the daily Press that some particular subject had better not be touched upon for the present. Finally, whatever constitutional rights newspapers may possess may be suspended at a moment's notice by the Ministry declaring a state of siege. This is the practice in a country where the Press is subject to the wholesome check of public opinion. Each political party has its organs, and the Government have theirs. Statements made by one side are promptly rebutted by the other, and no editor can be wholly irresponsible. In India none of these restraints exist to any extent worth mentioning. Yet the Bill does not propose to confer any powers on the police. They will be absolutely outside it and will have nothing whatever to do with its administration.

"I have explained, my Lord, what our proposals are and also what they are not. It is my present duty to justify them and for this purpose I must review as concisely as possible the history of the subject and must answer the question, why is any special law necessary; why cannot the Government be content to rely upon the ordinary criminal law? To do this I must go back to the beginnings of the present evils. The Press in India has been free (except during two periods) for the last 75 years, in fact ever since Sir Charles Metcalfe repealed the Licensing Act which was in force up to 1835. The two periods which I have referred to were, first the period of the Mutiny when the entire Press was under absolute control for one year and no more, and the second was from 1878 to 1881 when a portion of the Press was subject to the virtually nominal control imposed by the Vernacular Press Act of 1878. I will not touch upon the earlier years, but I will begin about the middle of the period which I have marked off and I will endeavour to show what use the Press has made in comparatively recent times of Lord Metcalfe's famous concession. Thirty-three years ago, I was present, as Under Secretary to the Government of Bengal, at a notable Durbar held by Sir Ashley Eden at Belvedere on the 12th August 1877. In addressing that Durbar the Lieutenant-Governor denounced in strong terms the disloyalty and sedition which were

frequently published in the Native Press of Bengal. Even then rank treason was preached and a war of independence was talked of, and Sir Ashley Eden thought it necessary to warn those whom he addressed that the character of the Vernacular Press was creating an unfavourable impression in many quarters of the loyalty of the Bengalis. The warning was not heeded, and in the following year the tone and tendencies of the Press led to the passing of the Act of 1878, the object of which, like the object of the present Bill, was to prevent, not to punish, sedition. As everyone knows, the Act was in force for only three years during which time recourse was only once had to its provisions. Its defects, from our present point of view, are palpable. It applied only to the Vernacular Press and left untouched journals published in English, whether owned by Indians or by Europeans; its machinery was purely executive, judicial intervention being expressly excluded, and it contained an impracticable provision for censorship which was soon repealed. The whole Act was repealed in 1881, and from that time till now the Press has been left to the operation of the ordinary law. Up to the year 1907 the policy of the Government was one of extreme forbearance and prosecutions were of rare occurrence. Indeed, during the 37 years from 1870 to 1907 the law was put in motion only sixteen times. Among these cases there is not a single case of acquittal. On two occasions the jury disagreed but the offenders would have been tried again if Government had not thought fit to accept their apologies. I have described our forbearance as extreme; many people may think it excessive. But the ingrained instincts of all Englishmen are averse to interference with the Press, even by way of prosecution, and we continued to hope that time and education would bring wisdom. Our hope was vain, the Press did not mend its ways; it went continually from bad to worse, and at length it produced its inevitable results in the cruel and oppressive methods of the boycott. It was clear, moreover, that matters were not going to stop there and that worse things were in store for us. As every one knows, we had not long to wait. Accordingly on the 3rd June 1907, after careful and anxious consideration, the Government of India issued the following resolution :

‘Certain circumstances attending the recent outbreaks of lawlessness in the Punjab and Eastern Bengal have forced upon the attention of the Government of India the deliberate efforts made by a number of newspapers, both English and Vernacular, to inflame the minds of the people, to encourage ill-will between classes, to promote active hostility to the Government, and to disturb the public tranquillity in many different ways. The Governor General has no desire whatever to restrict the legitimate liberty of the Press to criticise the action of the Government, and he would be most reluctant to curtail the freedom of the many well-conducted papers because of the misbehav-

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hour of a few disloyal journals. But he is responsible for the maintenance of law and order among a vast and heterogeneous population, and he is unable to tolerate the publication of writings which tend to arouse the disorderly elements of society and to incite them to concerted action against the Government. On these grounds he has determined that the dissemination of sedition and the promotion of ill-will between classes must be repressed by firm and sustained action under the penal law. Accordingly, in supersession of previous orders on the subject, His Excellency in Council empowers Local Governments to institute prosecutions in consultation with their legal advisers in all cases where the law has been wilfully infringed. He hopes that the warning now given may, in great measure, avert the necessity for numerous prosecutions, but if this hope should unhappily not be realised, he relies upon the local authorities to deal with the evil effectively."

"Up to the end of last year 47 prosecutions had been undertaken under these orders. Not one of these cases has failed, although in some instances the editor, manager or proprietor has escaped, and only the registered printer or proprietor has been convicted, while in others the Government have accepted an apology and withdrawn the prosecutions. Nevertheless we have to acknowledge defeat. We have succeeded in the minor object of punishing a certain number of offenders; we have failed in the major, the vital, the all-important object of curing a grave evil. We have proved that the law as it stands is sufficient to enable convictions for sedition to be obtained; but we have also proved that it is not sufficient to restrain the Press within the limits of legitimate discussion. In spite of our successful prosecutions we see the most influential and most widely read portion of the Indian Press incessantly occupied in rendering the Government by law established odious in the sight of the Indian people. The Government is foreign, and therefore selfish and tyrannical. It drains the country of its wealth; it has impoverished the people, and brought about famine on a scale and with a frequency unknown before; its public works, roads, railways and canals have generated malaria; it has introduced plague, by poisoning wells, in order to reduce the population that has to be held in subjection; it has deprived the Indian peasant of his land, the Indian artisan of his industry, and the Indian merchant of his trade; it has destroyed religion by its godless system of education; it seeks to destroy caste by polluting, maliciously and of set purpose, the salt and sugar that men eat and the cloth that they wear; it allows Indians to be ill-treated in British Colonies; it levies heavy taxes and spends them on the army; it pays high salaries to Englishmen, and employs Indians only in the worst paid posts;—in short it has enslaved a whole people, who are now struggling to be free.

"My enumeration may not be exhaustive, but these are some of the statements that are now being implanted as axioms in the minds of the rising genera-

tion of educated youths, the source from which we recruit the great body of civil officials who administer India. If nothing more were said, if the Press were content to

‘ let the lie

Have time on its own wings to fly,’

things would be bad enough. But very much more is said. Every day the Press proclaims, openly or by suggestion or allusion, that the only cure for the ills of India is independence from foreign rule, independence to be won by heroic deeds, self-sacrifice, martyrdom on the part of the young, in any case by some form of violence. Hindu mythology, ancient and modern history, and more especially the European literature of revolution, are ransacked to furnish examples that justify revolt and proclaim its inevitable success. The methods of guerilla warfare as practised in Circassia, Spain and South Africa ; Mazzini’s gospel of political assassination ; Kossuth’s most violent doctrines ; the doings of Russian Nihilists ; the murder of the Marquis Ito ; the dialogue between Arjuna and Krishna in the *Gita*, a book that is to Hindus what the *Imitation of Christ* is to emotional Christians—all these are pressed into the service of inflaming impressionable minds. The last instance is perhaps the worst. I can imagine no more wicked desecration than that the sacrilegious hand of the anarchist should be laid upon the Indian Song of Songs and that a masterpiece of transcendental philosophy and religious ecstasy should be perverted to the base uses of preaching political murder. The poison, however, is widely diffused by a variety of methods, and antidote there is none. The side of Government is represented in the Indian Press by a few papers of small circulation which never reach the persons whose minds are prejudiced by the attack. Sedition has the monopoly of its audience, and that audience is large and is increasing daily. No means are left untried to swell its numbers and to infect the masses of the people. The peaceful life of the village has been invaded by youthful enthusiasts who read out to an illiterate audience, attracted by natural curiosity, articles preaching the doctrines which I have described. Emissaries disguised as religious devotees travel about the country and spread the gospel of anarchy among simple folk who believe that whatever is printed must be true. Worst of all, attempts are being made to enlist the women of India on the side of rebellion by disseminating in the zenana libels upon the Government—among them that infamous story about the introduction of plague. Was there ever such sacrilege as this—that the renaissance of Indian womanhood, their awakening to a new intellectual life, should be threatened at its outset by influences such as these ? In all ages—from the time of your own Epics and the old Roman legend of the Sabine

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girls—women have been the peace-makers of the world. Their mission has been to heal race-enmity, not to foster it. Is the Sakuntala of the future to grow up in an atmosphere of treason, plotting murder and designing bombs? If she does, she will certainly not be the Sakuntala of the Indian poet.

• “The consequences of this ever-flowing stream of slander and incitement to outrage are now upon us. What was dimly foreseen a few years ago has actually come to pass. We are at the present moment confronted with a murderous conspiracy, whose aim it is to subvert the Government of the country and to make British rule impossible by establishing general terrorism. Their organisation is effective and far-reaching; their numbers are believed to be considerable; the leaders work in secret and are blindly obeyed by their youthful followers. The method they favour at present is political assassination; the method of Mazzini in his worst moods. Already they have a long score of murders or attempted murders to their account. There were two attempts to blow up Sir Andrew Fraser's train and one, of the type with which we are now unhappily familiar, to shoot him on a public occasion. Two attempts were made to murder Mr. Kingsford, one of which caused the death of two English ladies. Inspector Nanda Lal Banerji, Babu Ashutosh Biswas, the Public Prosecutor at Alipore, Sir William Curzon-Wyllie, Mr. Jackson, and only the other day Deputy Superintendent Shams-ul Alam, have been shot in the most deliberate and cold-blooded fashion. Of three informers two have been killed, and on the third vengeance has been taken by the murder of his brother in the sight of his mother and sisters. Mr. Allen, the Magistrate of Dacca, was shot through the lungs and narrowly escaped with his life. Two picric acid bombs were thrown at His Excellency the Viceroy at Ahmedabad and only failed to explode by reason of their faulty construction. Not long afterwards an attempt was made with a bomb on the Deputy Commissioner of Umballa.

“These things are the natural and necessary consequence of the teachings of certain journals. They have prepared the soil in which anarchy flourishes; they have sown the seed and they are answerable for the crop. This is no mere general statement; the chain of causation is clear. Not only does the campaign of violence date from the change in the tone of the Press; but specific outbursts of incitement have been followed by specific outrages.

“And now, Sir, I appeal to the Council in the name of all objects that patriotic Indians have at heart to give their cordial approval to this Bill. It is called for in the interests of the State, of our officers both Indian and European, and most of all in the interests of the rising generation of young men. In this matter, indeed, the interests of the State and the interests of the people are one and the same. If it is good for India that British

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rule should continue, it is equally essential that the relations between Government and the educated community should be cordial and intimate, and that cannot long be the case if the organs of that community lay themselves out to embitter those relations in every sort of way and to create a permanent atmosphere of latent and often open hostility. In the long run people will believe what they are told, if they are told it often enough, and if they hear nothing on the other side. There is plenty of work in India waiting to be done, but it never will be done if the energies of the educated classes are wasted in incessant abuse and suspicion of Government,

“As regards the officers of Government, the case is clear. At all costs they must be protected from intimidation and worse. And it is our Indian officials who stand in most need of protection, for they are most exposed to the danger. The detailed work of investigation and detection necessarily falls upon them, and they are specially vulnerable through their families. They have done most admirable work during the troubles of the last few years and have displayed under most trying conditions courage and loyalty that are beyond all praise. We are bound in honour to protect them from threats of murder and outrage which sooner or later bring about their own fulfilment.

“To my mind, Sir, the worst feature of the present situation is the terrible influence that the Press exercises upon the student class. I was talking about this about a month ago with a distinguished Indian who is in close touch with schools and colleges in Bengal. He took a most gloomy view of the present state of things and the prospects of the immediate future. According to him the younger generation had got entirely out of hand, and many of them had become criminal fanatics uncontrollable by their parents or their masters. As an illustration of the spirit that is abroad he told me that one of the examiners for the last Matriculation of the University had received a threatening message that if he reported to the authorities a particularly gross case of cheating ‘a Browning pistol was ready for him.’ I may set by the side of this, as a companion picture, the following passage in Sir Lawrence Jenkins’ judgment in the Alipore Appeal. Speaking of the *Jugantar* his Lordship says :—

‘Perhaps no more striking illustration of its pernicious and insidious influence can be found than in the postcard, Exhibit 1079, addressed to Abinash and found in the course of the search at 4, Raja’s Lane. It runs as follows :—

“Bande Mataram,
Mirasi, 7th September 1907.

“Sir,

From your advertisement, articles, and your bold writings, I understand that he alone, who has the subversion of the Firingee (British) Government at heart, should by all means read the *Jugantar*. I, a

4TH FEBRUARY 1910.] [*Sir Herbert Risley ; the President.*]

schoolboy, living in a hilly country, don't feel any oppression of the Firingees, and I give way before people for want of information. I am, therefore, in need of *Jugantar*. For it acquaints us to a great extent with the devices of driving away the Firingees and also make us alive to wrongs. I am extremely in straitened circumstances, hardly able to procure one meal a day; nevertheless my desire for newspaper reading is extremely strong. Hence I approach you as a beggar. Ah! do not disappoint such an eager hope of mine. Please grant my prayer. I shall pay the price when I shall have the means. Please ever oblige me by sending a sample copy with an expression of your intention. I hope you will favour me by enlisting me as a subscriber. Further, please don't fail to send a sample copy.

Submitted by,

Sree Debendra Chandra Bhattacharjee,

P. O. Muchikandi, Mirasi,

Sylhet.'

"It is very dreadful, but it is also rather pathetic, and it throws a great light on the enthusiastic, impressionable and at times rather hysterical temperament of the Indian student. We must do what we can to save these boys. We cannot look on passively at the progressive demoralization of the youth of India. I believe, Sir, that this Bill will prove to be a wholesome and beneficial measure of national education, that it will in course of time prevent a number of young men from drifting into evil courses and ruining their prospects in life, and that in passing it this Council will earn the lasting gratitude of many thousands of Indian parents."

The motion was put and agreed to.

The Hon'ble Sir HERBERT RISLEY introduced the Bill.

The Hon'ble Sir HERBERT RISLEY moved that the Rules of Business be suspended.

THE PRESIDENT declared the Rules suspended.

The Hon'ble SIR HERBERT RISLEY moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. S. P. Sinha, the Hon'ble Sir Harold Stuart, the Hon'ble Mr. Kenrick, the Hon'ble Mr. Quin, the Hon'ble Mr. Lyon, the Hon'ble Mr. Gokhale, the Hon'ble Maharaja of Burdwan, the Hon'ble Zulfikar Ali Khan, the Hon'ble Mr. Mudholkar, the Hon'ble Mr.

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Graham, the Hon'ble Pandit Madan Mohan Malaviya and the mover, with instructions to report on Tuesday, the 8th instant.

The motion was put and agreed to.

The Council adjourned to Tuesday, the 8th February 1910.

J. M. MACPHERSON,
*Secretary to the Government of India,
Legislative Department.*

CALCUTTA ;
The 8th February 1910. }