

*Friday,  
22nd October, 1909*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

*Council of the Governor General of India,*

**LAWS AND REGULATIONS**

**Vol. XLVIII**

**April 1909 - March 1910**

**ABSTRACT OF PROCEEDING**  
**OF**  
**THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**ASSEMBLED FOR THE PURPOSE OF MAKING**

**LAWS AND REGULATIONS,**

**April 1909 - March 1910**

**VOLUME XLVIII**



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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 & 1892 (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).*

The Council met at the Viceregal Lodge, Simla, on Friday, the 22nd October 1909.\*

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*.

His Honour Sir Louis Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab.

His Excellency General Sir O'Moore Creagh, V.C., K.C.B.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Mr. W. L. Harvey, C.I.E.

The Hon'ble Sir G. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. S. P. Sinha.

The Hon'ble Sir Herbert H. Risley, K.C.I.E., C.S.I.

The Hon'ble Sardar Sundar Singh, Majithia.

ANAND MARRIAGE BILL.

The Hon'ble SARDAR SUNDAR SINGH moved that the Report of the Select Committee on the Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand be taken into consideration.

The motion was put and agreed to.

The Hon'ble SARDAR SUNDAR SINGH moved that for clause 5 of the Bill as amended the following be substituted, namely:—

"5. Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal."

He said that the amendment was intended to bring the wording of the clause into conformity with that of clause 5 as approved by the Select Committee.

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\*NOTE.—The meeting of Council which was fixed for the 8th October 1909 was subsequently postponed to the 22nd October 1909.

[*Mr. Sinha ; Sardar Sundar Singh.*] [22ND OCTOBER 1909.]

The Hon'ble MR. SINHA said :—“ I support this amendment on behalf of the Government. A great deal of misapprehension seems to have arisen with regard to the clause as passed by the Select Committee. Your Lordship will notice that the marginal note to that section is ‘ Non-validation of marriages within prohibited degrees,’ and it clearly was the intention of the Select Committee, by section 5 as they drafted it, to do nothing to affect the validity of any marriages except those prohibited by reason of consanguinity or affinity. I admit that there was some ambiguity in this section which has now been removed by the amendment proposed by my Hon'ble friend. It never was the intention of the Select Committee to prohibit, for example, widow marriages which we all know are perfectly legal among the Sikhs, and it is not the intention that any marriage which is legal now should be made illegal by the present Act, and therefore the amendment now proposed that the restriction should relate only to such marriages as by the customary law of the Sikhs are illegal by reason of the consanguinity or affinity existing between the parties to the marriage.

“ There is one other matter which I should like to explain, with regard to which there has been a great deal of misapprehension. As originally drafted we had the words ‘ personal law of the Sikhs ’ in the section. A good many persons thought that, by reason of the decision of the Privy Council in a recent and wellknown case, that would mean Hindu law pure and simple. That clearly was a misapprehension, and a somewhat inconceivable misapprehension, because the very case which spoke of the personal law of the Sikhs as being Hindu law went on to explain that they meant not merely the law as contained in the Shastras but also customary law. In fact, there is an Act of the Legislature—the Punjab Laws Act, 1872—which makes it perfectly clear that the personal law of the Sikhs means their customary law. However, in order to satisfy people who may still be in doubt about the meaning of the words, we have changed ‘ personal law ’ into ‘ customary law.’ ”

The motion was put and agreed to.

The Hon'ble SARDAR SUNDAR SINGH said :—“ My Lord, before I move that the Anand Marriage Bill may be passed into an Act, I beg leave to say a few words to clear up certain misconceptions as to its scope and object and try to remove all possibility of misunderstanding as to its nature.

“ It has been urged that a Legislative Act is not necessary merely to validate the Anand form of marriage, as such marriages are already recognized by custom and held valid by the Punjab Laws Act. It should not, however, be

[22ND OCTOBER 1909.] [*Sardar Sundar Singh.*]

forgotten that in the case of Sardar Dyal Singh, Majithia, the only case that went up to the Privy Council, it was held that Sikhs were governed by the Hindu law, and it might be contended that this ruling makes the Hindu form of marriage as the only legally valid one for the Sikhs. Then again those who urge the validity of the Anand marriage as a recognised custom in the Punjab as a reason against the passing of the Bill forget that the Sikhs are no longer confined to the Punjab. They have spread not only all over India and Burma, but are to be found in all parts of the world. We have now Sabhas, Dharmshalas and Gurdwaras and an ever-increasing number of Sikhs in the United Kingdom, United States of America, China, British Africa and other parts of the world. The number of Sahajdharis, an important section of the Sikh community, in other parts of India besides the Punjab is on the increase. All these places being outside the Punjab could not be governed by the customary law applicable to the Punjab. Even in our Province the existence of the custom may be challenged in every district and in every case and for every sub-section of the classes from which Sikhs are drawn. The trouble, the expense, the uncertainty which the necessity of obtaining a judicial decision in such cases would entail can be easily imagined. At best it is an uncertain and a wearisome method of dealing with such a vital question as marriage, affecting a whole community.

“My Lord, Sikhism is a monotheistic and a proselytising religion; men of all castes and creeds are welcome into its fold. Sri Guru Amar Das Ji made a condition that those who wished to see him or came to seek his spiritual aid must interline and receive food from a common kitchen before they could be received by him. Sri Guru Govind Singh Ji emphasized this still further, and the disciples at the time of initiation had, and have up to this time, to eat out of a common plate; thus practically abjuring all ideas of the distinction of caste and recognizing Sri Guru Govind Singh Ji as their father and joining the brotherhood as members of one family. The teachings of the Gurus clearly enjoin the discarding of the caste system. Say the Gurus:—

- (1) What is there in caste; truth alone is recognized.
- (2) Look for godliness; challenge not one's caste, for caste availeth not hereafter.
- (3) Worthless is caste and worthless (conceit of) name.
- (4) Be not proud of caste, oh ignorant fool; this caste leads to innumerable evils.

[Sardar Sundar Singh.] [22ND OCTOBER 1909.]

"I am sure Your Excellency and my Hon'ble Colleagues will agree that a proselytising religion like that of the Sikhs, which draws converts from all castes and creeds, cannot be ruled for ever by the Shastric law. The latter does not cover the case of men and women drawn from other religions and communities into the all-embracing fold of Sikhism, bringing their own personal law with them. Hindu law does not recognize them. Naturally in such cases custom plays a great part, and unless it is recognized by a Legislative Act it can be challenged in every case, leaving the Sikhs the long and weary task of building up, by expensive litigation, a fabric of 'custom judicially established.' As has been wisely observed by the Punjab Government, 'legislation which has for its object the resolving of doubts which embarrass and perplex a whole community in connection with one of the most important observances of civil life can hardly with justice be stigmatized as unnecessary.'

"My Lord, it has been said that the Bill when it passes into law will not be any advance on the marriage law which prevails at present. The opinion expressed by the Hon'ble Justice Shankaram Nair of the Madras High Court that—

- (a) there should be some age limit,
- (b) polygamy expressly prohibited,
- (c) some kind of evidence of marriage prescribed,
- (d) laws of divorce made clear, and
- (e) imprisonment for restitution of conjugal rights done away with,

is worthy of all respect and is probably shared by a large number of enlightened members of the Sikh community. But social reform among the Sikhs is not confined to an educated few; it affects the entire mass of the Sikh population, and as long as there is not a general desire on the part of the whole Sikh community for such social legislation as is indicated by the Hon'ble Justice Nair it will not be right for us to ask for social legislation of the kind. Reforms like these are certainly dear to our heart, but these ought to be carried on for a sufficient length of time before their recognition can be sought for at the hands of the Government. It would not do to force reforms which may be considered as mere innovations by those for whose benefit they may have been intended. Let us hope that with the expansion of female education amongst the Sikhs the desire for a higher kind of marriage law will grow and express itself, and the present Act may serve as a framework for building up a marriage law worthy of a God-fearing and progressive community like that of the Sikhs.

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“ My Lord, since the Report of the Select Committee has been published it has been said by some critics that the Act does not go far enough ; that sections 4 and 5 are undesirable ; that the term ‘ Sikh ’ has not been defined. The Select Committee considered it necessary to insert clause 4 to make the permissive nature of the Bill clear. No form of marriage can, in a community like ours, well be made obligatory, and it is but just that the doubts of those, who some how or other cannot distinguish between an idolatrous custom which by the way is not in consonance with the monothcistic teachings of the Gurus and a purely rational rite which is totally in consonance with the teachings of the Gurus, should be for ever set at rest.

“ Section 5—it was feared—would stand in the way of inter-marriages between the different sections of the community, and has, with Your Excellency’s kind permission, been so modified as to meet the objection. The term ‘ Sikh ’ as used in this Act, to my mind, includes the Sahajdharis, Keshadharis and all those who believe in the teachings of the Sri Guru Granth Sahib as their religion, and I hope that I shall be supported in this view by my Hon’ble Colleague the distinguished Law Member.

“ My Lord, the Bill before the Council is a small and a harmless measure. It is permissive in its nature ; it creates no new rights ; it legalizes no new ceremonies ; nor does it disturb any established customs, rights or ceremonies. I have already pointed out in my introductory speech on the 27th August 1909 that the form of the Anand marriage dates almost from the rise of the Sikh people ; that it received sanction from Sri Guru Amar Das Ji, the third Guru of the Sikhs, and is not a new idea as some people allege.

“ My Lord, the Bill has been nearly a year before the public. It has not gone uncriticised, but on the whole has received general support from officials, non-officials and the Sikh public. In the words of the Punjab Government, ‘ persons from the Raja of Jhind to the village chaukidar ’ have spoken in its favour. More than one hundred and twenty Sikh public bodies have expressly written in its favour, and in addition to this a very large number of petitions containing many thousands of signatures have been submitted to Your Excellency’s Government in its support. The Chief Takhts and Gurdwaras of the Sikhs have given their warm support to the Bill. The Manager of the Golden Temple has also expressed an opinion in its favour. On the whole there has never been such unanimity over a private Bill. Some of the Pujaris and Grunthis of Amritsar, probably having misunderstood the nature and scope of the Bill, have raised certain objections ; but these have been amply met and

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explained in different other representations coming from the Pujaris of the Golden Temple itself, other Gurdwaras and other religious Bhaikhs of Amritsar and Tarantaran under the signatures of a large number of signatories received by Your Excellency's Government. The opposition, small as it is, appears to have laboured under a misapprehension as to the scope of the Bill and its necessity. The Statement of Objects and Reasons appearing above the signature of the Tikka Sahib of Nabha defines clearly the scope of the Bill. Its object is (a) to set at rest doubts which may be raised as to the validity of the marriage rite of the Sikhs called Anand, which is an old form of marriage prevailing amongst them, (b) to save the Sikhs performing marriage in this form from great difficulties and heavy expenses of litigation in Civil Courts to prove their custom, and (c) to avoid the uncertainty that some of the judicial officers may have as to the validity of this orthodox Sikh custom. It is therefore desirable to set all doubts at rest by passing this enactment merely validating an existing rite and involving no new principles.

" My Lord, the Bill is merely a permissive measure ; it affects only those who wish to avail themselves of it and disturbs no custom, law or tradition. The thanks of the Sikh community are due to Your Excellency for the permission to introduce the Bill ; to His Honour the Lieutenant-Governor of the Punjab for his kind support ; and to the Tikka Sahib of Nabha for his solicitude for his people. Last, but not the least, my thanks are due to the Hon'ble the Law Member for his co-operation and moral support. His presence in the Council is not only a source of strength to a foreign Government but inspires confidence in all classes of the community and is a guarantee of the wholesomeness of any social legislation which has his valuable support.

" The Bill, though simple in character, indicates an advance on the ordinary Hindu marriage ; the recognition of widow marriages, and the performance of the same ceremony as in other marriages in the case of widow marriages is a gain not lightly to be passed over. The explanation of the sacred and solemn import of the marriage and of the duties of married life, and the personal and spiritually solemn contract between the parties made in the presence of the Guru Granth Sahib Ji which generally forms part of the Anand ceremony of marriage, raise it far above the level of other ceremonies which have degenerated into empty rituals and unmeaning recitations so far as the persons principally affected are concerned. The reduction of the marriage expenses and the simplification of the whole ceremony is a moral gain which I venture to say is of no small value.



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"Now, my Lord, it only remains for me to formally move that the Bill may be passed into law. I can safely say that Your Excellency by giving the measure your assent will be gratifying the wishes of the vast majority of the Sikh community including the very flower of the native army, and would help the cause of social, moral and economic reform among the Sikhs. I trust that in the ripeness of time the seed of reform sown under the kind auspices of Your Excellency will grow and prosper and serve to remove all social disabilities and work for the establishment of equal rights of men and women alike. I need hardly say that Your Excellency shall for ever be remembered by the Sikhs, the loyalest and the bravest soldiers of the Empire, with feelings of unflinching gratitude.

"I move that the Bill, as now amended, be passed."

The Hon'ble MR. SINHA said:—"There is only one word I should like to add to what has fallen from the Hon'ble Member in charge of the Bill, and that is with reference to section 3. A good deal of criticism has been directed towards this section, and we have had a number of applications made to us for the purpose of enumerating, so to speak, different classes of Sikhs under that section. It was obviously impossible for us in the Select Committee to accede to the suggestion and we thought it was not necessary, because I find from the decision of the highest Courts in the country that the word 'Sikh' includes the various classes of Sikhs. To attempt to enumerate them all or to put them into any one class was, the Select Committee thought, absolutely unnecessary and in fact dangerous and contrary to the interests of the persons concerned."

The Hon'ble SIR HERBERT RISLEY said:—"My Lord, as a member of the Select Committee which has given its final shape to the Bill, I desire to say a few words on two points. One is the proposal that was made to us that the ceremony of marriage should be defined in the Bill, and the other is the proposal to which the Hon'ble the Law Member has just referred that the term 'Sikh' should also be defined. Now as regards the question of the marriage ceremony, it happens to be a subject to which I have given a good deal of attention. I have been present at Hindu marriages and have written minute descriptions of several kinds of ritual. The first thing that strikes one is how extremely fluid and variable the ceremony is and what difficulty there is in determining which is the most material portion of it. Some authorities say that the essential factor is the seven steps taken by the bride round a sacred fire; others that the

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validating portion is the smearing of vermilion on the forehead at the parting of the bride's hair; others again say that the important thing is the binding together of the wrists of the bride and bridegroom. Over and above these there are numerous ceremonies, known by the generic term of *stri achar*, which are usually performed in the female apartments of the house. If the ritual were set out in the Bill, it would be open to any one to say that the most minute portion of the ceremony is essential and that its omission will invalidate the marriage. This is no imaginary objection. I remember many years ago trying a very big and important civil case. One of the main issues in the case was whether a particular lady had been validly married or not. A mass of evidence was given, elaborate text-books were cited, witnesses were cross-examined on the question of how many steps were taken by the bride, whether the fire was properly prepared, whether the materials were really sacred, whether the proper amount of vermilion had been smeared on her forehead, and so forth. I submit, Sir, for these reasons that it would be absolutely out of the question for us to attempt to embody in this Bill anything so complicated and variable as marriage ritual is bound to be.

"Now, as to the second point, the definition of Sikhs. Several parallel questions came before me when I was Census Commissioner for India. There is, for example, a very large and influential body in Bombay known as Lingayats, who started with the humanitarian doctrine that all men are equal, or at any rate for the purposes of the Lingayat sect ought to be equal. Later on the idea of caste came in, and when I was concerned with the question they sent in memorials asking that Lingayats should be entered not as such but that each and every kind of Lingayat, such as Brahmans, Kshatriyas, Vaisyas, and so forth, should be separately shown in the census. I declined to entertain the idea for very much the same reason for which I think we are right in declining to enumerate the varieties of Sikhs, namely, Sahajdharis, Amritdharis, etc., in this Bill. If you proceed by way of enumeration, you leave it open to anybody to contend that a person who does not belong to one of the categories named in the Bill is not a proper Sikh. And from what one knows of the history of the Sikhs, and from what my Hon'ble friend has told me lately of Sikhism, it was originally a brotherhood of men whose belief was that all men were equal. Later on, under the influence of the Dogra rulers of the Punjab, the idea of caste crept in and broke them up. They now desire—and perhaps this Bill will promote that end—to restore the ancient purity of the original faith; they desire to make themselves into a united community containing the germ of nationality and no longer split up into castes. That ideal is in accordance

[22ND OCTOBER 1909.] [*Sir Herbert Risley; the Lieutenant-Governor.*]

with the general trend of modern feeling in India; it is an ideal that makes for union and not disunion, and on that ground it may claim to command our cordial sympathy."

His Honour THE LIEUTENANT-GOVERNOR said:—"My Lord, after the full explanation of the objects and reasons for this Bill which has been given by the Hon'ble Sardar Sundar Singh, and the remarks which have fallen from the Hon'ble Law Member and the Hon'ble Sir Herbert Risley, I do not desire to weary the Council with general remarks which for the most part would be a repetition of what has already been stated in the letter of 20th April 1909 from the Government of the Punjab. I then recognised that, though it was almost voiceless, there was a party in the Sikh community opposed to the Bill, and that this party consisted mainly of Sikhs taken from the higher Hindu castes, and that it was probably not unimportant in numbers or influence, though it had not then come forward to denounce the measure.

"It is usually the reformers who are most active and vocal in pushing their proposals, while conservative opinion, especially in this country, is not so quick to make itself known. The discussions about the Bill have shown how well organised is the Sikh reform party. The word goes forth and petitions practically identical in substance pour in from all parts of the world. The conservatives only move later, but their opinion is none the less important, though it is not so easily ascertained, and it is not so liable to sudden changes as that of a party advocating new ideas and largely directed from a common political centre. The experience gained in the controversy which has arisen over the measure shows how careful we must be not to take the public utterances of a reforming party as the opinion of the whole of a community. Here apparently the Sikhs were unanimous in favour of the original Bill, but those in touch with the people knew that such was not the case, and very prudently, I venture to think, a provision was inserted making it clear that the Anand ceremony was not obligatory on all Sikhs. Some of the reformers cry out for the removal of this provision, and I am afraid that their object must be to endeavour to impose their views on all their co-religionists, as otherwise the existence of the provision is not only harmless but beneficial as resolving doubts, which is the main purpose of this legislation. Difficulties have already arisen as to the position of persons married by the Anand ceremony at the Darbar Sahib at Amritsar, the centre of the Sikh faith, and it would be fatal to accentuate those difficulties, which might split the whole Sikh community on a vital point, by trying to give this Bill a more obligatory turn, as some of the reformers apparently desire, by omitting clause 4 and styling the measure the Sikh Marriage Act.

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"At the same time I must confess that my sympathies are largely with the promoters of the Bill, for the reasons that it marks an important step in social reform and that it may bring about a possible, nay probable, decrease in marriage expenditure, which is one of the main causes of indebtedness in this Province. I join Sardar Sundar Singh in regretting that it was not possible in this measure to raise the age of marriage under the Anand ceremony, and to provide a system of marriage registration. On these points, however, we must have regard to the silent opinion of the masses of the community, and we must wait until that opinion has unmistakably declared itself in favour of these reforms. As, however, the Anand ceremony is not necessarily preceded by a formal betrothal, it is more difficult to prove such a marriage than an ordinary Hindu marriage of the orthodox type. Registration of such marriages is therefore very desirable, and I hope that the leaders of Sikh opinion will soon see the necessity for resorting to some such form of registration as has been successful in the case of somewhat similar Muhammadan marriages in the south-western portion of the province, where District Boards have undertaken the maintenance through qualified persons of marriage registers with the result of saving the people much civil and criminal litigation with its accompanying evils.

"A description of the Anand ritual in a permissive and enabling measure of this type would be out of place and embarrassing, and I am glad that the Select Committee have not acceded to the requests of some of the opponents of this Bill, who apparently desired to introduce a further element of doubt and discussion by defining ritual in a civil measure.

"One very important matter has been noticed by the Hon'ble Member in charge of the Bill, and that is what is meant by the term Sikh. The introducer of the Bill, the Tikka Sahib of Nabha, had no doubt on the point, and no more had his supporters or the Punjab Government in suggesting that the measure should be admitted to Council. All these authorities, then, clearly recognised that the term included all persons who belonged to the Sikh faith and took the tenets of their religious belief from the writings known as the Sri Guru Granth Sahib. Many of the principal supporters of the Tikka Sahib were Sahajdhari Sikhs, or those who have not taken the *pahul* and become Singhs. Some of the leading men who have been married in recent years by the Anand rite belong to the same class. There are numerous sub-sections of the Sikhs, as there are of every other religious creed in the world, but all are Sikhs if they accept the fundamental test of the religion and base their belief on the teachings of the Sikh Gurus as embodied in the Granth Sahib.

[22ND OCTOBER 1909.] [The Lieutenant-Governor.]

"Why the idea should have arisen that all persons other than Singhs would be excluded by the wording of the Bill from its benefits I am at a loss to understand. However, I trust that after the explanations given all doubts on the point will be removed, and that any Sikh or religious follower of the Gurus will be free to adopt the Anand ritual, if he so desires, without risk of the validity of his action being called into question.

"The slight modification made in clause 5 of the Bill seems desirable in view of doubts generally expressed as to the construction which the Courts might put upon the phrase 'the personal law of the Sikhs,' and as to the meaning of the clause as originally drafted.

"Finally, I would only refer to the opinion, which has been expressed by some of the advanced reformers and also by some of the Sikhs who desire to adhere to more conventional forms, to the effect that it would be better to drop the Bill than to pass it in its present form. In April last I foresaw that there might be trouble over the measure, and the Government of India was addressed to the following effect :—

'In conclusion, I am to say that in Sir Louis Dane's opinion the Tikka Sahib's Bill, with such minor amendments as have been suggested above, has behind it the popular support of the vast majority of the Sikh community, that it in no way infringes the civil, social or religious rights of the minority who are opposed to it, that it affords the basis for a valuable social reform in the direction of the reduction of marriage expenses, and that from a legal point of view it is, if not strictly necessary, at any rate harmless, and may prevent very costly and widespread litigation. It is perhaps unfortunate that the Tikka Ripudaman Singh should have raised the question at all, but as he has done so, and as he is supported by the great body of his co-religionists, and as it would probably cause serious popular discontent if no action is taken in the matter of the Bill, the Lieutenant-Governor considers that it should be passed into law.'

"I have nothing to add to those remarks. I believe that the opinion of the great mass of the Sikh community is in favour of the measure, which is a compromise between the views of the more advanced reformers and the ultra-conservative section. It will be a pity if the people get the idea that the legislative machinery of Government cannot help them in their difficulties, or that the clamour of a noisy minority is sufficient to divert and obstruct the wish of Government to give effect to a measure embodying a social reform desired by the great majority of a given community. The Anand form of marriage is practised already; it is decent, decorous and distinctive; and the controversy that has arisen shows that there is a disposition in certain quarters to question its validity. The case for legislative action then seems to be made out, and

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speaking with a full sense of responsibility as the Head of a Province of which the Sikh community is one of the most distinguishing and distinguished features, I can only say that I should regard it as unfortunate if this permissive and doubt-resolving measure were not now to become law."

The motion was put and agreed to.

### CENTRAL PROVINCES COURTS (AMENDMENT) BILL.

The Hon'ble SIR HERBERT RISLEY moved for leave to introduce a Bill to amend the Central Provinces Courts Act, 1904. He said:—"The legislation which it is now proposed to undertake has formed the subject of discussion with the Local Government for some years past. The general development of the Central Provinces, and in particular the growth of commercial interests and industrial enterprise, have added to the bulk of litigation and to the intricacy of the cases that come before the Courts. It has already been found necessary permanently to strengthen the Court of the Judicial Commissioner by two additional Judges. The Bill accordingly declares that the Court shall consist of three Judges and further takes power for the Governor General in Council to add to their number. This declaration will give to the additional Judges the position of Judges of the High Court for the Central Provinces and will render applicable to the Court the provisions of sections 377 and 378 of the Code of Criminal Procedure which require the concurrence of two Judges for the confirmation of death sentences. In order to guard against a conflict of rulings and to secure final decisions on matters of importance, provision is made for the reference of certain classes of questions to a Bench of two or more Judges, and for the hearing by such Benches of important cases in the manner that has been found to work well in Burma. The growth of civil judicial business has also rendered it necessary to enlarge the original jurisdiction of the Munsifs and Subordinate Judges. The pecuniary limits of this jurisdiction in the Central Provinces have hitherto been lower than in most other parts of India, but the personnel of the lower Courts has recently been greatly improved, and it is thought desirable to extend their powers."

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 Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and in the Central Provinces Gazette.

The motion was put and agreed to.

[22ND OCTOBER 1909.] [The President.]

*Reformed Councils.*

His Excellency THE PRESIDENT SAID :—“ I do not know if my Hon'ble Colleagues have realised that today's meeting of Council is the last occasion upon which we shall assemble in accordance with the organisation which has existed for nearly 48 years.

“ The first Legislative Council met in January 1862, in the time of Lord Canning, and today we can look back upon the administration of 13 Viceroys who, with the assistance of the ablest colleagues that the Indian Civil Service and the Army could produce, have ruled India for nearly half a century.

“ In 1892, as you are aware, the original Councils and the character of their composition were considerably altered, and we are now about to make a still further advance in our machinery under the Indian Councils Act of 1909, based upon greatly enlarged Councils and a much wider recognition of elective principles. We may, I think, look back with just pride on the great services our predecessors have rendered to India always under the strain of very heavy work and often in the face of great difficulties, and I earnestly hope that we may be able to follow worthily in their footsteps supported by the ever-increasing trust and assistance of the people of India.”

The Council adjourned *sine die*.

J. M. MACPHERSON,

*Secretary to the Government of India,*

*Legislative Department.*

SIMLA;

*The 26th October 1909.*

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