

*Friday,
27th August, 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



Published by Authority of the Governor General.



CALCUTTA :
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1910

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 27th August, 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 W. Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., G.C.S.I., G.C.I.E., Commander-in-Chief in India.

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

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 Mr. W. R. H. Merk, C.S.I.

The Hon'ble Sardar Sundar Singh, Majithia.

NEW MEMBER.

The Hon'ble SARDAR SUNDAR SINGH took his seat as an Additional Member of Council.

ANAND MARRIAGE BILL.

The Hon'ble SARDAR SUNDAR SINGH said: "My Lord, in begging leave to move that the Bill to give legal sanction to a marriage ceremony common among the Sikhs called 'Anand' be referred to a Select Committee, I would with Your Excellency's permission make a few short cursory remarks about it.

"I deem it incumbent upon me to mention that the credit for this useful measure is mainly due to the Hon'ble Tikka Sahib of Nabha, who has laboured unremittingly to work it up and to invest it with such interest as to command almost universal approval from the Sikh community both high and low.

[*Sardar Sundar Singh.*] [27TH AUGUST 1909.]

"The ceremony was initiated by the third Guru of the Sikhs, Guru Amar Das Sahib, and the marriages of Bhai Kamlia and Matho Murari were performed in accordance therewith in the time of the third and fourth Gurus, the last of whom composed the four *Lanwans* in the Suhi Rag of the Guru Granth Sahib, the sacred book of the Sikhs. A complaint was made to Emperor Akbar and the third Guru sent his son-in-law, Guru Ram Das, to the Emperor's court. After due enquiry the ceremony was held to be legally valid, and it remained in force ever since. The sixth Guru's daughter, Bibi Viro, was married in accordance with this rite, and up to this time in the village of Chabbal (District Amritsar) every year a fair is held to commemorate this event, and on this occasion *Lanwans* are recited. Only during the reign of Maharaja Ranjit Singh this ceremony fell into partial disuse, but all the same, while it received a check from the indirect Brahminical influence of the time, it survived, though fortunately for us, in the form of widow remarriages, merely because such marriages were not recognised by the Hindu law. It however remained in vogue amongst the four sects of the Sikhs—Bihangams (Nihan Singhs), Bandaies (followers of Baba Banda), Narankaris (the sect named after Guru Nanak Niran Kari), and last of all in the Nam Dharias (the followers of Baba Ram Singh). A revival has again set in, and since the last thirty years or so several marriages have taken place in accordance with this ceremony. Among those who have performed their marriages in accordance with this rite may be counted Rajas, Sirdars, Jagirdars, Sants, Pujaris, Guru Ans (descendants of the Gurus), military officers, agriculturists and professional gentlemen. These marriages have been duly notified in the Sikh papers from time to time.

"My Lord, this form of marriage is one of the most popular forms of marriage among the Sikhs, and being simple and inexpensive is, from the point of view of economy, likely to become general among the Sikhs. Why it has not become so up to this time is due to the doubts that have been thrown upon it by interested parties as to its validity in case the marriage custom were ever to be questioned in a Law Court.

"My Lord, the Sikhs being monotheistic in belief, it is difficult for them, nay it is even against their religious belief, to follow idolatrous forms. A perusal of the opinions and petitions received in the Legislative Department of the Government of India show that the measure has had almost universal support. I observe that only a very small number of persons have sounded a dissenting note. I will, if need be, deal with their objections in the later stage of this Bill.

[27TH.AUGUST 1909.] [Sardar Sundar Singh; the Commander-in-Chief;
Mr. Miller.]

and would not, at present, take up Your Excellency's and my Hon'ble colleagues' valuable time.

" My Lord, it is necessary to save the poor and most backward Sikh community, the loyal subjects of His Majesty the King-Emperor, from the ruinous effects of litigation and also from the rather provoking insinuations of some interested parties who do not hesitate to question the legitimacy of the offspring of such marriages.

" Finally I beg leave to say that the provisions of the Bill in their present form are only permissive and I am unable to guess the reasons of those who have dissented from the provisions of a legislative measure which has the support of high Government officials, and in the words of the Punjab Government letter is 'harmless' and likely to 'prevent very costly and widespread litigation'.

" My Lord, the resolutions submitted speak eloquently of the gratitude of the whole Sikh community from the Ruling Chiefs down to the lowest rank of society to Your Excellency's sympathetic and kind Government, and I need not say that the Sikhs look fervently to the day when this Bill will become law.

" With these brief remarks I beg leave of Your Excellency to move that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Sinha, the Hon'ble Sir Herbert Risley, the Hon'ble Mr. Merk and myself."

The motion was put and agreed to.

INDIAN VOLUNTEERS (AMENDMENT) BILL.

His Excellency THE COMMANDER-IN-CHIEF moved that the Bill further to amend the Indian Volunteers Act, 1869, be taken into consideration.

The motion was put and agreed to.

His Excellency THE COMMANDER-IN-CHIEF moved that the Bill be passed.

The motion was put and agreed to.

DOURINE BILL.

The Hon'ble MR. MILLER said : " My Lord, I move for leave to introduce a Bill to provide for the prevention of the spread of Dourine, a disease which affects

[*Mr. Miller.*]

[27TH AUGUST 1909.]

equine stock used for breeding purposes. In Europe and America it has been necessary to introduce stringent restrictions to check this disease; but it is only in recent years that its existence in India has been definitely established. In 1903 the question of adopting measures to prevent its spreading was brought before the Government, and it was proposed to schedule the disease under the Glanders and Farcy Act. This could not however be done, as dourine, though dangerous, is a contagious and not an epidemic disease within the meaning of section 2 of that Act. It was also considered advisable that further enquiries should be made before any legislation was attempted, and an investigation was accordingly conducted in 1905 in the Punjab and the western districts of the United Provinces by Colonel Pease, who was then Principal of the Lahore Veterinary College, and whose authority is well known. The investigation showed conclusively that the disease existed in various parts of these Provinces, that it had been the cause of much loss of valuable animals and that it threatened seriously to affect the success of horse-breeding. Enquiries have since been made in other parts of the country, and these have fortunately shown that the existence of the disease has not as yet been detected in most Provinces. It is however of so serious a character as to make it necessary to have power to deal with it in any local areas where it may be found to exist; and a draft Bill was accordingly prepared and circulated to Local Governments for their opinion. This Bill, with the modifications thought necessary to meet the criticisms received from Local Governments, is the measure which I now ask leave to introduce. It is a purely permissive measure, and does not come into force except in areas in which a Local Government may think it necessary to direct that it should be applied. When brought into force it gives the Local Government certain powers for the registration of horses used for breeding purposes as well as for the appointment of veterinary Inspectors with powers of search and examination, and of veterinary practitioners with powers extending in certain cases, and with the approval of higher authority, to ordering the destruction of animals affected. At the same time, in order to prevent any hardship to private owners and to secure, as far as possible, their co-operation in the measures for detecting the disease and preventing its spread, provisions are included for the grant of pecuniary compensation, where loss may have been caused by the action taken under the powers given by the Bill."

The motion was put and agreed to.

The Hon'ble MR. MILLER introduced the Bill.

The Hon'ble MR. MILLER moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in

[27TH AUGUST 1909.] [Mr. Miller; Sir Guy Fleetwood Wilson.]

English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

INDIAN PAPER CURRENCY BILL.

The Hon'ble SIR GUY FLEETWOOD WILSON moved for leave to introduce a Bill to consolidate and amend the law relating to the Government Paper Currency.

The motion was put and agreed to.

The Hon'ble SIR GUY FLEETWOOD WILSON said: "My Lord, I beg to introduce a Bill for the amending of our Paper Currency law. This Bill is necessitated by the new policy in regard to the universalization of currency notes which I indicated in my Budget speech. With one important exception, our currency notes have hitherto been issued from separate circles, and are, generally, current only within these. We have four main circles of issue, whose head-quarters are, respectively, at Calcutta, Madras, Bombay and Rangoon. But there are also sub-circles of issue, with head-quarters at Lahore, Cawnpore, Karachi and Calicut, and notes issued there are cashable not merely at the sub-circle offices in question, but at the head office to which each sub-circle is attached, Cawnpore and Lahore being, for this purpose, ancillary to the head office at Calcutta, Karachi to that of Bombay, and Calicut to that at Madras.

"The exception I noticed just now is in respect to the five-rupee note. In 1903 we made this universal outside Burma, *i.e.*, a five-rupee note could be encashed at any Currency office in India proper, and in 1909 we extended this privilege to the Burma notes also, so that a five-rupee currency note is now universal, as regards circulation and encashment, throughout British India. We now, as I indicated in my Budget speech, propose to take a large further departure in this direction. We desire to make the ten-rupee and the fifty-rupee currency notes similarly universal, and we take power in the Bill now put before the Council to adopt a like method in regard to notes of even higher value, should circumstances render such action desirable. We do not propose to universalize the twenty-rupee note; its circulation is small, and it makes no progress; it is frequently confused with the ten-rupee note; and it enters into undesirable competition with the sovereign, the circulation of which in India we desire to see increased. We do not propose to call in any of these

[*Sir Guy Fleetwood Wilson.*] [27TH AUGUST 1909.]

outstanding twenty-rupee notes, but we shall issue no more of them, and as those now in circulation come back to us, they will not be reissued.

“The important concession to the public involved in the universalization of the ten-rupee and fifty-rupee notes will involve additional strain on our Currency balances, and we think it legitimate and desirable to counter this to some extent by doing away with the former privilege of encashing non-universal notes issued from sub-circles at the head circles to which these belong. Hereafter, the sub-circles at Lahore, Cawnpore and Karachi will become independent circles, and non-universal notes issued from these will in future only be cashable within them. We propose, however, that notes issued within these sub-circles before the passing of the new Bill should be encashable as formerly at their respective head offices.

“The transactions of the Calicut sub-circle are now on so small a scale, that we have decided to close it. Any notes issued from Calicut prior to such closure will, however, be encashable in Madras. Concomitantly with these arrangements, we propose, as I indicated in my budget speech, to withdraw the special concessions by which notes of other circles are received in payment of Government dues, and at railways and post offices. The universalization of the ten-rupee and fifty-rupee notes will obviate inconvenience arising from these arrangements. At the same time we intend, to prevent any possible inconvenience to inland trade by the new conditions, to lower our rates for Treasury and Currency transfers as soon as the present Bill becomes law. The arrangements I have just mentioned are, however, matters for executive action, and have not, therefore, been dealt with in the Bill.

“The policy which I have thus sketched out has been decided, upon after consultation with the Presidency Banks, the Exchange Banks (through their associations in Calcutta and Bombay) and important Chambers of Commerce, and has evoked general approval from all these. But in order to obtain further elicitation of public opinion, I propose merely to introduce the Bill in Simla. It will then be published for general information, and no further steps towards its passing into law will be taken until the next Calcutta session. The amendments which the Bill introduces in the existing law have been, I think, sufficiently explained in the Statement of Objects and Reasons, and I need not, therefore, take up the time of the Council in alluding to them now. I will only say that we are not altering our general Currency policy, and that the legislation now proposed merely provides the necessary instrument for giving effect to the larger universalization

[27TH AUGUST 1909.] [*Sir Guy Fleetwood Wilson.*]

of currency notes which I have now explained; a policy which has already been so well received by the public."

The Hon'ble SIR GUY FLEETWOOD WILSON moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 10th September 1909.

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

SIMLA; }
The 27th August 1909. }