

Saturday, 28th June 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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Bills, it might be convenient to reserve the discussion until a subsequent stage of the Bills, and allow them now to be read a second time and published, so that they might be considered by the communities which were affected by them, and also by the several local Governments. The Council would, in that case, have the benefit of any suggestions which might be offered by those communities and Governments, and also of the Report upon them of the Select Committee to whom the Bills might be referred. It appeared to him that the discussion would be of a more practical character if raised in Committees of the whole Council, when the Bills should have been prepared in the form in which they would be proposed to be passed.

The motion was agreed to, and the Bill read a second time.

MUNICIPAL ASSESSMENT (MADRAS).

MR. ELIOTT moved the second reading of the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras."

The motion was agreed to, and the Bill read a second time.

MUNICIPAL ASSESSMENT (STRAITS SETTLEMENT).

MR. ALLEN moved the second reading of the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

The motion was agreed to, and the Bill read a second time.

MR. ELIOTT moved that the three Municipal Bills read a second time to-day, be referred to a Select Committee consisting of Mr. Allen, Mr. LeGeyt, Mr. Currie, and the Mover.

Agreed to.

AFFIDAVITS, AFFIRMATIONS, AND SOLEMN DECLARATIONS

MR. PEACOCK moved that the Bill "to improve the law relating to affidavits, affirmations, and solemn declarations" be referred to a Select Committee consisting of Mr. Allen, Sir Arthur Buller, and the Mover.

Agreed to.

NOTICE OF MOTION.

MR. CURRIE gave notice that, on Saturday next, he would move the second reading

Mr. Elliott.

of the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

The Council adjourned.

Saturday, June 28, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

His Excellency the Com- mander-in-Chief, Hon. J. P. Grant, Hon. B. Peacock,	D. Elliott, Esq., C. Allen, Esq., E. Currie, Esq. and Hon. Sir A. W. Buller.
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MARRIAGE OF HINDOO WIDOWS.

The CLERK presented two Petitions from Inhabitants of Ahmednuggur against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows".

MR. GRANT moved that the above Petitions be printed.

Agreed to.

CATTLE TRESPASS.

Also a Petition signed by the Members of the Indigo Planters' Association, praying for certain alterations in the Bill relating to Cattle Trespass, and that the Bill so altered might be speedily passed.

MR. CURBIE moved that the Petition be printed.

Agreed to.

HINDOO POLYGAMY.

Also a Petition from the Maha Rajah of Burdwan against Hindoo Polygamy.

The Petition stated—

"That, according to the doctrines of the Hindoo Law, every Hindoo is required to marry one wife, but is authorized, in the event of certain contingencies, and on certain conditions, to marry a second, third, or fourth time. The contingencies and conditions are specified in the Laws of Menu, whose authority in such matters is paramount, it being expressly declared that the authority of no sage, or legislator, can be recognized if at variance with his doctrine.

That it has become the practice in Bengal to marry several wives without regard to the restrictions imposed by the Hindoo Law. The practice obtains specially among the class of Brahmins called Coolins. Although the sacred writings of the Hindoos recognize no distinctions among the Brahmins, or even the classes below them in rank, Rajah Bullai Sen, a little time before the Mahomedan conquest, established distinctions among the Brahmins and Kaysths, by which a portion of them, under the name of Coolins, were declared to be superior to the rest of their tribes. These distinctions, rendered general in course of time among all classes of Hindoos by the sanction of example, have been universally adopted in

Bengal, and are to the present day scrupulously followed, and to them may be traced those enormous abuses of the Marriage institution which your Memorialist deploras.

That the Coolins among the Brahmins are by these modern innovations on Hindooism prohibited, under pain of degradation, from marrying their daughters to Brahmins of an inferior class. On the other hand Brahmins of the inferior classes are anxious to marry their daughters to persons of the superior class, and pay large sums of money to secure such alliances. The evils which result from the prevalence of these notions, which are at once absurd and contrary to the sacred writings, are numerous and flagrant. Those Coolins who cannot get persons of equal caste willing to effect matrimonial alliances with them, nor afford the large marriage gratuities which are demanded, are obliged to let their daughters arrive at old age without being married. Inferior Brahmins are unable to get wives from inability to pay those large gratuities, and many of them are forced to sell the whole of their property for the purpose. Coolin Brahmins never marry without receiving large donations, and multiply wives for the sake of obtaining those gratuities, without knowing or caring what becomes of the women to whom they are united by the most solemn rites of their religion. They have been known to marry more than a hundred wives each, and it is customary with them, immediately after going through the nuptial ceremonies and receiving their gratuities, to leave the houses of the girls they have married, never to see their faces more. Again, the Coolins of some of the Soodra castes enjoy the privilege of disposing of their sons and daughters in marriage for large gratuities, and instances do not unfrequently happen of children only six months old being thus given away.

That the state of a Society in which such opinions and practices prevail may be readily imagined. Marriage is a traffic. So far from being entered into as the most solemn transaction of life, calling into exercise the purest affections of the heart and furnishing the readiest sources of domestic comfort and happiness, and to be regarded as an indissoluble engagement, except in cases of failure of the objects of the institution, the Coolins marry solely for money and with no intention to fulfil any of the duties which marriage involves. The women who are thus nominally married without the hope of ever enjoying the happiness which marriage is calculated to confer, particularly on them, either pine away for want of objects on which to place the affections which spontaneously arise in the heart, or are betrayed by the violence of their passions and their defective education into immorality. To conceal the effects of their vices the practice of abortion is extensively resorted to, the inmates of the family being but too willing to afford their aid towards removing the infamy which would attach to them, and that even at the hazard of destroying the life of the guilty mother with that of the unborn child of sin and shame. These abortions, though more commonly practised than can be imagined, are carefully concealed by the family even from the knowledge of the neighbours; and if concealment becomes impossible, the neighbours and tenantry are strictly cautioned against divulging them. So strict are

the precautions taken, that the Police are quite ignorant of deeds of darkness that are committed around them, and the most vigilant Magistrates would be baffled in their attempts to penetrate the veil which covers these atrocities.

That your Memorialist is assured that every feeling of humanity will make your Honorable Council anxious to suppress evils of such magnitude, and it is therefore incumbent on him to point out the means by which crimes of so deep a dye may be prevented, and the rights of humanity supported. The obvious remedy is to enforce strictly the Rules of the Hindoo Law on the subject, and, in accordance therewith, to pass a Law, the provisions of which may appear to your Honorable Council to be calculated to repress the existing evil, as above pointed out.

That the remedy, though obvious and perfectly consistent with the Hindoo Law, cannot, in the disorganized state of Hindoo Society, be applied by the force of public opinion, or any other power than that derived from the Legislature.

Your Memorialist therefore appeals to the humanity of your Honorable Council to deliver the Hindoos of Bengal from the opprobrium which hangs over them, and the females of that community from the ruin and degradation entailed on them by the practice of polygamy and its attendant crimes."

The Clerk also presented the following Petitions, which were to the like effect, namely—

A Petition of the Rajah of Nuddea.

A Petition of the Rajah of Dinagepore.

A Petition of inhabitants of Calcutta.

A Petition of Hindu Assistants attached to the principal public and other Offices in Calcutta.

A Petition of Issur Chunder Biddasagore and others.

A Petition of inhabitants of Bhowanipore and Allipore.

A Petition of Kassessur Mitter and other inhabitants of Hooghly.

A Petition of Unnodapersaud Bannerjee and other inhabitants of Hooghly.

Two Petitions of Sibnarian Roy and other inhabitants of Hooghly.

A Petition of inhabitants of Kishnagur.

A Petition of Joykissen Mookerjee and others.

A Petition of inhabitants of Autpore.

A Petition of Sarodapersaud Roy and other inhabitants of Burdwan.

Two Petitions of inhabitants of Burdwan.

A Petition of Poornochunder Bannerjee and other inhabitants of Burdwan.

A Petition of inhabitants of Burdwan.

A Petition of Ramlochun Ghose and other inhabitants of Nuddea.

A Petition of Issen Chunder Ghosaul and Woomesh Chunder Roy and other inhabitants of Santipore.

A Petition of Sarodapersaud Mookerjee and other inhabitants of Nuddea.

Two Petitions of inhabitants of Midnapore.

A Petition of inhabitants of Jessore.

A Petition of inhabitants of Dacca.

A Petition of inhabitants of Beerbhoom.

A Petition of inhabitants of Moorshedabad.

A Petition of inhabitants of Rajshaye.

A Petition of inhabitants of Bancoorah.

A Petition of inhabitants of Dinagepore.

A Petition of inhabitants of Mymensing.

MARRIAGES OF HINDOOS.

The Clerk also presented a Petition of Obenash Chunder Gangooly and others, submitting the Draft of a Bill for celebrating marriages among Hindoos.

MR. GRANT moved that these Petitions be printed. He said, they were Petitions of a most important character. It would be observed that the movement was headed by three of the four chief noblemen in Bengal. He was informed that the Petitions were signed by upwards of ten thousand Hindoos, all persons of the most respectable class and, possibly with a few exceptions, belonging to the three highest castes in Bengal.

In making his motion, he might add that, as he was informed, the Council might expect still further Petitions signed by large numbers of Hindoos in Bengal on the same subject and to the same effect. Those presented to-day, it might be observed, had been received from many different parts of Bengal. In moving that these Petitions be printed, he had only to add that he hoped shortly to be able to introduce a Bill on the subject to which these Petitions related.

The motion was carried.

MUNICIPAL ASSESSMENT (CALCUTTA).

MR. CURRIE moved the second reading of the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

In doing so, he said he wished to remind the Council that this was one of a set of Bills for the several Presidency Towns and the Straits Settlement. On Saturday last, the Honorable Member for Madras, in moving the second reading of the first Bill of this set, had expressed a hope that Honorable Members would reserve any objections which might have occurred to them regarding any of their provisions until the Bills should be published; in which case, the Council would come to the consideration of the Bills with the advantage of knowing the

view that was taken of them by the communities which they affected, and by the several local Governments. That suggestion had been acquiesced in by the Council; and there appeared to him to be no reason why the course which had been adopted on that occasion with reference to the Bills for Madras and the Straits, should not be followed now with respect to the Bill for Calcutta.

Several of the most important provisions of this Bill had reference to a proposed increased taxation for the purpose of enabling the Municipal Commissioners to carry out a complete system of drainage, and to a special tax, not of very large amount, for the introduction of Gas-lighting. On both these subjects, drainage and Gas, a great deal had already been said in this Council, and he did not know that any advantage could be expected from any thing that could be said further on this occasion.

The only part of the Bill which was new to the Council was that which related to the appointment of Commissioners. Of course, there might be a variety of opinions regarding the plan which was proposed in the Bill, and it was quite possible that some Honorable Members might entertain objections to it.

But he thought it would be admitted that he had at least sufficient warrant for putting forth that scheme, in the fact that it was the scheme which had the approval of the local Government, and that it was in conformity with the suggestion made by a large body of the most influential and respectable Inhabitants of Calcutta.

But although, following the example of the Honorable Member for Madras, he had thought it right to state his opinion that no benefit was to be expected from discussing the Bill in its present stage, he did not wish to be understood, as in any degree deprecating discussion, if any Honorable Member felt it incumbent on him to take this opportunity of expressing his opinion upon any question raised by the Bill. He would only express his earnest hope that no opposition would be made to the second reading. He thought he had a right to express this hope for two reasons;—first, because it was absolutely necessary that some measure for the appointment of Municipal Commissioners and the revision of municipal taxation should be adopted by the Council within the next three or four months, and therefore it was desirable that some substantive proposition should be laid before

the public with as little delay as possible ; and secondly, because the Bill which had been introduced did not rest exclusively on his own authority. It had, in some degree at least, the sanction of the Select Committee on the projects of Municipal Law ; and some of its chief provisions were in accordance with the recommendations of another Select Committee, that, namely, on the Gas Bill.

Of course, any suggestions that might be offered by Honorable Members on this occasion, would be duly considered by the Select Committee to whom the Bill might be referred, and might afterwards be discussed by the whole Council in Committee.

With these observations, he begged to move the second reading of the Bill.

The motion was carried, and the Bill read a second time accordingly.

MR. CURRIE moved that the Bill be referred to a Select Committee consisting of Mr. Peacock, Mr. Elliott, Mr. Allen, Mr. LeGeyt, and the Mover.

Agreed to.

The Council adjourned.

Saturday, July 5, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

Hon. Sir J. W. Colvile, D. Elliott, Esq.,
His Excellency the Com- C. Allen, Esq.,
mandant-in-Chief, E. Currie, Esq.
Hon. J. P. Grant, and
Hon. B. Peacock, Hon. Sir A. W. Buller.

MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition of certain Hindoo Inhabitants of Bengal, against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

Also a Petition of Hindoo Inhabitants of Calcutta and the Lower Provinces of Bengal against the same Bill as amended by the Select Committee.

Also a Petition of Inhabitants of Baraset and its vicinity praying for the alteration of the Section of the same Bill relating to the guardianship of the children of the deceased husband upon the marriage of his widow.

MR. GRANT moved that these Petitions be printed.

Agreed to.

BENGAL MARINERS' FUND.

MR. PEACOCK presented the Report of the Select Committee on the Petition of the

Directors and Members of the Bengal Mariners' and General Widows' Fund Society.

MR. PEACOCK moved the first reading of a Bill "to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the Funds belonging thereto."

He said that, in the year 1820, a Society was formed for the purpose of raising a Fund to be called "The Bengal Mariners' and General Widows' Fund," and that certain of the Directors and Members, and also of the pensioners on the Institution, had recently applied by Petition for a Bill for winding up the Society. It would be in the recollection of the Council that the Petition was referred to a Select Committee. The Select Committee had presented a Report, in which they recommended that the Bill should be read a first and second time, but that no further proceeding should be taken upon it by the Council until after a General Meeting of the Society should have considered and expressed its opinions upon it.

He would briefly state the grounds upon which the Petitioners had applied that the Society should be dissolved.

The Society had been formed for the purpose of providing pensions for the widows, children, and orphans of the subscribers, and also for their nominees. It was to consist of three classes of subscribers—Nos. 1, 2, and 3—and the funds were to be formed by the subscriptions, and also by such donations as might be received from charitable persons. The East India Company had contributed in aid of the funds from, he believed, the year 1843 to the year 1851 ; the total amount of their contributions was Rupees 1,77,000. Of the three classes of subscribers which were to constitute the Society, the first was to be called "the permanent class," and to consist of such persons as, on being admitted Members of the Institution, should pay a donation or entrance fee of 20 Gold Mohurs, or Sicca Rupees 320, and also—

If under the age of 25 years, the sum	
of	Sa. Rs. 1,200
From 25 to 30 years,.....	„ 1,320
„ 30 to 35 „	„ 1,450
„ 35 to 40 „	„ 1,670
„ 40 to 45 „	„ 1,920
„ 45 to 50 „	„ 2,210
„ 50 to 55 „	„ 2,650
„ 55 to 60 „	„ 3,175

for each share ; and these two several sums were to be in lieu of all annual or other payments on account of the Institution.