

[FILE No. A—3J of 1919.]

1919.

# ASSAM SECRETARIAT.

JUDICIAL DEPARTMENT.

LEGISLATIVE--A.

May 1919.

Nos. 1-72.

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Bill to provide that marriages between Hindus of different castes are valid.

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REFERENCES TO FORMER CASES.

Department, date, and Nos., or File No. and year.	Brief Title of File.
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*Nil.*

REFERENCES TO LATER CASES.

Department, date, and Nos.	Brief Title of File.
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(To be continued on back, if necessary.)

PAPEES OTHER THAN PROCEEDINGS.

*I.—Printed.*

Notes and orders.

*II.—Not printed.*

Unimportant papers.

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# NOTES.

LEGISLATIVE—A, MAY 1919.

Nos. 1-72.

Bill to provide that marriages between Hindus of different castes are valid.

FROM THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT, No. 3208, DATED THE 14TH SEPTEMBER 1918.

Under-Secretary,

The two Commissioners, the two Judges, the Ahom Association and Assam Association may be consulted.

The Bill may be published in English only.

The Superintendent of Press may be asked to note the date when the Bill is published in the Gazette.

Two drafts put up.

R. K. Sen—25th September 1918.

Chief Secretary,

As proposed.

27th September 1918.

25th September 1918.

C. S. GUNNING.

J. E. WEBSTER.

FROM PANDIT RAM CHANDRA NAIK KALIA, GENERAL SECRETARY, SRI BHARAT DHARMA MAHAMANDAL, No. 8464, DATED THE 21ST SEPTEMBER 1918.

Chief Secretary,

This may go to the file.

28th September 1918.

N. D. B[EAATSON] B[ELL].

TO THE COMMISSIONERS, ASSAM VALLEY DISTRICTS AND SURMA VALLEY AND HILL DISTRICTS, AND THE JUDGES, ASSAM VALLEY DISTRICTS AND SYLHET, No. 7802-05L., DATED THE 1ST OCTOBER 1918.

TO THE SECRETARY, ASSAM ASSOCIATION AND AHOM ASSOCIATION, No. 7806-07L., DATED THE 1ST OCTOBER 1918.

Under-Secretary,

The Bill was published in the Gazette of 25th September 1918.

4th October 1918.

H. H. KING.

FROM THE JUDGE, SYLHET, No. 1210/III-5, DATED THE 7TH DECEMBER 1918.

FROM THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS, No. 141, DATED THE 8TH JANUARY 1919.

FROM THE JUDGE, ASSAM VALLEY DISTRICTS, No. 272, DATED THE 18TH JANUARY 1919.

FROM RAI KALI CHARAN SEN BHADUR, DATED THE 20TH JANUARY 1919.

FROM THE SECRETARY, ASSAM BRAHMAN SAMAJ, DATED THE 22ND JANUARY 1919.

FROM THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 50G., DATED THE 20TH JANUARY 1919.

FROM THE PRESIDENT, HINDU DHARMA SABHA, DATED THE 1ST FEBRUARY 1919.

FROM THE SECRETARY, ASSAM ASSOCIATION, No. 104, DATED THE 30TH JANUARY 1919.

Under-Secretary,

A tabular statement put up summarizing the opinions received.

The file may be sent to the Legal Remembrancer for recording his opinion.

R. K. Sen—12th February 1919.

Officers consulted.	Opinion.
1	2
The District and Sessions Judge, Sylhet ...	<p>He consulted various persons and there seems to be distinct cleavage of opinion. The majority of the members of the local Bar are against the Bill, but no reasons have been given for the opinion. The Government Pleader supports the Bill; his view is that Hindus are governed more by custom than by texts, and that the opposition to the present Bill is more unreasonable than that to Religious Disabilities Act or the Widow Remarriage Act; he points to the tyranny of the present law which tends to drive Hindus into the arms of other communities.</p> <p>Both Munsifs support the Bill, on the ground that such marriages were legal under the more ancient liberal Hindu law and that the restriction is due to mediæval text interpolators and commentators.</p> <p>Both Sub-Judges oppose the Bill, which would, in their opinion, lead to disruption of Hindu society and to the end of Hindu religion since the <i>Shastras</i> would not allow the issue of such marriage to offer the <i>Pinda</i>.</p> <p>The Judge supports the Bill which would tend to increase or at least to declare the liberty of the subject.</p>
Babu Pabitra Nath Das, Pleader, Silchar ...	Seems to be in favour of the Bill. He has dealt on the various aspects of the Bill. His note may kindly be seen.
Babu Harendra Chandra Sinha, Secretary, Bar Library, Sylhet.	The majority of the members of the Sylhet Bar Library are against the proposed legislation to validate marriages between Hindus of different castes.
Babu Rukmini Kanta Gupta ...	<p>The Act under consideration is not likely to have a better effect than the Hindu Widow Marriage Act and marriages between different castes are not expected to be introduced in an appreciable extent just as the Hindu Widow marriage has not become common, though such marriage was legalized many years ago. The Act is opposed to Hindu law and is likely to be resented except by a small minority. The Act may remove hardship in individual cases, but it is doubtful if any material progress of the Hindu community can be effected by it so long as the caste system in its present form exists.</p>
Rai Sita Mohan Das Bahadur ...	Strongly opposes the introduction of such a legislation which directly interferes with Hindu religion.
Rai Sukhamay Chaudhuri Bahadur ...	Fully supports the proposed legislation to validate marriages between Hindus of different castes.
Rai Sahib Satish Chandra Deb, Pleader ...	<p>The Bill as it has been drafted should be passed into law for the following reasons:—</p> <p>According to the Hindu <i>Sastras</i> a marriage between a man of superior tribe and a woman of an inferior tribe was legal and valid.</p>

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Officers consulted.	Opinion.
1	2
	The Hindu <i>Sastras</i> do not at all prohibit an inter-marriage between the subdivisions of the same <i>varna</i> or tribe, but by long-established practices such intermarriage also does not now take place and it is extremely doubtful if such a practice or custom can override the <i>Sastras</i> .
Rai Bahadur Nalini Kanta Ray Dastidar, Sylhet.	Not in favour of any such Bill which is calculated to transgress the most fundamental rules of the existing rules of the Hindu society.
Rai Promod Chandra Datta Bahadur, Government Pleader, Sylhet.	If the Legislature could pass the Religious Dialectic Act and the Hindu Widow Remarriage Act, there is no reason why it cannot lend its support to a measure like the present. The opposition to the Bill is more unreasonable than that which was offered to either of the two Acts above referred to. He supports the Bill.
Rai Ramesh Chandra Bhattacharyya Bahadur.	The proposal is likely to act prejudicially to the best interests of the community, which should be safeguarded against individuals. The time-honoured traditions and customs of the Hindu, whose marriage is no civil contract but has higher motives behind it, should be upheld.
Deputy Commissioner, Sylhet ...	The majority of the persons consulted are opposed to the Bill, but the remarks of Babu Promode Chandra Datta, Government Pleader, in favour of the Bill seem to him to be much to the point.
Babu S. N. Datta, Sub-Deputy Collector ...	The authorities may be moved to pass the Bill into law; with Government support such validating intercaste marriage laws have been passed in Baroda and Indore, and British India should not lag behind. The Bill should make additional provision that the intercaste marriage should be—
	(a) an adult marriage (so that the contracting parties should take full responsibility); (b) a monogamous marriage (so that no second wife can be taken or any married man can take a second wife from another caste).
Babu Mahendra Kumar Dam, Extra Assistant Commissioner, Silchar.	The Bill avowedly aims at doing away with the observance of the caste system, which is enjoined by the Hindu <i>Sastras</i> and on which the Hindu society has so long stood firm based. It will certainly be objectionable to an orthodox Hindu. If passed into law, it will lead to a disintegration of the Hindu community and thereby produce more harm than good. The advent of a <i>barnasankar</i> (an issue of an intermarriage) has been looked upon by the <i>Sastras</i> as an evil, as evidencing a degenerate and anomalous state of the society.
Babu Brindaban Chandra De, Extra Assistant Commissioner.	The contracting parties must be allowed to have a free choice and the Bill should receive support of the educated community. The Bill is certainly worthy of support.
President, Sanatan Dharma Sabha, Silchar...	The members of the <i>Sabha</i> at a meeting strongly protest against the passing of the international marriage Bill proposed by the Hon'ble Mr. Patel, as it is against the true principle of Hindu marriage and Hindu <i>Sastras</i> .

Officers consulted.	Opinion.
1	2
Babu Abanti Nath Datta, Government Pleader, Silchar.	In his opinion the present condition of the Hindu society requires a modification of the rules governing it. He is therefore inclined to support the Bill.
Deputy Commissioner, Cachar ...	Is inclined to think that the Bill deserves support. Babu Surendra Nath Datta's suggestion that such marriages should be valid only in the case of adults is worthy of consideration. Such a provision would greatly weaken the Bill, but if there is strong opposition to it from sections of the Hindu community, this should make it less distasteful to them.
Commissioner, Surma Valley and Hill Districts.	"In my opinion the speech made by the Hon'ble the Law Member when the Bill was introduced in the Imperial Legislative Council conclusively showed that its principle is not opposed to the teachings of the Hindu <i>Sastras</i> . If, however, the attitude of Government is still what it was explained to be by the Hon'ble the Home Member on the same occasion, it is impossible for any one outside the Government of India to decide whether the Bill should be opposed or supported or regarded with neutrality. My personal views are all in favour of the Bill."
Secretary, Jorhat Bar Association ...	The Association disfavours the passing of the Bill, as such a measure will strike at the root of the Hindu caste system and will consequently interfere with the fundamental principle of Hindu law. The Brahmo Marriage Act (Act III of 1872) is sufficient for individual cases referred to in the Statement of Objects and Reasons.
Babu Upendra Nath Bose, Government Pleader, Dhubri.	Personally he is quite in accord with the object aimed at by the Bill, which is one step advance in the progress of the Hindus. The definition of "castes" may be added.
Babu Kedar Nath Guha, Secretary, Bar Association, Dhubri.	Almost all the members of the Dhubri Bar are distinctly of opinion that there is no necessity for such an Act of Legislature, as it would directly tend to strike at the very root of the caste distinction among the Hindus, and to upset all rules of existing Hindu law and custom.
Rai Kalicharan Sen Bahadur, Government Pleader, Gauhati.	Such inter-marriage cannot be tolerated by Hindu society and a man who infringes the fundamental rule of marriage has no right to call himself a Hindu. He can effect such marriage under the special marriage Act III of 1872. The future of the Hindu society will be undermined by legalizing such marriages among Hindus. The Hindu religion will be effected and it would not be proper for Government to bring about such a change which would materially effect the very constitution of the Hindu society [cf. also his opinion (Progs. No. 36) at pages 20-21 of file].
Secretary, Pleaders' Association, Gauhati ...	The members of the Bar Association are divided in their opinion on this point, but the majority of the members are for it and are of opinion that such a Bill may be passed into law.
Babu Promoda Kishor Roy, Government Pleader, Jorhat.	Hindu law does not allow marriages between Hindus of different castes. Such marriages, if legalized, will strike at the root of the Hindu caste system and will not be liked by the Hindu society. The Bill should not be passed.

Officers consulted.	Opinion.
1	2
<p>Hindu governing ill.</p> <p>support. hat such of adults on would ong op- nmunity,</p> <p>r'ble the l in the wed that s of the Govern- by the eason, it ument of opposed My per-</p> <p>Bill, as e Hindu with the Brahmo nient for f Objects</p> <p>t aimed the pro- 'castes "</p> <p>Bar are ssity for tly tend istinction existing</p> <p>r Hindu damental Hindu. special e Hindu ng such ion will vernment aterially iety [cf. of file].</p> <p>vided in y of the h a Bill</p> <p>Hindus ed, will und will l should</p>	<p>" I see no objection to Hindus of different castes being allowed to contract a civil marriage which will be legally valid. The Bill, however, goes so far as to declare that marriages between persons of different castes shall be valid under Hindu law. There can be no doubt that under Hindu law as ordinarily understood such marriages are forbidden and in fact such marriages are not performed. I do not think that the Legislature should change such a well-established rule unless the change is supported by a preponderance of opinion among educated Hindus. This is certainly not the case at present, and I do not think that the Bill should receive the support of Government."</p>
<p>The Judge, Assam Valley Districts</p> <p>The Secretary, Assam Brahman Somaj, Gauhati.</p> <p>Mahamahopadhyaya Dhireswar Acharyya, Chairman of a meeting held at Gauhati.</p>	<p>The Brahman Samaj considers the Bill to be highly objectionable on the following grounds among others :—</p> <ol style="list-style-type: none"> <li>(1) The Bill, if passed into law, will render the Hindu marriage, which is a sacrament, a merely civil contract and will destroy its religious character.</li> <li>(2) The principle of spiritual benefit on ancestor by presenting <i>pindas</i> and doing <i>sradh</i> which is the very foundation of the right of inheritance, will cease to exist and great confusion will arise in the matter of inheritance and there will be great unrest in the Hindu society.</li> <li>(3) The <i>Barnasram Dharma</i> known as the caste system, which is the very foundation of Hindu society, will be destroyed and in consequence the religion will be affected.</li> <li>(4) The principle of absolute non-interference on religious and social matters as proclaimed by Queen Victoria of gracious memory will be infringed and the religious independence of the Hindus will no longer exist.</li> </ol>
<p>Deputy Commissioner, Nowgong</p> <p>Deputy Commissioner, Darrang</p>	<p>The meeting records its emphatic protest against the Bill, as it is contrary to the fundamental principles of Hindu religion and directly opposed to the instinct of all classes of the Hindu community and likely to lead to the total demolition of the entire Hindu social fabric. The Government ought not to pass any law which in any way affects the religious and social usages of the Hindus.</p> <p>The Hindu gentlemen who were consulted are in favour of the Bill and he agrees as to its desirability.</p>
<p>Maulvi A. Rahman, Subdivisional Officer, Goalpara.</p> <p>Mr. R. C. Sen, Manager, Bijui Estate</p>	<p>The gentlemen consulted are in favour of the proposed Bill and he fully agrees with them.</p> <p>Is in favour of the Bill. The Hindu gentlemen who were consulted by him are mostly in favour of the Bill. Babu Kamakhya Charan Sen, Vice-Chairman of the Goalpara Municipality, is against the Bill.</p>
<p>Deputy Commissioner, Goalpara</p>	<p>Wholeheartedly supports the Bill.</p> <p>Fully agrees with Mr. R. C. Sen and Babu Ananda Chandra Sen, both of whom support the Bill.</p>

Officers consulted.	Opinion.
1	2
<p>Deputy Commissioner, Sibsagar ...</p>	<p>Both the Hon'ble Rai Bahadur Ghanasyam Barua and the Hon'ble Rai Bahadur Phanidhar Challha warmly support the Bill, but their views do not commend themselves to the generality of the community, and not a single one of the gentlemen from whom I have heard agrees with them. Srijut Chandradhar Barua supports the Bill, but only if modified by the following proviso:—"provided that the parties to such marriage and its offsprings shall be included only in such caste which they may be entitled to under the Hindu law by reason of such marriage." This proviso would, to a great extent, if not entirely, nullify the effect of the Bill. The Sibsagar Bar Library is willing to support the Bill if a clause is added laying down that the higher caste men or women in an intercaste marriage and their offsprings shall forfeit their right to inheritance of the property of relatives of the higher caste from which the person affected has been degraded as long as there are other heirs however distant. In both these cases therefore only a very qualified approval is given to the Bill.</p> <p>Srijut Gopika Bullabh Goswami, Pleader, Gauhati, writes:—"It seems to me neither reasonable nor equitable to ask for an Act against the wishes of a vast body of people only to satisfy the whims of a few persons." Another gentleman writes:—"The proposed Bill is revolting to the religious sentiment by the Hindu. The need of a very few forward members of the community is not the common requirement of the general body."</p> <p>From reports published in the papers it appears that there is strong opposition in the country to the Bill, and in these circumstances it should not, the Deputy Commissioner considers, be proceeded with. Marriage within the caste appears to be an incident of the Hindu religion which the majority of Hindus regard as of vital importance. So long as this is so, no attempt should be made to alter the Hindu religion by an act of the Legislature.</p>
<p>Srijut Bho'la Nath Das, Honorary Magistrate.</p>	<p>In view of the fact that the custom of marriages between different castes obtains in Assam he is in favour of the Bill.</p>
<p>Mr. N. R. Phukan ...</p>	<p>Thinks that the majority of Hindus in Assam will not be in favour of the Bill, but recognizes that there is a good deal to be said on the other side.</p>
<p>Deputy Commissioner, Kamrup ...</p>	<p>Has no strong views on the matter: believes that the restrictions upon marriage are now much closer than they were in the legislative period of Hinduism; the Bill is permissive, and it will not have the subversive effect apprehended.</p>
<p>President of meeting of the <i>Pandas</i> and <i>Shebaites</i> of the Kamakhya Temple.</p>	<p>The Bill seeks to interfere with Hindu religion by introducing a change subversive of the Hindu law of marriages as sanctioned by the sacred <i>Sastras</i> and usages. The Bill should be dropped.</p>
<p>Deputy Commissioner, Lakhimpur ...</p>	<p>Rai Bahadur P. R. Khaund and Srijut Prasanna Kumar Barua are opposed to the Bill on the ground that it would "interfere with the religion of the Hindus contrary to the settled policy of Government." Babu Gopal Chandra Das thinks that, with the exception of the orthodox Hindus, others far outnumbering them, will consider the Bill as a truly progressive measure. Rai Bahadur S. C. Das supports the Bill strongly.</p>

Officers consulted.	Opinions.
1	2
Commissioner, Assam Valley Districts ...	In the opinion of the Deputy Commissioner the validation of such marriages in law does not in any way unsettle the Hindu religion or detracts from its rites. It does not compel these marriages, it merely ensures, the freedom of the individuals who desire to contract them. The more conservative are still at liberty to follow whatever customs they choose. But this is surely no reason why they should deny to the less conservative or even to the unorthodox their ordinary civil rights under a marriage contract.
President, Hindu Dharma Sabha, Dhubri	Supports the Bill. The Bill is merely one declaring that certain marriages amongst Hindus shall not be invalid and in this respect differs somewhat in form from the Hon'ble Mr. Bhupendra Nath Basu's Bill of 1911, although the effect is the same.
General Secretary, Assam Association ...	The proposed legislation, if carried into effect, will strike at the foundation of the social orders and will seriously interfere with the Hindu religious rights and customs as prescribed in the Hindu <i>Dharma Sastras</i> and as promulgated by the <i>Rishis</i> of old.
Hon'ble Mr. A. Majid, Legal Remembrancer	Is in favour of the Bill. The Association points out that, in the event of this Bill being passed into a law, it will be necessary to omit from the civil marriages Act the provision which requires that the parties contracting intercaste marriages should declare as non-Hindus.
	The proposed measure affects the Hindus. It appears that among them, there is a distinct cleavage of opinion, the orthodox section, a fairly large body, being opposed to the Bill and the progressive section supporting it. Personally, I would support the Bill, it being permissive and one which removes hardships, in certain cases and encourages freedom of choice. Mr. Allen's letter in which opposition to the Bill is justified, is interesting.—A. Majid—18-2-1919.

Legal Remembrancer,

Will you now kindly record your opinion on the statement?

15th February 1919.

C. S. GUNNING.

FROM THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 1042T., DATED THE 13TH FEBRUARY 1919.

FROM THE GENERAL SECRETARY, AHOM ASSOCIATION, DATED THE 13TH FEBRUARY 1919.

Under-Secretary,

I have recorded my note at the bottom of the statement of opinion.

18th February 1919.

A. MAJID.

Chief Secretary,

Please refer to the copy of Mr. Patel's Hindu Marriages Validity Act. In their letter India have asked for an expression of Chief Commissioner's opinion on the provisions of the Bill and the opinions of such selected officers and other persons as he may think fit to consult on the subject.

2. The proposal which is made in the Bill that no marriage amongst Hindus shall be invalid by reason that the parties thereto do not belong to the same caste, any custom or any interpretation of Hindu law to the contrary notwithstanding, is of course one which mainly concerns Hindus themselves, and it is for them to say whether the Bill should be proceeded with or not. At the same time the question which is raised in Mr. Patel's proposal is one of much interest and there are certain points in connection therewith to which perhaps attention may be drawn. Legal Remembrancer's opinion

will be found at the bottom of the statement and numerous other interesting opinions are contained in the copies of the letters and resolutions which have been forwarded to us by the Commissioners and Judges. Amongst these letters may be mentioned Mr. Allen's letter, in which he gives reasons in support of his view that Government should have nothing to do with Mr. Patel's proposal, the note recorded by Rai Kali Charan Sen Bahadur, the opinion of Babu Surendra Nath Datta, Sub-Deputy Collector, and the interesting note by Babu Pabitra Nath Das, pleader, Silchar.

3. A reference to the debate in the Indian Legislative Council on the introduction of the Bill will show that Mr. Patel's main object, as he himself mentioned in introducing this Bill, is that Hindus should no longer be under the necessity of declaring when they are married in accordance with the provisions of the Special Marriage Act of 1872 that they are not Hindus. This declaration has to be made in accordance with the 2nd Schedule of this Act, which is as follows:—

"Paragraph 2.—I do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion." This is, of course, the Act under which Brahma marriages are celebrated and the mover of the Bill pointed out that many Hindus who celebrate intercaste-marriages are very unwilling to make the declaration which they have to make under this Act at present and which practically cuts them off from the Hindu community.

4. The speeches on the Bill in the Indian Legislative Council are interesting. Government, of course, as will be seen from the speeches of the Hon'ble Sir William Vincent and Sir George Lowndes, was entirely non-committal; Sir William Vincent admitted that the Bill involves a change of the Hindu law and that Government was in no way committed to support the Bill at a later stage, and reserved an absolute right to support it or oppose it later on. It will be seen that some of the members who supported it during the debate did so with a reservation. Thus Mr. Khaparde announced his intention of moving an amendment that people who contract inter-caste marriages should lose all their rights of inheritance in their natural family. The question of inheritance in connection with proposed Bill is presumably one of the utmost importance.

5. There seems to be a considerable difference of opinion as to whether inter-caste marriages were permissible at one time amongst Hindus, and in this connection the passage of arms between Pandit Madan Mohan Malaviya and Sir George Lowndes in the Indian Legislative Council may be seen. Sir George Lowndes was of opinion that such marriages were allowed by the *Shastras* in India during the whole of the best period of Hindu history, and he declared that he could point out to the Hon'ble Pandit passages in Manu which directly recognise the legality of such marriages and the succession of property under them. Be that as it may, it is of course a well-known fact that inter-caste marriages are not the custom at present time and according to Pandit Madan Mohan Malaviya such marriages have not been recognised by Hindu society for the last three thousand years. Sir William Markby's opinion on this question as recorded in his Introduction of Hindu and Muhammadan Law is as follows:—"How far such marriages would be lawful it is difficult to say. The matter is entirely one of custom. The ancient Hindu law furnishes no rule on the subject, because under the ancient law inter-marriages between persons of different castes, though strongly disapproved, were not pronounced to be illegal, though they were reprobated as discreditable. Modern Hindus seem to be disposed to deny the validity of marriages between members of different subdivisions of the four great castes. Possibly the courts of law would consider the matter to be regulated by custom." It is interesting to note in this connection that inter-caste marriages have apparently been

Mr. Patel quotes also from an Act of the Kolhapur Darbar.—J. E. W.—  
25-2-1919.

made valid in certain Native States, such as Baroda and Indore (*vide* the remarks of the Hon'ble Dr. Tej Bahadur Sapru on the subject, and the note of Babu Surendra Nath Datta in the file).

6. The present Bill may be considered in connection with the similar Bill which was introduced by Mr. Basu in 1911. His speech on the subject of that Bill is interesting and may be referred to. His intention was, as he himself mentioned in his speech, that the limitation which exists in the Second Schedule to the Special Marriage Act III of 1872, namely, that the provisions of the law should only extend to those who did not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religions, should be removed. His proposal, however, was dropped in view of the opposition which it encountered, and I notice that some of the present opponents of Mr. Patel's Bill consider that one of the main reasons for its rejection is that it is most inexpedient to reopen a subject which excited so much controversy as recently as 1911. There is of course an essential difference between Mr. Basu's Bill and the present Bill, for, as Sir George Lowndes pointed out in his speech, Mr. Basu's Bill purported to validate or to make possible marriages between Hindus and non-Hindus, whereas apparently Mr. Patel's Bill only deals with the question of inter-Hindu marriages.

7. India have asked for an expression of Chief Commissioner's opinion on the provisions of the Bill, and perhaps it will be agreed that from the point of view of a non-Hindu the Bill is one which seems worthy of support. Whether, however, in view of the opposition which it is undoubtedly meeting, it is expedient for the Government of India to give it their support is quite another question and seems open to doubt.

21st February 1919.

C. S. GUNNING.

Chief Commissioner,

Please see Under-Secretary's note above. India asked for an expression of Chief Commissioner's opinion on the provisions of the Bill and for the opinions of such selected officers and other persons as Chief Commissioner has thought fit to consult. It does not seem necessary to send up all the opinions that have been received. From the Surma Valley we might send the opinions of Rai Bahadur Ramesh Chandra Bhattacharjya, Babu Promod Chandra Datta, Hon'ble Rai Nalini Kanta Rai Dastidar Bahadur, Rai Sahib Satish Chandra Deb and Babu Abanti Nath Dutt. From the Assam Valley, we may forward the proceedings of the public meeting of 25th January 1919, at Gauhati, of the Asaam Brahman Samaj, Gauhati, of the Hindu Dharma Sabha of Dhubri, of the Asaam Association, and of the Ahom Association.

There is a most striking diversity of opinion among all castes and classes of the community, and in all parts of the province, and it is difficult to form an opinion as to the probable effect of such legislation. It seems to me, however, that any act on the subject should provide safeguards and specify more definitely the position of the parties to such a contract. I quite agree with the views of those who say that such marriage should be confined to persons who have at the time no other wife or husband living, and it would seem also advisable to limit such marriages to persons of the age of discretion. It is not so clear what the position of the parties to such a marriage would be in the matter of inheritance, whether, for instance, a Hindu reversioner entering into such a marriage would lose his rights.

I submit a draft for approval.

25th February 1919.

J. E. WEBSTER.

Opinion being as it is, I would oppose the Bill. An attitude of neutrality will be interpreted as *benevolent* neutrality and will involve us in unnecessary and undeserved odium. Draft modified.

26th February 1919.

N. D. B[EATSON] B[ELL].

TO THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT, No. 2506A.,  
DATED THE 4TH MARCH 1919.

FROM THE PRESIDENT, HINDU DHARMA SABHA, JORHAT, DATED THE 20TH FEBRUARY 1919.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT, No. 2723L.,  
DATED THE 11TH MARCH 1919.

FROM THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 167G., DATED THE 27TH MARCH 1919.

Chief Secretary,

In obedience to Chief Secretary's verbal orders, we have gone through all the proceedings of the last Imperial Council meetings of the last session. The Bill was not discussed. We may forward the resolutions of the Sibsagar meetings.

A. K. B.—12th April 1919.

Yes.

12th April 1919.

J. E. WEBSTER.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT, No. 4112L., DATED  
THE 23RD APRIL 1919:

FROM THE SECRETARY TO THE SRIHATTA BRAHMAN PARISAT, DATED THE 27TH APRIL 1919.

Under-Secretary,

A copy of the resolution may be forwarded to the Government of India in continuation.

A draft put up in anticipation of orders.

R. K. Sen.—30th April 1919.

1st May 1919.

C. S. GUNNING.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT, No. 4676L., DATED  
THE 5TH MAY 1919.

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# ASSAM SECRETARIAT PROCEEDINGS.

## JUDICIAL DEPARTMENT.

### LEGISLATIVE--A.

MAY 1919.

Bill to provide that marriages between Hindus of different castes are valid.

No. 1.

No. 3208, dated Simla, the 14th September 1918.

From—The Hon'ble Mr. A. P. MUDDIMAN, C.I.E., I.C.S., Secretary to the Government of India, Legislative Department,

To—The Hon'ble the Chief Commissioner of Assam.

With reference to the proceedings in the Imperial Legislative Council on the 4th September 1918, I am directed to forward herewith 30 copies of the papers noted in the margin, and to request that you will favour the Government of India in this Department with an expression of your opinion on the provisions of the Bill and with the opinions of such selected officers and other persons as you may think fit to consult on the subject.

A Bill to provide that marriages between Hindus of different castes are valid, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the *Assam Gazette* in English and in such other languages as you may deem proper, and that the dates of such publication may be communicated in your reply.

The Publisher of the *Gazette of India* at Simla has been instructed to furnish the Publisher of the *Assam Gazette* with English copies of the Bill and Statement (in gazette form) for publication in the latter gazette.

3. The reply to this letter should be sent in by the 1st April 1919.

A  
BILL

TO

*Provide that marriages between Hindus  
of different castes are valid.*

WHEREAS it is expedient to provide that marriages between Hindus of different castes are valid; It is hereby enacted as follows:—

Short title and extent. 1. (1) This Act may be called the Hindu Marriages Validity Act, 191 ;

(2) It extends to the whole of British India.

2. No marriage among Hindus shall be invalid by reason that the parties thereto do not belong to the same caste, any custom or any interpretation of Hindu law to the contrary notwithstanding.

Marriages between Hindus of different castes not to be invalid.

GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT

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A

BILL

TO

Provide that marriages between Hindus  
of different castes are valid.

The Governor General has been pleased to accord  
the sanction required by clause (b) of section  
67 (2) of the Government of India Act, 1915,  
to the introduction of this Bill.

A. P. MUDDIMAN,  
*Secretary to the Indian Legislative Council.*

*(The Hon'ble Mr. V. J. Patel.)*

STATEMENT OF OBJECTS AND REASONS.

Under the Hindu law as interpreted, marriages between Hindus of different castes are held illegal. This interpretation, besides being open to question, has caused serious hardship in individual cases and is calculated to retard the progress of the community. The Bill, therefore, seeks to provide that such marriages shall not be invalid.

BANDRA;

The 1st July 1915.

V. J. PATEL.

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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ANNEXURE

TO

Bill to provide that marriages between Hindus of  
different castes are valid.

*(Statement of Objects and Reasons.)*

104LD-900-14818-GCPS

No. 3.

No. 8464, dated Benares Cant., the 21st September 1918.

From—PANDIT RAMCHANDRA NAIK KALIA, General Secretary, Sri Bharat Dharma Mahamandal,

To—The Private Secretary to His Honour the Chief Commissioner of Assam, Shillong.

I beg to enclose herewith a copy of the proceedings of an extraordinary conference of the Bharat Dharma Mahamandal Council and other Hindu leaders held at Benares under the presidency of His Highness the Maharaja Bahadur of Durbhanga on the 13th September 1918, and request the favour of your laying it before His Honour for his gracious and sympathetic consideration.

No. 4.

An extraordinary conference of the Council of the Shri Bharat Dharma Mahamandal, attended also by prominent orthodox leaders (including Pandit authorities) not connected with the Mahamandal Council, was convened on the 13th September 1918, under the presidency of the Hon'ble Maharaja Bahadur of Durbhanga, G.C.I.E., General President of the Bharat Dharma Mahamandal, to consider Mr. Patel's proposed Bill in the Imperial Council with the object of rendering valid marriages between different Hindu castes. The following decisions were unanimously arrived at by the conclave:—

(1) To respectfully inform the Supreme Government that the proposed Bill of Mr. Patel in the Imperial Council to make the (so-called) marriages between different Hindus castes valid was utterly opposed to Hindu religion, custom, social system sentiment and tradition; and that any such legislation, if attempted, would cause profound disquiet among all sections of the orthodox Hindu community forming the vast majority of the population of the Empire.

(2) To issue injunctions on all Branches of the Mahamandal throughout India and other orthodox public bodies and leaders and also to humbly move the Dharma-charyas (Hindu Pontiffs) to unitedly and indefatigably exert themselves to prevent the acceptance of the Bill in the Supreme Council.

(3) To pray in all earnestness and humble submission the Supreme Government in whose hands the Almighty has placed the material destinies of the Hindu race, to reassure the Hindu population, which has been alarmed by Mr. Patel's project, by making it unmistakeable that they (the Supreme Government) will in no case depart from their proclaimed determination never to interfere with the religion and social customs (with which Hindu religion is bound up indissolubly) of any section of the Indian population by allowing any such law as is contemplated to be put in the Statute Book of India.

(4) To make it clear to the Rulers that according to the unshakeable faith of the Hindus, their distinctive social customs—the most important of which is the institution of caste (*Varnashram Dharma*) are not man-made and so alterable and removable but have been established for all times by the inspired sages and seers of yore who again only voiced the behests of the Almighty.

(5) To respectfully approach the Supreme Government—with a view to guarding against the recurrence of such attempt at revolutionary legislation—to grant the orthodox Hindu community the privilege to elect their own special reliable representative in the Council, thus removing the anomaly and unfairness of non-Hindus and non-orthodox Hindus having a free hand in tampering with the ancient laws vitally affecting Hindu religion and society.

(6) To charge the Head Office of the Bharat Dharma Mahamandal with the duty of taking all necessary steps at once to give effect to the decisions of the conclave representing chief Hindu social and religious authority at the religious metropolis of the Hindus.

With reference to the above decisions it was settled that, if necessary, a representative deputation should be nominated by the Bharat Dharma Mahamandal to wait upon His Excellency the Viceroy. It was specially enjoined to spare no effort to keep all excitement out of the agitation and keep it within constitutional bounds.

The conclave dispersed with the pronouncing of benediction for the long life of the Emperor.

Hindus of

sons.)

No. 5.

No. 7802-05L., dated Shillong, the 1st October 1918.

From—C. S. GUNNING, Esq., I.C.S., Under-Secretary to the Chief Commissioner of Assam, Legislative Department,

To—The Commissioner, <sup>Assam Valley Districts</sup> Surma Valley and Hill Districts, and the Judge, <sup>Assam Valley Districts</sup> Sylhet

I am directed to forward a copy of a Bill to provide that marriages between Hindus of different castes are valid, with a Statement of Objects and Reasons, and to request, that you will be so good as to favour the Chief Commissioner with an expression of your opinion after consulting selected officers and such other persons as you think fit.

2. I am to request that the reply to this letter may be sent so as to reach this Department by the 1st February 1919.

No. 6.

No. 7806-07L., dated Shillong, the 1st October 1918.

From—C. S. GUNNING, Esq., I.C.S., Under-Secretary to the Chief Commissioner of Assam, Legislative Department,

To—The Secretary, <sup>Assam Association</sup> Ahom Association

I am directed to forward a copy of a Bill to provide that marriages between Hindus of different castes are valid, with Statement of Objects and Reasons, and to request that you will be so good as to favour the Chief Commissioner with an expression of the opinion of your Association.

2. I am to request that reply to this letter may be sent so as to reach this Department by the 1st February 1919.

No. 7.

No. 1210—III-5, dated Sylhet, the 7th December 1918.

From—H. C. LIDDELL, Esq., M.A., I.C.S., District and Sessions Judge, Sylhet,

To—The Under-Secretary to the Chief Commissioner of Assam, Legislative Department.

In reply to your No. 7802-05L., dated the 1st October 1918, forwarding copy of a Bill providing that marriages between Hindus of different castes be valid, I have the honour to say that I have consulted various persons here and there seems to be distinct cleavage of opinion. The majority of the members of the local Bar are against the Bill, but no reasons have been given for the opinion. The Government Pleader supports the Bill: his view is that Hindus are governed more by custom than by texts, and that the opposition to the present Bill is more unreasonable than that to Religious Disabilities Act or the Widow Re-marriage Act: he points to the tyranny of the present law which tends to drive Hindus into the arms of other communities.

Both Munsiffs support the Bill on the ground that such marriages were legal under the more ancient and liberal Hindu law and that the restriction is due to 'mediaeval text interpolators and reactionary commentators.'

Both Sub-Judges oppose the Bill, which would, in their opinion, lead to disruption of Hindu society and to the end of Hindu religion since the *Shastras* would not allow the issue of such marriage to offer the *pinda*.

Where therefore the *Shastris* may be interpreted either way and where ancient law and custom are referred to as liberal when compared with the modern law and custom, I can see no objection to a permissive bill of this nature. If a man is born and brought up in a school of Hindu law, he will naturally tend to follow that school and associate with those of similar tendencies: it seems, however, most inequitable that he should be prevented from changing his views by the threat that the marriage will be illegal when, as a matter of fact, law seems as much in his favour as against him.

I would therefore support a bill which would tend to increase or at least to declare the liberty of the subject.

No. 8.

No. 141, dated Silchar, the 8th January 1919.

From—The Hon'ble Mr. W. J. REID, C.S.I., I.C.S., Commissioner, Surma Valley and Hill Districts,

To—The Chief Secretary to the Chief Commissioner of Assam.

I have the honour to refer to Mr. Gunning's letter No. 7802-05L., dated the 1st October 1918, asking for an expression of opinion on a Bill to provide for the validity of marriages between Hindus of different castes, and to submit copies of the replies which have been received from the Deputy Commissioners of Cachar and Sylhet. A copy of a note received from Babu Pabitra Nath Das, a young pleader of Silchar, is annexed.

2. The opinions received show a striking divergence, as do also the reports in the newspapers of the various meetings convened to oppose or to support the principle of the Bill. In my opinion the speech made by the Hon'ble the Law Member when the Bill was introduced in the Imperial Legislative Council conclusively showed that its principle is not opposed to the teachings of the Hindu *Sastras*. If, however, the attitude of Government is still what it was explained to be by the Hon'ble the Home Member on the same occasion, it is impossible for any one outside the Government of India to decide whether the Bill should be opposed or supported or regarded with neutrality. My personal views are all in favour of the Bill.

No. 9.

No. 481G., dated Silchar, the 15th December 1918.

From—A. R. EDWARDS, Esq., I.C.S., Deputy Commissioner, Cachar,  
To—The Commissioner, Surma Valley and Hill Districts.

I have the honour to refer to your memorandum No. 8212-13, dated the 8th October 1918, forwarding for my opinion a copy of the draft Bill to provide that marriages between Hindus of different castes are valid, and to submit copies of the opinions received from the "Sanatan Dharma Sava," Babu Brindaban Chandra De, Extra Assistant Commissioner, Babu Mahendra Kumar Dam, Extra Assistant Commissioner, Babu Surendra Nath Dutta, Sub-Deputy Collector, and Babu Abanti Nath Dutta, Government Pleader. It will be observed that the Government Pleader and Babus Brindaban Chandra De and Surendra Nath Dutta are in favour of the Bill, while Babu Mahendra Kumar Dam and the Sanatan Dharma Sava are against it.

2. I am inclined to think that it deserves support. It seems to me, however, that Babu Surendra Nath Dutta's suggestion that such marriages should be valid only in the case of adults is worthy of consideration. Such a proviso would greatly weaken the Bill, but, if there is strong opposition to it from sections of the Hindu community, this should make it less distasteful to them. It might perhaps be made to apply only where no other wife is living, though I am inclined to be against this. To limit it to monogamous marriages would, I think, be difficult.

3. I will not attempt to deal with the subject at length, as the matter seems to be one in which Hindu opinion is more practically required.

No. 10.

Resolutions passed in the meeting of the Sanatan Dharma Sava held on the 13th November 1918 at Silchar.

1. This meeting records its deep sense of joy at the armistice being signed with Germany and is grateful to God for the triumphant success of the glorious British Arms.

2. This meeting strongly protests against the passing of international marriage Bill proposed by the Hon'ble Mr. Patel, as it is against the true principle of Hindu marriage and Hindu *Shashtra*.

3. That copies of the above resolutions be submitted to His Excellency the Viceroy and the Governor General of India, His Honour the Chief Commissioner of Assam and the Deputy Commissioner of Cachar and also to the press.

BHUBAN MOHAN BHATTACHARJEE BIDYARNAVA,  
*President.*

No. 11.

Intermarriages between persons of different castes of the Hindus are likely to lead to social disorder in the Hindu society and orthodox Hindus will not certainly support at present such intermarriages, although there may not be any religious bar. With the spread of education, however, the society is bound to move with the times as it has already commenced to do and gradually waive such objection. I think that the contracting parties must be allowed to have a free choice and the Bill should receive support of the educated community. The Bill is certainly worthy of support.

BRINDABAN CHANDRA DE,  
*Extra Assistant Commissioner.*  
The 23rd November 1918.

No. 12.

The Bill avowedly aims at doing away with the observance of the caste system which is enjoined by the Hindu *sastras*, and on which the Hindu society has so long stood firmbased. It will certainly be objectionable to an orthodox Hindu. If passed into law, it will, I am afraid, lead to a disintegration of the Hindu community and thereby produce more harm than good. The advent of a *barnasankar* (an issue of an intermarriage) has been looked upon by the *Sastras* as an evil, as evidencing a degenerate and anomalous state of the society.

SILCHAR,

The 25th November 1918.

MAHENDRA KUMAR DAM,

Extra Assistant Commissioner.

No. 13.

Deputy Commissioner,

The proposed Bill for validating intercaste marriage among the Hindus may be looked at from 3 different points of view.

- (1) Orthodoxy.
- (2) Advanced section of the Hindus.
- (3) Government.

I. *Orthodoxy*.—The Hindu society which has been deeply influenced by western culture and thought is moving in rapid strides towards a social ideal in which there is a greater freedom of individual action; and what was discounted as heterodoxy 25 years ago is now accepted without a murmur by those who go by the name of the orthodox section. A notable example is in this town. A gentleman whom an attempt was made 25 years ago to outcaste for his supposed heterodox habits now publicly accepts invitations at a State dinner in this town. *প্রতিগোম* and *অনুগোম* marriages are known to every educated person, and there are numerous examples of a man of higher caste marrying a woman of a lower caste in the *Puranas*. Sastric injunctions or texts, however, are of no avail when they go counter to customs which are considered inviolate. But in the present case the custom of intercaste marriage obtains to some extent in certain places as in Sylhet, Chittagong and Comilla between Baidyas and Kayasthas. The Dastidar family of Sylhet (Kayastha) is related to the Gupta family (Baidya) of Chuallis in Maulvi Bazar. Hence it seems to me that the orthodox section cannot have any reasonable grounds of complaint if the Bill be passed into law, which will only permit but not enforce an extension of the intercaste marriage among peoples and in places where it does not obtain and where therefore there is at present a positive legal bar to it.

II. *Advanced Section*.—The great Brahmo Reformer Keshab Chandra Sen moved the Government of India in the seventies of the last century to pass a law validating marriages which would not require the acceptance of the orthodox formulæ of the Hindu marriage. This was necessary on account of the spirit of reform which was inaugurated by Keshab Sen and his followers. The Indian Marriage Act was passed, which requires a declaration that the parties do not belong to any of the great religions. To have one's freedom of conscience one must declare himself a non-Hindu; and the result has been a gradual breaking away of the Brahma Samaj (containing the most enlightened men of the time) from the fold of the Hindus. A society cannot grow by fission, and this appears to me to have been a great misfortune for the Hindus and for the country. Mr. Bhupendra Nath Basu's Marriage Bill, which wanted to remedy the errors of the Indian Marriage Act, was most unfortunately thrown out a few years ago in the Imperial Legislative Council. The present Bill is much narrower in its scope and should be passed into law. But I beg to point out below certain difficulties which ought to be removed to make it really beneficial to the society.

Dr. Bidhan Roy, the eminent Calcutta physician, had an elder sister. They are Brahmos. A Hindu not belonging to the same caste as Doctor Roy married the lady under the Indian Marriage Act. This union was the result of free love and was effected by each party realising the full sense of responsibility. Social pressure was strong and continuous upon the husband and he yielded to it after 7 or 8 years and remained within the fold of his own caste as a Hindu. The consequence was great mortification to the poor lady, who withered and died a few years hence. Babu Barada Kanta Basu was formerly the Head Master of the Brahmo Girls' School, Calcutta. He married a Brahmo lady (whose parents were Brahmins) under the Indian Marriage Act. Very strong and continuous pressure was put upon the husband to discard this lady and to take another wife within the fold of his caste as Hindu. But he has

conscientiously withstood it. These two illustrations will show that where the custom of intercaste marriage does not prevail only the strongest minds will be able to contract a marriage of the kind and far stronger minds will be able to stand firm against insidious social pressure. The Bill is merely permissive and both the husband and wife should be parties to intercaste marriage with the full sense of their responsibility, and when they have once contracted the marriage it should not be left to the husband to discard his wife of another caste and to take another wife. Polygamy was prevalent amongst the Hindus and has nearly died out through the influence of western culture and example; but even now we come across some cases. And if polygamy is permitted to persons who will form matrimonial alliances under the provisions of the proposed Act the woe of the affected Indian wife will know no bounds. There is no doubt that time will cure the matter; but our women should not be allowed to be made the sport of adventurous persons. The Bill should make additional provision that the intercaste marriage should be.—

- (a) an adult marriage (so that the contracting parties should take full responsibility ;
- (b) a monogamous marriage (so that no second wife can be taken or any married man can take a second wife from another caste).

III. *Government.*—The attitude of Government in matters of social legislation has been one of absolute neutrality. The two most important social legislations, however, passed on the initiative of Government are :—

- (I) the spopping of the *Sutty* ;
- (II) the Age of Consent Act.

The former had to be undertaken to stop cruel murders in the name of chastity and the latter to enforce social purity and to safeguard the health of the nation. The Age of Consent Bill was passed about 30 years ago. I was then a boy and remember quite well the ferment heat created by the controversy. The country has, within this long span of time, made much advance in healthy social ideas. From the discussion, however, in the Imperial Council which took place at the time of the introduction of the present Bill by Hon'ble Mr. Patel, I am afraid this Bill, though it has the backing of advanced public opinion, may meet with the same fate as that of Mr. Bhupendra Nath Basu unless Government gives up its neutrality and lends it its strong backing. The Hon'ble Pandit Madan Mohan Malavya, who is an ardent member of the Home Rule League, opposed it. They want Home Rule, but would not allow freedom of action even in the most intimate concerns of life, a most incongruous position. I request that the authorities may be moved to pass the Bill into law with Government support. Such validating intercaste marriage laws have been passed in Baroda and Indore, and British India should not lag behind.

S. N. DATTA,

*Sub-Deputy Collector.*

*The 23th November 1918.*

No. 14.

Dated Silchar, the 15th November 1918.

From—Babu ABANTINATH DUTTA, B.L., Government Pleader, Silchar,

To—The Deputy Commissioner of Cachar.

I have the honour to submit this my opinion, which I have been asked to express, on the Bill to provide that marriages between Hindus of different castes are valid.

The Bill seems to me to be worthy of support. The prohibition against intermarriage between persons of different castes is comparatively modern. Formerly marriages between men of one class and women of a lower, even of the Sudra class, were permitted as the following text of Manu shows :—

- (12) “সবর্ণগ্রে দ্বিজাতীনাং প্রশস্তা দারকর্ম্মণি ।  
কামতস্ত প্রবৃত্তানিমিশঃ স্যু ক্রমশো বরাঃ ॥
- (13) শূদ্রৈব ভার্য্যা শূদ্রস্ত সা চ স্বাচ বিশঃ স্মৃতে ।  
তেচ স্বাটৈব রাজঃ স্যুঃ তাশ্চ স্বা চগ্রজন্মনঃ ॥”

which means—“For the first marriage of the twice-born classes a woman of the same class is recommended ; but for such as are impelled by inclination to marry again women in the direct order of the classes are preferred.”

"A Sudra woman only must be the wife of a Sudra ; she and a Vaisya, of Vaisya ; they two and a Kshatriya, of a Kshatriya ; those three and a Brahmani, of a Brahman."

In the Code of Manu we find a provision for partition of heritage among sons by wives from various tribes. It runs thus :—

"Let the son of the Brahman receive four parts, the son of the Kshatriya three, let the son of the Vaisya have two parts and let the son of the Sudra take a single part."

The Mitakshara and the Dayabhaga cite the above text and take the same view. It is thus evident that in ancient times intermarriage was regarded valid and the issue of such a marriage legitimate. Marriage of an inferior man with a superior woman was greatly discountenanced, but there is no authority for holding the marriage to be invalid.

Upon the authority of the following text of the Aditya Purana Raghunandan prohibits intermarriage in his treatise on marriage (*Udvahata*) :—

"এতানি লোকস্ত্যর্থং কলেরাদৌ মহাত্মভিঃ ।

নিবর্তিতানি কৰ্ম্মাণি ব্যবস্থা পূৰ্ব্বকং বুধৈঃ ॥"

which means—"In the beginning of the Kali age these practices have been prohibited after consideration by the learned for the protection of the people."

The above text shows that the rules of the *Sastras* may be modified or replaced if, in the opinion of the learned, the exigencies of the Hindu society require a change.

At the present day loss of caste is rare and Hindu society is making social progress. In my opinion the present condition of the Hindu society requires a modification of the rules governing it. I am therefore inclined to support the Bill.

No. 15.

No. 2907 R., dated Sylhet, the 21st December 1918.

From—J. HEZLETT, Esq., I.C.S., Deputy Commissioner of Sylhet,

To—The Commissioner, Surma Valley and Hill Districts.

I have the honour to acknowledge receipt of your memorandum No. 8212-13, dated the 8th October 1918, forwarding for opinion a copy of a Bill to provide marriages between Hindus of different castes, and to say that I consulted some of the leading Hindu gentlemen and two of the Subdivisional Officers in the district. Copies of their opinions are submitted. The majority are opposed to the Bill, but the remarks of Babu Promode Chandra Datta, Government pleader, in favour of the Bill, seem to me to be much to the point.

No. 16.

Dated Sylhet, the 17th December 1918,

From—The Hon'ble Babu RADHA BINOD DAS, Pleader, Sylhet,

To—The Deputy Commissioner, Sylhet.

In reply to your No. 2749 R., dated the 12th December 1918, I beg to inform you that I don't remember to have been supplied with the Bill to validate marriage between Hindus of different castes. I was away at Silchar for a long time, and after coming to Sylhet made a search for it after the receipt of your reminder, but could not trace any. So please excuse me for the delay in answering your letter.

No. 17.

Dated Moglabazar, the 5th December 1918.

From—Rai Bahadur RAMESH CHANDRA BHATTACHARJYA, Zamindar and Honorary Magistrate,

To—The Deputy Commissioner of Sylhet.

With reference to your letter No. 1904-14 R., dated the 25th October 1918, and subsequent reminder, asking for an expression of opinion on Mr. Patel's Bill to provide that marriages between Hindus of different castes are valid, I beg to say that the proposal is likely to act prejudicially to the best interests of the community, which should

be safeguarded against individuals, and that we must uphold the time-honoured traditions and customs of the Hindus, whose marriage is no civil contract, but has higher motives behind it. Mr. Patel's interpretation would set at naught even the Sastri injunctions of the Hindus which have been in force for the time immemorial, and I regret therefore to be unable to accept his interpretation as correct. It is, I venture to think, a matter of much concern that the Government should be a party to an innovation in ancient customs and usages of the Hindus, for, it goes against its established policy of non-interference in the religious subjects. The Hon'ble Sir William Vincent, however, assured in the Imperial Legislative Council that the Government would be largely guided by the opinion of those who were most likely to be affected by the Bill, if passed, and we believe and have reasons to believe that due weight will be given to the opinions expressed by the Hindu Public and also to the resolutions which are being passed in several protest meetings in Bengal, Bihar and other provinces. I have also sent a copy of your letter, together with the Bill, to the Secretaries, the Sylhet Baidik Samiti and the Brahman Parishad, the two social organs of the district, and their criticisms will, I hope, be submitted in due course to you.

As I was not in good health for some time past, there has been an unusual delay in reply, complying with your requisition, for which I extremely regret.

No. 18.

Deputy Commissioner,

Your No. 1904-14, dated the 25th October 1918. The Bill is intended to validate marriage between Hindus of different castes. Objection has been taken to it on the ground that such marriages are opposed to the principles of Hindu religion and that by enacting such law the Government will interfere with the religious liberty of the Hindus.

What are Sastri ingenuities in this matter is more than I would undertake to say. It is difficult to know where they are to be looked for, and it is quite possible that texts may be found which will lend support to the view put forward in the Bill. Texts have been found to support Widow Remarriage Act and the Sea voyage which have always been opposed by the orthodox section.

The fact is we Hindus are governed more by customs than by express texts and our ingenuity is taxed to find Sastri sanction for those customs. Hence arise the differences in stating what the *Sastras* enjoin.

Arguing the question on the merits, there can be no doubt that the Bill deserves support. No patriotic Hindu can contemplate with equanimity the fact that his tyranny drives people out of his fold into the arms of other communities. The result has already been to reduce the number of Hindus and create political difficulties of no mean sort. As for interference of Government in religious matters, I think, that question does not arise if a private Bill introduced by a Hindu is passed in Council for the representatives of the people are there. If the Legislature could pass the Religious Disabilities Act and the Hindu Widow Remarriage Act, there is no reason why it cannot lend its support to a measure like the present. The opposition to the Bill is more unreasonable than that which was offered to either of the two Acts above referred to.

I support the Bill.

28th November 1918.

P. C. DATTA,

Government Pleader.

No. 19.

Dated Sylhet, the 26th November 1918.

From—The Hon'ble Rai NALINI KANTA RAI Dastidar Bahadur, Sylhet,

To—The Deputy Commissioner, Sylhet.

With reference to your letter No. 1904-14, dated the 25th October 1918, inviting my opinion on the Bill to provide that marriages between Hindus of different castes are valid as proposed by Mr. V. J. Patel, I beg to inform you that I am not in favour of any such Bill which is calculated to transgress the most fundamental rules of the existing rules of the Hindu society.

No. 20.

Dated Karimganj, the 2nd November 1918.

From—Rai Sahib SATIS CHANDRA DEB, B.L.,

To—The Deputy Commissioner, Sylhet.

In compliance with your memorandum No. 1904-14, dated the 25th December 1918, I beg to send herewith my humble opinion regarding the Bill for legalizing inter-marriages between the different castes of the Hindu community.

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OPINION.

No. 20 (a)

I have carefully gone through the question and in my humble opinion the Bill it has been drafted should be passed into law for the following reasons:—

According to the Hindu *Shastras* a marriage between a man of a superior tribe and a woman of an inferior tribe was legal and valid, as, for instance, a Brahmin could have legally married a woman of either a Kshatriya or a Vaisya or a Sudra tribe. But the latest commentators (*vide Vrihda Narodia Puran* and *Udbaha Tatwa*) prohibit such inter-marriage between persons of different *varnas* or tribes in this Kalijog, and this prohibition has been followed by the Calcutta High Court (*vide* 9.W.R. 552), although the view taken by them seems to be in conflict with the views of the ancient Hindu sages.

The Hindu *Shastras* do not at all prohibit an inter-marriage between subdivision of the same *varna* or tribe, but by long-established practices such inter-marriages also do not now take place, and as it is extremely doubtful if such a practice or custom can override the *Shastras*, there arises no difficulty in legalising inter-marriage between the different subdivisions of the same *varnas* by express enactment. Now the question remains, if inter-marriages between persons belonging to different *varnas* should also be legalized in the same way by express enactment. As I have already told before, it was previously legal for a man of a superior *varna* to marry a woman of an inferior *varna*, and I do not see any valid reason why the same practice should not be introduced again. The sages of course would not allow a man of an inferior tribe to marry a woman of a superior tribe. The reason which probably actuated them to prohibit this was that thereby the *Kuladhara* would have been impured and so there would have been degeneration of the higher or intelligent tribes. But this view cannot hold good nowadays, as different *varnasankar* sub-tribes have already since been crept up and the *Kuladhara* has thus been deteriorated. There is now left no chance of improving their *Kuladhara* in the present state of the society. On the other hand, inter-marriages would, in my humble opinion, promote the growth, happiness, and prosperity of different sections of the community. Every body should be a free agent in marriage which our *Shastrs* also enjoin and if a match be contracted between persons on different *varnas* or tribes, there seems to be no reason why the contracting parties or their children should be looked down in the eyes of the law.

The 2nd November 1918.

SATISH CHANDRA DEB.

No. 21.

Dated Sylhet, the 29th October 1918.

From—Rai SUKHAMAYA CHAUDHURI, Bahadur Sylhet,

To—The Deputy Commissioner, Sylhet.

With reference to your letter No. 1904-14R., dated the 25th October 1918, I have the honour to say that for the reasons stated in the Objects and Reasons I fully support the proposed legislation to validate marriages between Hindus of different castes.

No. 22

Dated Sylhet, the 22nd November 1918.

From—Rai SITA MOHAN DAS, Bahadur,

To—The Deputy Commissioner of Sylhet.

With reference to your office No. 1904-1914, dated the 25th October last, forwarding a copy of the Bill to provide that the marriages between different castes of Hindus are valid for my opinion, I have the honour to inform you that I strongly oppose the introduction of such a legislation which directly interferes with Hindu religion. Our Hindu *Shastras* strictly prohibit such inter-marriage. The Hindu marriage is a religious sacrament and should be regulated solely by the existing *Shastras* which are rightly or wrongly believed to have sprung from divine inspiration. It would be bad for the Hindu community if any legislator be empowered to create a new *Shashtra* and force it upon it. According to the Hindu *Shashtra* the bride and the bridegroom are required to undergo certain religious rites to make the marriage valid. The introduction of such an Act will materially affect the Hindu law of inheritance and all social rules and morals shall have to be changed.

No. 23.

No. 1749R., dated Habiganj, the 1st November 1918.

From—The Subdivisional Officer, Habiganj,

To—The Deputy Commissioner of Sylhet.

Your No. 1904-14R, dated the 25th October 1918. I have no criticism to make on the proposal raised therein.

No. 24.

Dated Tajpur, the 3rd November 1918.

From—Rai Sahib RUKMINI KANTA GUPTA,

To—The Deputy Commissioner, Sylhet.

With reference to your letter No. 1904-14, dated the 25th October 1918, asking for an expression of opinion on the Hindu Marriages Validity Act Bill, I have the honour to say that the Act may remove hardship in individual cases, but it is doubtful if any material progress of the Hindu community can be effected by it so long as the caste system in its present form exists. The proposed law cannot possibly, nor is, I think, intended to interfere with the existing castes. Even now in this and some Bengal districts there are several instances of inter-marriages between Shahas and Sudras or Kaistas and between Halua Das and the latter castes. The legal validity of such marriages is seldom questioned in law courts, but the social validity is never admitted nor are the persons so married or their descendants taken into their original castes. They are treated by the Sudras or Kaistas as out-castes. The Act under consideration is opposed to Hindu law and is likely to be resented except by a small minority.

2. The general impression of the Hindu masses, as far as I can gather, is that the proposed law is intended to break indirectly the caste system. The masses do not much mind the legal effect of the marriages between different castes so long as they are free to refuse the social validity and their religious feelings are not interfered with. Some such provision in the proposed Act as will remove the misunderstanding seems desirable.

3. In my humble opinion, the Act under consideration is not likely to have a better effect than the Hindu Widow Marriage Act and marriages between different castes are not expected to be introduced in an appreciable extent just as the Hindu widow marriage has not become common, though such marriage was legalized many years ago.

No. 25.

No. 32, dated Sylhet, the 8th November 1918.

From—Babu HARINDRA CHANDRA SINGHA, Secretary, Bar Library, Sylhet,

To—The Deputy Commissioner of Sylhet.

With reference to your memorandum No. 7802-9J., dated the 1st October 1918, I have the honour to inform you that the majority of the members of this Library are against the proposed legislation to validate marriages between Hindus of different castes.

No. 26.

## HINDU MARRIAGE VALIDITY BILL.

### *Object of the Bill.*

The Bill which the Hon'ble Mr. Patel has introduced in the council is intended to declare the validity of marriages between persons of different Hindu castes. Intercaste marriage being forbidden amongst Hindus at the present time, persons who intend to celebrate such a marriage can do it only under the Special Marriage Act of 1872. According to the provisions of this Act, the parties have got to declare at the time of marriage that they do not profess certain religions of which the Hindu religion is one. It is certainly very curious that marriage between persons of different castes, who are Hindus both by birth and religion, should remove them out of the pale of Hindu religion and Hindu law. The present Bill seeks to provide that if a Hindu wishes to marry outside the limits of his own caste, he will not have to renounce his personal religion and his personal law in matters of intestate and testamentary succession.

The aid of the Legislature has been sought because the important legal consequences which emanate from the conjugal relation depend not upon the will of the parties, but upon the law which governs them and because the right of making an alteration in the personal laws of all sects in India has been vested in the Indian Legislature since its establishment. The legal consequences of a marriage can be principally grouped under the following heads :—

- (1) Those relating to devolution of property.
- (2) Those relating to the offspring of the parties.

Legality of marriage and legitimacy of issue are, therefore, connected as cause and effect. Hence if the union is according to law, it will confer on the issue of the union the status of legitimacy and thus the foundation of the rights of inheritance, whether lineal or collateral, are found. But as Hindu law does not recognise inter-caste marriage, the issue of such a marriage must be held illegitimate and they would not be allowed to claim any legal status according to that law. The Legislature has been asked to remedy such a state of affairs.

#### *Criticisms of the Bill.*

That a Bill on such a delicate subject should provoke considerable opposition is inevitable. But as the proposed legislation does not affect those who do not like to take advantage of its provisions, any opposition coming from that quarter may not be seriously taken into account. The arguments advanced by those who oppose it are that the proposed legislation is an inroad on Hindu laws as laid down in the *Sastras* and that it will lead to disintegration of society.

In order to discuss the validity or otherwise of the first contention, it will have to be seen whether in the past Hindu society has tolerated changes in their laws in response to the fluctuating needs of society. The nature of the rigidity of Hindu law has originated from the belief in its emanation from the deity. While this belief made it in theory absolutely unalterable by any temporal authority, on the other hand, the want of such connection with any temporal power rendered it a system most readily adaptable to the varying character of society. As changes took place from time to time in the internal structure of Hindu society, corresponding changes had to be made in the rules as laid down in the Primeval Code. We have the following from Rajkumar Sarvadhikari's Tagore Law Lectures of the year 1880 :—

"It (referring to the growth of Hindu law) was the result of progress and the creature of circumstances. Social wants created it and social advancement watched its formation. Stationary it never has been and never will be. It has grown with Hindu society and will share in the vicissitudes of its growth." This growth of Hindu law by the assimilation of new usages was helped mainly by the commentators who under the pretext of interpretation moulded ancient texts according to their own views of justice and expediency. Surely the Indian Legislature can do at present what the commentators could do in the past for the purpose of accommodating the law to the needs of the society. The justification for this interference on the part of the Legislature will also be found in its own action in the past, *viz.*, in the passing of the Widow Remarriage Act in 1868 and of the Age of Consent Act in 1891. Further if it is taken into consideration that the Native States of Nepal and Indore have already taken the bold step of validating inter-caste marriage, the interference on the part of the Legislature cannot be held to be gratuitous.

There is an apprehension that the proposed legislation, when carried into effect, will lead to disintegration of society. What will actually take place is that a separate caste will be formed within the Hindu fold which will in the long run embrace all other castes, thus bringing about the fusion of caste, which is the ultimate object of the present Bill.

#### *Ancient law on the subject of inter-marriage.*

In former times inter-marriage between persons of different castes was permitted as will appear from Manu, Chapter IV, *slokas* 12 and 13. The text when rendered into English would run thus :—

"For the first marriage of the twiceborn classes, a woman of the same class is recommended, but for such as are impelled by inclination to marry again, women in the direct order of classes are to be preferred."

"A Sudra woman only must be the wife of a Sudra; she and a Vaisya of a Vaisya; they two and a Kshatriya of a Kshatriya; these three and a Brahmin of a Brahmin."

Thus though marriage between persons of the same caste was preferred, a woman was always allowed to be married to a man of a higher caste, but her marriage with a man of lower class was condemned.

The Mitakshara and the Dayabhaga, the two great treatises of Hindu Law, take the same view. According to these two treatises, the offspring of the allowable form of marriage were allowed to inherit their father's property, although in inferior shares, but the issues of the prohibited form of marriage were entitled to get maintenance only.

#### *Modern law on the subject of inter-marriage.*

This allowable form of marriage was disallowed in Kali age. The commentators Raghunandan and Kamalakara enumerate certain practices that should be avoided in Kali age, of which intermarriage between different castes is one. In this they differ from the Smritis which recognise the validity of a marriage between a superior man and an inferior woman. Thus a practice which had the sanction of ages behind it fell all on a sudden into desuetude.

#### *Judicial decisions.*

Judicial decisions provide an important medium by which changes can be effected in the personal laws of different sects in India, but in this branch of Hindu Law judges have been most reluctant to interfere. The courts, however, are always in favour of presuming marriage and legitimacy, etc., when there is a marriage in fact, it will be presumed that there is a marriage in law. The Privy Council have also held that when a factum of marriage is established and the children are treated as legitimate by their father, the very strongest evidence would be required to show that the law denied to them their presumable legal status. But though courts are entitled to presume legality of marriage, they cannot overlook the texts of Raghunandan and Kamalakara and the custom which has grown up since their time. In the Punjab of course marriage between a superior man and an inferior woman is recognised as valid. *Khairu versus Fakirchand* (57 P. R. 1909 of Indian cases 949) is a clear ruling. It relies upon dicta in *Haru versus Kannya* (72 P. R. 1908) and its net result is that a marriage in the Punjab between a Kshatriya and a Vaisya is not invalid. In the former case it was further held that the old Aryan customs survived more in the Punjab than in any other part of India and that mixed marriages seemed to have become obsolete rather by custom than by any positive prohibition of personal law. In Bengal, except where custom has sanctioned otherwise, absolute equality of caste in the parties is necessary for marriage and no prohibitory rule is more strictly observed than this. The weight of judicial authority seems to be in conformity with practice. Thus in a case where the legality of the marriage of a Dome Brahmin with a girl of the Haree caste was one of the points for decision, the High Court of Calcutta held that local custom was the only authority by which such marriage could be sanctioned, the general Hindu law being against it. The consequence, therefore, is that when an intermarriage takes place, suits by either party for restitution of conjugal rights or by the wife for maintenance or by the children for inheritance could not be maintained in a court of law.

The question, therefore, arises whether the legislature should allow these anomalies to be perpetuated in Hindu Law or whether it should recognise a Hindu's right to marry as he likes so long as such marriage does not transgress rules of public morality.

#### *Right to marry.*

In every society an individual is allowed to act in his own way provided such action does not transgress rules of public morality or does not prejudicially affect legal rights of others, *i.e.*, he is allowed freedom of action so long as the interests of the society are not jeopardised. The right of intermarriage seems to be neither inconsistent with public policy nor with social morality. The Legislature will, therefore do well in allowing a Hindu complete toleration in such a vitally important event in his life as marriage by declaring the validity of marriages between persons belonging to different Hindu castes by Statute.

In this connection a question arises whether the Legislature should rehabilitate only the old Hindu law on the subject of intermarriage, or it should go further, *i.e.*, whether it should recognise the right of an inferior man to marry a superior woman. Manu gives an account of the origin of the mixed castes, from which it appears that many of these castes have sprung from connection between inferior men and superior women. It is said that the Namasudras represent one of these mixed castes.

From this it appears that the prohibition of such intermarriage was of moral obligation only. It might have been disapproved and condemned, but when such a marriage took place, it was regarded valid as between the parties to it. The parties to such a marriage were given a low place in the social scale, but as between themselves the relationship of husband and wife was recognised. The Legislature can, therefore, feel no difficulty in recognising the validity of such marriage by statute.

*Right of inheritance.*

Another point which presses for solution is whether those who marry outside the prevailing practices should forfeit the right to succeed to the property of their orthodox relations. The Legislature has already recognised complete freedom of conscience in all religious matters among all classes of people in India by passing Regulation VII of 1832 for the Presidency of Bengal and Act XXI of 1850 for the whole of India. These Acts have superseded all laws and customs which inflicted forfeiture of rights by reason of a person having been excluded from any caste or from the communion of any religion. If exclusion from caste or religion does not operate as a bar to succession, marriage disapproved by the orthodox school cannot reasonably work as such.

*Conclusion.*

The claim of a certain section of Hindus to have legislation on the subject of intermarriage rests, therefore, on the following grounds:—

- (1) It revives the law as laid down in the Manu in so far as it recognises the right of a superior man to marry an inferior woman and it also revives the custom prevailing at the time of Manu, which allowed an inferior man to marry a superior woman and to which Manu traces the origin of many mixed castes.
- (2) It is in consonance with the generally tolerant character of Hinduism which allows great latitude of principle in matters of doctrine and worship.
- (3) It will allow those Hindus who believe in the fundamental spiritual doctrines of Hinduism but do not believe in the sacred character of the marriage laws, complete freedom in the matter of marriage.

PABITRA NATH DAS, M.A., B.L.,

The 25th December 1918.

Pleader, Silchar.

No. 27.

No. 272, dated Gauhati, the 18th January 1919.

From—The Hon'ble Mr. A. MELLOR, I.C.S., District and Sessions Judge, Assam Valley Districts,

To—The Under-Secretary to the Chief Commissioner of Assam.

Secretary to the Bar Association,	Dhubri.
Ditto	ditto, Gauhati.
Ditto	ditto, Jorhat.
Ditto	ditto, Dibrugarh.
Government Pleader of Dhubri.	
Ditto	Gauhati.
Ditto	Jorhat.

With reference to your letter No. 7802-08L., dated the 1st October 1918, I have the honour to state that I have consulted the Associations and persons noted in the margin and enclose copies of their replies. No reply could be obtained from

the Dibrugarh Bar Associations though three reminders were sent.

2. It will be seen that the weight of opinion is against the Bill on the ground that it will tend to subvert the Hindu caste system, but it is noteworthy that a majority of the Gauhati Bar were in favour of it and the Government Pleader, Dhubri, also supports the measure. It appears that the great mass of Hindu opinion will be against the Bill, though it will receive the approval of the more advanced section of the community.

3. I see no objection to Hindus of different castes being allowed to contract a civil marriage, which will be legally valid.

The Bill, however, goes so far as to declare that marriages between persons of different castes shall be valid under Hindu law. There can be no doubt that under Hindu law as ordinarily understood such marriages are forbidden and in fact such marriages are not performed. I do not think that the legislature should change such a well-established rule unless the change is supported by a preponderance of opinion among educated Hindus. This is certainly not the case at present, and I do not think that the Bill should receive the support of Government.

No. 28.

Dated Jorhat, the 12th November 1918.

From—Babu PROMODA KISORE ROY, M.A., B.L., Government Pleader of Sibsagar, Jorhat,  
To—The Judge of the Assam Valley Districts.

With reference to your letter No. 3207, dated the 5th November 1918, I have the honour to say that Hindu law does not allow marriages between Hindus of different castes. Such marriages, if legalised, will strike at the root of Hindu caste system and will not be liked by the Hindu society. I do not think that this Bill should be passed.

No. 29.

Dated Gauhati, the 5th November 1918.

From—Babu TARAPRASANNA LAHIRI, Secretary, Pleaders' Association,  
To—The District and Sessions Judge, Assam Valley Districts.

In reply to your letter, dated 30th October 1918, asking for an expression of this Association's opinion on the Bill to provide that marriages between Hindus of different castes are valid, i.e., the Hindu Marriages Validity Act, we have to suggest the following.

No. 30.

Opinion.

"Members of the Bar Association are divided in their opinion on this point, but the majority of the members are for it and are of opinion that such a Bill may be passed into law."

No. 31.

Dated Gauhati, the 3rd November 1918.

From—Rai KALI CHARAN SEN Bahadur, B.L., Government Pleader,  
To—The Judge, Assam Valley Districts.

With reference to your letter No. 3164, dated 30th October 1918, I have the honour to state that it is most undesirable to pass such an Act. There was a previous attempt to enact an Act of this nature and it had to be dropped on account of the strong opposition from the Hindu community. Such intermarriage cannot be tolerated by Hindu society and a man who infringes the fundamental rule of marriage has no right to call himself a Hindu. He can effect such marriage under the Special Marriage Act (Act III, 1872). The future of the Hindu society will be undermined by legalising such marriages among Hindus. The Hindu religion will be affected and I do not think it would be proper for Government to bring about such a change which would materially affect the very constitution of the Hindu society.

No. 32.

Dated Dhubri, the 27th October 1918.

From—Babu KEDARNATH GUHA, Secretary, Dhubri Bar Association,  
To—The Judge, Assam Valley Districts.

With reference to your letter No. 3080, dated the 8th October 1918, asking for an expression of opinion of the members of the Dhubri Bar in connection with the Bill for the Hindu Marriage Validity Act, I have the honour respectfully to state that almost all the members of the Dhubri Bar are distinctly of opinion that there is no necessity for such an Act of Legislature, as it would directly tend to strike at the very root of the caste distinction among the Hindus, and to upset all rules of existing Hindu law and custom.

The enclosures to the above letter have been sent to the Government Pleader as directed.

No. 33.

Dated Calcutta, the 24th October 1918.

From—Babu UPENDRANATH BOSE, Government Pleader, Dhubri,  
To—The Judge, Assam Valley Districts.

With reference to your letter No. 3081, dated the 8th October 1918, asking me for an expression of opinion on a Bill to provide that marriages between Hindus of different castes are valid, I have the honour to submit that, personally speaking, I am quite in accord with the object aimed at by the Bill, and I think this is one step

advance in the progress of the Hindus. Although the Bill never proposes that marriages between Hindus of different castes are compulsory, still I think that this Bill is in all likelihood bound to meet strenuous opposition from the orthodox section of the Hindu community. I have only to suggest that in the Bill as it is, a definition of "caste" may be added.

The enclosures sent by you to the Secretary, Bar Association, Dhubri, were sent to me at my request. The Secretary, however, asked me to return the enclosures to him to enable him to send reply to your letter. Accordingly I send the enclosures back to him instead of returning them to your office as desired, and I ask him to send them to your office.

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No. 34.

Dated Jorhat, the 21st November 1918.

From—Srijut PURNANANDA SARMA, B.L., Secretary to the Bar Association, Jorhat,  
To—The Hon'ble the Judge of the Assam Valley Districts.

With reference to your letter No. 3206, dated the 5th November 1918, regarding intermarriage between Hindus of different castes, I have the honour to inform you that my Association disfavours the passing of the Bill, as such a measure will strike at the root of the Hindu caste system and will consequently interfere with the fundamental principle of Hindu law. The Brahmo-marriage Act (Act III of 1872) is sufficient for individual cases referred to in the Statement of Objects and Reasons.

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No. 35.

Dated Gauhati, the 20th January 1919.

From—Rai KALI CHARAN SEN Babadur, B.L., Government Pleader, Gauhati,  
To—The Under-Secretary to the Chief Commissioner of Assam.

I have the honour to submit herewith a note on the Inter-Caste Marriage Bill introduced by the Hon'ble Mr. Patel in the Imperial Legislative Council. I request that you will kindly lay this before His Honour the Chief Commissioner.

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No. 36.

Note on Inter-Caste Marriage Bill.

The Inter-Caste Marriage Bill introduced by Mr. Patel in the Imperial Legislative Council has quite convulsed the Hindu society. The principles underlying the Bill are wholly repugnant to the Hindu religion, *Dharma Sastras*, immemorial and time-honoured customs and practices, and if the Bill is passed into law, it will undermine the very foundation of the Hindu society and will ultimately destroy the Hindu religion. This is the opinion of the great majority and they honestly believe that any change in their marriage law would be an interference with their religion. No doubt there is a section of people holding a contrary view, but their number is infinitesimal. Six years ago there was a similar attempt by Mr. Bhupendra Nath Bose to introduce a change in the Hindu Marriage Law and it met with a very strong opposition and Government had to drop the Bill.

What the Hindus object to is that a man who transgresses the fundamental Hindu Law of Marriage has no right to call himself a Hindu. Every race has its own laws and customs of marriage peculiar to itself. A people of another nationality may or may not approve of the same, but it has no right to call it wrong. What is wrong and what is right in marriage custom is a very difficult problem. A custom which has come down from generation cannot be done away with by legislation. With the Hindus a marriage is not a civil contract, but it is bound up with their religion and in fact it is a sacrament. The Hindu ideal of marriage is that it is a holy union for the performance of religious duties and so any interference in marriage law will be an interference with their religion.

The Bill says "No marriage among Hindus shall be invalid by reason that the parties thereto do not belong to the same caste, any custom or any interpretation of Hindu law to the contrary notwithstanding."

This would be interfering with the fundamental caste rule on which the structure of the Hindu society is based. Similarly there are various prohibited relations among whom a Hindu marriage cannot be validly contracted. The question is, will the legislature modify the rule and will it be proper for it to do so?

There will be a certain section in all countries who will entertain views contrary to other peoples and the question is, has that section any right to impose its views upon the major section of the people?

It is stated that the Bill is only permissive. At first sight it appears to be so. But if the matter is deeply considered, then it will be seen that a radical change will be brought about in the Hindu law which will ultimately affect the religion. A Hindu has got certain rights and privileges under the Hindu law. A man who infringes the caste rule in marriage is denied those privileges; what the Bill now seeks is to give that transgressor the rights and privileges which the Hindu law denies.

For instance, the Hindu law does not recognise a marriage between a Brahmin and Sudra and declares such marriage to be invalid. A union of this nature can be validly contracted under the Special Marriage Act (Act No. III of 1872). Under that law he will have to make a declaration that he does not profess Christian, Jewish, Hindu, Mahomedan, Parsi, Buddhist, Sikh or Jaina religion; Brahmos contract their marriage under this Act. A Mahomedan or a Christian cannot say that he would not respect the Mahomedan or Christian rules of marriage, but still his marriage must be considered valid under the Mahomedan or Christian law as the case may be. A claim of this nature must be absurd on the face of it. Similarly a Hindu who does not obey the marriage law cannot say that his marriage is still valid under the Hindu law.

Such a proposition is destructive to the very existence of a society. All societies have their own rules and a man who wants to be its member must respect them. A few radicals here and there and some men having Brahma ideas may support the Bill, but the Hindu society as a whole will always oppose such interference with their socio-religious law and custom.

The 20th January 1919.

KALI CHARAN SEN (*Rai Bahadur*).

No. 37.

Dated Gauhati, the 22nd January 1919.

From—Srijut RAM DEV SARMA, Secretary, Assam Brahman Somaj, Gauhati,

To—The Under-Secretary to the Chief Commissioner of Assam.

I have been directed by the Gauhati Assam Brahman Somaj Society assembled at a special meeting at Sukreswar on the 18th January 1919 at 4½ P.M. to strongly oppose the Bill on the inter-caste marriage known as Hon'ble Mr. Patel's Bill. The Brahman Somaj considers the Bill to be highly objectionable on the following grounds among others:—

- (1) The Bill, if passed into law, will render the Hindu marriage, which is a sacrament, a merely civil contract and will destroy its religious character.
- (2) The principle of spiritual benefit on ancestor by presenting *pindas* and doing *shraddh* which is the very foundation of the right of inheritance will cease to exist and great confusion will arise in the matter of inheritance and there will be great unrest in the Hindu society.
- (3) The *Barnasrama Dharma* known as the caste system, which is the very foundation of Hindu society, will be destroyed and in consequence the religion will be affected.
- (4) The principle of absolute non-interference on religious and social matters as proclaimed by Queen Victoria of gracious memory will be infringed and the religious independence of the Hindus will no longer exist.

The Brahman Somaj most respectfully state that the Bill which touches the most vital points of the Hindus should not be taken up by members of the Supreme Legislative Council having divergent views and following different religious beliefs, that the Bill should be dropped at once and that Hon'ble Mr. Patel and his followers in the Legislative Council do not represent the views of the Hindus on social and religious matter. *religious matter*

The Brahman Somaj further most respectfully urge that such measure affecting social and religious matter of any section of the community should not be undertaken by the Legislature in future.

I most respectfully request that you will be pleased to lay this before the Government.

No. 38.

No. 50G., dated Gauhati, the 28th January 1919.

From—The Hon'ble Lieutenant-Colonel P. R. T. GURDON, C.S.I., I.A., Commissioner, Assam Valley Division,

To—The Under-Secretary to the Hon'ble the Chief Commissioner of Assam, Legislative Department.

With reference to your letter No. 7802-05L., dated the 1st October 1918, forwarding a copy of the Hon'ble Mr. Patel's

1. Letter No. 127J., dated the 25th October 1918, from the Deputy Commissioner, Garo Hills.

2. Letter No. 1682M., dated the 12th November 1918, from the Deputy Commissioner, Nowgong.

3. Letter No. 3718M., dated the 25th November 1918, from the Deputy Commissioner, Darrang.

4. Letter No. 2627M., dated the 21st December 1918, from the Deputy Commissioner, Goalpara, and its enclosures.

5. Letter No. 4733M., dated the 2nd January 1919, from the Deputy Commissioner, Sibsagar.

6. Letter No. 4149J., dated the 6th January 1919, from the Deputy Commissioner, Kamrup.

7. Memorandum No. 4222J., dated the 11th January 1919, from the Deputy Commissioner, Kamrup.

8. Letter No. 2134J., dated the 13th January 1919, from the Deputy Commissioner, Lakhimpur.

Bill to provide for the validity of marriages between Hindus of different castes, I have the honour to say that I referred the matter to the Deputy Commissioners of my Division, who consulted selected officers and such other persons as they thought fit. I submit, herewith, in original the marginally noted replies received from the Deputy Commissioners on the subject, together with a letter, dated the 22nd January 1919, from the Secretary, Assam Brahman Samaj, Gauhati. I support the Hon'ble Mr. Patel's Bill; in this connection I may say that Mr. Patel's Bill is merely one

declaring that certain marriages amongst Hindus shall not be invalid and in this respect differs somewhat in form from the Hon'ble Mr. Bhupendra Nath Basu's Bill of 1911, although the effect is the same. I beg to submit in original also the proceedings of the meeting held at Gauhati to protest against the Bill presided over by Mahamahopadhyaya Dhireswar Acharya.

No. 39.

No. 127J.-V-2, dated Tura, the 25th October 1918.

From—F. E. JACKSON, Esq., I.C.S., Deputy Commissioner of Garo Hills,

To—The Commissioner, Assam Valley Districts.

With reference to your memorandum No. 3715-21G., dated the 17th October 1918, I have the honour to say that I do not think I could express an opinion of value on the subject under reference, which does not greatly affect this district.

No. 40.

No. 1682M., dated Nowgong, the 12th November 1918.

From—J. A. DAWSON, Esq., M.A., I.C.S., Deputy Commissioner, Nowgong,

To—The Commissioner of the Assam Valley Districts.

With reference to your memorandum No. 3715-21G. of the 17th October 1918, I have the honour to report that the Hindu gentlemen whom I have consulted are in favour of the Bill to provide that marriages between Hindus of difference castes should be valid. I agree as to its desirability.

No. 41.

No. 3718M., dated Tezpur, the 25th November 1918.

From—G. E. SOAMES, Esq., B.A., I.C.S., Deputy Commissioner of Darrang,

To—The Commissioner, Assam Valley Districts.

With reference to your memorandum No. 3715-21G., dated the 17th October 1918, and enclosures, on the subject of the Bill to provide for the validity of marriages between Hindus of different castes, I have the honour to say that I have consulted

the Subdivisional Officer, Mangaldai, the two Extra Assistant Commissioners at Sadr and Rai Sahib Mon Mohan Lahiri, Rai Sahib Padmanath Barooah and Srijut Dalim Chandra Bara. All are strongly in favour of the proposed Bill and I fully agree with them.

No. 42.

No. 2627M., dated Dhubri, the 21st December 1918.

From—A. J. LAINE, Esq., B.A., I.C.S., Deputy Commissioner of Goalpara,

To—The Commissioner of the Assam Valley Districts.

With reference to your memorandum No. 3715-21G., dated the 17th October 1918, forwarding a copy of Mr. Gunning's

1. Letter No. 232D.(E.), dated the 10th/11th December 1918, from Mr. R. C. Sen, Manager, Bijni Raj.

2. Memorandum No. 1100, dated the 5th December 1918, from Subdivisional Officer, Goalpara, together with a copy of the note of Babu Ananda Chandra Sen.

letter No. 7802-05L., dated the 1st October 1918, regarding a Bill to provide that marriages between Hindus of different castes are valid, I have the honour to submit herewith copies of correspond-

ence noted in the margin, and to say that I fully agree with Mr. R. C. Sen, with the Subdivisional Officer, Goalpara, and Babu Ananda Chandra Sen.

No. 43.

No. 232D.(E.), dated Abhoyapuri, the 10th December 1918.

From—R. C. SEN, Esq., Bar-at-Law, Manager, Bijni Raj Court of Wards' Estate,

To—The Deputy Commissioner, Goalpara.

With reference to your memorandum No. 2220-22M., dated the 6th/7th November 1918, I have the honour to submit my views as follows:—

2. I am in favour of Mr. Patel's Bill to provide that marriage between Hindus of different castes are valid. There cannot be any serious objections to the proposed legislation which is permissive in its character, as it merely aims at removing a disability. It imposes no obligation on any Hindus to intermarry, but its main object is to validate such marriages which might be contracted between Hindus of different castes. The existing marriage laws in India do not provide for the validity of such marriages. Under the Civil Marriage Act, one has to declare that he is not a Hindu and those who believe in the dogmas and tenets of what is known as Esoteric Hinduism have always been unwilling to declare themselves as non-Hindus. The results have been most unfortunate and deplorable. According to the decisions of the several Indian High Courts, the children of Hindus who have made intercaste alliances are illegitimate. One can well imagine the pitiable positions of these families who have had the courage to ignore and defy the excessive soul-killing ritualism and the rigorous inequitable caste system associated with a lower phase of Hinduism. I am not unaware of the vigorous counter-movement all over the country against Mr. Patel's Bill, which is being organised and engineered by *Dharmacharyas* and other champions of orthodox customs, who are proclaiming in no unmistakable terms that the proposed legislation will shake the very foundations of Hinduism. The question naturally arises: what is Hinduism? Is it a religion in the sense that we understand Christianity a religion? The question has not, I am afraid, been satisfactorily answered as yet. In Hinduism one finds elements that coincide with the essentials of most other world religions, from the lowest to the highest, standing in a mysterious and profound unity. Worship of gods and goddesses like those of small-pox and cholera or even of the plague; incantations to sylvan deities, offerings to ancestors, all these are found standing side by side with the mysteries of Trinity and the Divine Incarnation. The contradiction of tenets, the complexities of disciplines, the varieties of cultures that go to form what we know as Hinduism to-day, are absolutely bewildering. It is therefore absurd to talk that the proposed legislation would shake Hinduism to its foundation. The Tantric system of social discipline recognised no caste system. The cult of Vaisnabism which preached the sublime truths of Upanishads has thrown off the yoke of caste system. The preaching of Chaitanya, Nanak, Kabir, and in modern times, Ramkrishna Paramhansa and Swami Vivekananda form a most remarkable chapter in the evolution of Hindu religious thought. They rejected caste *in toto* and preached the gospel of universal love and brotherhood. Can any one say that they were any the less Hindus than those who are slaves to caste system?

3. Further, I am of opinion that any opposition to a simple legislative measure like Mr. Patel's Bill is most unfortunate at a time when we are standing on the threshold of a new era. The whole country is now pulsating with a new breath of life. The substantial instalment of Self-Government which His Majesty's Government has promised to India opens up a vista of political, social and intellectual progress. To those who are students of history, it must come as a terrible shock to find that the ardent advocates of the introductions of democratic institutions in India which are based on principles of liberty, equality and fraternity could ever have persuaded themselves to defend social customs founded on principles diametrically opposed.

In conclusion I wholeheartedly support Mr. Patel's Bill.

No. 44.

From—Maulvi A. RAHMAN, Subdivisional Officer, Goalpara,  
To—The Deputy Commissioner, Goalpara.

Your memorandum No. 2220-22, dated the 6th/7th November 1918. I beg to report that the Bill to valid marriages among Hindus of different castes has my full support. The Bill aims at removing one of the social disabilities that stand in the way of national advancement of India as a whole and it is quite in harmony with the liberal principles, both social and religious, which are gaining ground among the advanced Hindus day by day. Such marriages are not forbidden by the ancient Hindu scriptures. "Anulome" and "Prati-lome" marriages are cases in point.

I have consulted some of the leading Hindu gentlemen on the subject and they are mostly in favour of the Bill. I enclose herewith the opinion of Babu Ananda Chandra Sen of Goalpara, which is rather interesting. Babu Kamakhya Charan Sen, B.L., Vice-Chairman of Goalpara Municipality, is against the Bill. I, therefore, enclose his opinion also for your kind perusal.

No. 45.

An Act as proposed by Hon'ble Mr. Patel has become necessary for the benefit of the whole of India in general and the Hindu society in particular. This Act does not contemplate matrimonial alliance between a Hindu and a follower of different religion or who is in any way beyond the wide pale of the Hindu society. Hence a permissible enactment of this kind would not, as a matter of fact, either destroy the Hindu religion or in any way interfere with the real solidarity of the Hindu race.

2. In the absence of any custom of intermarriage between the different castes and sub-sects comprised within the comprehensive Hindu society, Acts XXI of 1850 and III of 1872 became necessary to provide facilities for happy and holy wedlock to a large number of enlightened people. But the result has been, on the whole, disastrous to the Hindu society, for marriages under the aforesaid mentioned Acts have compelled and are still compelling the contracting parties to cut themselves away from the Hindu society.

3. Marriages between the members of the different sects and castes belonging to the Hindu society are not forbidden by the ancient scriptures of the Hindus. *Anulome* and *Pratilome* marriages are instances to the point. Such marriages were in vogue in olden days when the Hindus were great and glorious and are still in vogue in some parts of India. Issues born of such wedlock enjoyed and do still enjoy (where such marriages are still to be found) by right of succession ancestral property. It cannot, of course, be denied that at the present time such marriages do not take place in most places owing to the wrong notion that such marriages are opposed to religion.

4. Enquiries to ascertain the causes of the comparative decrease in the birth rate of the Hindus as contrasted with the Muhammadans and other great religious sects have definitely proved that want of facilities for matrimonial alliances between the members of the various sects and sub-sects of the Hindu society is one of the potent evil causes operating in the direction of diminishing the stock.

5. Early marriage, widowhood, *Kulinism*, polygamy and many crude social customs deriving their sustenance from the bigotry of the orthodox class,—all these coupled with the recent alarming growth of the hated dowry system are responsible for many of the horrible and unutterable vices which have been eating into the very

vitals of the Hindu race and have been casting shame upon their time-honoured and hoary civilization. There is not in the least any doubt that if happily the proposed Hindu Marriage Validity Act is passed into a law, it will go a great way in eradicating some of the most rampant vices, as the Act will do away with many unwholesome limitations restricting the field of matrimonial choice.

6. The number of population is one of the main ingredients that constitutes the real strength of a community. Divine Providence desires increase of population and it is the incumbent duty of every body, man or woman, to help in the healthy development of the society to which he or she belongs by increasing the number of his or her own race through legitimate marriage connection. Every scripture and every religion have sanctions to this effect. Any custom therefore which restricts this natural growth of humanity is irreligious and brings about social decay. Hence, the proposed Bill of Mr. Patel ought, by all means, to be passed into a law, for it is a Bill which points to the way ordained by God. It does not militate against any existing religion and will in the ultimate effect surely lead to the racial development of a great but ancient community.

7. The old but groundless cry of the bigoted and rigid conservative section of the Hindu community that the Government should not interfere with their social customs and usages has, as usual, again been raised in connection with the proposed Act. But who will deny that the king is responsible for the maintenance of the interest, rights and religion of the subjects? Can anybody honestly say that such evil customs as killing of daughters by the Rajputs, immersion of babies in the Ganges, Suttism, hook-swinging—to name few out of many,—would have been stopped by the Hindus themselves had not the Government taken courage in both hands and abolished them by penal legislation? It therefore behoves the king and his representative (the legislature) to pass into law an Act which is not only dictated by religion and prudence, but also will be productive of immense good to the Hindus in particular and humanity in general.

8. Savants who are deeply read in biology or in relation of sexes say with one voice and it is an admitted truth in respect of the animal world that the more the circle of marriage of a particular community is circumscribed the weaker becomes the progeny gradually leading to the extinction of the race. On the other hand, infusion of new blood consequent upon a wide circle of alliance makes the issues healthier and more vigorous. The great and puissant English nation is a living illustration to the point. The great Hindu sages have also forbidden marriages between near relations and consanguines such as *sagotra* and *sapinda*. There is not the least doubt that one important effect of the proposed Act would be to make the Hindu race virile and strong by widening the field of matrimonial choice.

9. More number (census figures) does not make a community strong. Real and solid unity is the one thing essential to make a community strong. It is the *sine qua non* of a national greatness. Such unity depends upon a strong and genuine sense of kinship and fellow-feeling. It can be said without any fear of contradiction that marriage ties are the strongest ties and union brought about by such ties is not easily broken. History teaches this lesson with an unerring voice. One of the main causes of the present decadent condition of the Hindu society is a lamentable want of union and a sense racial co-hesion. This, in my opinion, is a very strong reason in favour of the passing of the proposed Hindu Marriage Validity Act into law.

ANANDA CHANDRA SEN,

The 4th December 1918.

Goalpara.

No. 46.

No. 4735M., dated Jorhat, the 2nd January 1919.

From—B. C. ALLEN, Esq., I.C.S., Deputy Commissioner, Sibsagar,

To—The Commissioner, Assam Valley Districts.

As requested in your memorandum No. 3715-21G, dated the 17th October 1918, I have the honour to submit my opinion on Mr. Patel's Bill to provide that marriages between different Hindu castes shall be valid. Both the Hon'ble Rai Bahadur Ghanasyam Barua and the Hon'ble Rai Bahadur Phanidhar Chaliha warmly support the Bill, but their views, as far as I can gather, do not commend themselves to the generality of the community and not a single one of the gentlemen from whom I have heard agrees with them.

2. Srijut Chandradhar Barua supports the Bill, but only if modified by the following proviso—"provided that the parties to such marriage and its offsprings (*sic*) shall be included only in such caste which they may be entitled to under the Hindu law by reason of such marriage." This proviso would, I imagine, to a great extent, if not entirely, nullify the effect of the Bill. The Sibsagar Bar Library is willing to support the Bill if a clause is added laying down that the higher caste men or women in an intercaste marriage and their offsprings shall forfeit their right to inheritance of the property of relatives of the higher caste from which the person affected has been degraded as long as there are other heirs however distant. In both these cases therefore only a very qualified approval is given to the Bill.

3. Srijut Gopika Bullabh Goswami, pleader, Golaghat, writes:—"It seems to me neither reasonable nor equitable to ask for an Act against the wishes of a vast body of people only to satisfy the whims of a few persons." Babu Promoda Kishore Roy, Government pleader, opposes the Bill and writes "such marriages, if legalized, will strike at the root of the Hindu caste system and will not be liked by the Hindu society."

Another gentleman writes—

"The proposed Bill is revolting to the religious sentiment by the Hindu. The need of a very few forward members of the community is not the common requirement of the general body."

4. From reports published in the papers it appears that there is strong opposition in the country to the Bill, and in these circumstances it should not, I consider, be proceeded with. Marriage within the caste appears to be an incident of the Hindu religion which the majority of Hindus regard as of vital importance. So long as this is so, we ought not to attempt to alter the Hindu religion by an Act of the legislature. If two young persons of different castes feel that it is essential to their happiness to marry, by all means let them do so. They can become Christians or Muhammadans or Brahmos and enter into a legal contract of marriage. It would be harsh to deny them legal matrimony, but I cannot see how they can reasonably claim to be married Hindus if the great bulk of Hindus hold that such a union is not a marriage at all. A Christian cannot claim the facilities accorded to the followers of the prophet in matters matrimonial. If he wishes to have more than one legal wife living with him, he must first cease to be a Christian and become a Muhammadan. In the same way, if a Hindu wishes to take a bride of another caste, he should cease to be a Hindu and become something else. This seems only fair and reasonable, and so long as a substantial majority of the Hindus are opposed to intercaste marriages, Government should not in my opinion lay a finger in the matter.

No. 47.

No. 4149J., dated Gauhati, the 6th January 1919.

From—A. BENTINCK, Esq., I.C.S., Deputy Commissioner, Kamrup,

To—The Commissioner, Assam Valley Districts.

With reference to your memorandum No. 3715-21G., dated the 17th October 1918, regarding the Hindu Marriage Bill, I have the honour to state that I was unable to consult Srijut Hem Chandra Gosain and Mr. N. C. Bardalai for different reasons, but have received the following opinions:—

The *Sanatan Dharma Sabha* is strongly opposed to the Bill, which it considers will destroy the very foundation of Hindu society.

Rai Bahadur Kali Charan Sen is of the same opinion. Srijut Bholanath Das, Honorary Magistrate, in view of the fact that the custom of marriages between different castes obtains in Assam, is in favour of the Bill.

Mr. N. R. Phukan thinks that the majority of Hindus in Assam will not be in favour of the Bill, but recognizes that there is a good deal to be said on the other side.

I have myself no strong views on the matter: I believe that the restrictions upon marriage are now much closer than they were in the legislative period of Hinduism; the Bill is permissive, and I do not think that it will have the subversive effect apprehended.

No. 48.

No. 4222J., dated Gauhati, the 11th January 1919.

Memo. by—The Deputy Commissioner, Kamrup.

Copy of a letter, dated the 8th January 1919, from Srijut Bishnu Prasad Sarmah, with copy of the resolutions passed at a meeting of the *Pandas* and *Shebais* of the Kamrup-Kamakhya Temple, held on 5th January 1919, forwarded to the Commissioner, Assam Valley Districts, in continuation of this office letter No. 4149J., dated the 6th January 1919.

No. 49.

Dated Kamakhya, the 8th January 1919.

From—Srijut BISHNU PRASAD SARMAH, Doloi of the Kamakhya Temple and President of the meeting of the *Pandas* and *Shebais* held on the 5th January 1919,

To—The Deputy Commissioner, Kamrup.

I have the honour to forward herewith copies of the resolutions passed at a meeting of the *Pandas* and *Shebais* of the Kamakhya Temple, and request your favour of communicating the same to Government.

No. 50.

Resolution passed at a meeting of the *Pandas* and *Shebais* of the Kamrup-Kamakhya Temple, held on 5th January 1919.

## RESOLUTION NO. I.

This meeting of the *Pandas* and *Shebais* of the Kamrup-Kamakhya Temple in Assam assembled this day, the 5th January 1919, views with utmost anxiety and alarm the introduction of the Inter-caste Marriage Bill of the Hon'ble Mr. Patel in the Supreme Council on the ground that it seeks to interfere with the Hindu religion by introducing a change subversive of the Hindu law of marriages as sanctioned by the sacred *Sastras* and usages, and implores the Government to drop the Bill and not to interfere with their religion.

## RESOLUTION NO. II.

The President of the meeting, Srijut Bishnu Prasad Sarmah, the Doloi (manager and head priest of the temple), be authorised to communicate the above to Government through the Deputy Commissioner of Kamrup.

BISHNU PRASAD SARMAH,

Doloi.

No. 51.

No. 2134J., dated Dibrugarh, the 13th January 1919.

From—A. PHILLIPSON, Esq., I.C.S., Deputy Commissioner of Lakhimpur,

To—The Commissioner of the Assam Valley Districts.

With reference to your memorandum No. 3715-21G., dated the 17th October 1918, forwarding for an expression of my opinion the Bill introduced by the Hon'ble Mr. Patel to provide that marriages between Hindus of different castes should be valid, I have the honour to say that I have consulted the gentlemen named in the margin on the subject. The first two are opposed to the Bill chiefly on the ground that it would "interfere with the religion of the Hindus contrary to the settled policy of Government." Babu Gopal Chandra Das thinks that, with the exception of the orthodox Hindus, others, far outnumbering them, will consider the Bill as a truly progressive measure. Rai Bahadur S. C. Das supports the Bill strongly and maintains that inter-marriages between Hindus of different castes have been in force from the vedic time till now and that the validation of such marriages by law could in no way interfere with the Hindu religion or rites. The *Assam*, dated the 7th October 1918, and the *Times of Assam*, dated the 30th November 1918, support the Bill in strong terms.

1. Rai Bahadur P. R. Khaund.
2. Srijut Prasanna Kumar Barua.
3. Babu Gopal Chandra Das, Extra Assistant Commissioner.
4. Rai Bahadur S. C. Das, Extra Assistant Commissioner.

In my opinion the validation of such marriages in law does not in any manner unsettle the Hindu religion or detract from its rites. It does not compel these marriages; it merely ensures the freedom of the individuals who desire to contract them. The more conservative are still at liberty to follow whatever customs they choose. But this is surely no reason why they should deny to the less conservative or even to the unorthodox their ordinary civil rights under a marriage contract.

Col

[No. 52.—Not printed.—Same as Proceedings No. 37.]

No. 53.

Dated Gauhati, the 27th January 1919.

From—Mahamahopadhyaya DHIRESWAR ACHARYA, Chairman of the meeting,  
To—The Commissioner, Assam Valley Districts.

I have the honour to enclose herewith a copy of the resolutions passed at a public meeting held at Gauhati to protest against the Inter-Caste Marriage Bill introduced by the Hon'ble Mr. Patel.

I have been authorised to send a copy of the resolutions of the meeting.

No. 54.

A meeting consisting of all classes of Hindus—Assamese, Bengalis, Marwaris and Hindustanis—was held on the 28th January at 5 P.M. in the yard of the *Sanatan Dharma Sava*, Gauhati, to protest against the Inter-Caste Marriage Bill of the Hon'ble Mr. Patel and the following resolutions were unanimously adopted. Amongst others the following gentlemen were present :—

Mahamahopadhyaya Dhireswar Acharya Kaviratna, Srijut Padma Nath Bhattacharya, M.A., Senior Professor of Sanskrit, Cotton College, Rai Bahadur Krishna Chandra Chaudhuri, retired Extra Assistant Commissioner, Rai Bahadur Kali Charan Sen, Government Pleader, Srijut Hem Chandra Goswami, Extra Assistant Commissioner, Srijut Lakhi Narayan Chatterjee, M.A., Professor of Sanskrit, Cotton College, Pandit Shib Nath Smrititirtha, Srijut Ratneswar Goswami, Rajguru of Assam Raja, Srijut Kameswar Chakravarti, Municipal Commissioner, Babu Tincowrie Banerjee, Proprietor of Messrs. Dey and Co., Pandit Ram Narayan Sarmah of Haridwar, Jagatrup Agarwala, merchant, Pratapmal Oswal, merchant, Srijut Lakhi Prasad Baruah, retired Inspector of Police, Pandit Mati Lal Muralidhar, Pandit Ram Shebak Chaturbedi, Srijuts Gunjanan Barooah and Uma Kanta Sarmah, Srijut Ramdev Sarmah, a leading mucktear, Srijut Kumudeswar Goswami, Landholder and Municipal Commissioner, Srijut Durga Nath Barooah, merchant, Srijut Hara Kanta Goswami, a leading mucktear, Srijut Krishna Kanta Adhikari, *kaviraj*, Matichand Oswal, merchant, Srijut Krishna Chandra Barooah, Pleader, Srijut Lakhi Nath Borah, Civil Sheristadar, Pandit Mahinath Adhikari Vyakarantirtha Sastri, Babu Bepin Behari Roy, Telegraph Master of the Training Class, Babu Bidyadhar De of the Public Works Department, Gauhati, Srijut Surja Kanta Bhuyan, M.A., Professor of English, Cotton College, Srijut Bani Kanta Kakati, M.A., Professor of English, Cotton College, Babu Ashutosh Chatterjee, M.A., Professor of English, Cotton College, Babu Surendra Nath Chatterjee, M.A., Professor of Physics, Cotton College, Babu Kunja Behari Banerjee, merchant, Babu Nadia Bashi Roy, merchant, Pratap Mal Baid, Haboram Deka, Babu Pravat Chandra Saraswati, Lakhinath Phukan and others, about 5 to 6 hundred.

Mahamahopadhyaya Dhireswar Acharya Kaviratna was voted to the chair.

Proposed by Srijut Padma Nath Bhattacharya, M.A., Senior Professor of Sanskrit, Cotton College, Gauhati.

Seconded by Rai Bahadur Krishna Chandra Chaudhuri, retired Extra Assistant Commissioner.

#### RESOLUTION No. I.

That this meeting records its emphatic protest against Mr. Patel's Inter Caste Marriage Bill, as it is contrary to the fundamental principles of Hindu religion and directly opposed to the instinct of all classes of the Hindu community and likely to lead to the total demolition of the entire Hindu social fabric and respectfully but firmly urges the Government to drop the Bill.

Proposed by Srijut Hem Chandra Goswami, Extra Assistant Commissioner.  
 Seconded by Srijut Lakhi Narayan Chatterjee, M.A., Professor of Sanskrit, Cotton College, Gauhati.

Supported by Pundit Shib Nath Smrititirtha.

- Ditto Srijut Ratneswar Goswami, Rajguru of Assam Raja.  
 Ditto Srijut Kameswar Chakravarti, Municipal Commissioner.  
 Ditto Babu Tincowrie Banerjee, Municipal Commissioner and proprietor of Messrs. B. N. Dey & Co., Gauhati.  
 Ditto Srijut Gunjanan Barooah, student, Cotton College.  
 Ditto Rai Bahadur Krishna Chandra Chaudhuri, retired Extra Assistant Commissioner.  
 Ditto Pandit Ramnarayan Sarmah of Haridwar.  
 Ditto Jagatrup Agarwala, merchant.  
 Ditto Pratap Mal Oswal, merchant.  
 Ditto Srijut Lakhi Prasad Barooah, retired Inspector of Police.  
 Ditto Pandit Mati Lal Muralidhar.  
 Ditto Pandit Ram Shebak Chaturvedi.  
 Ditto Uma Kanta Sarmah, Collegiate School's student.

#### RESOLUTION NO. II.

That this meeting is of opinion that the Government ought not to pass any law which in any way affects the religious and social usages of the Hindus and respectfully urges the Government to strictly follow the policy of absolute non-interference on religious and social matters of the Hindus as proclaimed by Her Gracious Majesty Queen Victoria in 1858, which was further ratified and confirmed in 1903 by King Edward VII, Emperor of India, and this meeting further submits that the Government will be pleased to direct that no such Bills affecting the religious belief and social customs of the Hindu community be allowed to be introduced in the Legislative Council.

Proposed by Rai Bahadur Kali Charan Sen, B.L., Government Pleader.

Seconded by Srijut Ramdev Sarma, a leading Mucktear.

Supported by Srijut Kumudeswar Goswami, Landholder and Municipal Commissioner.

- Ditto Durga Nath Barooah, merchant.  
 Ditto Srijut Harakanta Goswami, a leading mucktear.  
 Ditto Srijut Krishna Kanta Adhikari, *kaviraj*.  
 Ditto Srijut Mati Chand Oswal, merchant.

#### RESOLUTION NO. III.

That this meeting conveys its hearty thanks to His Highness the Maharaja of Durbhanga and to the Hon'ble Kumar Shib Shekhareswar Roy and to all those who are trying to save the Hindu society from this impending danger.

Proposed by Srijut Krishna Chandra Barooah, Pleader.

Seconded by Srijut Lakhi Nath Borah, Civil Sheristadar.

Supported by Pundit Mahi Nath Adhicari Vyakaranantirtha, Sastri.

#### RESOLUTION NO. IV.

That the Chairman be authorised to send copies of the resolutions of this meeting to Government and to His Highness the Maharaja of Durbhanga, and also to the Hon'ble Kumar Shib Shekhareswar Roy and to the Press.

Proposed by Babu Bepin Behari Roy, Telegraph Master of the Training Class, Gauhati.

Seconded by Babu Bidyadhar Dey of the Public Works Department, Gauhati.

**DHIRESWAR ACHARYA MAHAMAHOPADHYAYA.**

No. 55.

Dated Dhubri, the 1st February 1919.

From—Babu UPENDRANATH CHATTERJEE, President, Hindu Dharma Sava,  
 To—The Chief Secretary to the Hon'ble the Chief Commissioner of Assam.

I have the honour to inform you that a meeting of the members of the Dhubri *Hindu Dharma Sava* was held at the *Dharma Sava* Hall on the 26th January 1919 to protest against Mr. Patel's Inter-Caste Marriage Bill under the presidency of Pandit Hiranya Chandra Tarkatirtha. The meeting was attended by Rai Pyari Mohon Datta Bahadur, Balu Upendra Nath Chatterjee, B.L., President, Dhubri Bar Association, Srijut Iswar Prasad Barua, B.L., Extra Assistant Commissioner and Munsif, Dhubri, and other leading pleaders, merchants and contractors. The following resolutions were unanimously passed by the members present, and I beg to forward a copy of the said resolutions to you for your information :—

(I) That the Hindu public of Dhubri, representing all sections of the community, assembled at a special meeting of the *Hindu Dharma Sava* of Dhubri, do record their emphatic protest against the proposed inter-marriage legislation contemplated by the Hon'ble Mr. Patel's Bill : that they consider that the proposed legislation, if carried into effect, will strike at the foundation of the social orders and will seriously interfere with the Hindu religious rights and customs as prescribed in the *Hindu Dharma Sastras*, and as promulgated by the *Rishis* of old.

(II) That copies of the above resolution be forwarded—

- (1) to the Local Government;
- (2) to the Commissioner of the Assam Valley Districts;
- (3) to the Deputy Commissioner, Goalpara, and to the Press—*Bengali, Amrita Bazar, Hitabadi* and *Bangabasi*.

No. 56.

No. 104, dated Gauhati, the 30th January 1919.

From—The Hon'ble Mr. T. R. PHOOKAN, Bar-at-Law, General Secretary, Assam Association,

To—The Second Secretary to the Hon'ble the Chief Commissioner of Assam.

With reference to your letter dated ..... enclosing a copy of Hon'ble Mr. Patel's Draft Bill to provide that marriages between Hindus of different castes are valid and inviting the opinion of this Association on the same, I have the honour to say that this Association is in favour of the Bill.

It is of opinion that for the preservation, growth and progress of the Hindu community it is absolutely essential that all doubts as to the validity of inter-caste marriages between Hindus should be removed by legislation. As has been stated in the Statement of Objects and Reasons for the Draft Bill, the present conflicting state of the Hindu law on the subject has indeed caused considerable hardship in the various cases, and, by compelling many of the prominent Hindus to go outside the pale of Hinduism, has considerably retarded the progress of the Hindu community. The Bill, therefore, is in perfect accord with the sentiments of all progressive Hindus who are strongly of opinion that, if passed into law, the Bill will promote the well-being of the entire Hindu community.

Our Association is aware that groundless apprehensions are entertained by some who seem to think that the legislation on the lines proposed will encroach upon the religious ideas of orthodox Hindus and interfere with their special institutions. This misunderstanding, the Association believes, is only shared by those who have not fully considered the object and effect of the Bill with reference to the existing circumstances. It should not be forgotten that the Bill is of a permissive character and is not intended to interfere with the liberty of the orthodox Hindus to adhere to their old practice. It should be noted that the Bill does not in any respect go against the principles of law as based on Hindu *sastras*, inasmuch as the *Smritis* expressly recognise and permit inter-caste marriages. Moreover, it must not be overlooked that the creation of the existing numerous castes owes its origin to inter-caste marriages which have been going on from time immemorial and that the *Varnasankaras* (issues of inter-caste marriages) are honoured members of the Hindu community even to-day. To contest the Bill would be tantamount to going against the liberal principles laid down in the *Sastras* regarding such marriages. So far as Assamese Hindus are concerned, it is needless to point out that amongst them inter-caste marriages are prevalent to a considerable extent and are sanctioned by custom. The person contracting such marriage automatically becomes a member of the lower caste

of the married couple and has very seldom been found claiming his original position in the society. But it is certain that he does not cease to be a Hindu on account of such inter-caste marriage and even the most orthodox Gosain recognises him as a Hindu and takes him as his disciple. It is perfectly certain, therefore, that the Bill would not in the least affect the social and religious ideas of Assamese Hindus, whereas the enactment of the "Hindu Marriages Validity Act" will remove the doubt of the legality of such marriages and relieve them of the onerous task of proving customs in the Law Court.

Our Association also begs leave to point out that in the event of this Bill being passed into a law, it will be necessary to omit from the Civil Marriages Act the provision which requires that the parties contracting inter-caste marriages should declare as non-Hindus.

No. 57.

No. 1042T., dated Camp Tezpur, the 13th February 1919.

Memo. by—The Commissioner, Assam Valley Districts.

The undermentioned documents are forwarded to the Under-Secretary to the Hon'ble the Chief Commissioner of Assam in the Legislative Department in continuation of this office letter No. 50G., dated the 23rd January 1919 :—

1. Proceedings of the meeting held at Nanara Sanskrit Tol presided over by Srijut Sadhi Deb Sarmapadhya, Dalai.

Not printed. Same as Proceedings Nos. 53-54.

2. Proceedings of the meeting held at Kamrup Dharma Pracharini Sabha presided over by Srijut Mahamahopadhaya Dhiresvaracharyya.

No. 58.

মহামহিম শ্রীযুক্ত কামৰূপ জিলাৰ ডিপুটী কমিশনৰ বাহাদুৰ,

মহিমার্গবেষ্ণু।

ধৰ্মৰাজ!

গত ১৫-১-১৯ আৰিখে ননৰা টোলত মাননীয় মিঃ পেটেলৰ অসবৰ্ণী বিবাহ বিলৰ প্ৰতিবাদ কৰিবলৈ বহা ব্ৰাহ্মণ সমাজৰ দ্বাৰা পৰিগৃহীত প্ৰস্তাব কেইটাৰ নকল এটা উক্ত ব্ৰাহ্মণ সমাজৰ নিৰ্দেশ ক্ৰমে পঠালো। অনুগ্ৰহ কৰি গবৰ্ণমেণ্টৰ ওচৰলৈ পঠায় বাধিত কৰে যেন। ইতি ২৫-১-১৯।

একান্ত বশংবদ,

শ্রীসাদিদেব শৰ্ম্মোপাধ্যায়,

সভাপতি, কামৰূপ নিৰ্বাচনী ব্ৰাহ্মণ সমাজ, ননৰা পুখুৰী পাৰ, পোঃ আঃ বাইহাটা, কামৰূপ।

No. 58A:

নমো ব্ৰাহ্মণ্যদেবায়।

ইং ১৫ জানুৱাৰী ১লা মাঘ বুধবাৰে ননৰা সংস্কৃত টোলত বহা ব্ৰাহ্মণ সমাজৰ দ্বাৰা গৃহীত তলত লিখা প্ৰস্তাব কেইটাৰ ভাৰত গবৰ্ণমেণ্টৰ ওচৰলৈ পঠাবলৈ অনুৰোধ কৰি কামৰূপ জিলাৰ শ্রীযুক্ত ডিপুটী কমিশনাৰ চাহাব বাহাদুৰৰ ওচৰলৈ পঠোৱা হ'ল। সমাজত ব্ৰাহ্মণ শূদ্ৰ মিলি প্ৰায় ৫০০ জন মান মানুহ গোট খাইছিল আৰু সকলোটা প্ৰস্তাব সকলো সভাই একবাক্যে অনুমোদন কৰতে গৃহীত হয়।

(১ম প্ৰস্তাব)।—মাননীয় মিঃ পেটেলৰ প্ৰস্তাবিত বিল এই ব্ৰাহ্মণ সমাজৰ দ্বাৰা অনুমোদিত হ'ব নোৱাৰে, যেহেতু এই বিল হিন্দু ধৰ্ম আৰু ধৰ্ম শাস্ত্ৰৰ সম্পূৰ্ণ বিৰুদ্ধ। আৰু হিন্দুৰ অনন্তকালৰ পৰা সম্মানিত ৰীতি নীতিৰ প্ৰানিজনক। এই বিল পাছ হলে হিন্দুৰ চিৰ সম্মানিত ভিত্তি নোহোৱা হ'ব। কাজে কাজে হিন্দুধৰ্ম নাশ পাব।

প্ৰস্তাবক—পণ্ডিত শ্রীযুক্ত মধুনাথ শৰ্ম্মোপাধ্যায় স্বত্বিৰত্ন।

সমৰ্থক—সকলো উপস্থিত সমজুৰা।

(২য় প্ৰস্তাব)।—চৰকাৰ বাহাদুৰক অনুৰোধ কৰা হওক বাতে ভবিষ্যতে ধৰ্মৰ প্ৰানিকৰ কোন প্ৰস্তাব আইন সভাত কোন সভ্যক উপস্থিত নকৰিবলৈ বিহিত ব্যবস্থা কৰে।

প্ৰস্তাবক—পণ্ডিত শ্রীযুক্ত মহীনাথ শৰ্ম্মোপাধ্যায়।

সমৰ্থক—উপস্থিত সকলো সমজুৰা।

(৩য় প্রস্তাব)।—সদাশয় গবৰ্ণমেণ্টক সবিনয়ে অনুৰোধ কৰা হওক যাতে হিন্দুধৰ্মৰ বিশ্বাস নাই বা সামাজিক ৰীতি নীতিৰ প্ৰতিবন্ধকতা জন্মোৱা আইন কৰা নহয়। তাকে কৰিলে প্ৰাণেশ্বৰীয়া স্বৰ্গীয়া মহাৰানী ভিক্টোৰিয়াৰ ওভ ঘোষণা অৱমাননা কৰা হব।

প্ৰস্তাবক—শ্ৰীযুক্ত জটীধৰ শৰ্মা পণ্ডিত।

সমৰ্থক—সকলো সমজুৰা।

(৪র্থ প্ৰস্তাব)।—ওপৰৰ প্ৰস্তাব কেইটীৰ নকল এটা ভাৰত গবৰ্ণমেণ্টৰ ওচৰলৈ পঠাবলৈ অনুৰোধ কৰি আমাৰ ডিপুটী কমিচনাৰ চাহাব বাহাদুৰলৈ পঠোৱা হওক।

প্ৰস্তাবক—শ্ৰীযুক্ত লক্ষ্মীনাথ শৰ্মা দলৈ।

সমৰ্থক—সকলো সমজুৰা।

শেহত মহাৰাজাৰ কুশল কামনা কৰি সভা ভঙ্গ কৰা হয়।

No. 59.

Dated Tezpur, the 13th February 1919.

From—Rai Sahib PADMANATH GOHAIN BOROOAH, General Secretary to the Ahom Association,

To—The Under-Secretary to the Hon'ble the Chief Commissioner of Assam.

With reference to your memorandum No. 1417L. (Legislative Department,) dated the 10th instant, I have the honour to say that my Association expresses its staunch and emphatic support to the Hon'ble Mr. Patel's Bill to provide that marriages between Hindus of different castes are valid and its sympathy with the mover of the Bill for his advocacy of such a noble cause.

No. 60.

No. 2506A., dated Shillong, the 4th March 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Legislative Department.

I am directed to invite reference to your letter No. 3208, dated the 14th September 1918, asking for the opinion of the Chief Commissioner on the provisions of the Bill to provide that marriages between Hindus of different classes are valid, and for the opinion of selected officers and other persons consulted by the Chief Commissioner.

2. It is clear that there is a great diversity of opinion among all sections of the Hindu community, and in all parts of the province, in the matter of the proposed legislation. In the Surma Valley, the two Sub-Judges opposed such legislation, which, in their opinion, would lead to the disruption of Hindu society and to the end of the Hindu religion, since the *shastras* would not allow the issue of such marriages to offer the *pinda*. Or the other hand, the two munsifs consulted supported the Bill on the ground that such marriages were legal under the more ancient Hindu law and that the restriction of such marriages is due to mediæval text interpolators and reactionary commentators. The majority of the members of the Sylhet Bar opposed the Bill, but it received the support of the Government pleaders of both Sylhet and Cachar, and of the Public Prosecutor at Karimganj.

In the Assam Valley, both the Assam Association and the Ahom Association strongly support the Bill, but protests against it were made by the Assam Brahman Samaj of Gauhati and at the public meeting held at Gauhati on the 25th January. The Dhubri Hindu Dharma Sabha also passed a resolution protesting against the proposed legislation. So far as the Chief Commissioner is able to judge, while the Bill will find support among the more progressive Hindus, and will be received with equanimity, if not with satisfaction, by a large part of the Hindu population of Assam, the conservative majority will regard it as a revolutionary measure calculated to strike at the foundation of their religion and their social system. Sir Nicholas Beatson Bell is of opinion that this Bill, or any similar Bill, should be opposed by Government unless or until it is clear that the opponents are in an insignificant minority.

4. The following papers are forwarded herewith for the information of the Government of India :—

- (i) Letter, dated 5th December 1918, from Rai Bahadur Ramesh Chandra Bhattacharjya, Zamindar and Honorary Magistrate.
- (ii) Copy of a note, dated 28th November 1918, from Babu Promod Chandra Datta, Government Pleader.
- (iii) Copy of letter, dated 26th November 1918, from the Hon'ble Rai Nalini Kanta Rai Dastidar Bahadur.
- (iv) Copy of letter, dated 2nd November 1918, from Rai Sahib Satish Chandra Deb.
- (v) Copy of letter, dated 15th November 1918, from Babu Abantinath Dutta, Government Pleader, Silchar.
- (vi) Copy of proceedings of a public meeting held at Gauhati on the 25th January 1919.
- (vii) Copy of the proceedings of the *Assam Brahman Samaj*, held at Gauhati on the 18th January 1919.
- (viii) Copy of the proceedings of the *Hindu Dharma Sabha*, held at Dhubri on the 26th January 1919.
- (ix) Copy of letter No. 104, dated the 30th January 1919, from the General Secretary, Assam Association;
- (x) Copy of letter, dated the 13th February 1919, from the General Secretary, Ahom Association.

No. 61.

Dated Jorhat, the 20th February 1919.

From—Srijiut KIRTICHANDRA BHATTACHARYA BIDYABHUSAN, Mukolimeria Gossami,  
President of the Hindu Dharma Sabha, Jorhat,

To—The Secretary to the Chief Commissioner of Assam in the Legislative Department.

I beg humbly to state that at a general meeting of the *Hindu Dharma Sabha* held on the 9th February 1919, I am desired by the *Sabha* to submit the following protest against the Intermarriage Bill introduced by the Hon'ble Mr. Patel in the Imperial Legislative Council.

2. The *Hindu Dharma Sabha*, Jorhat, is a representative *Sabha* of the pure Hindu community of Jorhat and is based on the precepts of the Hindu Religious *Sastras*.

3. The *Sabha* view the Hindu Inter-marriage Bill with great dismay and apprehend serious consequences as affecting the religious and social functions of the Hindus, and causing mental and physical deterioration of the future generations which will spring up by the admixture of blood of the heterogeneous castes and creeds. The *Sabha* consider that an intermarriage of the nature contemplated in the Bill is opposed to the Hindu religion and is undesirable from social and moral point of view. The *Sabha* beg to point out that marriage is a spiritual rite and not a civil contract according to the Hindu *Sastra* and the proposed innovation cannot be affected without violation of the most important principles of the Hindu religion and will not be consistent with the terms of the proclamation of Her Most Gracious Majesty the late Queen Victoria of revered memory.

4. The Bill, if passed, will act as an incentive to most of the Hindu youths to defy the mandates of the *Sastra* and go astray from the path of religion established by the sages of the ancient times and recognised by our forefathers and followed by us up to date. The passing of the Bill is likely to cause disaffection of the Hindu populace towards Government.

5. For the above reasons the *Sabha* earnestly request you to be so good as to communicate their views to the Government of India with a recommendation to drop the Bill as quite unnecessary and uncalled for, because the persons for whose benefit the Bill has been introduced were not unaware of the consequences of an unauthorised intermarriage to seek for validation afterwards at the hands of Government in the teeth of oppositions from the religious heads of Hindu societies all over India.

No. 62.

No. 2723L., dated Shillong, the 11th March 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 2506A., dated the 4th March 1919, regarding the Bill to provide that marriages between Hindus of different castes are valid, I am directed to say that the Bill was published in English in the *Assam Gazette* of the 25th September 1918.

No. 63.

No. 167G., dated Gauhati, the 27th March 1919.

Memo. by—The Commissioner, Assam Valley Districts.

The undermentioned documents are forwarded to the Under-Secretary to the Hon'ble the Chief Commissioner of Assam in the Legislative Department, in continuation of this office memorandum No. 1042T., dated the 13th February 1919. :—

1. Memorandum No. 5930M., dated the 3rd March 1919, from the Deputy Commissioner, Sibsagar, and enclosure.

2. Memorandum No. 5952M., dated the 4th March 1919, from the Deputy Commissioner, Sibsagar, and enclosure.

No. 64.

No. 5930M., dated Jorhat, the 3rd March 1919.

Memo. by—The Deputy Commissioner, Sibsagar.

Letter No. 2, dated the 20th February 1919, from G. G. Phukan, Esq., and enclosures, forwarded to the Commissioner, Assam Valley Districts.

No. 65.

No. 2, dated Jorhat, the 20th February 1919.

From—G. G. PHUKAN, Esq., President of the public meeting of the Hindus of Sibsagar, held on the 6th February 1919,

To—The Deputy Commissioner of Sibsagar.

I beg most respectfully to submit the accompanying copy of the Resolutions passed at the meeting of the Hindus of Sibsagar subdivision held at Sibsagar on the 6th February 1919, and to request the favour of your kindly forwarding it to the Secretary to the Legislative Council of India for kind consideration.

No. 66.

Resolutions unanimously passed at the public meeting of the Hindus of Sibsagar subdivision, held at Sibsagar on the 6th February 1919.

## RESOLUTION I.

That this meeting of the Hindus of Sibsagar subdivision is of the opinion that the Hon'ble Mr. Patel's Bill to make valid intermarriages between Hindus of different castes is quite opposed to Hindu religion and Hindu law and also quite against the long-established rules of Hindu society and that this meeting therefore most emphatically protests against enactment of such a harmful law.

## RESOLUTION II.

That this meeting is of the opinion that such a law, if enacted, would be directly against the Hindu religion and quite destructive to Hindu society and that therefore the Bill should be summarily rejected.

## RESOLUTION III.

That this meeting is of the opinion that such a law would be giving license and encouragement to the evil propensities of people to transgress and act against the established rules of Hindu religion and of Hindu society and that therefore no Government should enact such a law.

## RESOLUTION IV.

That this meeting is of the opinion that such a law, if enacted, would be directly against the spirit of Her Most Gracious Majesty the late Queen Victoria's Proclamation of 1859, whereby non-interference with people's religion was solemnly guaranteed and that on that ground alone the Bill should be summarily rejected.

## RESOLUTION V.

That a copy of the resolutions of this meeting under the signature of its President be submitted to His Excellency the Viceroy and Governor General of India through His Excellency's Private Secretary and also that a copy be submitted through the Deputy Commissioner of Sibsagar to the Secretary to the Legislative Council of India for kind and favourable consideration.

G. G. PHUKAN,

*President of the meeting.*

No. 67.

No. 5952M., dated Jorhat, the 4th March 1919.

Memo. by—The Deputy Commissioner, Sibsagar.

Letter No. 11, dated the 1st March 1919, from the President of the Brahmins' Sammilani Sabha Sibsagar, and enclosure forwarded to the Commissioner, Assam Valley Districts.

No. 68.

No. 11, dated Sibsagar, the 1st March 1919.

From—The President of the Brahmins' Sammilani Sabha, Sibsagar, Assam,

To—The Deputy Commissioner of Sibsagar.

I respectfully beg to submit the accompanying copy of the resolutions of the Brahmins' Sammilani Sabha, Sibsagar, and to request the favour of your kindly forwarding it to the Secretary to the Legislative Council of India for kind consideration.

No. 69.

Resolutions passed at the meeting of the Brahmins' Sammilani Sabha held at Sibsagar on the 6th February 1919.

## RESOLUTION I.

That the Brahmins' Sammilani Sabha of Sibsagar is of the opinion that the Hon'ble Mr. Patel's Bill to validate intermarriages between different Hindus castes is quite opposed to Hindu religion and the established rules of Hindu society and also destructive to Hindu society and that therefore this Sabha protests against enactment of such a harmful law.

## RESOLUTION II.

That the Brahmins' Sammilani Sabha is of the opinion that enactment of such a harmful law would be quite against Her Most Gracious Majesty the late Queen Victoria's Proclamation of 1859 by which non-interference with the religions of Her Gracious Majesty's subjects was solemnly guaranteed and that therefore the Bill should be summarily rejected.

## RESOLUTION III.

That the Brahmins' Sammilani Sabha denounces the action of the few persons only about thirteen in number, which include only one Brahmin and also some persons of low castes, who passed the resolutions in support of the Bill in the name of the meeting held at Sibsagar on the 2nd February 1919, as they passed the resolutions after more than three-fourths of gathered people who were all against the Bill had left the meeting.

## RESOLUTION IV.

That a copy of the resolutions of the Brahmins' Sammilani Sabha of Sibsagar about the Bill be submitted to His Excellency the Viceroy and Governor General of India through His Excellency's Private Secretary, and also that a copy be submitted through the Deputy Commissioner of Sibsagar to the Secretary to the Legislative Council of India for kind consideration.

G. G. PHUKAN,

*President, Brahmin Sammilani Sabha, Sibsagar.*

No. 70.

No. 4112L., dated Shillong, the 23rd April 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 2506A., dated the 4th March 1919, I am directed to submit, for the information of the Government of India, copies of resolutions passed at two meetings held on the 6th February 1919 at Sibsagar in connection with the Bill to provide that marriages between Hindus of different classes are valid.

No. 71.

Dated Parishat Office, Karimganj, the 27th April 1919.

From—The Secretary to the Srihatta Brahman Parishat,

To—The Chief Secretary to the Hon'ble the Chief Commissioner of Assam.

I have the honour to state that the following resolution was unanimously adopted in the 6th annual sitting of the *Srihatta Brahman Parishat* held at Bishnupur in South Sylhet on the 21st and 22nd February 1919.

## RESOLUTION.

"A petition be submitted to Government protesting against Mr. Patel's Inter-Caste Marriage Bill on the ground that its provisions are subversive of the religion of the Hindus."

"*Barnasram Dharma*" or social organisation is the very essence of Hinduism. From the standpoint of other religions, Hinduism is not a Faith but a social system only. A Hindu is allowed to think freely provided he conforms to the caste rules. The caste system is not what it appears to an outsider and has been generally misunderstood. Every educated and intelligent Hindu who cares for religion, will be found unwilling to abandon the caste rules, or more properly the "*Barnasram Dharma*." It is therefore evident that to interfere with the caste system is to interfere with the religion of the Hindus.

In view of the numerous protests that have been submitted to the Government from all parts of the country, it is not necessary to adduce many arguments in support of the above resolution. I am to pray that the views of the *Srihatta Brahman Parishat* may be forwarded to the Government of India.

No. 72.

No. 4676L., dated Shillong, the 5th May 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 4112L., dated the 23rd April 1919, I am directed to submit, for the information of the Government of India, a copy of a resolution adopted in the 6th annual sitting of the *Srihatta Brahman Parishat* held on the 21st and 22nd February 1919 in connection with the Bill to provide that marriages between Hindus of different classes are valid.