

*Proceedings of the Assam Legislative Council assembled under the Provisions of the Government of India Act, 1919.*

The Council met in the Council Chamber at Government House, on Tuesday, the 28th March 1922.

PRESENT:

The Hon'ble Mr. J. C. Arbuthnott, C.I.F., *President*, the Hon'ble the two Members of the Executive Council, the Hon'ble the Minister of Local Self-Government and 35 elected and nominated members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

RAI SAHIB BEPIN CHANDRA DEB LASKAR asked :—

Silchar  
Chatus-  
pathi.

1. (a) Has the attention of the benign Government been drawn to the Inspection notes recorded and opinions expressed from time to time by high officials from the rulers of the province down to the local authorities and many Indian personages of light and leading on the marked success of the Silchar Chatuspathi and on the special merit of its Head Adhyapaka Pandit-Prabar Surjya Kumar Tarkasarswawati which were duly submitted to Government for favour of consideration and which have also been printed and published in the form of a pamphlet entitled 'The Silchar Chatuspathi' ?

(b) If so, what action have the Government been pleased to take in recognition of the value of the aforesaid opinions, for the improvement and stability of this very useful and premier Chatuspathi of the locality and also for the encouragement and maintenance of so worthy and distinguished a Adhyapaka ?

(c) Are the Government aware that the Silchar Chatuspathi has turned out many *Tirthas* and other Title-holders within a short time and is serving the purpose of a good Sanskrit College in the Surma Valley ?

(d) Will Government be pleased to state whether the cost of raising the Chatuspathi to the status of a higher Sanskrit Academy would be less than that of the establishment of a new Sanskrit College ?

(e) Will the Government be pleased to furnish the following information :—

(i) The number of students on the rolls of the Silchar Chatuspathi and the name of different castes and sections of the Hindu community to which they belong and the number of students receiving stipends from Government and the value of the stipends ?



- (ii) The number of students admitted in the Sylhet Sanskrit College from different castes and sections, the number of Government stipendiaries, the value of the stipends and the number of students reading without stipends ?
- (iii) The number of students of the province—particularly of the Surma Valley Division—admitted into the said College who intended to study Navya Nyaya ?
- (iv) The monthly pay of the Head Pandit and two Assistant Pandits of the said College and the number of students taught by each ?
- (v) The monthly pay of the Head Adhyapaka and the second Pandit of the Silchar Chatuspathi with their length of service and the number of students taught by each of them ?
- (f) Will the Government be pleased to state if they have taken any action upon the Inspection notes recorded by the Hon'ble the Minister of Education when he visited the Silchar Chatuspathi last year and in particular upon the recommendations of the Special Officer for re-organisation of Sanskrit education in Assam, who was deputed to enquire into the condition and immediate needs of the institution agreeably to the assurance kindly given by His Excellency the Governor of Assam in his reply to an address presented by the Chatuspathi on the occasion of his first visit to Silchar ? If not, will they be pleased to adopt measures without delay for the improvement and stability of the Chatuspathi ?

MR. A. R. EDWARDS replied :—

1. (a)—The answer is in the affirmative.
- (b)—The *tal* has been specially favoured by Government in the matter both of capital and of recurring grants.
- (c)—Government are aware that a number of students of the Chatuspathi have passed the Title Examination of the Calcutta Sanskrit Board and the Saraswat Samaj of Dacca.
- (d)—The cost of both operations would presumably be the same, except that where new buildings would be needed in the one case, extension only would be wanted in the other.
- (e) (i)—The number of students is 34. Three receive stipends. The value of these stipends is rupees three a month ; with the exception of one Kayastha, the students are or claim to be Brahmans.
- (ii)—The number of students is eleven. All are Brahmans. Seven enjoy stipends. The value of the stipends is rupees nine a month.
- (iii)—Five students, two of whom belong to the Surma Valley Division.
- (iv)—The Head Pandit is at present drawing Rs. 150, the Assistant Pandit Rs. 100 each. The number of students taught by each are respectively six, three and two.



(v)—The monthly salaries are Rs. 40 and Rs. 10, respectively. The periods of service 14—15 years, and 1—2 years, and the number of students taught 13 and 21.

(f)—The answer to the first part of the question is in the negative ; to the second part that the recommendations of the Special Officer have not yet reached Government and to the third part that when the report of the Special Officer is received Government will carefully consider the needs of the Chatuspathi with reference to the financial situation in the light of the recommendations of the Special Officer and the observations of the Director of Public Instruction thereon.

SRIJUT BISHNU CHARAN BORAH asked :—

Nowgong  
Mission  
Girls'  
School.

1. (a)—Are the Government aware that the Nowgong Mission Girls' School the pupils of which are mostly Hindus and Muhammadans does not observe even the Gazetted Hindu and Muhammadan holidays ?

(b) In view of the fact that this non-sectarian school is receiving large Provincial grant, will the Government be pleased to direct the school authorities to observe those holidays ?

(c) Is there any Managing Committee of the said school as required by the rules ? If so, how many of the members are non-Christians ?

MR. A. R. EDWARDS replied :—

1. (a)—No complaint on the subject has reached the Director of Public Instruction.

(b)—The answer is in the negative. Under paragraph 2(1) of Director of Public Instruction's Circular No. 9, dated 16th August 1918, it is not compulsory on educational institutions to observe all the holidays declared under the Negotiable Instruments Act.

Should those interested have any complaint in regard to the holiday list of the school in question, they might represent the matter to the school authorities.

In the event of disagreement, a statement of the case to the Inspectress of Schools would ensure that the issue would receive consideration.

(c)—The school has no Managing Committee. The attention of the Hon'ble Member is invited to Rule 1, Section II, of the rules for the working of School Managing Committees published with Education Department Notification No. 4261E., dated 10th June 1918. Under this rule it is open to the Director of Public Instruction in the case of non-Government schools to dispense with the constitution of a Managing Committee in particular cases.

RAJ KUMAR CHANDRA NARAYAN SINGH asked :—

Free supply of uniform to Police Officers. 1. (a) Will the Government be pleased to say whether steps are being taken regarding the supply of free uniform to the Police Inspectors and the Sub-Inspectors ? If not, will the Government be pleased to take early steps ?



2. Are the Government aware of the fact that the accommodation for Police Sub-Inspectors, Head Constables and married constables is quite insufficient? If so, will the Government be pleased to make suitable arrangement without delay?

Accommodation for Police officers.

3. (a) Are the Government aware of the fact that men for the post of literate constables are not available for the reason that they are obliged to use the same uniforms as are provided for ordinary constables?

Uniform of literate constables.

(b) If so, will the Government be pleased to sanction a new type of uniforms for literate constables?

4. Are the Government aware of the fact that Police Sub-Inspectors are much discontented with the revised scale of pay and specially for having no adequate annual increment of their pay? If so, will the Government be pleased to reconsider their grievances specially about annual increment and the maximum pay?

Pay of Police Sub-Inspectors.

5. (a) Are the Government aware of the fact that Police Sub-Inspectors specially of Investigating staff cannot manage their work either with a pony or a cycle alone and have to keep both means of conveyance to facilitate their work?

Conveyance allowance to Police officers.

(b) Will the Government be pleased to allow them to draw allowance for both modes of conveyance, namely, Rs. 30 and Rs. 10 for a pony and a cycle respectively?

6. Are the Government aware of the fact that Police officers get neither help nor shelter in the interior on account of the present political movement? Will the Government be pleased to allow Police Sub-Inspectors to occupy the Inspection Bungalows?

Occupation of Inspection Bungalows by Police officers.

7. Will the Government be pleased to lay on the table a statement showing the number of clerks of the Inspector General of Police's office, Shillong, District Police offices and the number of the Assamese clerks of this valley and the ratio of the clerks of both the valleys in these offices? If it is not proportionate, will the Government be pleased to try to make them proportional at once?

Clerks of Inspector General of Police's office.

8. Will the Government be pleased to treat the Sub-Inspectors of Police as second class officers and the Inspectors as gazetted officers considering their appreciable work during the present political agitation?

Police Inspectors and Sub-Inspectors.

9. Will the Government be pleased to increase the number of Assamese Inspectors by promoting some of the deserving Sub-Inspectors considering the scanty number of Assamese (7 out of 47) with a view to popularize the department to the people of this valley?

Assamese Inspectors.

10. Are the Government aware of the resolution framed by the British Indian Association held at Howrah in December last? If so, will the Government be pleased to say whether the Government is willing to take any action?

Resolution of British Indian Association.



THE HON'BLE MR. A. MAJID replied :—

1.—Under the existing rules these officers are required to supply themselves with uniform, and Government do not propose to make any alteration in this system.

2.—Government are not aware that facts are as stated.

3. (a) and (b)—There is no such rank as literate constable in the police force of this province.

4.—Government are not aware that discontent is general and are not prepared to revise the orders recently passed.

5. (a) and (b)—Government are of opinion that such cases must be few and cannot allow both allowances to be drawn at the same time.

6.—Government will consider whether any special action is called for.

7.—A statement is given below :—

	Number of clerks.	Assam Valley	Surma Valley.	Others (Bengalis and Hill Tribes).	Ratio of clerks.	
					Assam Valley.	Surma Valley.
1	2	3	4	5	6	7
					Per cent.	Per cent.
Inspector General of Police's Office.	18	4	8	6	22	44
District Police offices ...	50	15	19	16	30	38

Proportional representation "at once" is impossible owing to the number of natives of Bengal at present employed. Every attempt is made to correct the balance on filling vacancies.

8. Sub-Inspectors of Police are treated as 2nd class officers for purposes of travelling allowance when their pay exceeds Rs. 100 per month. Government are not prepared to make a special exception to the general rule in their favour, nor are they prepared to recognize Inspectors as gazetted officers. At the same time Government fully appreciate the good work which these classes of officers are doing at the present time.

9.—Promotion is ruled by seniority and merit alone and nationality does not enter into the question.

10.—There were 65 resolutions at the conference in question and Government are not aware to which one the Hon'ble Member refers. No action has hitherto been taken on the Resolutions.



REV. J. J. M. NICHOLS-ROY asked :—

1. (a) Is it a fact that though there are only twelve clerks, besides the Head Clerk in the Secretariat Press, who have the same qualification, yet the Government have made two scales of pay for these 12 persons ? Pay of certain clerks of Secretariat Press.

(b) Is it a fact that all the clerks (besides the Head Clerks) of the Assam Survey and Drawing Office, of the Deputy Commissioner's office, Khasi and Jaintia Hills, and all other Heads of Departments are in the same scale of their respective offices ?

(c) If the answers to question (a) and (b) be in the affirmative, will the Government be pleased to state (i) the reasons why they have made two scales of pay for the clerks in Assam Secretariat Press (besides the Head Clerk) ? (ii) Will they be pleased to give these clerks a starting pay of Rs. 50 ?

(d) Is it a fact that the Government are going to revise the scale of pay of the said clerks in the Secretariat Press ? If so, is it intended to make only one scale of pay for all ?

MR. A. R. EDWARDS replied :—

1. (a)—There are two scales of pay.

(b)—In the offices named there is only one scale.

(c)—The five men in the senior scale are all experts in their particular line and their duties are more responsible than those of the men in the junior scale.

(d)—The pay of both scales was increased in 1920 by over 25 per cent. on the average and prospects were improved. No further revision of pay is contemplated.

SRIJUT BEPIN CHANDRA GHOSH asked :—

1. Will the Government be pleased to state the length of probationary period for the officers in the Subordinate Educational Service ? Subordinate Educational Service.

2. (a) Are the Government aware of the fact that there are some experienced officers in Class I of the Subordinate Educational Service who have been serving with credit for upwards of 6 or 7 years and some of whom are trained but have not yet been confirmed ?

(b) Is it a fact that these officers of Class I of the said service have been deprived of the increment merely for their failure to pass the departmental examination though they have once been deprived of promotion before the re-organisation of the service and have also been superseded by junior officers ?

(c) Is it also a fact that some officers in Class I of the Subordinate Educational Service have been exempted from the departmental examination although these officers were under orders by the Education Department to pass the said examination ? If so, will the Government be pleased to exempt such other experienced officers mentioned in (a) from passing the formal test and to give them the benefit of increment ?



MR. A. R. EDWARDS replied :—

1.—Two've months subject to extension in cases in which the passing of an examination is necessary before confirmation.

2. (a)—The answer is in the affirmative.

(b)—The answer is in the affirmative.

(c)—The answer to the first part of the question is in the affirmative. Exemption has been granted in special circumstances. As regards the second part of the question the answer is generally in the negative. The remedy of their situation lies in the hands of the officers concerned.

In the foregoing it is assumed that the examination to which the Hon'ble Member refers is the examination in Assamese which was rendered compulsory some time ago for Bengali speaking officers serving in Assamese speaking areas. It is considered essential that such officers should qualify themselves in the language of the people amongst whom their daily work is cast and there ought to be nothing in the way of their doing so and thus satisfying the condition attached to their confirmation and earning increments in due course. The Director of Public Instruction advises, however, that any particular case in which exemption is sought for on good grounds will, on presentation, be attentively considered.

MUNSHI SAFIUR RAHMAN asked :—

1. (a) Will the Government be pleased to lay on the table the papers connected with the removal from the service of Srijut Jogesh Chandra Guha, late Headmaster of the Assam Survey School?

(b) Will the Government be pleased to reopen the enquiry by some competent authority conversant with the Assamese language?

(c) Is it a fact that the above-mentioned gentleman rendered meritorious service for about 10 years? If so, will the Government be pleased to consider whether any milder form of punishment other than removal from service can be meted out to him?

THE HON'BLE MR. W. J. REID replied :—

1. (a), (b) and (c)—Srijut Jogesh Chandra Guha, late Headmaster of the Assam Survey School, was removed from his post by the Director of Surveys after a departmental enquiry held by him at the school. Although the Director was under the disadvantage of being ignorant of Assamese, he had the assistance of an independent interpreter, a Sub-Inspector of Police, whose services were placed at his disposal for the investigation by the Deputy Commissioner of Kamrup, and the accused officer was not only assisted by the Director in every way that appeared possible in making his defence but was encouraged throughout the investigation to criticise the interpretation. It was with regret that the Director found himself obliged to remove Srijut Jogesh Chandra Guha from his post, but after the investigation he was convinced that it was impossible, if school efficiency and discipline were to be maintained, that he should remain as a master.

The proceedings, which were reviewed by Government, were both full and fair, and Government do not propose to reopen the case or to lay the papers on the table.

Removal  
of Babu  
Jogesh  
Chandra  
Guha from  
Govern-  
ment  
service.



*The Legislative Council of Assam reassembled in the Council Chamber at Government House at 11 A.M., on the 23th March 1922, with the Hon'ble the President in the chair.*

RIGHT HON'BLE MR. E. S. MONTAGU.

SRIJUT NILMONI THUKAN :— Sir, I beg to move "that this Council has received with profound sorrow the news of the resignation of Right Hon'ble Mr. E. S. Montagu, the Secretary of State for India, and records its sense of irreparable loss to the country and expresses its unbounded gratitude to him for his eminent services to the cause of India Reform and for his endeavour to solve the pressing problems of India in a statesmanlike and liberal spirit."

Sir, I have the proud privilege of moving the resolution and in doing so I am only discharging a duty which we owe to one who has the rare gift of perceiving fully what a nation's aspirations stand for and who carries about him the joy of an uplifting mission. Sir, the Right Hon'ble gentleman Mr. Montagu desired an early fulfilment of many a forgotten promise to accord this ancient land of many civilizations a rightful and honoured place in the great family of British Commonwealth. Reform scheme is the outcome of that sincere desire. Since its inauguration he has been working for its success with singularity of purpose and he was never afraid of launching the Reform Boat in the troubled water remaining steadfast at its helm. Dashing waves had no terror for him. He knew his pole star. Need I say then, India hath need of him now and he should have been still at the helm of her affairs at this troublous hour. But to our misfortune just at this moment he fell a victim to an "official etiquette" in his eager desire to meet with open arms some of the burning questions of the day. In the words of Mr. Chamberlain "Mr. Montagu had shown how profoundly he was interested in India and how earnestly he desired to serve India's interests and how painful was the severing his connection while his work was uncompleted." Sir, though I feel I am precluded from traversing all the grounds on which his resignation came so abruptly, I may however be permitted to say it came undoubtedly unceremoniously as expressed in many quarters. Truly, the *ex-Prime Minister* of England regretted that "a career associated with good and painful work in Indian interest should be checked". The country could ill afford to look at this resignation without misgivings—far less with indifference. He was just leading this vast continent of India towards the promised land, lo! when he was unexpectedly struck by an angry cloud suddenly gathered over his head. If he was always eager to do her evenhanded justice, he was more so in respecting her national sentiments sanctified by centuries of historic memories. This last trait of his character has made an impression on Indian minds which no official vicissitudes could ever efface. Sir, in the midst of political heat and dust we may fail to appraise his services rendered to India's cause. But when that heat will pass and dust settle, we may then see what a purer political atmosphere he attempted to create for India and how he saved her from a career of blank despair on one hand and mere passing pleasing hopes on the other. Time will write its own history. I need not here attempt the impossible.

Sir, the worse has happened and possibly irretrievably. The man has gone, let us hope his policy will abide. Let us express in no equivocal terms along with the West Minister Gazette that "giving the India Office to a



conservative does not imply any change of Policy which at present could be disastrous." Only yesterday we have been reassured of this by His Excellency the Governor in his remarkable Durbar speech. The House will not forgive me if I fail to quote his plain and statesmanlike words in this connection. Said His Excellency, "The late Secretary of State because of his anxiety to serve the interests of Indian Mohammadans ordered the publication of a certain paper and in the eyes of His Majesty's Government thereby departed from the established practice in a way which they found inconvenient and embarrassing. It is not for us to judge the technical question but India should at least take note that the late Secretary of State's last act was an attempt to help her interests. It has been announced authoritatively that the change at the India Office involves no abandonment of the accepted policy towards India and we need not let our minds be perturbed by the comments of some London newspapers which look at Indian questions through party spectacles".

Indeed, in the words of the great Secretary of State himself whose exit we all deplore to-day "it was not out of the question to tell India that Britain was now going to withhold what she had taught her to expect for 150 years. If the idea of making federated India a partner in the Empire failed the world would be the poorer, but if it succeeded it would be the finest of the great work for humanity which Great Britain had accomplished." These forceful ideas of a mastermind his successor cannot wisely let die.

Sir, it would be my vain attempt to give an expression to India's feelings over Mr. Montagu's resignation and how his moral height struck the imagination of Indian minds to throw on the background the cold official reasons which forced it. I can again repeat here the words of a great Indian patriot Pandit Madan Mohan Malavaya, as I have already quoted the weightiest words of our Provincial Head, that the resignation of Mr. Montagu "redounded to his honour that he fought for redressing Khilafat grievances." I must also candidly say, Sir, that the question of Khilafat has already become a Hindu-Moslem sentiment on moral grounds which transcends political considerations. At this moment we have only one duty to perform. Let us chronicle this event at our hearts with all grateful throbbings and remember the man at all times as one sacrificed to the best interest of India. Let this tragic fact both solace and inspire us in our political career to meet trials and tribulations, to overcome difficulties and to steadily and untiringly move on to arrive at the destined goal. Let us send a chorus of just praise to the man who took us by the hand, stood by us and fell at our side. A great Oak has fallen, look at the void it has created and feel how deep-rooted it was. Sir, with these half expressed feelings I move this resolution which has sanction of our moral sense and which I need not say will be unanimously carried by the House. I may be permitted also to request the President to transmit this resolution to the late Secretary of State for India as a tribute of a grateful people of this eastern most corner of the Empire.

**MR. W. E. H. GRAYBURN** :—Sir, the European Members for Commerce and the Tea Industry do not propose to speak or vote on the resolution, but in doing so they do not wish the Hon'ble Members to think we in any way are against the Reform Scheme.



**RAI SAHIB PADMANATH GOHAIN BARUA** :—I think, Sir, it goes without saying that India deeply deplores the untimely resignation of Mr. Montagu of the office of the Secretary of State for India, in which capacity he rendered invaluable services to India and the Empire, and for which the loyal subjects of His Gracious Majesty the King-Emperor, more especially His Majesty's Indian subjects, will remain ever grateful to him.

I need hardly emphasise, Sir, that our confidence in the policy pursued by the last *ex-Secretary* of State for India, the only policy which wise statesmanship dictates in the best interests of the Empire, will continue still unabated.

From what we have seen of the most efficient and sympathetic administration of Mr. Montagu during the tenure of his exalted and onerous office for the last five years and some months, which endeared him equally to the Moderates as to the Extremists, I venture to submit, Sir, that he was one of the greatest Secretaries of State that have ever fallen to the lot of India.

With this expression of my sincere and grateful sentiments, as one of the Assam deputationists who have had the privilege of doing honour to the late Secretary of State for India personally on his last visit to India in connection with his Reform Scheme, I, on behalf of the constituents I have the honour to represent and the people of Assam in general, have great pleasure in according my whole-hearted support to the Resolution before the Council and confidently hope that it will be carried by an overwhelming majority if not unanimously.

**RAI BAHADUR PRAMOD CHANDRA DATTA** :—Sir, I should like to associate myself with the previous speaker in his reference to Mr. Montagu and his great services to India and the Empire. We need not go into the causes that have brought about his resignation. Even the British Press is not unanimous in that matter. Mr. Montagu is a great friend of India and his removal from office at a time when his presence was most necessary is sincerely to be deplored. It has been said that he is the author of the Reforms. That statement has been challenged almost as soon as made. But the fact remains that the Reforms were conceived and formulated by the British Cabinet with Mr. Montagu the Secretary of State for India, that the declaration was made through his mouth in Parliament and that to him was entrusted the task of seeing the reforms introduced in India. It is for this reason that his name is identified with the Reforms. We all know how nobly and how well he performed the task. We are profoundly grateful to him for his services and we deplore the fact that he is out of office now. We however hope—and Mr. Montagu has given us reasons to hope—that he will continue to take the same interests in Indian affairs which he has hitherto done.

**THE HON'BLE RAI BAHADUR GHANASYAM BARUA** :—Sir, the Council will understand why the two Hon'ble Members of the Executive Council on my left can take no part in this discussion. It would clearly be improper for them to do so. They are really the representatives of the Right Honourable gentleman who is the subject of this resolution. They represent him on the side of the Imperial Government and are carrying out the policy dictated by him. But I have no doubt that the resolution commends itself to them as also to the whole Council. It is only we, the people and the popular element in the Council who are entitled to speak freely on the subject and it is really their appreciation that is now called for. I shall not be long



in my eulogies of that great man. All India has spoken in one voice about his unrivalled merits and it is enough to say that we endorse all that has been said. To put it briefly, his activities in the India Office will hold him out to posterity as perhaps the greatest Secretary of State that has adorned that office till now. He may, in one word, be described as a great patriot of England and of India at once. The British patriot in him with that breadth of view and far-sighted statesmanship which is peculiarly his own realised that for maintaining the solidarity and increasing the brightness of the Great British Empire the time had come to put India on the path of realising her ideals acquired by being more than a century under British rule; to make India feel that the goal of British rule was to gradually make her a free and proud partner in that glorious empire, to train her up to realise those ideals on sound lines and not to perpetuate beyond their time the limitations under which she had in the past necessarily to labour. The Indian patriot in him wished to see the Indians rise to that spirit of united citizenship and responsibility which India's own interests and the ideals of the British Democracy demanded. No Indian patriot can read the paragraphs on communal representation in the Mantagu-Chelmsford Report without feeling that Mr. Montagu perhaps excels many an Indian patriot in his patriotism for India. He launched the present great experiment of constitutional reforms with a faith and earnestness all his own. Had not the sad episodes of the martial laws in the Punjab intervened who knows that in spite of all the world-wide causes which are affecting India to-day and in spite of all the shortcomings which might have been revealed in the course of working a new and untried experiment, the Reforms should not still have worked with a vigour and earnestness which should have amply justified his plans and expectations?

“At a time when all untoward circumstances were created to work against the Indian constitutional reforms his presence in the India Office was, I believe, a necessity which it was unwise to ignore. His untimely retirement is therefore naturally keenly felt throughout India. It would be idle for us to enter into the merits of the policy which has brought about his resignation. We shall be doing our duty if we rest content with recording our deep appreciation of all the services that the Right Hon'ble Mr. Edwin Samuel Montagu has rendered to India and our sense of deep sorrow at seeing him thrown out of office at this critical time when his presence there was perhaps most needed. But we have been assured that this will not mean either a setback in the policy inaugurated by him or a change in the angle of vision of the British Parliament. That is a matter of great satisfaction to us. But let us remember that we should also in our turn prove ourselves capable of sincerely responding to the ideals set by him before us and that the best tribute to him will be not to spend our energies in mere words but to prove our full sense of responsibility in working the reforms and trying to make them as successful as we can as they stand and not to wreck them before necessary amendments are lawfully, and constitutionally obtained.

**KHAN BAHADUR MAULAVI MUHUBUDDIN AHMED** :—Sir, I beg to associate myself with the remarks that have fallen from the Hon'ble Mover of the resolution and other Indian members of the House, as to the work of the late Secretary of State and the irreparable loss which India has suffered by his resignation.



I would only add that every Indian is grateful to Mr. Montagu for the eminent services rendered by him in the cause of the Indian reforms and that the Indian Muhammadan community is especially grateful to him for his noble endeavours to find a way for the solution of the Khilafat problem according to the wishes of the Indian Muhammadans.

With these few words I beg to support the resolution.

**MAULAVI RUKUNUDDIN AHMAD** :—Sir, we express our deep sense of regret at the resignation of the Right Honourable E. S. Montagu. We warmly appreciate the valuable services he has rendered to India, especially in connection with the Reforms to which this Council owes its existence. He was one of the most sincere friends of the Moslems. We would be failing in our duty if we did not express our heartfelt gratitude for the efforts made by him and by our India Government for the revision of terms of the Treaty of Sevres to the entire satisfaction of Muhammadans.

With this remark, Sir, I beg to support the resolution.

**KHAN BAHADUR MUHAMMAD BAKHT MAZUMDAR** :—Sir, we cannot too deeply regret the sudden resignation of Mr. Montagu, our well-beloved Secretary of State for India. I do not know of another Secretary of State who had the cause of India and of Islam so near and dear to his heart. We wish, Sir, that our sincerest regrets may be conveyed to him through you. Let us, however, hope that the policy hitherto pursued will remain unchanged.

**KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI** :—Sir, the unrivalled merits of the Right Honourable Mr. Montagu and his earnestness for the general welfare of India, especially in connection with the Khilafat question, has marked his regime as the most prominent in the history of India and we deeply deplore his sudden resignation at the present moment.

**MAULAVI RASHID ALI LASKAR** :—Sir, Mr. Montagu was a friend of the Muslims. I think he was not a friend of the Muslims, simply because they are Muslims, but because they are first Indians—Indian Muhammadans. That is why he was so much a friend of the Muslims. Then as for the Reform, if it becomes successful I think it will place Mr. Montagu in the place of its father, so to say; and because it is still in its childhood it required the presence of Mr. Montagu for some time to come as Secretary of State, and that is why we feel his retirement so keenly. So I support the motion.

**HAJI MUHAMMAD ABDUL AHAD CHAUDHURI** :—Sir, we all regret very much the resignation of Mr. Montagu, the Secretary of State for India. He was decidedly by far the greatest Secretary of State for India. He was a true and sympathetic friend of India and Islam. We convey our sincerest regret at his resignation and hope that it will be followed by no reversal of policy.



**MAULAVI MUNAWWARALI** :—I wish, Sir, to associate myself with the regrets that have been expressed to-day at the resignation of the Right Hon'ble Mr. Montagu at this critical juncture. Sir, as one of my predecessors has just now said, Mr. Montagu was by far the greatest Secretary of State who ever sat at the helm of Indian affairs. To me, Sir, he appears to have been one of the sincerest well-wishers who had the cause of India at the bottom of his heart and spared no pains in working for her uplift. Before he came to India Office, I remember one sentence that he uttered in a memorable speech which indicated what in his opinion the position of India was. He said, referring to the constitutional status of India at that time, that the Government of India appeared to him to be too iron, too wooden and too stereotyped, and thenceforward he tried his utmost to bring India on the path of elastic Government in order to make India one of the democratic nations of the world. The fruits of his labours are before us and they will decide, though not at the present moment, in the very near future, whether he has been able to blot out that stigma from the forehead of India. Sir, I cannot really too deeply regret his resignation at this critical juncture. He has worked not only for India as a whole, he has bestowed his untiring energies to the cause of Islam. I was not surprised to read in one of the London papers that Mr. Montagu was a martyr of the Khilafat. I do not know whether the paper went a step too much forward or not, but the fact remains that he did his level best to do all he could to bring about ease as regards the tension of feelings existing among the Muhammadans. For his efforts, Sir, in this direction, the Indian Muhammadans, nay the whole Islamic world will remember his name in grateful memory, and for what he has done for India as a whole, India can never forget his name. We all sincerely hope that his resignation may be followed by no reversal of policy.

**THE HON'BLE THE PRESIDENT** :—The question is :—

That this Council has received with profound sorrow the news of the resignation of the Right Hon'ble Mr. E. S. Montagu, the Secretary of State for India, and record its sense of irreparable loss to the country and expresses its unbounded gratitude to him for his eminent services to the cause of Indian reform and for his endeavour to solve the pressing problems of India in a statesmanlike and liberal spirit.

The resolution was put and adopted.

**THE HON'BLE THE PRESIDENT** :—As requested by the Hon'ble Mover a telegram will be sent to the Right Hon'ble Mr. E. S. Montagu conveying the terms of the resolution adopted by this Council.



THE ASSAM COURT-FEES (AMENDMENT) BILL, 1922.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move that the Report of the Select Committee on the Assam Court-Fees (Amendment) Bill, 1922, be taken into consideration. I shall begin, with a few general remarks which may occasionally touch on the other measure that the Council will be asked to consider to-day. The principle of these Bills was accepted by this Council and they were referred to a strong and representative Select Committee. I trust, Sir, I shall not be considered as giving away any secrets if I say that the Bills were carefully examined and that the Report of the Select Committee is a history of mutual concessions. In the Committee we looked at the Bills from different standpoints and many of us would have preferred alterations in certain respects. Some of us thought that the duties on certain items might have been lightened. Some of us, and I admit that I was one, thought that the Bill should not have been restricted to a period of three years as it has been. While the representative of the tea industry, although he regarded our proposed increase of stamp duty on agreements as a very considerable one, has still accepted the decision of the majority. From the Government point of view, Sir, as this spirit of concession, of mutual give and take has been so evident, we feel that it would be ungracious if we moved an amendment that the term of the Bill should be extended. We too have accepted the view of the majority of the Select Committee. I could give the Council reasons for holding the other view but refrain from doing so.

It will be observed, Sir, that the amendments which I have to move as the representative of the Government are of two kinds. Either they are purely formal, that is to say they propose verbal alterations which make the meaning clearer. Or else they are moved in fulfilment of the promise which I gave to this Council that any concessions given by the Legislative Council of Bengal to the people of that province we also would adopt. We have in some respects already gone beyond Bengal. For instance in the case of the duties on suits, in Bengal there is no enhancement in the case of suits up to a value of Rs. 75. In our Bill as it came from the Select Committee the limit is Rs. 100. Again in the matters of fees on complaints and similar petitions, while we have followed Bengal in raising the fee on the original complaint from eight annas to one rupee—and of this we shall hear more presently—in the case of subsequent petitions we have made the fee ten annas instead of twelve annas as it is in Bengal.

Well, Sir, I would only ask the Council to deal with these measures in the same spirit of sweet reasonableness, in the same spirit of mutual give and take that they have been handled in the Select Committee. I would ask them, having accepted the principles of the Bills, knowing the reasons for which we have introduced them, to agree to no amendments in this Council which will nullify our efforts or which will make the return from the increased taxation of no avail to us.



**THE HON'BLE THE PRESIDENT** :—The question is that the Report of the Select Committee on the Assam Court-fees (Amendment) Bill, 1922, be taken into consideration.

The motion was put and adopted.

**THE HON'BLE MR. W. J. REID** :—I beg, Sir, to move that for the word ' of ' in the first and third lines of clause 8 of the Bill the word ' in ' be substituted. I can assure Hon'ble Members that there is nothing dangerous about this amendment.

The motion was put and adopted.

**SRIJUT DALIM CHANDRA BORAH** :—Sir, the motion that I want to move is this—that for the words ' in the case of a complaint or charge of an offence presented to a criminal court one rupee, and in other cases ten annas,' the words ' in the case of a complaint or charge of an offence presented to a criminal court eight annas, and in other cases eight annas ' be substituted; in other words in both the places for one rupee and ten annas, eight annas be substituted.

Sir, before speaking on this particular motion I want to give my reasons for my attempting again, on this third occasion, to oppose this particular item in the present Bill, and I hope the Hon'ble Members will give a patient hearing to my arguments and reasons. I believe that the Hon'ble Members remember that more than once an attempt was made in order to throw away this Bill along with the Stamp-duty (Amendment) Bill, on the ground that the poor and the indigent class would be the worst sufferers in case they would pass it into law, but all my attempt was in vain. The only course now left for me is to seek for reduction of court-fee and stamp duty under particular items with the hope of obtaining substantial help from the Council.

I hope I may be excused if I remind the Hon'ble Members that some elected members of the Council who had the pleasure and honour to grace the Committee with his august presence assured us that the Select Committee would think twice over the subject before they would launch their opinion on the enhancement of stamp duty. But from their report before us we are disappointed to find that they even could not redeem half of their pledge.

The public opinion was invited but their views and sentiments could find no favour with the Committee. The Committee however gave due weight to the opinion expressed by the Commissioners and Deputy Commissioners of the province who are no doubt among the public—they being human beings. But if it is the intention of the Council to decide a measure of the Government with the views of few Government officials the invitation of opinion of the general public is simply a farce. If it is contended that the enhancement of stamp duty will operate as a check on litigation and other sorts of legal transactions with the Government, it may justly be said that it is a good support to non-co-operation agitation and a drastic measure for reducing the Government revenues. The fosterer of such a principle cannot evidently get any compliment from their *ma-bap* or the fulfilment of their ultimate end in view. It is only the distressed class of people who after failure to receive justice elsewhere come to the law courts as a last resort and thus no impediment should be put in their path.



It may also be argued that when the litigants can pay their pleaders they must not grudge the enhancement of a petty sum of four annas or eight annas on account of stamp duty. This is no doubt a plausible argument but it may be urged with equal propriety that the litigants pay to the pleaders in one shape only, whereas they pay to the Government in various shapes in various Departments of Administration. I am afraid that some day people will be made to pay some earnest money in the vital statistics departments. Turning to the acts and doings of the Select Committee we find that some members who opposed the Bills successively twice, now appear to recommend the Bills to be passed with a nominal amendment. I presume they were the dissentient members of the Select Committee and I think their way to support me will not be barred by any consideration, if of course they are not already spell-bound. They at least should do this much of courtesy that they should refrain from voting on the motion. Our mission here is to see that the interests of the people are not jeopardised. If it can be averred that even a single constituency of ours is in favour of the enhancement of this source of revenue, I must not open my mouth. If my challenge is not accepted by any Hon'ble Member, I have the right to say that we should play our part faithfully or else we must retire. It is urged that the increment of stamp duty is based on the principle adopted by the Bengal Council. I have been repeatedly reminding the Council that the pecuniary circumstances or material prosperity of the people of our province and those of Bengal are not the same. The revenues of both the provinces also do not stand on the same footing. In Bengal the Ministers' salary is Rs. 5,000 or Rs. 6,000 whereas we pay them only Rs. 3,500. Had our finances been in a prosperous condition we would pay our Ministers more than what they are drawing now. So, Sir, the enhancement of a stamp duty should not be based on the same grounds as in Bengal. Regarding the particular item under discussion the Hon'ble Members are aware that at present all sorts of criminal petitions including the complaint require a court fee of annas 8, this fee is proposed to be increased to Re. 1 in case of complaint and annas 10 in case of other miscellaneous petitions. I need scarcely tell them that the burden will fall almost entirely on the poor litigants who are the persons who come direct to courts of justice; the clever and the rich class of people go to the police where they manage to have their complaints taken up by the police in which case they need not pay a farthing to the Government in the shape of court-fee. If the Hon'ble Members consider this question in all its aspects they will find that my claim to their sympathy is legitimate and reasonable.

THE HON'BLE MR. W. J. REID:—I had intended, Sir, when asking that the Report of the Select Committee should be taken into consideration to acknowledge gratefully the smallness of the number of amendments of which notice had been given, but I am bound to say that the Hon'ble Mover of this amendment has unerringly laid his finger on one of the most important items in the Bill. But before dealing with that, Sir, I should like to deprecate his reference to the Select Committee as it may be a little inconvenient for members of that body to say anything themselves. I do not think, Sir, that the Hon'ble Member had any right to talk of pledges given by members of the Select Committee, and when he goes on to ask that those gentlemen who served on the committee should take no part in the discussion here, should in fact not vote, he puts forward a view of the functions of the Select Committee which I confess is entirely new to me. A select committee is a body of representatives of this Council approved by the Council and



charged with the duty of examining in detail a measure which it would take the whole Council an inconveniently long time to do. No member of a select committee by serving thereon forfeits or impairs in the very slightest degree his rights or privileges as a member of the Council. I will do the Hon'ble Member the justice of saying that I do not think that he believes seriously in his own arguments.

Well, Sir, the Hon'ble Member has told us again of the hardship that this measure will impose on the poor who go to the Courts to seek justice. He says that the argument might be put forward that a man who can afford to pay a pleader so much for conducting his case could afford to pay a few annas more to Government. He calls this a plausible argument, but to me, Sir, and I trust to the Council it will appear something more than a plausible argument. Then, Sir, the Hon'ble gentleman might have reminded the House that under the provisions of Section 18 of the Court-Fees Act it is open to the Court when complaints of this nature are presented to remit the payment of the fee of eight annas if the Court sees fit to do so. This clearly covers all cases of exceptional poverty and hardship. There is yet one other provision in the law to which I think the Hon'ble Member might have called attention except perhaps that it is hardly his business to cite references which go against his case. Section 31 of the Court-Fees Act provides that in non-cognisable criminal cases which end in conviction the Court shall award to the complainant the court-fee costs for the petition and for the various other legal expenses incurred in the course of the hearing.

A word, Sir, as to the financial aspect of the proposal. We have not been able to take out as complete figures as we should have liked and those I have here are only rough ones. From the sale of judicial stamps beginning at one anna and working up to thirty-five rupees we find in one year total receipt of Rs. 9,80,000. Of this, we got from the sale of eight-anna stamps alone Rs. 2,64,000. It is true, Sir, that these eight-anna stamps are used for other purposes than for criminal complaints, but the figures I have given clearly show how very important a part they play in our total receipts from court-fees.

I only ask again that the Council having accepted our reasons for introducing the Bill, and having agreed to the principle, will not with one hand take away what the other hand has given, will not deprive us of this source of income. I said in my introductory speech that while in the case of original complaints we like Bengal propose to charge one rupee in the case of all subsequent complaints we are given a greater reduction than Bengal. Our fees for these petitions will be ten annas against twelve annas in the neighbouring province.

**RAI BAHADUR PROMODE CHANDRA DUTTA** :—Sir, I hope I betray no secret when I say that the question of the court-fees payable on a petition of complaint and other petitions was fully debated in the Select Committee and that when it was pointed out that they brought in the largest amount of revenue, and that by reducing the fee to eight annas we would only take away with one hand what we gave with the other were impressed with the necessity for approving the increase suggested. The Hon'ble Mover appeals for reduction on behalf of the poor. He has my entire sympathy, but there are ways, as pointed out by the Hon'ble Member in charge of the Bill, in which the poor could apply for relief. I would only add that a



complaint need not necessarily be in writing and that it is quite open to a man to go to a Magistrate and make a verbal complaint, thus getting rid of the necessity of paying any court-fee at all. The Hon'ble Mover will notice that in the case of other petitions the Select Committee have reduced the proposed rate of 12 annas to 10 annas, and as the Hon'ble Mover knows there is only one complaint petition in a case while there is no limit to miscellaneous petitions whatsoever.

Another feature of the Select Committee's report is that the Act will be in force for 3 years only instead of making it permanent. It will have to be brought up before the Council again if it is considered necessary to enforce it for any further period.

For all these reasons I regret that I cannot support the amendment.

**THE HON'BLE THE PRESIDENT** :—The question is that for the words "In the case of a complaint or charge of an offence presented to a criminal court one rupee, and in other cases ten annas;" the words "In the case of a complaint or charge of an offence presented to a criminal court eight annas, and in other cases eight annas" be substituted.

The motion was declared lost.

**SRIJUT DALIM CHANDRA BORAH** :—I think I should take leave of the Council to withdraw the following motion :—

That for the words 'one rupee' the words 'eight annas' be substituted in clause 11 (1).

The motion was, by leave of the Council, withdrawn.

**THE HON'BLE MR. W. J. REID** :—There are two changes in clause 13 (1) which I have taken up together.

I beg to move, Sir, that for the word 'of' in the second line of clause 13 (1) of the Bill the word 'in' be substituted and after the word "schedule" in the second line the words "to the said Act" be inserted.

The motion was put and adopted.

**THE HON'BLE MR. W. J. REID** :—I beg to move, Sir, that for the words "of the same schedule" in clause 13 (2) of the Bill the words "in the said article" be substituted and that the words "of the said Article" in sub-clause 2 (a) and (b) be omitted.

The motion was put and adopted.

**SRIJUT DALIM CHANDRA BORAH** :—I beg to withdraw the following motion which stands in my name :—

That for the words 'fifteen rupees' opposite entry (vi), the words 'ten rupees' be substituted in clause 13 (2) (a).

The motion was, by leave of the Council, withdrawn.

**THE HON'BLE MR. W. J. REID** :—Then, Sir, I beg to move that the Assam Court-Fees (Amendment) Bill, 1922, as amended, be passed.

The motion was put and adopted.

The Bill was then declared to have been passed.



## THE ASSAM STAMP (AMENDMENT) BILL, 1922.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move that the report of the Select Committee on the Assam Stamp (Amendment) Bill, 1922, be taken into consideration. I do not think that I need repeat any of the observations that I made in the case of the other Bill.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—As in the case of the Court-Fees Amendment Bill Sir my amendments are either purely formal or framed to give effect to the concessions which have been given in Bengal.

I beg Sir to move that after the figure '6' in the first line of clause 5B the words 'of the said Act' be inserted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg to move Sir, that the following proviso be inserted in section 6A namely :—

“ Provided that a court before which any such instrument, counterpart, duplicate, or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereon, and may then receive it in evidence.”

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move that in clause 6 of the Bill after the figure “19” in the first line the words “of the said Act” be inserted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move with reference to clause 7 of the Bill that for the word “and” in the first line of section 29B the word “or” be substituted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg Sir, to move that after the figure “32” in the first line of clause 8 the words “of the said Act” be inserted and that in sub-clause (3) of the same clause the word “from” be substituted for the word “of” in the last line but one.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg to move Sir, that after the figure “48” in the first line of clause 8A of the Bill the words “of the said Act” be inserted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move that after the figure “77” in the first line of clause 8B the words “of the said Act” be inserted.

The motion was put and adopted.



**SRIJUT DALIM CHANDRA BORAH** :—On the result of my motion on the Court-Fees (Amendment) Bill, I think, it is reasonable for me not to open my mouth in respect of any motion and so I beg leave to withdraw the following motion and any other motion that appears in my name :—

That in the second column opposite the words '(c) if not otherwise provided for' for the words "twelve annas" the words "eight annas" be substituted in Article 5 of Schedule 1A.

**THE HON'BLE THE PRESIDENT** :—I think it would be well if the Hon'ble Member withdraws his motions when we come to them.

The motion was, by leave of the Council, withdrawn.

**THE HON'BLE MR. W. J. REID** :—I beg, Sir, to move with respect to Article 15, Schedule 1 (a) in the second column opposite the words "where it exceeds Rs. 100 and does not exceed Rs. 200" after the words "one rupee" the words "four annas" be omitted. This is one of the concessions I now ask Sir.

The motion was put and adopted.

**THE HON'BLE MR. W. J. REID** :—I beg, Sir, with reference to Article 17 of the same schedule that in the second column for the words "ten rupees" the words "seven rupees eight annas" be substituted.

The motion was put and adopted.

**THE HON'BLE MR. W. J. REID** :—With reference to Article 22 of the same schedule I beg to move Sir, that in the second column for the words 'fifteen rupees' the words 'twelve rupees and eight annas' be substituted.

The motion was put and adopted.

**SRIJUT DALIM CHANDRA BORAH** :—As I have already expressed my opinion Sir, regarding the other motions I beg to withdraw the following motions with reference to Article 23 :—

- (1) That in the second column opposite the words "where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50" for the words "twelve annas" the words "eight annas" be substituted, and
- (2) That in the second column opposite the words "where it exceeds Rs. 50 but does not exceed Rs. 100" for the words "one rupee eight annas" the words "one rupee" be substituted.

The motions were, by leave of the Council, withdrawn.

**THE HON'BLE MR. W. J. REID** :—With reference to Article 35 (a) (vi) I beg, Sir, to move that after the word 'equal' in the second line in the second column the words 'in the case of a lease granted solely for agricultural purposes to one-tenth and in any other case' be inserted.

The motion was put and adopted.

**THE HON'BLE MR. W. J. REID** :—As regards Article 35 Exemption (a) I beg, Sir, to move that the words "in this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank" be added.

The motion was put and adopted.



THE HON'BLE MR. W. J. REID :—As regards Article 38, I beg, Sir, to move :

“That in the second column for the words ‘fifteen rupees,’ the words ‘twelve rupees eight annas’ be substituted.”

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move that the Assam Stamp (Amendment) Bill, 1922, as amended be passed.

The motion was put and adopted.

The Bill was declared to have been passed.

THE HON'BLE MR. W. J. REID :—I should like, Sir, before we proceed to further business, to express to the Council on behalf of the Government our acknowledgments of the way in which they have treated our proposals. We ought to be able now to put our financial house in order, and we appreciate very highly the sympathetic and businesslike manner in which our proposals have been handled.

#### THE ASSAM MUNICIPAL BILL, 1922.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, I beg to move that the Assam Municipal Bill, 1922, be referred to a Select Committee, consisting of the following Members—

1. Hon'ble Mr. A. Majid.
2. Rai Bahadur Amarnath Ray.
3. Babu Krishna Sundar Dam.
4. Maulavi Rashid Ali Laskar.
5. Khan Sahib Alauddin Ahmad Chaudhuri.
6. Rev. J. J. M. Nichols-Roy.
7. Srijut Nilmoni Phukan.
8. Maulavi Rukunuddin Ahmad.
9. Rai Sahib Manomohan Lahiri.
10. Rai Sahib Padmanath Gohain Barua.
11. Srijut Lohit Chandra Nayak.
12. The Second Secretary, and myself.

While making this motion I may perhaps mention by way of explanation that I have not made the other possible motion that I could make, *viz.*, that the Bill be circulated for eliciting public opinion thereon simply with a view to save time, not to forego the benefit of public criticism before the Bill is considered by the Select Committee. The Bill has already been published in the Gazette and the other usual steps will be taken to obtain public opinion. Ample time will be allowed for an expression of such opinion and all opinions obtained will be laid before the Select Committee. The reason is that it will be many months before the Council is again in session. If all this time is allowed simply for publication of the Bill for eliciting public opinion the formation of the Select Committee will necessarily have to be postponed till the next session of the Council which means that the Report of the Committee will not be available before next year's budget session and it may even mean that the consideration and the passing of the Bill may be still further delayed.



I submit, Sir, that this waste of time is not at all called for as we can collect all public opinion in the meantime and have it fully considered by the Select Committee without postponing the formation of the Select Committee for the next session. I have made the Committee suitably large in proportion to the importance of the Bill, but I shall gladly accept any suggestions for further additions if the Council so desires.

**KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI** :—Sir, I beg to say a word or two in this connection. It appears that there is a departure from the recognised principles of the Government about representations of different communities in this Bill. I bring this fact to the notice of the Select Committee which will, I trust, consider this matter at the time of discussion.

**THE HON'BLE RAI BAHADUR GHANASYAM BARUA** :—Sir, if I may be allowed to point out all the Members of the Select Committee will have the full right to propose amendments for the consideration of the Select Committee, and they will necessarily receive the best consideration of that Committee. I therefore do not think there is any reason to go into the discussion of detailed principles now.

**KHAN BAHADUR MAULAVI MUHIBUDDIN AHMAD** :—Sir, I beg to enquire whether there is any urgency about this Bill and whether it could not wait till we receive criticisms before the Select Committee is appointed?

**THE HON'BLE RAI BAHADUR GHANASYAM BARUA** :—That of course the Council must consider. I do not myself think that the benefit of public opinion will be lost in any way. I have already made this clear. I do not think that the formation of the Select Committee should be deferred till public opinion has been elicited first, because as I said the eliciting and consideration of public opinion will not suffer in any way. The Bill though not of emergent urgency, is somewhat urgent inasmuch as the sooner we revise our Municipal Law the better, because the people are shewing signs of feeling tired of the old laws.

**KHAN BAHADUR MAULAVI MUHIBUDDIN AHMAD** :—The point I wish to raise is a question of principle. Would it not be afterwards considered that the Select Committee have no powers to go into the question of communal representation? If we are not committed to accept that principle I have no objection to sending the Bill to the Select Committee, otherwise I object to the Select Committee being formed now.

**MR. A. J. G. CRESSWELL** :—I rise to a point of order, Sir. Will it be in order if I suggest that the name of Mr. Featherstone be added to the Select Committee?

**THE HON'BLE RAI BAHADUR GHANASYAM BARUA** :—I gladly accept the suggestion.

**RAI BAHADUR PROMODE CHANDRA DUTT** :—May I suggest one other name—that of a member from Goalpara, Babu Biraj Mohan Dutt?

In view of the remarks made by Khan Bahadur Muhibuddin Ahmad, I would like to tell him that by accepting the motion of the Hon'ble Minister we do not commit ourselves to any principle except that the Municipal Law requires revision. The question of communal representation or other questions are for the Council to decide. We need not be in unnecessary fear on that score.



**THE HON'BLE RAI BAHADUR GHANASYAM BARUA** :—Sir, as pointed out by the Rai Bahadur, there is nothing about the commitment of principles. The only principle involved is that a revised Municipal Law is wanted for the province. About this I do not think there is any dispute. The other details will doubtless be considered by the Committee itself and subsequently by the Council when the Select Committee submits its recommendations. I do not think any bad commitment will be made by simply referring the Bill to the Select Committee.

I gladly agree to include Babu Biraj Mohan Datta in the Select Committee; really I was myself thinking of him. If the Council permits I would add also another name to those already proposed, that of Khan Bahadur Muhammad Bakht Mazumdar. As a member from the Assam Valley has been added, I think it would be only just to have another member from the other Valley.

**THE HON'BLE THE PRESIDENT** :—The question is that the Assam Municipal Bill, 1922, be referred to a Select Committee, as revised.

The motion was put and adopted.

#### POLITICAL PRISONERS.

**SRIJIT DALIM CHANDRA BORAH** :—Sir, I beg to move: That this Council recommends to the Government of Assam that in view of the assurance given by the Working Committee of the All-India National Congress and the suspension of all activities and propaganda work by the volunteers of the non-co-operation movement, the repressive laws in Assam be withdrawn and the political prisoners released.

At the outset, Sir, I should give the Council to understand that by withdrawal of repressive laws in Assam, I mean not the repeal of those laws as they are the Acts of the Supreme Council and not within the province of the Local Government to repeal, but all what I mean is the withdrawal of the application of those repressive laws from our province where they are recently introduced. I am constrained to put this interpretation simply for the fact that it has come to my knowledge that some members have entertained doubts as to the real drift of my resolution.

I should like to say that this resolution is not peculiar or extraordinary here. Resolutions of a like nature have already been successfully moved with great zeal and earnestness in more advanced provinces than ours where the political agitation and unrest had gone on to a great extent. There was a talk for moving similar resolution in our Council too in the February session on a short notice on the ground of the subject of the resolution being a matter of urgent public importance. But on account of paucity of members who attended the Council then, it was postponed to be moved in the present session when a larger attendance was expected.

Regarding the subject-matter of the resolution we are all aware of the present political situation causing general discontentment among the mass population. It is neither an exaggeration nor a flattery that it is for the first time under the benign rule of the British Government that the peaceful and law-abiding people are so seriously and widely stricken with a panic caused by political turmoil. In such a trying situation it must be the combined efforts of both the Government and the law-abiding citizens to solve the problem by bringing to equilibrium the public mind which is in a state of ebullition.



But the Government does not seem to go into the real cause of the popular discontentment and they think it expedient to quell down the agitation by abrupt adoption of such drastic measures as are disproportionate to the nature of civil disturbances complained of and unknown to the peace-loving people of the province heretofore.

The nature of the repressions and the magnitude of the disturbances are too well-known to the Hon'ble Members to make any further delineation here. I only beg to draw the attention of the Hon'ble Members to the fact that in the face of the existence of ordinary provisions of law for coping with the disturbances and outbreaks of the nature as have daily been brought to our notice any further restrictive and stringent measures are likely to cause more unrest and to make the discontentment more deep-seated. The external activities of defenceless people might easily be quelled down by either of these stringent measures but repression is not a means for curbing the internal spirit.

We are quite confident that it is not the intention of the Government to make us unhappy and in fact they might be actuated by the purest of the motive to introduce the repressive measure for maintaining peace and order but it should be remembered that the persons entrusted with the function of dealing with those weapons generally miss their aim for their avidity to exercise power to the extreme. The effect of introduction of repression is simply to give unbridled license to the police and to the military. There are innumerable instances of excesses done by the police and the military in the name of law and justice, but I do not want to create any unpleasantness by making a repetition of those doleful occurrences.

It is on their own admission that the Government adopted the repressive measure when the political agitation reached its climax and public safety was in danger. Now when admittedly the agitation is gradually subsiding we are justified in appealing to the Government to withdraw the application of the repressive laws from our province which is a source of menace to simple folks.

The second part of my resolution simply deals with a prayer to the Government to pardon and release the political prisoners by exercise of their amnesty and clemency. The reason that led the political agitators to enter into a campaign of their propaganda, can well be gathered from the following few words which so eminent a leader of the Indian public as Pandit Madan Mohan Malaviya, gave utterance to in course of a speech in Bombay very recently. Referring to the attitude to the Government of India Pandit Malaviya considered that a wrong policy was pursued in Bengal, Assam, United Provinces and elsewhere under which many persons, most of them respectable, were deprived of their liberty for not obeying a technicality of law which they thought unjust, and he further said that the last few months were the darkest period of British rule in India so far as liberty was concerned. Since the inauguration of the Reforms the financial situation of the country was gloomy and the sovereign remedy was *swaraj* as pronounced by Dadaboi Naoroji in Calcutta so far back as in 1906. The persons who are now rotting in the jails cannot be said to be actuated to launch into a campaign of non-co-operation from a selfish desire for personal aggrandisement although some of them are swayed by emotion or impulse. I cannot leave it unnoticed that one bad effect of wholesale confinement of political leaders in jails is that the control over the volunteers is lost leaving them to go astray to cause occasional



disturbances here and there. At any rate I do not mean to criticise the action of the Government adversely nor to impugn the act and proceedings of the courts of justice dealing with the political prisoners as it is not the place for so doing. As there is a cry all over the country that taking advantage of their defenceless character miscarriage of justice occasionally creeps into the proceedings of criminal cases against the non-co-operators, I already have made an appeal to the Government through the medium of a question put to them to call for the records of all the criminal cases with the view to consider the legality or otherwise of the criminal proceedings instituted against them or the sentences passed upon them. I hope the Government will certainly lend a patient hearing to our importunities and right the wrongs committed by their officers. Another fact of special note should not escape our attention and it is this—that all the political prisoners do not appear to be dealt with equally although they are guilty of the same offences; in other words we understand, that for the same or similar offences different offenders are sentenced to different terms or description of sentences. The law is no respecter of personality and equal treatment is earnestly desirable.

Before I conclude I cannot but express my gratitude to His Excellency the Governor for his utterances made in course of his Durbar speech yesterday which has a direct concern with the subject in hand and which might be fresh in the memory of every one present here. In face of such utterances the Council might not be inclined to further discuss the resolution thinking that even if it be accepted they could not expect from the Government more than what was announced yesterday. Nevertheless I think it my duty to give the Council an opportunity to think over the subject as it is a matter of general public importance and I shall decide the course to be adopted after taking the general sense of the Council with perfect deference to their sentiments.

**THE HON'BLE MR. A. MAJID:**—Sir, the Hon'ble mover like all the other Hon'ble members of this Council heard the speech which His Excellency the Governor delivered yesterday at the Darbar. I could hardly add to those remarks. His Excellency the Governor traced the origin and progress of the movement which Government had to combat. Turning to the measures which Government was forced to take His Excellency said that he believed that the situation was improving and said that if this improvement continued Government would note this and shape its course of action accordingly.

As regards the convictions and sentences which have been imposed, Government have been watching the results of the trials and in certain cases which seemed to require examination, examining the records, to see whether the convictions and sentences and order regarding the special treatment of prisoners were suitable. As Hon'ble Members know we have been passing such orders as were deemed necessary and proper. And I can assure the Council that Government are prepared to interfere in all cases in which interference is necessary and proper under section 401, Criminal Procedure Code. I ask the Council solemnly in view of what they have heard whether they are prepared to endorse so uncompromising and so far-reaching a resolution as this?

**MR. A. MOFFAT:**—Sir, we often hear Government being described as 'benign' and it is a description we love to make much of. In this case, however, the idea is conveyed that 'benign' means a Government which will cease all repressive measures and set free the law breakers and rather sympathise with them in having been the victims of an error of judgment of its own



Now, this is not my idea of what the word should mean. The first duty of Government as has so often been said is to preserve law and order so that the peaceful and law-abiding may pursue their ordinary avocations without let or hindrance. In this it is 'benign' as it is doing the greatest good to the greatest number.

Let us see what has been the position of late. Certain parties (there are several which may claim to be separate or which may rightly be embodied in one, the National Congress party) have initiated a propaganda the primary methods of which are to upset peaceful trade and the Tea Planting industry. The objects to be attained were clearly stated by His Excellency Sir William Marris yesterday and need not be repeated. The methods pursued openly were the closing of hâts, private or Government, the refusal of grain supplies to tea garden coolies at exorbitant rates, the boycott in their own villages of Assamese who were serving on the staff on tea estates, the boycott of shop-keepers who sold foreign cloth, etc. Take an instance of the first named—A young man wearing a Gandhi cap entered the Teok Hât in my neighbourhood. He proceeded to dictate prices to the vendors. *Dhan* and rice he placed at 100 per cent. over the normal figure but fish, for a reason apparent, Assamese themselves being large buyers, was put low, the Domes being told to charge four annas for a fish which would usually fetch ten or twelve. On being remonstrated with he at once put his hands up and shouted "Mahatma Gandhi Ki Jai." The result was confusion, bad characters started looting and the hât was cleared in ten minutes. The same thing happened at several of the other hâts round and it was clearly shown in whose name the instigators were acting. Large losses resulted as unsold fish, vegetables, etc., went bad, also from the looting which took place under cover of the confusion. This was certainly not allowing the peaceful trader to carry on his business without let or hindrance.

It is argued that the men actively employed in carrying out this propaganda are mere tools and do not understand the results of their action, are swayed by emotion and impulse, and should therefore be treated leniently. If they do not understand or realise their responsibility they must be taught and to be lenient with them and set them free would not tend to do this. To give them our sympathy and to intervene on their behalf would seem to range ourselves on the side of disorder. Government should be left free to deal with the situation as it seems advisable and it cannot be accused of not having been most lenient to date. For instance a Marwari trader said to me "why does not Government step in and put the whole movement down. Is it afraid?" So you see that it has been so lenient as to give rise to doubt among its loyal traders and peaceable subjects who have been victims of the non-co-operator. By its recent action it has only shown that it has the power and when necessary is prepared to use it and this we should welcome and should not oppose or disagree. And as regards using the power, I may say, personally I have come in contact with the moveable column and I consider that regarding both, the behaviour of the police and the troops in the column, their conduct, has been exemplary. The position has improved but sinister influences are still at work and will have to be met in the future. We should bear in mind the lack of control of the followers by the leaders. In one case of my own hât I was told that there was no wish to interfere or to do any harm whatever. A fortnight later a message was sent to me by the same man, the local Secretary of the Congress party, who said he had lost control over his followers and could not guarantee the hât. I refer to this lack of control,



because the leaders of the party may have withdrawn their orders and might guarantee that there would be no more interference but we fear that the followers may still continue.

I therefore appeal to you, gentlemen to oppose this resolution and by an unanimous vote transform it into an expression of confidence in the Government.

**KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY**:— I think, Sir, I should say a word or two in this connection. I am already an eye-witness to the non-co-operators of my district and I do not like to incur the displeasure of my friend in the Chamber who is moving this resolution, but I hope that he will kindly excuse me when I say that the resolution as it stands is not acceptable to any Government having responsibility to maintain peace and tranquillity, law and order. It recommends the withdrawal of repressive measures and the release of political prisoners in view of the assurances of non-violence given by the Working Committee of the All-India National Congress, but when Mr. Gandhi who is the fountain-head of this movement and who has been preaching non-violence and advising the people to restrain themselves from race hatred, from the very beginning, helplessly failed to keep control before his very eyes at Bombay, and when in spite of his repeated warnings, atrocities of a most horrible type hitherto unknown in the land, were perpetrated in different parts of India, would it, Sir, be a sound policy to place any reliance upon the assurances of the Congress Committee? To maintain order and discipline there must be some force behind to enforce it. Where is that force in the propaganda of Mr. Gandhi or of the Congress Committee? On the other hand instances of social boycott in the villages and elsewhere, of threat and intimidation, instances how far the personal liberty of the peace-loving public is at risk, instances how caps are being snatched under concocted *fatwas* to the great annoyance of the wearer, are still innumerable which I think this Government as a Government must combat. I say Sir, the Government is already too late in this matter and ought to have taken up measures earlier. Government showed ample signs of patience and forbearance, waited long enough to see the good sense of the people: but when instead of showing signs of improvement the people resorted themselves to violence disturbing the public peace, ravaging, killing, without law, without justice simply to gratify their own whims, it was then and then only that the Government took up the present procedure. They call it a repressive measure: but I say, Sir, that to station military police in the disturbed areas and to prosecute the offenders under the existing law of the land is a most non-violent form of procedure to quell disturbances. The cloud of anger, hatred and disgust has been spread by the non-co-operators far and wide poisoning the minds of the people—particularly of the illiterate masses—and it will, I think, take a long time to get the normal conditions restored. I understand that the present policy has been producing healthy and satisfactory results, and it will be simply unwise to withdraw it at the present moment. The Hon'ble Mover of the resolution has recommended the withdrawal of this policy, but I regret to notice that he has been unable to suggest any suitable or practicable means for the restoration of peace and order.

I wish, Sir, that the people should enjoy the fair fruits of peace and industry and as such I advise Government to see that law and order are maintained and normal times restored. With these remarks I oppose the resolution.



MR. E. H. FEATHERSTONE :—Sir, I rise to oppose this resolution, most strongly. It says, Sir, "that in view of the suspension of all activities and propaganda work by the volunteers of the non-co-operative movement." Has the Hon'ble Member forgotten that the people of this movement have published it broadcast throughout the land that we were going to have a most complete *hartal* from the 6th to the 13th of April? I ask the Hon'ble Mover to remember that fact. Another point is the question of repressive laws. I consider that the Government have been extremely lax in allowing this word to be used at all. It has accorded a tremendous antagonistic atmosphere to the whole thing. To anybody who views it with a clear mind it would be quite clear that the laws are not repressive, but to the man in the street who is guided by the opinion of others it has been instilled that the Government is a sort of man with a big stick and that as soon as he speaks he will be hit on the head and smashed. I think it is unwise to allow that idea to spread throughout the land without taking any action against it. And as regards the releasing of political prisoners, I think that every one of them can be released to-morrow if they will only sign the statement any man with any common sense would ask to be signed, and that is that they will refrain from this ill-considered question of non-co-operation.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I regret I cannot support the resolution as it is. I hope I shall not for that reason be accused of any lack of sympathy for those who have gone to jail in the name of their country. They are there as the result of a propaganda which has led to very undesirable developments and have not asked to be helped out of the jail. The Hon'ble Mover recommends the withdrawal of the repressive laws by which he means, as he explains, the several notifications under certain extraordinary enactments, and the release of all political prisoners on the assumption that the Working Committee of the Indian National Congress has decreed a suspension of all militant activities. I am afraid the assumption on which he bases his recommendation was no sure foundation. May I be permitted to remind the Hon'ble Mover that while the Committee has prohibited mass civil disobedience it permits individual civil disobedience at the discretion of the individual concerned, and as everybody knows it is individual civil disobedience that has filled our jails. Indeed so far as I am aware there has been no attempt at mass civil disobedience in any part of the province. Then again in this morning's paper I read that the Bengal Provincial Congress Committee has sanctioned the resumption of the picketing of foreign cloth shops—an operation which has not unoften involved interference with individual liberty of action. Yet again *hartals* have been ordered for the 13th of April all over India, and *hartals* has not always been as spontaneous as they have been presented to be. Thus the assumption on which the Hon'ble Mover bases his recommendations falls to the ground. Sir, it is for these reasons that I find myself unable to support the resolution in its present form. There is a remedy open to the prisoners themselves and that is to agree to abide by law as His Excellency the Governor has asked them to do.

BABU KRISHNA SUNDAR DAM :—Sir, with a thousand apologies to my friend the Mover I would ask him to withdraw his present resolution, but not on the grounds which we have just heard stated by many of the preceding speakers, particularly by Khan Saib Alauddin Ahmad Chaudhury. As to why I ask the Hon'ble Mover to withdraw his resolution I should make my



position clear. He should first of all realise that if they are true non-co-operators who have gone into jail by following the call of their leader Mahatma Gandhi, if they really believe themselves bound to sacrifice themselves to the cause of their country, surely my friend is not right to put in a pleading on behalf of them—at least I am sure that none of the true non-co-operators have asked him to move in their behalf, to get them released. Of course, if they are people who have gone to jail without grasping the principle of non-violent non-co-operation whether Hindu or Muhammadan, of course for them we know that Government have already provided a way to go out by giving an assurance of future good behaviour. So I believe that if by the resolution the Hon'ble Mover meant to benefit the true non-co-operators I think he did not act wisely in moving this resolution. And then there is also the legal aspect of the question, and that is whether this Council can go into the validity or otherwise of the adjudication of law courts. As to the term "repressive measures" I should first of all invite the attention of the Council to what was said by Khan Sahib Alauddin Ahmad Chaudhury. He appeared to me to speak under considerable personal excitement but I am sure that the Government side will imbibe nothing of his excitement. He not only entered into the question of the most atrocious offences committed in this province and outside in India, but also seemed to think that repressive measures should have been adopted much earlier. I think the least we say about the policy of the Imperial Government the better, but I can assure him that the Government will listen to his advice as little as mine or the Mover's advice. I also differ from my friend Khan Sahib Alauddin Ahmad Chaudhury in thinking that they should be called repressive measures and not very lenient measures. I am inclined to describe them in another way, *i.e.*, that non-violent non-co-operation has been followed by violent co-operation; by violent co-operation I mean the sort of co-operation to which people are being taught by the demonstration marches which are at present going on in the province. After seeing and hearing how these repressive measures are being enforced I think my Hon'ble Friend must be a very sanguine person to move his resolution. I think he should withdraw his resolution and go forward with the times, *viz.*, the violent form of co-operation through the medium of demonstration marches. This is a thing which is troubling us very much now.

This is a menace which is troubling us very much now. I am not at this moment going to refer to the peculiar sufferings of this form of touching the co-operators. But I cannot here make mention of.....

**THE HON'BLE MR. W. J. REID** :—On a point of order Sir. Is the Hon'ble Member referring to the marches of Assam Rifles throughout Sylhet in connection with this resolution?

**SRIJUT KRISHNA SUNDAR DAM** :—Why, I am asking the Hon'ble Mover.

**THE HON'BLE THE PRESIDENT** :—I did not know to what he was referring. I regret I cannot follow the Hon'ble Member.

**SRIJUT KRISHNA SUNDAR DAM** :—I am asking why he should withdraw the present resolution and bring it up in some other form. He should only confine himself to the particular form of revision. With this object in view what is the repression and what is according to law and the impression which is in accordance with the demonstrations.....



THE HON'BLE MR. W. J. REID :—That is the point of order Sir, on which I ask your decision.

THE HON'BLE THE PRESIDENT :—I find it difficult to hear what the Hon'ble Member says.

SRIJUT KRISHNA SUNDAR DAM :—In my present speech I am advising the Mover why he should withdraw the resolution as it is worded and why he should limit his scope to a particular form of repression only that it may be more intelligible to my Hon'ble friend.

THE HON'BLE MR. A. MAJID :—The first portion is relevant and the second portion is irrelevant. ....

SRIJUT KRISHNA SUNDAR DAM :—My friend Khan Sahib Alauddin Ahmad Chaudhuri also referred to all these things speaking loudly and I think the Mover should come forward to withdraw his resolution because what will strike everybody is this.

THE HON'BLE MR. A. MAJID :—This is outside the Council.

THE HON'BLE THE PRESIDENT :—I think the resolution refers to the withdrawal of repressive laws and release of prisoners and the Hon'ble Member is not relevant in dealing with the marches of the troops.

BABU KRISHNA SUNDAR DAM :—What I mean to say is to suggest.

THE HON'BLE MR. W. J. REID :—I submit that the Hon'ble Member cannot suggest anything at this stage.

BABU KRISHNA SUNDAR DAM :—Mr. Moffat alluded to the marches. It will strike everybody that these measures were meant to pacify the existing unrest which is taking place mostly in the vicinity of the tea gardens and the villages near. And another fact which strikes this Council is that the planting community have been the greatest sufferers in the present unrest, and the Hon'ble gentleman who has just spoken before me Rai Bahadur Promod Chandra Dutta spoke from a different standpoint of view. But Khan Sahib Alauddin Ahmad Chaudhuri and Mr. Moffat are speaking of individual grievances. I think in bringing forward and discussing resolutions of this kind we should speak less and less with reference to individual grievances and this impresses upon us the question whether the Local Government of the province of Assam are going to be dictated to by the planting community.....

THE HON'BLE THE PRESIDENT :—I think the Hon'ble Member is again straying away from the terms of the resolution.

BABU KRISHNA SUNDAR DAM :—I have finished Sir. I say that I will advise the Hon'ble Mover to consider these points particularly instead of those who are in jail and the particular form of repression which is threatening this province which is different from other provinces.

Mr. A. J. G. CRESWELL :—Sir, in opposing the resolution I would ask this Council to at present rest content with the policy as laid down yesterday by His Excellency the Governor. Further, Sir, in view of the assurances given by His Excellency as to the release from prison of all who are willing to agree to abide by the laws of the land hardly justifies the suggestion of "rotting in jail."



Sir, there can be few here who can with any justice claim that without the adoption of severe measures law and order could have been restored—hence, Sir, I consider it is the duty of this Council to have every confidence in the Government which is the best judge as to what measures are for the present and in the future to be adopted for maintaining the general welfare of the people in the province of Assam.

REVEREND J. J. M. NICHOLS-ROY:—Sir, I would advise the Hon'ble Mover to withdraw the resolution because as it stands it is defective. First of all it is said that the Indian National Congress have suspended their activities which is not a fact. They have only changed the idea of Mass Civil Disobedience and to enforce the individual Civil Disobedience. We do hope that the movement will die out, but whatever our hopes may be the facts remains the same that the Congress is still active in many forms. We do not know what form they would take in future.

The second reason is that the political prisoners themselves, I am afraid are not very anxious to get out of the prisons because they think—at least many of them—that they are serving the country by remaining there because they hope that in that way they are going to gain *swaraj* very soon, and if they remain non-violent for a long time in prison that their movement will be successful and the principle of Gandhi will be successful and the country will gain *swaraj*. The withdrawal of the repressive laws and release of the prisoners at the present time are not desirable, because there is a great deal of confusion going on and those who observe the political affairs from outside were surprised that the Government did not take action very soon. But our surprise may after all be a matter of judgment and may not be very wise. But as far as the resolution stands now I think it is not reasonable that it should receive the support of the Council. I would ask therefore that the Hon'ble Member should withdraw it.

MAULAVI RASHID ALI LASHKAR:—Sir, I have to say a few words in this connection. Some of the Indian Members appear to me to have travelled a greater distance than even the British Isles. But I am sorry that instead of trying to run the agitation in the proper channel they are keeping aloof in a precipitous height, in a greater height than the height of Shillong and they I think in this way are not entitled to picture the present condition of the country before the public. Any way Sir the resolution appears to be a bit feeble otherwise I must confess that I should have supported it. But so far as the spirit of the resolution goes I am at one with the mover of the resolution. As for the opinion and idea of the country we may safely judge if we take a percentage of the population who are for and who are against the present agitation, I say the present movement. The uneducated and ignorant masses are made to work on the verge of the narrow precipice. It is only natural for human to think that the provocation is one accepted to retort. But the particular advice is not to retort but to remain non-violent and this is a very difficult principle and in these circumstances if some outside poking and repression and oppression go on the natural result is that the education of a few days upon ignorant and uneducated mass sometimes vanishes and the natural result is that they may look for riots and something of the kind.

Then Sir as for the release of the prisoners from jail I say that prisoners are mostly educated people and we cannot call them so many fools and although they prefer jail than begging pardon, is it not just that at the time of their



trials at least we should see that justice should be done to them, and they are not sent to jail simply because they want to go to jail should that be the principle? Should justice receive a sort of connivance from the executive side it forms a farce.

Then Sir the instances of breaking of hâts in tea gardens I think may be counterbalanced by ten times of the instances of opposite side. The Gandhi caps and khaddars have become a sort of hydrophobia in the eyes of some people and this is why these are turned away from that is why often these Gandhi caps are snatched away from innocent people who simply wear it as a sort of fashion. All the wearers of Gandhi caps are not necessarily non-co-operators. Even co-operators as a result of fashion are wearing Gandhi caps. Simply seeing a man wearing a Gandhi cap.....

**THE HON'BLE MR. W. J. REID:**—On a point of order, Sir, I was not aware that there was any law, even of the most repressive character, directed against Gandhi caps.

**MAULAVI RASHID ALI LASKAR:**—I am simply making mention of instances referred to by some Hon'ble Members.

**THE HON'BLE THE PRESIDENT:**—I think the Hon'ble Member is trying to make out that the movement is not so widespread as would appear. I think that is his point.

**MAULAVI RASHID ALI LASKAR:**—Then, Sir, as to the wishes of some of the Hon'ble Members that these laws should have been applied a little earlier, I say that these laws might suppress the agitation for a time but is this a very happy and healthy sign? It may suppress agitation on the surface only, but the result would be that the movement would sink deeper and deeper and thus assume a dangerous appearance in the shape of a volcanic eruption. It should give some vent so that its grievances might have some evaporation. Is it very wise to forcibly shut a mouse in its hole, it is rather wiser to bring out the mouse from the hole. So I think instances are sometimes only picked out to make general inferences, but I say instances on the other side are so very numerous that if one is to generalise instances, the opposite side would take prominence. Sometimes, Sir, even a delay of a few minutes in the dispersal of ignorant and uneducated masses is looked upon as more valuable than the lives of dozens of people. Are those instances very happy ones? Considering the language of the resolution I think the Hon'ble Member should withdraw his resolution.

**SRIJUT DALIM CHANDRA BORAH:**—I have already given the Council to understand, Sir, that my object was not to create any unpleasantness by putting this resolution before the Council. My object was rather to make a prayer with all earnestness and humility to the effect that Government might be pleased to make certain concessions in exercise of their clemency or amnesty. But one Honourable gentleman was pleased enough to cite some instances of non-co-operators. If I was in the mood of creating unpleasantness, then I should have cited counter instances of excesses. However this gentleman not only cited but clearly gave expression to feelings of unpleasantness, but I on the other hand have opportunity to congratulate



myself for having a good commentator in him in commenting on benign and benignity. At the very outset I mentioned the fact that this Council was not competent in repealing the laws on the subject. At any rate, Sir, as so many friends have urged me to withdraw this resolution, I think it would be unwise for me to disregard the views and sentiments of the Council if I do not withdraw this resolution. I therefore beg leave of the Council to withdraw my resolution.

The resolution was, by leave of the Council, withdrawn.

The Council was then adjourned to the 29th March 1922 at 11 A.M.

SHILLONG;

S. E. STINTON,

*The 18th April 1922.*

*Offg. Secretary to the Legislative Council.*



