

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

The Council met in the Council Chamber, Shillong, on Monday, the 13th August 1923, at 11 A.M.

P R E S E N T :

The Hon'ble Rai Bahadur Nalini Kanta Ray Dastidar, *President*, the two Hon'ble Members of the Executive Council, the Hon'ble Minister for Education and Local Self-Government and 40 nominated and elected members.

OATH OF OFFICE.

The following members, before taking their seats, made the prescribed oath or affirmation of allegiance to the Crown :—

1. Rai Bahadur Romesh Chandra Bhattacharjee.
2. Srijut Hemodhar Patra-Bora.
3. Khan Sahib Nuruddin Ahmed.
4. Mr. Geoffrey Ewart Soames.
5. Mr. Oscar Henri Desenne.

PANEL OF CHAIRMEN.

THE HON'BLE THE PRESIDENT :—I have now to announce the following names for the Panel of Chairmen for the present session :—

1. Rev. J. J. M. Nichols-Roy.
2. Rai Bahadur Romesh Chandra Bhattacharjee.
3. Maulavi Rukunuddin Ahmad.
4. Mr. A. J. G. Cresswell.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

MAULAVI RUKUNUDDIN AHMAD asked :—

Toklai
streamlet
at Jorhat.

1. (a) Is it a fact that in connection with my interpellation No. 1, dated the 12th April 1923, asked in the April session of the Assam Council the Sub-Deputy Collector of Jorhat town was asked to see whether the Marwaris of Jorhat had actually built *pucca* walls and erected latrines from the bed of the Toklai streamlet at Jorhat?

(b) If so, will the Government be pleased to lay on the table the report of the aforesaid Sub-Deputy Collector?

(c) Is it a fact that another report in connection with the aforesaid question was called for from the Jorhat Municipality?

(d) If so, will the Government be pleased to lay the report of the Jorhat Municipality also on the table?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

1.—The Government have no information of any report being asked for from the Sub-Deputy Collector or the Municipality. They have received no such reports and are therefore unable to lay them on the table. The matter is one for the local authorities to deal with and Government see no reason for intervening.

MAULAVI SAIYID SAMIUR RAHMAN asked :—

1. (a) Will the Government be pleased to state if there are rules fixing the maximum period of time beyond which Revenue Sheristadars and Treasurers in District and Subdivisional Headquarters cannot be kept in the same station ? Transfer of Revenue Sheristadars and Treasurers.

(b) If not, has the Government considered the advisability of fixing by rules that such officers shall not remain in the same station for more than three years ?

2. Are the Government aware that the Sub-Inspectors of Schools find it very hard nowadays to meet the expenses of their tour with the fixed travelling allowance allowed to them owing to the general rise in the cost of living ? Sub-Inspectors of Schools.

THE HON'BLE MR. W. J. REID replied :—

1. (a)—As regards Revenue Sheristadars the hon. member is referred to the answer given to a similar question by Raj Kumar Chandra Narayan Singh at the last September session of the Council. There are no Revenue Sheristadars in subdivisions.

As regards Treasurers the answer is in the negative.

(b)—No.

2.—It is believed that with economy the allowances do not fall short of actual requirements.

MAULAVI SAIYID SAMIUR RAHMAN asked :—

3. Will the Government be pleased to state when effect will be given to the resolution passed in the sitting of this Council in September last regarding the improvement of the pay and prospects of the Subordinate Educational Service ? Subordinate Educational Service.

4. Are the Government aware that there are only 2 Muhammadan Deputy Inspectors of Schools in the Surma Valley and the education of the Muhammadans is suffering there ? Deputy Inspectors of Schools.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

3.—The Government are unable to say when effect will be given to the resolution. The cost of the reorganisation proposed amounts to Rs. 1,35,360 and it is impossible for Government to finance it just at present.

4.—Government are aware that there are only two Muhammadan Deputy Inspectors of Schools at present in the Surma Valley, and that there has been a decline in Muhammadan education there, but there is no connection between the two facts. For an analysis of the causes of the decline in the Muhammadan enrolment in schools the hon. member is referred to the recent quinquennial review of the progress of Education in Assam.

BABU KRISHNA SUNDAR DAM asked :—

Reduction
of Govern-
ment
scholar-
ships by 50
per cent.

1. (a) Will the Government be pleased to state the reasons which led them to reduce the existing Government scholarships by 50 per cent. as notified in the *Assam Gazette* dated 20th June (Education Department No. 25G) ?

(b) Will the Government be pleased to state the actual number and class of scholarships, with the value of each, thus reduced ?

(c) Will the Government be pleased to state the actual savings that will result by such reduction during the current financial year ?

(d) Will the Government be pleased to state how the savings, if any, secured as aforesaid, are proposed to be appropriated during the current financial year ?

(e) Will the Government be pleased to state if it has been decided to raise the fee rates in the Government schools and colleges in the Province ? If so, what is the enhanced scale and what are the grounds which led to the enhancement ?

(f) Will the Government be pleased to state whether public opinion was consulted in the matter of reduction of scholarships and enhancement of fee rates ? If not, why not ?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

1. (a)—The Government were compelled to effect a reduction in the number of the scholarships as notified in the *Assam Gazette* of the 20th June 1923, in order that the expenditure might be kept within the limits of the budget grant which was passed by the Legislative Council. As explained in the *Gazette* notification the number of existing, *i.e.*, current Government scholarships, will not be affected. The reduction relates to new scholarships only.

(b)—The particulars asked for in regard to the number, class and value of the scholarships will be found in section 32 of the *Assam Rules and Orders*, which was referred to in the notification.

(c) and (d)—As explained in the answer to question No. 1 there will be no savings in the budget allotment and consequently the question of appropriation does not arise.

(e)—The fee rates in the Cotton and Murarichand Colleges have been raised to Rs. 6 a month and the fees in the Earle Law College to Rs. 7-8 a month. The fees were raised because it was found that the fees hitherto charged were lower than those charged in the colleges of Bengal and the finances of the province did not justify the retention of lower rates. The fee now charged in the Earle Law College is the same as that charged in the University Law College, Calcutta, and the fee of Rs. 6 which has been introduced in the Cotton and Murarichand Colleges is the same as the fee charged in the Chittagong, Hoogly, Rajshahi and Krishnagar Colleges in Bengal and is lower than the fees charged in other colleges in that province. The Government have not decided to raise the fee rates in Government schools. The question is under consideration.

(f)—Public opinion was not consulted in the matter of the reduction of scholarships or of the enhancement of the fee rates in colleges. The reasons already given will show why it was unnecessary to invite public opinion.

BABU KRISHNA SUNDAR DAM asked :—

2. (a) Will the Government be pleased to state if any money levied on account of the additional (punitive) police in Sylhet has been refunded as having been imposed contrary to law, and, if so, will the Government be pleased to give the names and addresses of persons to whom such refunds have been made together with the amount of refund in each case? Punitive
Police tax.

(b) Will the Government be pleased to state if there are any claims or civil suits still pending for such refund in the district of Sylhet?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD replied :—

2. (a)—In certain cases persons were by mistake assessed to costs of additional police who were not inhabitants of areas notified under section 15, Act V, 1861. In such cases the full amount levied has been refunded. In certain other cases refund was ordered of sums levied in excess of the amounts leviable under a strict interpretation of section 15(4), Act V, 1861. The Government see no object in giving a list of names and addresses.

(b)—The Government have received information of two suits which have been lodged in Sylhet against Government for the recovery of sums levied on account of the cost of additional police. Certain notices of suits have also been received.

BABU KRISHNA SUNDAR DAM asked :—

3. (a) Are the Government aware that the system of competitive examination for recruitment to the Subordinate and Provincial Civil Service has been introduced in Bengal? Subordinate and
Provincial
Civil Service.

(b) Have the Government decided to introduce this system in Assam?

MR. A. W. BOTHAM replied :—

3. (a)—Yes.

(b)—No. The hon. member is referred to the debate and division and to the speech which he himself made upon the Resolution moved by the late Srijiut Dhairyya Narayan Das on the 2nd April 1921.

BABU KRISHNA SUNDAR DAM asked :—

Wild boars.

4. Are the Government aware that people of the Hingajia quarter in the east of South Sylhet subdivision petitioned the local officers of the Agricultural Department and the Deputy Commissioner of Sylhet about extensive damages done to their crops by wild boars and that no action has been taken by the local authorities in this behalf? Will the Government be pleased to call for information on this subject and to state if they are going to suggest or direct any measure of relief to the villagers and the district authorities for destroying or scaring away the wild boars?

THE HON'BLE MR. W. J. REID replied :—

4.—The Government have no information, but a copy of the question will be forwarded to the Commissioner, Surma Valley and Hill Division. The Deputy Commissioner is always ready to issue licenses for firearms to approved persons in areas where the depredations of wild animals are serious.

BABU KRISHNA SUNDAR DAM asked :—

Murari-
chand
College.

5. (a) Will the Government be pleased to state the terms, if any, under which the Government took over charge of the Murarichand College from late Raja Girish Chandra Roy?

(b) Is it a fact that the Government undertook not to raise the then existing fees while taking over charge of the Murarichand College from the late Raja Girish Chandra Roy?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

5. (a)—A copy of letter No. 260R., dated 13th February 1907, from Raja Girish Chandra Roy, which embodies all the conditions of the provincialisation of the Murarichand College at Sylhet is laid on the table. Government accepted those terms.

(b)—There was no condition as to fees; but the then existing rate was maintained for the time being. In his letter No. 94C., dated 11th June 1907, to the Commissioner, Surma Valley Division, the Director of Public Instruction distinctly laid down that if the college should be provincialised the rate would have to be at least approximate to the rates in other Government Colleges. The present rates have been increased to those in force in Government Colleges in Bengal.

Copy of letter No. 260-R. of 13th February 1907, from Raja Girish Chandra Roy.

With reference to the letter written to me, through the Commissioner, Surma Valley Division, which never reached me, but a copy of which was shown to me by Dr. P. Chatterjee, the Inspector of Schools, on special duty, I have the honour to reply as follows :—

I shall be glad to hand over the college to the Government on the following terms :—

- (1) As suggested by you, the present name of the college should be retained.
- (2) The proprietor will retain the school.
- (3) In case the college be kept where it is, and the proprietor be asked to remove the school, he will do so on receipt of an adequate compensation.
- (4) The furniture belonging to the college and the laboratory will be made over to the Government. The Library will be retained for the school.
- (5) The proprietor is to be made a member of the Committee for the management of the college.

I beg in this connection to state that it will be desirable to retain the present staff of Professors (including the Principal) as far as practicable.

RAI BAHADUR RAMANI MOHAN DAS asked :—

1. Will the Government be pleased to lay on the table an account of the present number of students and the monthly expenditure incurred by Government for the maintenance of each of the following High Schools ?

- (a) Mangaldai Government High English School.
- (b) North Lakhimpur Government High English School.
- (c) Sunamganj High English School.
- (d) Goalpara High English School.

Total number of students and monthly expenditure of Mangaldai, North Lakhimpur, Sunamganj and Goalpara High Schools.

2. (a) Will the Government be pleased to state the number of patients attending the Kohima and Sadiya Charitable dispensaries for the last three years, each year separately ?

Kohima and Sadiya Charitable dispensaries.

(b) How many Assistant Surgeons and Sub-Assistant Surgeons are posted in the above two dispensaries ?

3. (a) Will the Government be pleased to state the number of B. T.'s (Bachelors of Training) trained at the expense of Government during the last three years ?

Bachelors of Training trained at Government expense.

(b) Have all those who were so trained during the last three years been provided with appointments ?

(c) If not, how many remain to be provided yet ?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA
replied :—

1.—The figures wanted are as follows :—

School.	No. of pupils.	Monthly expenditure borne by Government.
1	2	3
		Rs.
(a)—Mangaldai High School ...	114	891
(b)—North Lakhimpur High School	189	916
(c)—Sunamganj High School ...	355	413
(d)—Goalpara High School ...	173	1,086

The numbers noted under the head pupils are the numbers returned on 31st March last.

The figures under "monthly expenditure" state the net average monthly expenditure on maintenance from Provincial Revenues during the year ending 31st March 1923.

2. (a)—A statement showing the total number of patients treated at the Kohima and Sadiya Charitable dispensaries during the last three years is laid on the table.

—	1920.	1921.	1922.
1	2	3	4
Kohima dispensary ...	10,471	10,769	12,582
Sadiya dispensary ...	5,716	5,074	5,275

(b)—One Civil Assistant Surgeon and one Sub-Assistant Surgeon are attached to Kohima dispensary and one Civil Assistant Surgeon only is attached to Sadiya dispensary.

3.—The numbers are :—

(a)—Thirty-three.

(b) and (c)—Thirty have permanent appointments, two are in temporary employment and one is unemployed.

RAI BAHADUR RAMANI MOHAN DAS asked :—

4. (a) With reference to my question No. 14 answered in the Council meeting which met on the 10th March last, will the Government be pleased to state the circumstances which necessitated the placing of a Forest Division under a Police Officer when a Gazetted Forest Officer was available in the same Division? Are the Government aware of the fact that a saving of Rs. 1,200 a year could have been effected had the attached Gazetted Forest Officer been given charge of the same Division?

Placing of
a Forest
Division
under a
Police
Officer.

(b) Will the Government be pleased to state if this procedure of placing a Police Officer in charge of a Forest Division is followed in any other Province in India?

5. Will the Government be pleased to state if Officers of the Assam Forest Service have submitted memorials to Government for redress of their grievances and, if so, what action, if any, has been taken in the matter?

Assam
Forest Ser-
vice.

THE HON'BLE MR. W. J. REID replied :—

4.—(a) The hon. member is referred to the answer given to his question asked at the March session of the Council which stated the reasons which led the Government to place the Darrang Forest Division in charge of the Political Officer. There would not be a saving of Rs. 1,200 a year if the Political Officer did not hold charge of the Division as in that case the strength of the regular forest staff would have to be increased.

(b)—The Government have no information, but believe that Political and Forest charges have occasionally been combined in other provinces.

5.—Memorials have been received and are under consideration. The pay and prospects of the Forest Services have been materially improved of recent years, and the Government are not aware that many grievances still exist.

SRIJIT HEMODHAR PATRA-BORA asked :—

1. (a) Are the Government aware that a man named Bahgathi Ahom of village Bogorijeng, mauza Mowkhowa, in the subdivision of Golaghat, was recently shot by the Police?

Death
of
Bahgathi
Ahom.

(b) If so, will the Government be pleased to state whether any enquiry was made into this case and with what result?

(c) Will the Government be pleased to lay on the table all paper in connection with this affair and to state whether they are considering the advisability of appointing a committee consisting of both officials and non-officials to enquire into the matter at the spot?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD
replied :—

1. (a)—Government are aware that a man named Bahgathi Ahom was shot at and wounded by a Police Sub-Inspector.

(b)—An enquiry was held into the affair by the Subdivisional Officer, Golaghat. Bahgathi Ahom is under trial under section 302, Indian Penal Code, the allegation being that he murdered a man in a fit of madness, that he attacked the police who were sent to arrest him, and that the Sub-Inspector was compelled to fire at him in self defence.

(c)—Government are not prepared to place the papers upon the table or to appoint a committee of enquiry while the case is *sub judice*.

SRIJUT HEMODHAR PATRA-BORA asked :—

Kala-azar in
Golaghat
subdivi-
sion.

2. (a) Are the Government aware that the subdivision of Golaghat has been widely affected with *kala azar* ?

(b) If so, will the Government be pleased to state what measures have been taken to arrest the further progress of the malady and for the treatment of those already affected and also what amount, if any, has been specially allotted from the Provincial funds for the said purpose ?

Water-sup-
ply of the
Golaghat
Municipal-
ity.

3. (a) Are the Government aware that the water-supply of the Golaghat Municipality is not satisfactory ?

(b) If so, and in view of the spread of *kala azar* and general unhealthiness prevailing, are the Government considering the advisability of taking necessary steps and of introducing any better system of water-supply throughout the town ?

Middle
English
School for
girls in
Golaghat
town.

4. (a) Are the Government aware that a Middle English School for girls in the town of Golaghat is a long-felt necessity ?

(b) If so, are the Government considering the advisability of taking steps for the establishment of such a school as early as practicable ?

Dergaon
Middle
English
School.

5. (a) Is it a fact that the Dergaon Middle English School within the subdivision of Golaghat has not been working satisfactorily since it was made over to a Managing Committee under the aided basis ?

(b) If so, will the Government be pleased to consider if the entire management of the school can be taken over by the Education Department ?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA
replied :—

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

(b)—The existence of *kala azar* in the Golaghat subdivision was first brought to the notice of Government in 1909. From that year infected villages were segregated at Government cost. On the introduction of the intravenous treatment of *kala azar* by tartar emetic, a *kala azar* out-door dispensary was opened at Naharani and then an in-door *kala azar* hospital was provided at Charingia. The approximate annual cost of these institutions is Rs. 13,718 a year.

Government have now decided to open two more centres, one at Kacharihat and another at Chungi in charge of Sub-Assistant Surgeons. In the cold weather the area will also be surveyed. The Kacharihat centre has recently been opened. The cost of these two additional centres will be approximately Rs. 3,624 a year.

3. (a)—Government are aware that the water-supply of the Golaghat Municipality is not altogether satisfactory.

(b)—Some years ago Government provided the Jamuna tank and one near the Doctor's bungalow at a considerable expense. Both are protected by fencing and water is drawn from wells fed from the tanks. In December 1922 the Director of Public Health visited the Municipality and found that the water-supply arrangements were receiving much more attention than formerly. While much remains to be done and it is difficult to keep people from misusing the tanks, genuine efforts have been made of late to improve matters. It is for the local authority concerned and not the Government to move in the matter of effecting further improvements.

4. (a) and (b)—The answer is in the negative. There is already a Mission Middle English School for girls in Golaghat as well as a Municipal Middle Vernacular School, and the enrolment in those schools does not justify the starting of another such school.

5. (a) and (b)—The answer to the first part of the question is in the affirmative. There has been a fall in the enrolment and consequent loss of fee-income, which was largely due to the non-co-operation movement. It is hoped that the school will recover. The Government do not consider that the remedy lies in provincialization, and are not in a position to increase their commitments by provincializing the school.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI asked :—

1. (a) Will the Government be pleased to state if they make any recommendation or selection of candidates of this province seeking admission in the Calcutta Medical College?

(b) If so, how many were so recommended in the year 1923, 1922 and 1921, and of which how many were Muhammadans?

(c) In the event of no Muhammadan candidate having been recommended during these years, will the Government be pleased to state if they are prepared to give any special consideration towards the reservation of certain number of seats for the Muhammadans?

(d) Will the Government be pleased to state if they awarded any scholarship tenable at the Calcutta Medical College during these three years? If so, how many were given to Muhammadans?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

1. (a)—The nominations are made by the Inspector-General of Civil Hospitals.

(b)—Six in each year. One Muhammadan was recommended in 1921. None in 1922, and one in 1923 who refused the seat offered to him.

(c)—As already mentioned one Muhammadan was recommended in each of the years 1921 and 1923.

Government do not propose to reserve a certain number of seats for Muhammadans. The seats have been allotted this year strictly in order of merit which is the fairest way of allotting them as it gives all equal chances.

It must also be remembered that the course in the Calcutta Medical College is a very exacting one and it is therefore very necessary that the best qualified candidates be selected.

(d)—The six recommendations which are made annually include two scholarships. No scholarships were awarded to Muhammadans in the years 1921, 1922 and 1923. Scholarships are awarded strictly in order of merit.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI asked :—

Deputy
Superintendents of
Police.

2. Will the Government be pleased to state the reasons why as many as five posts of Deputy Superintendents of Police have been very recently filled up against the recommendations of the Retrenchment Committee?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD replied :—

2.—In view of the appointment of the Royal Commission which will examine the existing system of All-India and Provincial Services it was decided to keep pending the question of abolishing the Assam Police Service. If and when the Assam Police Service is abolished, it will probably be necessary to create a special grade of Inspectors to take its place, and as this cannot be done until the Assam Police Service has been abolished it was considered necessary to give officiating promotion to those Inspectors who are actually doing the work of Deputy Superintendents. The position has been explained to the officiating officers, and they have been warned that their officiating appointment will give them no claim to confirmation in the Assam Police Service. Meanwhile, as the Council have already been informed, one post of Deputy Superintendent has been definitely abolished.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI asked :—

Revision of
the Assam
Local Self-
Government
Act.

3. Will the Government be pleased to state when they propose to take up the general revision of the Assam Local Self-Government Act and to introduce the Bill thereof in the Council?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

3.—The general revision has been taken up and Government hope to introduce the Bill at an early session of the new Council.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI asked :—

4. Will the Government be pleased to state what changes have been brought about in the administration of the Excise Department and with what pecuniary advantage? Excise Department.

THE HON'BLE MR. W. J. REID replied :—

4.—The changes brought about in the administration of the Excise Department are enumerated below :—

- (a) The post of the Commissioner of Excise and his office has been abolished and his duties have been transferred to the Divisional Commissioners.
- (b) Excise affairs in the districts of Kamrup and Goalpara and of Nowgong and Darrang are now administered by two Superintendents instead of as formerly by four.
- (c) As an experimental measure the duties of detection and inspection have been transferred from the Excise staff to the Police in the districts of Sylhet and Darrang.
- (d) The Excise warehouse at Dibrugarh has been closed with effect from the 1st October 1922.

The savings effected by these changes are estimated approximately at Rs. 46,700 a year.

BY REV. J. J. M. NICHOLS-ROY asked :—

1. (a) Will the Government be pleased to state whether the Jorhat Railway is a paying or a losing concern? Jorhat Railway.

(b) If it is a losing concern, will they be pleased to state the amount of loss incurred during the year ending with 31st March 1923?

(c) Will they be pleased to state what steps are being taken to make the said Railway a paying concern?

MR. O. H. DESENNE replied :—

1. (a)—The Railway has up to date run at a loss.

(b)—The accounts for that year are not yet available. The loss in the previous year was Rs. 29,158.

(c)—A thorough investigation of the Railway has recently been effected by Mr. A. V. Hawkins, C.I.E., Deputy Traffic Superintendent, State Railways, who has furnished the Local Government with an exhaustive report. Steps are now being taken to give effect to his suggestions which he was confident would place the Railway in a satisfactory financial condition.

REV. J. J. M. NICHOLS-ROY asked :—

Water
Hyacinth.

2. Will the Government be pleased to state how the Rs. 10,000 allotted for the destruction of Water Hyacinth during the current year, was spent by the Local Boards of Sylhet? Was the pest collected in pounds and burnt? What is the number of those pounds? How much of the Water Hyacinth was burnt in those pounds?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

2. Of the sum of Rs. 10,000 placed at the disposal of the Commissioner of the Surma Valley and Hill Division for the destruction of water hyacinth, Rs. 9,000 was allotted to Local Boards in the Surma Valley. Most of this sum was expended on the construction of bamboo pounds for the collection of water hyacinth or in subsidies to local authorities or individuals to enable them to construct such pounds. In all upwards of 120 such pounds are reported to have been constructed but in many cases the villagers made no attempt to collect the water hyacinth in them and from some pounds the bamboos were removed at an early stage. It is impossible to say how much water hyacinth was actually collected and burnt. In South Sylhet four spurs were built across channels to stop the drift of water hyacinth and elsewhere a certain amount of the weed was collected and burnt without the use of pounds.

REV. J. J. M. NICHOLS-ROY asked :—

Assam
Rifles.

3. (a) Will the Government be pleased to state the number of the Assam Rifles soldiers in Shillong?

(b) (i) Do the Government know that sometimes the behaviour of the soldiers in the streets of Shillong towards girls and women is very rude?

(ii) If so, have they considered the advisability of issuing orders with the object of putting a stop to unmannerly conduct on the part of the soldiers?

MR. A. W. BOTHAM replied :—

3. (a)—One British Officer, two Indian Officers and 118 rank and file.

(b) (i) and (ii)—No complaints of the behaviour of the Assam Riflemen in Shillong have been received. A picket of one non-commissioned officer and three riflemen is sent twice every eight days into Shillong to see that men of the Assam Rifles conduct themselves properly. If the hon. member will communicate his grounds for putting the question an enquiry will be held and such action will be taken as is found to be called for.

SRIJUT NILMANI PHUKAN asked :—

1. Will the Government be pleased to state what were the balances standing at the credit of this Province at the time when the Government of India Act came into force ?

Balance at the credit of Government when the Government of India Act came into force.

THE HON'BLE MR. W. J. REID replied :—

1.—The Government of India Act came into force in Assam on the 3rd January 1921 ; but it is not possible to say what the provincial balance was on that date. The revised financial arrangements were introduced on the 1st April 1921, and on that date the balance at credit of the province was Rs. 48,23,000.

SRIJUT NILMANI PHUKAN asked :—

2. Will the Government be pleased to lay on the table the correspondence between the Government of Assam and the Government of Bengal and the Calcutta University regarding impending Calcutta University legislations ?

Calcutta University Bill.

3. Is it known to the Government that different weights and measures are prevalent in some parts of the Province, which give facility for sharp practice by the traders ? If so, are the Government considering the advisability of taking steps to introduce uniform weights and measures throughout the Province ?

Weights and measures.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

2.—The hon. member is referred to the answer* given to the question No. 2 (d) asked by Khan Bahadur Muhammad Bakht Mazumdar.

3.—The answer to the first part of the question is in the affirmative. Under section 297 (xxviii) of the Assam Municipal Act which will shortly be brought into force, Municipal Boards are empowered to frame bye-laws prescribing standard weights and measures and a proposal to amend the Local Self-Government Act to give similar powers to Local Boards is under consideration.

SRIJUT NILMANI PHUKAN asked :—

4. Will the Government be pleased to lay on the table a copy of the Circular or Notification or any other instrument by which the local rates were first introduced in this Province ?

Local rates.

5. Is it known to the Government that there is a general discontent among the opium-eaters for enhancement of price of opium ?

Price of opium.

6. Will the Government be pleased to state whether there is any Mining Board of Health for Assam Collieries ? If the answer be in the negative, are the Government considering the advisability of taking necessary steps for its establishment in the interests of the Collieries themselves ?

Mining Board of Health for Collieries.

THE HON'BLE MR. W. J. REID replied :—

4.—A copy of the Notification and of the Resolution on the subject is laid on the table.

Notification by—The Chief Commissioner of Assam.

Under the provisions of section 1 of the Assam Local Rates Regulation, the Chief Commissioner is pleased to declare the said Regulation to be in force in the districts named below from the 1st April 1880 :—

Lakhimpur,
Sibsagar.
Darrang.
Nowgong.

Kamrup.
Goalpara.
Sylhet.
Cachar.

Resolution on the Assam Local Rates Regulation, by the Chief Commissioner of Assam dated the 20th December 1879.

Read—

Correspondence with the Government of India, on the subject of the introduction of a Local Rates Bill, from July 1875 to November 1879.

Read also—

The Assam Local Rates Regulation, 1879.

Resolution.—By the assent of the Government of India to the Assam Local Rates Regulation, which was published for general information in the *Gazette of India*, No. 44, dated the 1st November 1879, and thereby become law, the Province has now been provided with a means of raising funds for local purposes, similar to those already possessed by most other parts of the Empire.

2. The measure was first proposed by Colonel Keatinge's Administration in 1875, and, although much discussion has ensued over various points of detail, the Regulation, as now passed, is in its most essential points the same as then sketched out.

3. The Regulation is modelled, in its general outlines, on the corresponding enactments in Bengal and in other Provinces. The assessment is imposed on what is defined to be the "annual value" of the land. In the Punjab, North-Western Provinces and Oudh, where the assessment of the land revenue is nominally 50 per cent. of the landlord's rental, the annual value is taken to be equal to twice the land revenue. In Madras and Bombay, where the assessment is *ryotwari*, the annual value is taken as equal to the land revenue. In Assam, where the assessment is similarly *ryotwari*, this latter system has been adopted, and the amount of the land revenue is defined to be the annual value.

See section 2, clause 5(a).

4. In Sylhet and Goalpara, where the permanent settlement is in force, it is obvious that such a valuation could not apply, as the land revenue is in those parts no indication whatever of rental value, and there is no ready means of ascertaining the actual rental. An arbitrary standard of valuation at Rs. 2 per acre was therefore assumed, so as to bring the incidence of taxation in these parts as close as possible to the incidence of the road-cess in Bengal, and of the corresponding rate levied in the permanently-settled tracts of the North-Western Provinces.

Vide section 2, clause 5(c).

Two annas per cultivated acre is about the average maximum rate levied under these local Cess Acts, and corresponds with an assessment of one anna in the rupee on annual value of Rs. 2 per acre. The annual value of all permanently-settled land was therefore assumed at Rs. 2 per acre. In order, however, to allow an equitable reduction of assessment in the case of large estates with extensive areas of waste, it was provided that such waste tracts should be valued, not at Rs. 2 per acre, but according to the actual profits derived from them.

5. Other special tenures had further to be separately dealt with, such as lands that pay less than full revenue, as *nisf-khiraj* land and the like, and lands that pay no revenue, as *lakhiraj* lands and fee-simple holdings. In these, it was clearly necessary to arrange some other mode of computing the annual value, as the land revenue could not be taken as the standard. It was plain that, if the net profits on land paying full assessment be equal to the revenue (as was assumed in fixing the annual value for such land) then the *nisf-khirajdars'* profits must be $1\frac{1}{2}$ times as great, and the *lakhirajdars'* profits twice as great as they would be, were the land fully assessed.

The Government of India accordingly adopted the calculation that, in the case of the *nisf-khirajdars* and *lakhirajdars*, the gross value of the land should be assumed to be double the ordinary assessment payable on the cultivated area, deducting, in the case of *nisf-khirajdars* the revenue they paid.

6. This same principle of calculation is applicable to all lands held free of revenue (excepting only within the permanently-settled tracts of Sylhet and Goalpara), both ordinary *lakhiraj* holdings and all fee-simple grants, whether originally purchased in fee-simple or commuted to that tenure by redemption of the land revenue.

See section 2, clause 5 (b).

7. A somewhat similar method had to be resorted to in computing the annual value of unassessed or partially assessed land in the permanently-settled tracts.

Here the difference in the profits between the *lakhirajdar* and the revenue-paying proprietor was plainly the actual revenue paid by the latter. The "annual value" in these cases has accordingly been determined on this principle,

8. The case of lands held on revenue-paying tea leases remained to be treated separately. With these in all leases under the present Waste Land Rules the rate is to be calculated merely on the revenue payable for the year, while in leases still held under the Old Rules or under other Rules anterior to those now in force, the revenue of the year on which the rate is to be assessed is to be calculated on the terms of the leases under the New Rules, but in both cases the lessee will have the option, if he prefers it, of having his rate calculated on a full assessment of his cultivated area.

9. The maximum rate to be assessed is 1 anna 4 pies in the rupee of annual value. The ordinary maximum was taken in the first instance as 1 anna in the rupee; the extra 4 pies, which is equivalent to an addition of about 2 per cent. to the rate, represents the additional rate to be imposed as a "Public Works" or "Famine Insurance" cess, on the analogy of the similar provision on this account contained in the corresponding enactments in other provinces. The full rate will not, however, be imposed in the present year.

10. Of the total net sum realized in each district by these rates, after paying expenses, three-eighths may be set aside by the Chief Commissioner for expenditure on works or undertakings of general provincial utility. Such a provision is clearly very necessary in the interests of the province at large. There are large and important works, such as the improvement of river communications and the completion of the Trunk Road, for which the Government of India declare their inability to allot funds. Such works will benefit all the districts in the Assam Valley, but it would be absurd to expect any one district to take isolated action and allot funds to benefit its own piece of road or its own landing-places, when neighbouring districts do nothing. It is in a case of this kind that centralized action can do much, and it will obviously greatly retard the improvement of the country (where all improvement must begin with the action of one co-ordinating authority) if the entire funds of the Province are frittered away on small local objects, and no provision is made for directing to some one object of general utility the surplus resources of several districts.

The remaining five-eighths of the rates will be spent exclusively within the district itself, unless under very special circumstances, the Government of India require a contribution to be made from this district allotment for famine purposes; but such contribution can in no case exceed one-fourth of the net proceeds of the rate, and, for the present, the Government of India have intimated that no such contributions will be required from Assam.

11. Unexpended balances of district allotments may either be granted to the district in the ensuing year or may be applied to general provincial purposes at the Chief Commissioner's discretion.

12. The objects to which these district cesses may be devoted are :—

- (1) the construction, repair, and maintenance of roads and other communications, and the improvement of river channels ;

- (2) the maintenance of the district post ;
- (3) the construction and repair of school-houses, the maintenance and inspection of schools, the training of teachers, and the establishment of scholarships ;
- (4) the construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells, tanks, and rest-houses for travellers, the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works likely to promote the public health, comfort, or convenience.

13. Should a cess be already levied in any district for any of the objects above specified, such cess will cease, or be merged in the rating under this Regulation.

Section 4.

14. In each district the entire management of these funds, including the allotment of the income among the several objects described in section 12, and the complete

Section 14.

control and supervision of the expenditure, will be in the hands of a district committee, consisting of not less than six persons, two of whom at least must be both residents of the district, and not in Government employ.

15. With these district committees it will now rest to apply these new resources locally to the best advantage, while the share which is available for general provincial purposes will enable important projects to be taken in hand, which want of funds has hitherto kept in abeyance.

The most important and pressing object in which the proceeds of these local rates can be spent is doubtless the improvement of communications, upon which the progress and the development of the material resources of the Province immediately depend. Primary education and the other objects named in the Regulation will also claim their share of consideration. The urgent necessity of funds for the above purposes has long been felt, and the absence of sufficient funds has been the great obstacle to the development of the natural wealth of this province. The Chief Commissioner confidently hopes that, with the funds which will thus become available, some noticeable progress will shortly be made, and that the improvement of communications will be found directly, as it certainly will indirectly, an adequate compensation for the additional burden now imposed.

5.—The Government are aware that consumers of opium would rather the price had not been enhanced.

6.—No Mining Board has been constituted for this province, but the Deputy Commissioners of Lakhimpur and the Khasi and Jaintia Hills have been appointed to perform the functions of a Board under sections 15 (3) and 21(3) of Act VIII of 1901.

Collieries where more than fifty persons are employed come under all the provisions of Act VI of 1901, which among other things gives powers of inspection. The Government do not consider that anything more is required at present.

SRIJUT NILMANI PHUKAN asked :—

Grazing
tax.

7. Will the Government be pleased to state whether any notice was taken of my notes on Grazing Tax for its mitigation in several respects which was submitted to the Hon'ble the Minister for Local Self-Government with my demi-official No. 28, dated the 13th September 1922? If so, to what effect?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied :—

7.—The hon. member's note was carefully considered by the Government but no alteration in the rules was made. The Government have no reason to suppose that the rules work unfairly but the whole question is being further examined.

SRIJUT BISHNU CHARAN BORAH asked :—

Medical
Scholar-
ship.

1. (a) Is it a fact that both the medical scholarships of the province have been awarded to non-Muhammadans of the Surma Valley Division?

(b) Were there no qualified Muhammadan and non-Muhammadan candidates from the Assam Valley?

(c) Will the Government be pleased to state the reasons why the Muhammadans or non-Muhammadans of the Assam Valley were not selected for one of these scholarships?

Amalgama-
tion of
Depart-
ment of
Co-opera-
tive Societ-
ies with De-
partment of
Agricul-
ture.

2. Is it a fact that the Department of Co-operative Societies is going to be re-organised and amalgamated with the Department of Agriculture?

Head Mas-
ters and
Assistant
Head Mas-
ters.

3. (a) Will the Government be pleased to state the total number of Head Masters and Assistant Head Masters of High Schools of the Assam Valley and how many of them are *bona fide* Assamese?

(b) Will the Government be pleased to state how many Head Masterships and Assistant Head Masterships of the Assam Valley fell vacant during the last five years and how many of them were filled by *bona fide* Assamese?

(c) Is it a fact that a Head Mastership or an Assistant Head Mastership of this Valley will fall vacant this year owing to the retirement of a certain officer?

(d) Are the Government considering the desirability of appointing a *bona fide* Assamese to this post?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA
replied :—

1. (a) —Yes.

(b) and (c) —Scholarships were awarded strictly in order of merit, and the two best qualified candidates were Hindus from the Surma Valley.

2.—A proposal for the amalgamation of the Departments of Agriculture, Industries and Co-operative Societies is under the consideration of Government.

3. (a) —Twenty-four, of whom 12 are Assamese, viz., 6 Headmasters and 6 Assistant Headmasters.

(b) —Four and six respectively, of which 2 and 4 respectively were filled by Assamese.

The figures in (a) and (b) relate exclusively to Government High schools.

(c) and (d) —Government cannot say whether such a vacancy will or will not occur this year. But if a vacancy does occur the propriety of appointing an Assamese to the post will be duly considered by the Director of Public Instruction in whose hands the appointment will lie.

SRIJUT BISHNU CHARAN BORAH asked :—

4. (a) Are the Government aware that the waste lands in some of the mauzas in the district of Nowgong have been almost fully occupied by Mymensingh immigrants? Mymensingh immigrants.

(b) If so, are the Government considering the advisability of stopping immediately the influx of foreign settlers to such mauzas?

THE HON'BLE MR. W. J. REID replied :—

4. (a) and (b) —The Government are aware that the influx of Mymensingh immigrants into the district of Nowgong continues, but as the hon. member was told in answer to a question asked by him at the Council session of March 1921 there is still land available both for them and for the indigenous population and the Deputy Commissioner may be trusted to watch over the interests of both.

Copies of the question and the answer will be forwarded to the Commissioner, Assam Valley Division, who is watching the situation closely.

SRIJUT BIRAJ MOHAN DATTA asked :—

1. Will the Government be pleased to state the total number of appointments in the Assam Educational Service ; Assam Educational Service.

(a) How many of them are held by the natives of the province?

(b) How many by the natives of the Brahmaputra Valley?

Technical School. 2. Will the Government be pleased to state when the Technical School, for which funds were provided by the late Mr. Bholanath Borooah, is going to be opened?

Price of quinine. 3. Are the Government aware that quinine is sold at annas six a tube at Sonahat and annas nine a tube at Golakganj?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA
replied :—

1.—The total number is 43.

(a)—Fourteen.

(b)—Five.

2.—The Government are not in a position to say when the Technical School will be opened. The endowment fund given by the late Mr. Bholanath Borooah will provide only a small part of the recurring expenditure.

3.—The price of quinine in this province is 9 annas a tube. Government are aware that it is sold at that price at Golakganj but are not aware that it is sold 6 annas at Sonahat within this province. An enquiry will be made.

THE LATE MR. J. C. ARBUTHNOTT.

THE HON'BLE THE PRESIDENT :—On receipt of the sad news of the death of Mr. Arbuthnott I sent a cable on behalf of the Assam Legislative Council to Mrs. Arbuthnott offering her our condolences and sympathy in her bereavement and in reply received the following :—“ Please accept my most grateful thanks for the kind message of condolence sent to me by the Members of the Assam Legislative Council. I greatly value that sympathy in my irreparable loss.”

KHAN BAHADUR MAULAVI MUHAMMAD BAKHT MAZUMDAR :—Sir, I beg to move :—

That this Council expresses its sense of deep loss due to the death of its late President and places on record the invaluable services rendered by the late Mr. J. C. Arbuthnott as the first President of this Council.

Cruel death has extracted a heavy toll from this Council and in many of its meetings we had to mourn the loss of important members. We have lost in this way the first two Ministers, the first Deputy President and now it devolves on us to mourn the death of our first President. I dare say all those who are here will agree that with the death of the Late President Mr. Arbuthnott we have suffered an irreparable loss. Little did we realize when he left the province that his condition was so serious and that in such a short time his earthly career would come to an end. His long association with Assam in different official capacities and his genial and sympathetic manners with which he endeared himself to all those with whom he came in contact will ever remain in our memory. Every one knows how difficult is the task of the first President of the Council under the Reforms and the success which attended his efforts infusing a dignified tone to this Council was due to the universal respect in which he was held by the Members. His ability, experience and great tact had truly laid the foundation of the first parliamentary institution in this province. With these words, Sir, I beg sorrowfully to move my resolution.

THE HON'BLE MR. W. J. REID :—Alike, Sir, on behalf of the Government and as a Member of this Council I desire to associate myself with the terms in which this resolution has been moved by our Deputy President. He has expressed what I know is in the hearts of us all. The members of the Council will remember, Sir, how our late President had to leave us suddenly owing to ill-health, how we hoped and prayed that the change to his native land would restore him to health, how his courageous message came back to us, his thanks for the sympathy we were showing, and how our hopes were not fulfilled, and the end came as it did. We shall not, Sir, readily forget our first President. His deeds will endure and his memory will I know inspire you, Sir, in filling the place which he occupied and the members of this Council in their deliberations.

MAULAVI RUKUNUDDIN AHMAD :—Sir, I beg to associate myself with every word that has fallen from the lips of the hon. Khan Bahadur Bakht Mazumdar as well as the Hon'ble the Finance Member. I came to know the late Mr. Arbuthnott only in the Council Chamber, but to know him was to love him. He always tried his best to be fair and to help hon. members in their legislative business and in all this I must say that he was very successful.

I beg to offer my deepest sympathy and condolence to the members of the bereaved family and I pray to God the Almighty for his sacred soul to be blessed in heaven.

Mr. H. M. SOMERVILLE :—Sir, I would like to associate myself with the previous speakers in expressing the deepest sympathy of this Council on the occasion of the death of the late Mr. J. C. Arbuthnott. I had not the honour to belong to this Council when Mr. Arbuthnott was President, but I knew him for a long time and the last occasion on which we met was when he was President of the Labour Commission. I always knew him to be a man who wanted to do the fair thing fearlessly and I am sure that he never failed in this object in his position as President of this Council.

SURJUT DALIM CHANDRA BORA :—Sir, I also associate myself with the resolution which has been moved by Khan Bahadur Muhammad Bakht Mazumdar. It is quite needless on our part to comment on the conduct of the deceased in connection with the most responsible duties that were entrusted to his charge. All that we can do now is to pray God that his soul may rest in peace.

Mr. A. J. G. CRESSWELL :—Sir, on behalf of the industry in the Surma Valley which I have the honour to represent I wish thoroughly to associate myself with all the kindly words that have been uttered to-day on behalf of our late President. We in the Surma Valley had a long and intimate acquaintance with him and I am sure the tea industry in general will always look back to the excellent counsel and good advice which he always so kindly gave.

REV. J. J. M. NICHOLS-ROY :—I beg, Sir, to associate myself with the previous members who have already spoken in the expression of the deep sense of loss which we have felt owing to the death of the late Mr. J. C. Arbuthnott. He was for several years the Deputy Commissioner of the Khasi and Jaintia Hills district. Then he became the Commissioner of the Surma Valley and Hill Districts. For some time after that it was expected that he would be the Chief Commissioner of Assam. He was highly respected and honoured by the people. As President of this Council he was dearly loved and highly respected, and I feel that I ought to offer thanks in this connection also to the present President for sending a letter of condolence to the members of our late President's family on behalf of this Council.

MAULAVI MUNAWWAR ALI :—Sir, it is with a deep sense of sorrow and regret that I beg to associate myself with the resolution that has been moved in this Council regarding the sad demise of Mr. J. C. Arbuthnott, our late President. I had known him, Sir, during my college career and I have a vivid idea about his personality, his ability and his character. In the Council Chamber he was our guide, upright, honest and noble. We have always held him in high respect and esteem and we really regret very much that he is no more in our midst to guide us in our deliberations. It is, with the deepest sense of regret that I associate myself with the resolution, and I pray to the Almighty Father that He may receive his noble soul in paradise with all the dignity and decorum that is due to him.

SRIJIT LOHIT CHANDRA NAYAK :—Sir, I cannot but sympathise with this resolution that has been so ably moved and feelingly supported by almost all the members. I knew Mr. Arbuthnott while he was subdivisional officer at Barpeta. The qualities of head and heart that characterised him in those days continued to characterise him in this Council Chamber also over the deliberations of which he had the honour to preside for about two years and a half. He was and is respected by all classes of people who came in contact with him, and in the Council Chamber I always saw him holding the balance with fairness and equity. At the same time, Sir, I also offer a vote of thanks to the present President who was kind enough to send a letter of condolence to the members of the family of the late Mr. J. C. Arbuthnott on behalf of this Council. With these few words I beg to associate myself with the resolution.

RAI BAHADUR ROMESH CHANDRA BHATTACHARJEE :—Sir, I also beg to associate myself with the resolution just moved, and in so doing I may say a word or two about the late Mr. J. C. Arbuthnott. He was the Deputy Commissioner of Khasi and Jaintia Hills at the time of the great earthquake of 1897 and those who were here at that time will remember what he did for the people. I distinctly remember that he was out for hours, almost every day, without caring for his health to do what was possible to relieve the distress, but for which kind action of his, the people would have suffered terribly. He went round to the shops of the *kayas* and made them to sell rice at a price fixed by him; otherwise people would have had to starve.

THE HON'BLE THE PRESIDENT :—I beg to associate myself with this resolution and request the hon. members to carry it standing.

The resolution was carried unanimously, all present standing.

THE ASSAM STUDENTS AND JUVENILE SMOKING BILL, 1922.

REV. J. J. M. NICHOLS-ROY :—Sir, I beg to move that the Assam Students and Juvenile Smoking Bill, 1922, be taken into consideration. I need not, I think, make any speech now as the Bill has been circulated among the members, and I believe that all the members have studied the Bill as amended by the Select Committee. The Bill may now be taken into consideration.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, Government have decided not to oppose this motion, but the official members will be at liberty to speak and vote just as they like.

REV. J. J. M. NICHOLS-ROY :—Sir, I want to make a little amendment in the preamble, *i.e.*, that in line 7 for the word 'given' the word 'obtained' be substituted.

This amendment is only to make the language clearer. There is no principle involved in it.

The motion was adopted.

REV. J. J. M. NICHOLS-ROY :—I now move, Sir, that the preamble of the Bill be passed as amended.

The motion was adopted.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, the amendment that stands in my name is this :—

That in the proviso to sub-section (2) for the words 'Local Government' the words 'Minister in charge of the subject' be substituted.

Sir, it is the first and the last, *i.e.*, the only non-official Bill introduced by my Hon'ble friend Rev. J. J. M. Nichols-Roy in the first term of the reformed Council. The Bill relates to a transferred subject and my sole intention in moving this amendment is to give it a wholly transferred character. The term 'Local Government' is a qualified one. It is stated in section 5 of the Assam General Clauses (Amendment) Act I of 1922 that 'Local Government' shall mean the Governor in Council or the Governor acting with his Ministers as the case may require. I want, Sir, to see a clear term, *i.e.* 'Minister in charge of the subject' in place of 'Local Government', and I see no reason against the acceptance of my amendment by the House as well as by the Government. The Department of Public Health forms a transferred subject and should only be subject to the control of the Minister *in charge*. *The Local Government* or its officers as such should not be allowed any control except in so far as the Minister in charge might in his discretion ask for. I anticipate the argument that similar sections in the Assam Municipal Act I of 1923 were passed unopposed in my presence. But my reply is that notice of similar amendments was given on the 2nd of March to the said Bill with the request that the amendments may be allowed under Standing Order 48 of the Assam Legislative Council Standing Orders and though the Hon'ble President made no amendment to the said Standing Order I was informed that my amendments were disallowed as they were not received within the prescribed time, *i.e.*, on the 1st of March. With these words I beg to commend my amendment to the consideration of the House.

THE HONBLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I am afraid there is some misapprehension in the mind of my hon. friend, the mover of this amendment as to the constitution of the Government. The 'Local Government' includes the Ministers. When a question affecting a transferred subject comes up to be decided it is the Minister in charge who deals with it. The effect of substituting the words 'Minister in charge of the subject' will be to exclude His Excellency the Governor altogether, which under the Constitution we cannot do, because transferred subjects are to be administered by the Governor acting with the Minister. As a matter of fact, however, as I have already said when any question affecting a transferred subject is brought up for discussion it is the Minister in charge who deals with it and nobody else, and the matter is decided between him and His Excellency the Governor. It would create complications if we accept the amendment.

THE HON'BLE THE PRESIDENT :— The amendment is this :—

That in the proviso to sub-section (2) for the words ' Local Government ', the words ' Minister in charge of the subject ' be substituted.

The motion was negatived.

REV. J. J. M. NICHOLS-ROY :—Sir, I beg to move that section 1 as amended be passed, and section 2 also be passed as amended by the Select Committee.

The motion was put and adopted.

RAI BAHADUR RAMANI MOHAN DAS :—Sir, I beg to move that in sub-section (1) the words ' whether ' and ' or not ' be omitted. My object is to make it easy to get the thing in our hand with the help of servant boys or other boys under the age of 16, because we are smokers and it is not possible that we should give up the habit, good or bad, whatever we may call it, and we want power to purchase it through the hands of boy-servants or such like people. Of course it will sometimes create some disturbance but in that case we will have to believe what the boy says, or we may give him some document that he is going to purchase it for his master or parent. If a boy is found smoking in a place he comes under the law, but when a boy is carrying tobacco or cigarettes for his master or parent I do not think there will be any harm. Of course if he is found opening a packet or smoking for himself there are people who will try to catch the boy and take the thing away or destroy it. My object is to make it clear that the seller must not be guilty of selling these things for the use of parents and masters of the young boys, when they will be required to do so. I hope my friends will not object to take my view and will pass the amendment.

SRIJUT NILMANI PHUKAN :—Sir, I think the words cannot be omitted if the section is to be workable. If a servant or another young boy under the age of 16 is allowed to bring cigarettes or tobacco for his master or parent how is the seller to know that he is actually bringing the cigarettes or tobacco for his master or parent and not for his own use. In the case of opium if the purchaser is a minor he is not allowed to purchase or possess opium. Similarly in this case the law should operate. So if these words are omitted I think there will be a great change in the spirit of the section. On this ground I oppose this amendment.

SRIJUT DALIM CHANDRA BORA :—Sir, I also think that these words are rightly inserted here. The idea of the words is to remove any doubt and ambiguity. If we remove these words the section will become ambiguous because the boy may purchase the things for himself under false pretext. So in order to avoid this ambiguity these words should stand.

MAULAVI MUNAWWAR ALI :—Sir, I beg to oppose the amendment because if the amendment were to be carried the entire object of the Act itself would be defeated. The Act must have certain preventive measures and if we allow young boys to purchase no prevention whatsoever will actually take place. I therefore oppose the amendment.

MAULAVI RASHID ALI LASHKAR:—Sir, I believe the objection raised by the hon. mover of the amendment will be met by the proviso to section 3(1), “if he did not know or had no reason to believe that it was for the use of that person.” A slip sent through a boy, as the hon. mover of the amendment suggests, will meet the case, and the seller will have no reason to believe that it was for the use of the boy. Otherwise the amendment will entirely nullify the object of the Bill itself.

REV. J. J. M. NICHOLS-ROY:—Sir, other members have already spoken what I wanted to say. If these words be omitted from this section the object of the Act will be defeated. There is a provision that a person who may sell these articles like tobacco and cigarettes to a juvenile will not be guilty of an offence if he did not know or had no reason to believe that it was for the use of that person. And as this provision meets the objection of the hon. mover of the amendment, so I think this amendment is not reasonable.

The motion was put and negatived.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR:—Sir, I beg to move the following amendment:—

Clause 3, sub-clause (3), after the words ‘his business’ the words ‘or if the person himself carry out the business’ be inserted.

Generally we notice the boys of poor means hawking for sale cigarettes and matches in the railway stations and in the towns. We notice also in village bazars that boys sell tobacco. If by law we prohibit the boys to possess any kind of tobacco those boys I have mentioned above will lose an honest method of earning their livelihood. So I move this amendment.

KHAN SAHIB NURUDDIN AHMAD:—Sir, I beg to support the amendment. I have often seen boys under the age of 16 sitting on the corners of roads, etc., selling tobacco and cigarettes and by that way earning their livelihood, and I do not think it is quite fair to take away their livelihood in this way. Under the proposed section a boy under the age of 16 years cannot carry on business as regards tobacco and things prepared from tobacco. I think it is quite right to prohibit a young boy under the age of 16 to smoke but it is not reasonable to prevent honest lads from carrying on business in tobacco. They will be entitled to sell not to other boys but only to those who are more than 16 years of age.

SRIJUT DALIM CHANDRA BORA:—Sir, I think it is quite unnecessary to insert this amendment in the section. The law only provides that that the article shall not be sold to certain children, but the law does not say anything about the sale by children within prohibited age. The insertion of the amendment will make the section more complicated.

REV. J. J. M. NICHOLS-ROY:—Sir, I want to oppose this amendment. As one of the speakers before me has already said, there is no necessity of adding these words here. Again, if these words be added the section will be meaningless, will be unreadable, and for this reason I oppose the amendment.

The motion was put and negatived.

REV. J. J. M. NICHOLS-ROY :—Then, Sir, I move that section 3, clause (1) and the proviso, also sub-clause (2) and sub-clause (3) be passed as amended by the Select Committee.

The motion was put and adopted.

REV. J. J. M. NICHOLS-ROY :—Sir, I beg to move that after the word “Municipal” the words “or Local” be inserted; and for the word “Committee” the word “Board” be substituted. Examining the copy which I have in my file I find that these words were in the original draft of the Select Committee and these words must have, by mistake, been omitted in this Bill as presented to the Council. And I therefore want to commend to the Council that after the word ‘Municipal’ the words ‘or Local’ be inserted and for the word ‘Committee’ the word ‘Board’ be substituted and the section therefore will read :—

It shall be lawful for a police officer in uniform, or any member of the Assam Legislative Council or a member of a Municipal or Local Board, etc.

The motion was put and adopted.

REV. J. J. M. NICHOLS-ROY :—Sir, I beg to move :—

That after the word ‘body’ the words ‘Government title-holders, retired Gazetted Government Officers, Secretaries and Members of Committees of recognised schools’ be inserted.

One of the reasons why I have brought forward this amendment is because I have received a representation from some gentlemen asking me to insert these words in this section. I see no reason to object to such a proposal. Therefore I bring it forward before the Council to have these words inserted in the section.

The motion was put and adopted.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, with the leave of the House I beg to withdraw the amendment standing in my name :—

That for the words ‘Local Government’ in section 4 the words ‘Minister in charge of the subject’ be substituted.

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

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—Sir, I beg to move the following amendment :—

That the words ‘a police officer in uniform or’ be omitted.

I wish to omit the police officer because I notice from clause 6 of the Bill that the hon. mover intends with good reasons that the courts should take cognizance of a very limited number of cases. If police officers be allowed to seize and complain, there will be a large number of cases and the police will get a very easy means of troubling a person who happens to incur their displeasure. In these days of cry of democracy—and a popular cry—against the harassment of police, a representative body as we are should not allow the police to have another means of harassment. Therefore I wish to omit the police officer and allow larger sections of persons to check the evil.

RAI BAHADUR RAMANI MOHAN DAS :—Sir, I beg to support the amendment.

REV. J. J. M. NICHOLS-ROY :—I am sorry I have to oppose this amendment. One of the reasons is this—that the police officer according to the definition in section 2(c) is defined thus :—

“ Police Officer ” means a member of an established police force above the rank of a head constable.

And I think that the police officers above the rank of a head constable are quite honourable and they cannot be badly suspected for having done anything wrong. And the second reason is that if the words ‘ police officer ’ be omitted in this section, there ought to have been an amendment to omit sub-clause (c) of section 2 also, *i.e.*, the definition of a police officer. But there is no such amendment before the House.

SRIJUT NILMANI PHUKAN :—I think this amendment cannot be accepted on the reasons which have been given by the mover of the Bill himself and also for the very reason which has been given by the mover of the amendment as well : if we are to democratise every institution, we should do so in the case of police officers as well. We should not suppose that the police officers will always harass us. When the provision of the law has been made with safeguards to the interest of the public and when every officer has been empowered to exercise this right, I think the police officer should also be expected to do his duty. We must not surmise that every police officer is bad. So on these grounds I oppose this amendment.

SRIJUT DALIM CHANDRA BORAH :—Sir, I also beg to oppose this amendment. It is not just, nor right, to make any insinuation against police officers and everybody knows that our friends the police officers are primarily responsible for seizing or apprehending offenders. I do not see any reason why police officers should be prevented from exercising their power under this small Act.

KHAN SAHIB SHARAFAT ALI CHAUDHURI :—Sir, I beg to oppose this amendment strongly. First of all, I must say, Sir, probably my hon. friend has not seen section 5. He did not read section 5. What is meant by seizing of property by a police officer or anybody else? The police officer or any one else cannot take cognizance of the thing itself without any formal complaint. I do not understand if ‘ so and so ’ will be empowered for seizing of this property, why ‘ so and so ’ only should be omitted. Police officers are generally a hated thing, but what I say is this : if police officers are to be omitted from this section, I believe the aim for which this act is being made by this Council, will be of no use. Police officers are always discharging their duties. The police officers are walking

over the streets, gazetted officers are not going to walk over the streets; municipal commissioners are not going to walk over the streets; the members of the Council, Secretary or any of the high officials are not going to walk over the streets. If anybody is to prevent the evil it is the police officer. But there is nothing in the Act that the police officers will seize the property and produce them to the thana or before the Magistrate, but simply to seize the property and destroy it. That is the aim. On the whole it is nothing but the criterion to the suggestion. Why the police officers are to be omitted? However, I strongly oppose this amendment of my hon. Laskar friend. I am also sorry to hear his insinuations against the police officers. It was not rightly done. If he could answer my question satisfactorily, I would submit or I must oppose this amendment. I oppose this amendment.

MAULAVI RASHID ALI LASKAR :—I beg to oppose this amendment not so much for insinuation against police officers, but seeing that when we have authorised even members of recognized schools and also seeing that there is no definition in the Act of the word 'school'—I think even a *patsala* may be included in the term 'school' and from this Bill I understand the teachers and members of *patsalas* are authorised. I think it is not wise to omit Sub-Inspector of Police from seizing 'tobacco pipes, etc.'; and also while we can safely rely upon these officers for our life and property, I think we should rely upon these people for looking after the health of the young generation. Again, Sir, of this long list of persons authorised who will care so much for seizing? Thus it will be nobody's business and so if the Bill, even if passed into an Act, I am afraid, if the police officers be omitted, it will become a dead-letter and if this Bill be passed into an Act, it will not act. So I want that the police officers should not be omitted.

MR. D. M. SOMERVILLE :—Sir, I should like to ask the hon. member what the police officers have done to make them so popular all of a sudden? I should also like to know whether if the Bill be passed into law it will be the duty of the members of the Council to seize the trays of the small boys selling cigarettes, etc., in railway stations.

REV. J. J. M. NICHOLS-ROY :—Sir, may I speak again?

THE HON'BLE PRESIDENT :—Yes.

REV. J. J. M. NICHOLS-ROY :—I will answer the hon. member the last speaker in this way. The Bill does not say anything about the boys' selling cigarettes, etc., in the railway stations. One of the members has already spoken about that. We have already discussed and answered that question. The Bill is designed to authorise "a police officer in uniform, etc., etc." to seize any tobacco, pipes, cigarettes or cigarette papers in the possession of any person apparently under the age of 16 or any student under the age of 18" and to prevent any one from giving or selling those articles to any juvenile. Regarding police officers I suppose the answer has already been given by the other members. I think, I do not need to take the time of the Council to speak about this now.

The motion was put and a division was taken with the following result :—

AYES.—5.

1. Mr. J. R. Cunningham.
2. Mr. O. H. Desenne.
3. Rai Bahadur Bipin Chandra Deb Laskar.
4. Rai Bahadur Ramani Mohan Das.
5. Mr. D. M. Somerville.

NOES.—21.

1. Khan Sahib Alauddin Ahmed Chaudhury.
2. Haji Muhammad Abdul Ahad Chaudhury.
3. Maulavi Munawwar Ali.
4. Khan Bahadur Muhammad Bakht Mazumdar.
5. Khan Sahib Nuruddin Ahmad.
6. Maulavi Rashid Ali Laskar.
7. Maulavi Rukunuddin Ahmad.
8. Maulavi Saiyid Samiur Rahman.
9. Munshi Safur Rahman.
10. Khan Sahib Sharafat Ali Chaudhury.
11. Rai Bahadur Amarnath Ray.
12. Srijut Bishnu Charan Borah.
13. Raj Kumar Chandra Narayan Singh.
14. Srijut Hemodhar Patra Bora.
15. Srijut Lohit Chandra Nayak.
16. Srijut Nilmani Phukan.
17. Rev. J. J. M. Nichols-Roy.
18. Mr. E. H. Featherstone.
19. Mr. E. W. Hobson.
20. Mr. E. S. Roffey.
21. Mr. W. D. Smiles.

The motion was accordingly negatived.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR.—Sir, I beg to move :—

That after the words 'Legislative Council' the following be inserted, namely :—

"or any member of a Municipal Board or any member of Local Board village authority or union or town committee constituted under Chapter XII of the Assam Municipal Act, 1923, or any teacher of schools, colleges, tols, mukhtabs and madrassas."

My object in moving this amendment is to include some more people with a view to checking the offence.

REV. J. J. M. NICHOLS-ROY :—Sir, the amendment as moved by my hon. friend will have no meaning if incorporated in the section, but I have no objection to add the following to what I had already amended :—

Section 4.—After the words 'or local board' add 'or a member of a village authority or of a town authority.' A member of a village authority will fall under section 20 of the Assam Local Self-Government Act, and a member of a town committee will fall under section 329, sub-sections (1) and (2) of the Assam Municipal Act, 1923. That will include everything that the hon. member wants.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—Sir, I accept the suggested amendment of the hon. mover.

THE HON'BLE THE PRESIDENT :—The motion before the house is :—

*That after the words 'local board' the following words be inserted—
"or a member of a village authority constituted under section 20 of the Assam Local Self-Government Act, or of a town committee constituted under section 329, sub-sections (1) and (2) of the Assam Municipal Act, 1923."*

The motion as amended was adopted.

REV. J. J. M. NICHOLS-ROY :—Then, Sir, I move that sections 4 and 5 and the explanation to section 5 be passed as amended.

The motion was adopted.

REV. J. J. M. NICHOLS-ROY :—Then, I move, Sir, that the Bill be passed as already amended.

The motion was adopted.

The Council was then adjourned to Tuesday, the 14th August 1923 at 11 A.M.

SHILLONG:
The 16th August 1923. }

A. MELLOR,
Secretary to the Legislative Council, Assam.

