

*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
Thursday, the 16th March 1922, at 11 A.M.

P R E S E N T :

The Hon'ble Mr. J. C. Arbuthnott, C.I.E., *President*, the Hon'ble
two Members of the Executive Council, the Hon'ble Minister of
Local Self-Government and 32 nominated and elected Members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

MAULAVI ABDUL KHALIQUE CHAUDHURY asked :—

1. (a) Do the Government ever use the Hastabud papers ?

Use of
Hastabud
papers.

(b) If so, will the Government be pleased to state why permission
is not given to the public to get copies of the same ?

THE HON'BLE MR. W. J. REID replied :—

1. (a) and (b)—As the *hastabudh* papers carry no authority it is
clear that they cannot be used in the ordinary sense of the term.

MAULAVI ABDUL KHALIQUE CHAUDHURY asked :—

Muham-
madan
Head Mas-
ters and
Assistant
Head Mas-
ters.

2. Will the Government be pleased to lay on the table a statement showing separately :—

- (a) The number of Hindu and Muhammadan teachers serving in the Government High Schools in the Province, school by school, separately?
- (b) The number of Hindu and Muhammadan teachers appointed to those schools from 1916—1921?
- (c) Is any Muhammadan teacher serving in any of those schools as Head Master or Assistant Head Master? If not, will Government be pleased to state the reason?

MR. A. R. EDWARDS replied :—

2.—The information required to answer this question as a whole is not immediately forthcoming. The particulars wanting will be obtained and the statement asked for laid on the table in due course.

SRIJUT BEPIN CHANDRA GHOSE asked :—

Court room
of Second
Extra
Assistant
Commissioner
of
Goalpara.

1. Do the Government know that the court room of the Second Extra Assistant Commissioner of Goalpara is quite incommodious and that the pleaders and litigants have to suffer a good deal for want of sufficient space?

If the answer is in the affirmative will the Government be pleased to take early steps for the extension of the said court room?

If the answer is in the negative will the Government be pleased to call for a report from the Subdivisional Officer of Goalpara as to the condition of the said court room?

THE HON'BLE MR. A. MAJID replied :—

1.—Government are aware that the Court room requires enlargement and administrative approval has been accorded to a scheme for adding to it. The work is awaiting provision of funds.

BABU KRISHNA SUNDAR DAM asked :—

Gurkha
outrages in
Kalagool
Tea Estate.

1. Will the Government be pleased to publish the results of their promised enquiry into the alleged Gurkha outrages in connection with certain incidents in the vicinity of the Kalagool Tea Estate in Sylhet as brought to the notice of the Government during the last September session of the Council? (This question was asked at the Council meeting held on the 6th February 1922.)

THE HON'BLE MR. A. MAJID replied :—

1.—The conclusions at which Government have arrived are as follows :—

A small party of Assam Rifles proceeded to Kalagul tea garden on receipt of information that a breach of the peace was likely. The Government are not satisfied that their deputation was in fact necessary but they cannot attach serious blame to the officer in charge who acted in the belief that the Additional District Magistrate had authorised their being sent. As a matter of fact the Additional District Magistrate had not so, but the officer had some grounds for supposing that he approved.

The Government are not satisfied that the orders given to the party were well considered but except in so far as the orders prevented the military police from acting as one body under close supervision, the Government do not find that the orders given were responsible for the fracas that occurred. It is the case that in the temporary absence of the Subadar and Havildar some unarmed military police assaulted villagers who called them by opprobrious names and taunted them with serving the Government. Every endeavour was made to get the offending sepoys identified but the complainants were unable to identify them.

The Government regret this isolated lapse from the high standard of discipline maintained by the Assam Rifles and have passed orders designed to prevent its recurrence : but bearing in mind that it occurred after weeks of strenuous duty and under great provocation they have not thought it necessary to do more than convey their displeasure to the officer concerned.

REV. J. J. M. NICHOLS-ROY asked :—

1. Will the Government be pleased to state (i) whether they are trying to bring the Railway up to Shillong? (ii) Whether there is any hope of such a project being soon accomplished? Railway
line to
Shillong.

MR. A. W. BOTHAM replied :—

1. (i)—The Hon'ble Member is referred to the reply given to Maulavi Munawwarali at the Council meeting held on the 21st March 1921.

(ii)—This project is No. 13 on the Provincial Railway Programme and it is impossible for Government to say whether the work will be taken up soon.

MAULAVI RUKUNUDDIN AHMAD asked :—

Allowance
to hostel
Superin-
tendents.

1. With reference to my question No. 15(a) asked in the Council meeting of the 19th September 1921, are the Government aware that reference was made for the allowance of the Superintendents of the hostels attached to the Normal Training Schools and not for the Superintendents of schools who are provided with free quarters and who are not in the direct charge of the hostels? If so, will the Government be pleased to grant allowances to these officers?

Head Mas-
ters of Mid-
dle English
Schools.

2. Are the Government aware that the posts of the Assistant Head Masters of Government High Schools have been included in class II of the subordinate Educational Service but that the posts of Head Masters of Middle English Schools in class I?

If so, will the Government be pleased to consider the desirability of placing them in Class II of the Subordinate Educational Service?

MR. A. R. EDWARDS replied :—

1.—The Hon'ble Member's question referred to was understood.

Government have nothing to add to the answer given at the September Session of the Council.

2.—Government are aware that Assistant Head Masters of Government High Schools are placed in Class II of the Subordinate Educational Service while Head Masters of Government Middle English Schools are placed in Class I.

Government are not prepared to grade in Class II the posts of Head Masters of Middle English Schools, considering that the weight of the work and responsibility attached to such posts is not sufficient to warrant them in doing so.

MAULAVI SAHID NURUR RAHMAN asked :—

Appoint-
ment of
Muham-
madan
doctors.

1. (a) Are the Government aware that the Muhammadan public in the Habiganj subdivision are feeling the want of a Muhammadan Sub-Assistant Surgeon in the Habiganj Charitable Dispensary for several years and the Anjuman, Habiganj, repeatedly moved the Government without any effect?

(b) Are the Government aware that at present there are six doctors with the Assistant Surgeon and epidemic doctors at Habiganj and none of them are Muhammadans?

(c) Will the Government be pleased to appoint a Muhammadan Sub-Assistant Surgeon in the Habiganj Charitable Dispensary?

Muham-
madan
cook for
Habiganj
Charitable
Dispen-
sary.

2. (a) Are the Government aware that the cook attached to the Charitable Dispensary, Habiganj, for both the Hindu and Muhammadan in-door patients is a Hindu, and the Muhammadan public take objection to having the food of Muhammadan patients cooked by a Hindu?

(b) Will the Government be pleased to appoint a Muhammadan cook for Muhammadan patients, who are in majority?

MR. A. R. EDWARDS replied :—

1. (a)—In 1916 such a request was made to the Inspector General of Civil Hospitals who stated that there was no suitable Muhammadan then available. This still holds good.

(b)—The reply is in the affirmative.

(c)—When a change is made this will be borne in mind.

2. (a)—This is a Local Board dispensary and arrangements are made by the Dispensary Committee.

(b)—The question does not arise as this is not a Government dispensary.

RAI SAHEB PADMANATH GOHAIN BARUA asked :—

1. Is it a fact that the properties of the father and guardians of non-co-operators, viz., Srijut Chandrashekar Das and Srijut Gananath Gohain of Dhakuakhana and Ghilamara, North Lakhimpur, have been attached by Government officers concerned as a result of the said non-co-operators being away at some unknown destination?

If so, will the Government be pleased to make an enquiry into the matter with a view to ascertain the facts of such attachments, if any, and examine the validity of such action under the law?

MR. A. W. BOTHAM replied :—

1.—Government have no information. If the alleged attachment has been made under a legal process, the remedy lies in a court of law.

SRIJUT BISHNU CHARAN BORAH asked :—

1. Will the Government be pleased to state the names of the Inspectors or Sub-Inspectors of Excise found guilty of gross misconduct with the nature of the offences committed in the course of discharging their duties and the action taken against each individual case for the last 5 years?

MR. A. W. BOTHAM replied :—

1.—During the last five years four Inspectors and Sub-Inspectors of Excise were found guilty of serious misconduct and were punished departmentally—two were dismissed, one was transferred and the pay of one was reduced temporarily. The Government consider that it would not be fair to the officers concerned to state their names, or to the Excise Department to publish a list of offences for which only a fraction of the officers in that Department were responsible.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—With your permission, Sir, before the proceedings begin, I wish to make a statement.

THE HON'BLE THE PRESIDENT :—What is the statement ?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—A personal explanation.

Sir, I should like, with the indulgence of the Council, to say that when replying yesterday on the budget discussion I realise that my feelings had carried me away and that I dealt with subjects falling outside the scope of the matter actually under discussion. That was not the time for Ministers to enter upon a defence of their policy, and Sir, I should have been grateful to you for having called my attention and that of other members of the Council to the fact that I was straying from the discourse. Here, Sir, we are all alike under your authority and submit cheerfully to your rulings.

There is one other point. I confess to have felt keenly, perhaps too keenly, in connection with some criticisms levelled against me and my colleague the other Minister who is absent and on reflection, I fear that in replying to these criticisms I may have given the impression that the whole of this Council was hostile to the Ministers—to me and my colleague who was not here. That was far from my intention and that I could have given such an impression grieves me very deeply for I am aware how many good friends I have here. I do not propose to give a lengthy explanation but would only ask the Council to forget what I said, in fact the indulgence I ask for is that the Council will agree to the whole of the first part of my speech of yesterday being expunged from the records.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, on behalf of the non-official members of this Council I beg to express my thanks to the Hon'ble Minister for the sentiments which he has just expressed. I agree that it is necessary, in order to carry on the Government, to fully co-operate—and co-operation is only possible if we, non-official members on our part and Ministers on their part, approach one another and exchange views. Well, Sir, it is of course our duty to see the Minister, but at the same time I believe it is the duty of the Minister also to call us now and then, to meet in conference, for exchanging views, and if this is done, there will be no room for misunderstanding in the future.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—I am grateful to my Hon'ble friend for his suggestion.

THE HON'BLE MR. W. J. REID :—I take it, Sir, the Council accedes to the request of the Hon'ble Minister that these remarks be expunged ?

RAI BAHADUR PROMODE CHANDRA DUTTA :—Certainly.

THE HON'BLE THE PRESIDENT :—I think we will now proceed with the business of the day.

THE ASSAM GENERAL CLAUSES (AMENDMENT) BILL,
1922.

The Hon'ble Mr. A. MAJID moved that the Assam General Clauses (Amendment) Bill, 1922, be taken into consideration.

He said :—Sir, the Assam General Clauses (Amendment) Bill was published in the *Assam Gazette* of the 25th January last and was introduced in this Council on the 7th February last. When introducing the Bill, I explained the object of the Bill.

Sir, I now beg to move that the Bill be taken into consideration.

The motion was agreed to.

The Hon'ble Mr. A. MAJID then moved that the Assam General Clauses (Amendment) Bill, 1922, be passed.

He said :—Sir, I have received no notice of any motion for amendment of the Bill. I beg to move that the Bill be passed.

The motion was agreed to.

The Bill was declared to have been passed.

RESOLUTIONS.

Reorganisation of pay and prospect of Veterinary Assistants.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, it is a pleasure to me to find that my resolution has topped the list of resolutions according to the ballot and I think it augurs well for its success.

My resolution runs thus :—

This Council recommends to the Government of Assam that the cadre of the Veterinary Assistants be reorganised in respect of their pay and prospects in the same way as has been done in the case of Sub-Assistant Surgeons.

Now, Sir, in pressing my resolution before the House for its consideration, I am conscious of three things—firstly, I know that the House is not in a mood to incur or increase expenditure; secondly, I know that there is an innate sense of justice in the Hon'ble Members constituting the House; thirdly, I know and believe that if justice requires any expenditure to be incurred, the Hon'ble Members will not hesitate to grant that expenditure in order to mete out even-handed justice. Then, Sir, standing on this bed-rock of justice, I have ventured to-day to take up the brief on behalf of the much-neglected Veterinary Assistants. These officers are a very hard-working lot, they have to tour 25 days in the month to obtain a travelling allowance of Rs. 30. It is known to all, Sir, that it is not possible for a man to tour 25 days in a month and earn full allowance of Rs. 30. The pay and prospects of such officers are not as they ought to be. As cattle, Sir, form part and parcel of agriculture which is the main calling of more than $\frac{4}{5}$ ths of the population of Assam, the officers who look after the welfare of these animals ought to be encouraged and their pay and prospects made more attractive. As our own experience shows speaking generally no one on the average takes up veterinary work except as a last resort. In the words of the Director of Land Records "the post seems to have been accepted mainly as a means of providing an income in uncomfortable and uncongenial circumstances which should be avoided whenever possible." This is exactly the case. The best means of preventing such disadvantages is to increase the pay and prospects equally with those of other classes belonging to the same department or of other departments. These Veterinary Assistants whom I have described as a hard-working lot, have been treated with scant courtesy in respect of travelling allowances as also in respect of their salaries. They were given recently only a fixed allowance of Rs. 30 whereas Sub-Inspectors of Schools and Inspectors of Excise are given fixed allowances of Rs. 45, with of course, hors. This allowance, Sir, of Rs. 30 now-a-days is very low. It does not meet the requirements of the present day touring charges. My modest desire is to give them a pay equal to that of the Sub-Assistant Surgeons who number about 133 and for them Government spends Rs. 1,69,344. Their scale of pay at present is Rs. 75—5—175, selection grade Rs. 200. Previously it was Rs. 70—5—130. There are, Sir, only 45 Veterinary Assistants and 12 reserve. Their number is already far below the requirements of the province. Their present scale of pay is Rs. 50— $\frac{1}{2}$ —100. Previously it was

Rs. 45— $\frac{10}{5}$ —75. Now, Sir, there is a good deal of difference between the salaries of the two services, and therein lies the cause for the discontent now being audibly expressed. I heard it urged that a Cattle Doctor cannot be given the status of a Human Doctor. I heard it from responsible men. Such arguments I leave to the House to appraise, but I am sure it cannot have the ear of the House. It is common knowledge that the same skill and tact are required to be exhibited in treating a dumb animal patient as in treating a vocal human patient; and if the human doctor helps us in the enjoyment of life and frees us from the ills that flesh is heir to, the Veterinary Assistants help in the maintenance of that life by treating and curing animals engaged in the production of the food crops. Therefore, Sir, there should not be any insurmountable barrier between the two services and there should not be given any cause of discontent in one service seeing the prospects of the other service. In these days of all-round increments of salaries I do not see why these Veterinary Assistants should not come in for an equal share of increment. The Sub-Assistant Surgeons have other opportunities of augmenting their salaried income by earnings of their private practice whereas the Veterinary Assistants have little or no chance in this respect. Further, the Sub-Assistant Surgeons enjoy the benefit of free quarters. I do not envy the Sub-Assistant Surgeons for their good luck. I am glad that they have been so encouraged but repine at the lot of the Veterinary Assistants for their not being similarly treated. I am told that they have already memorialised the Government on the point. I am afraid if favourable notice be not taken of their case there may be disaffection in their ranks which may well interfere with the smooth working of the department. The Hon'ble Minister in charge of the department in consultation with the Veterinary Superintendent will be pleased to see his way to ameliorate the condition of these Veterinary Assistants in respect of their pay and prospects. If they are given the status of Sub-Assistant Surgeons some 20 thousand rupees will have to be spent. This amount must not be grudged in the interest of the efficiency of the department. I think I have made out a good case for the Veterinary Assistants, and therefore hope for the cordial support of the Hon'ble Members.

RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, will the Hon'ble Finance Member please speak first. I will follow.

THE HON'BLE MR. W. J. REID :—It is not my resolution, Sir.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, the case of Veterinary Assistants has also come up before Government by direct representations from the Veterinary Assistants themselves. Government realise to the full the importance of the Veterinary Assistants from the point of view of the well-being of the agricultural community. They are also aware that there is some discontent among these officers and they would like to deal sympathetically with them and with the memorials which have been received from them. Government however cannot altogether accept the comparison suggested between this service and another service, that is the Sub-Assistant Surgeons' service, in which the educational qualifications are different, the period and conditions of training are different and the conditions of work are different. But they would certainly like to see a more contented service of Veterinary Assistants. Unfortunately in the present state of our finances the Finance Department before it accepts proposals for additional expenditure has to satisfy itself, and the

executive departments before they press for additional expenditure on the Finance Department have also to satisfy themselves, not merely that the additional expenditure is desirable but that it is unavoidable. This standard has been applied in the case of the revision of the pay of Veterinary Assistants and Government have decided that this revision cannot be taken up at present. I may mention that this is not the case of a service which has been left on the scale of pay fixed long ago whereas the other services had increments after that. On the contrary the Veterinary Assistants had two revisions of pay during the last seven years, the last one less than two years ago. In addition to their time scale of pay which is Rs. 50—10—100 the itinerating assistants, that is practically all the Assistants in the plains, get a local allowance of Rs. 12-8-0. The rate of their travelling allowance has also been raised from Rs. 25 a month to Rs. 50. There are also certain posts of Inspectors to which the Veterinary Assistants are appointed carrying a pay of Rs. 100—200 by increments of Rs. 10 a year. The Veterinary Assistants therefore has the prospect of rising at present from Rs. 62-8-0 up to Rs. 200. Government after careful consideration has decided that it cannot be considered that an immediate revision of the scale of pay in this case is unavoidable and though the sympathies of the Government are with this service I regret that at the present moment nothing can be done and I regret to have to oppose the resolution.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I am sorry I cannot support this resolution. I will not go into the justice of the demand. I will admit that the encomiums which have been bestowed on them by the Hon'ble Mover are all deserved. I will further admit that this department is doing a lot of good service to us. But at the same time I cannot forget our financial condition at the present moment. I for one am not prepared to vote for additional expenditure which this will involve in the present state of our finances. As I have already said I am not going into the justice or otherwise of the demand made. I will only oppose the resolution on financial grounds and I hope the House will also do so having regard to the financial condition of the province.

SRIJUT LOHIT CHANDRA NAYAK :—After what I have heard from the Hon'ble Minister and also from the Hon'ble Member who followed him I think it meet and proper at this stage to withdraw my resolution.

The Resolution was then, by leave of the Council, withdrawn.

Pay and Prospects of Typists and Copyists.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the resolution that stands in my name is :—

This Council recommends to the Government of Assam that the typists and copyists employed in the different courts and offices in Assam be organised into a service with suitable provisions as to pay, prospects and pension.

The resolution relates to a class of workers who serve the Government during their working life but are denied the privileges of Government service. They are paid by fees calculated on the basis of two annas per folio on which copies have to be issued and which sells at three annas per piece, the other one anna going to Government. Various attempts have been made from time to time to improve their lot but beyond expressions of sympathy and

promises of something or other to be done, absolutely nothing has been done. I will not refer to these attempts in details but it is clear that the matter has been kept constantly before the Government and if I move this resolution it is because I desire that anything that the Government wish to do should be done without further delay.

The Hon'ble Members are perhaps aware that the High Court has made certain recommendations about them. It has been laid down that a typist should get a minimum amount of Rs. 60 and a copyist Rs. 40 a month and that this should be rendered possible by reducing the number gradually. To reduce the number means turning out persons who have already been serving. This has not so far as I am aware been attempted anywhere. It would be cruel to do so. Therefore there is no early prospect of relief by reduction of number. Secondly, if the number is reduced, it will be impossible for the remaining people to cope with the work and this I believe is another ground why no reduction has been attempted.

To me the whole question seems to be—Are these people essential? If so, they should be treated like other essential people. Now as to this there can be no difference of opinion. Copies have to be issued to parties and the very large amount of fees that the Government realises—copying fees shows the extent of the demand.

Besides, the Government utilises the services of the copyists and typists in supplying brief to Public Prosecutors in Sessions cases, Appeals Motions and so forth also in supplying copies of judgments to persons sentenced to imprisonment. But the Government pays nothing for these services. This is hardly just or generous. Then I find from a memorial submitted by the typists and copyists to Sir Beatson Bell that they are prohibited under the rules from engaging in trade or other business. In fact they are subject to the disciplinary rules applicable to public servants.

It will be thus seen that they are not only essential but treated as public servants practically for all purposes except with regard to pay and prospects.

As the Council is aware the Sub-Registrars used to be paid by fees calculated on the basis of the work done by them—so also the comparing clerks. They now belong to the permanent establishment. It is therefore just and proper that the typists and copyists should be absorbed in the permanent establishment. The fees they earn for the Government may be utilised for the purpose. Last year about 75,000 rupees was realised as copying fees out of which about 50,000 rupees went to the copyists and 25,000 rupees to Government.

It may be stated for the information of the Council that the Bengal Council has adopted a resolution similar to the one I have just moved.

THE HON'BLE MR. A. MAJID :—Sir, the question of improving the position of typists and copyists is one which has from time to time received the most careful consideration of Government. In order to give them appreciable relief by enabling them to increase their earnings Government proposed to raise the price of a folio from three to four annas and to give them three instead of two annas in the folio as at present. The proposal was referred to the Hon'ble High Court for approval, inasmuch as copying rates in Criminal and Civil courts are regulated by rules made by the Calcutta High Court under section 15 of the Indian High Courts Act, 1861, and the

Local Government cannot of its own motion increase the rates. The proposal did not find favour with the High Court ; and I shall presently refer to their reply. In regard to the special measures proposed in the resolution I may, however, say Sir that in the opinion of the Government, they in respect of the typists and copyists are not justified by the facts and circumstances. They are comparatively small in number, and most of them are inferior in educational qualifications to the regular clerical establishment. On the whole, they are not suitable for regular cadre. The work which they have to do is of a mechanical character and at the same time the nature of the work which they have to do is not onerous. Again, the work which is done is done for individual members of the public on payment, and if they have to do some work for Government gratis it is in accordance with the rules prescribed by the High Court. During the vacation they have very little work to do. Payment is made according to the quantity turned out.

I already mentioned to the Council that the Government had addressed the High Court. The reply which High Court has given is to the effect that we should do what they have prescribed for Bengal, namely, that the number of typists and copyists where excessive should be reduced so as to raise their minimum earning and that a Provident Fund, if possible, should be established. In some places too much leniency has been shown in the way of making these appointments, with the result that there are too many typists and copyists in some offices. Their number might suitably be reduced in accordance with the suggestion made by the High Court. Government consider that the steps proposed by the High Court are suitable and have already been profitably adopted in Bengal. In the result, we are going to adopt as in Bengal a minimum standard of Rs. 60 and Rs. 40 for typists and copyists, respectively, and also to introduce a provident fund to which they will subscribe one anna and four pies in the rupee and Government will contribute one anna in the rupee. In these circumstances Government do not consider that there is sufficient reason to alter the existing rules as to the method of remuneration to be given. On these grounds Government are not prepared to accept the resolution.

BABU KRISHNA SUNDAR DAM :—Sir, I rise to support the resolution moved by Rai Bahadur Promode Chandra Dutta. I know that at present most of the members of this Council are in a mood to oppose all proposals for enhancement of expenditure. Of course there is much reason in this and if I still rise to support this resolution, I do so, firstly because an improvement of these men's prospects is really necessary and secondly because if the Council accept the resolution it will not really entail an enormous expenditure. I gather that last year there was a profit to the Government of Rs. 25,000 from the labours of these copyists and as the expenditure involved will be negligible I see no harm in accepting this resolution. I have seen these copyists penned up in small rooms and working hard for years like all other Government servants so I do not see any reason why there should be a difference between these copyists and other servants of the Government. The Hon'ble Member for Government has said that they do not deserve more because their work is more of a technical nature and they are not equally well qualified. I have only to say that now-a-days in the offices of the Collector, the District Judge, etc., all the clerks have to do for the most part, only mechanical work. They have only to fill up forms printed ready for them and sent down from the Secretariats so on that account I do not think

that any more credit belongs to present clerks of these offices for doing routine work, and as to qualifications, again I think the copyists, at least those whom I know in Sylhet, are in no way inferior to many of the clerks in the several other departments under the Deputy Commissioner from the stand point of education. And so knowing that the Council will be very cautious this year to accept any resolution for an increase of expenditure I still request the Council to increase the expenditure as proposed now as an exceptional case.

THE HON'BLE MR. W. J. REID :—Sir, my Hon'ble Colleague has dealt with this resolution as Judicial Member and I should only like to say a word or two as being concerned with the Revenue courts and offices where also we have typists and copyists. There seems, Sir, to have been some confusion as to the position and functions of the ordinary clerks and of the typists and copyists. The Hon'ble Member who spoke last thought that the duties of the clerks in the offices of Deputy Commissioners were not heavier than those of the typists and copyists. He thought that the qualifications of the latter were in no way inferior to the clerks in the different departments of the Deputy Commissioner's office. Well, Sir, I ask any member of this Council who has any experience of the work in a Deputy Commissioner's office whether he endorses these remarks. The real trouble is, Sir, that the typists and copyists are not continuously employed. It will be agreed that the prescribed rates are very suitable. The trouble has really arisen from the fact that in many offices we have too many typists and copyists, and that kind-hearted officers continue to allow appointments to be made and will not get rid of people for whom there is not enough work. It stands to reason that in an office where there is a fair livelihood for three men the work when this is divided among five men will not afford a fair livelihood. At what figure are we to fix the strength of typists and copyists in an office? Are we to take every one who can type and to give him the regular pay of a clerk with the prescribed increments which will run up the ultimate pensionary charges? I do not think that we have worked out the actual cost of the proposal, so I am not prepared to give any figures, but I can say without hesitation that it would add very markedly to our expenditure. Do the Council think that this would be justified? We do our best for these people. We have special rules under which they may take advances and purchase typewriters, and our whole efforts for some time have been devoted to giving them more regular work, to enable them, the better ones, to earn better pay than they do at present. It is true as the Hon'ble Member says that we get a certain amount of work from them gratis but this after all does not amount to very much and I think I am right in saying that the High Court who are primarily concerned see nothing unjust or unfair in having briefs and judgments copied by these men free of charge. The resolution is my Colleague's, Sir. I have only offered this contribution to the discussion.

REV. J. J. M. NICHOLS-ROY :—Sir, considering the fact that there are too many typists and copyists employed at the present time, as the Hon'ble Members of Government have said, I think it would be better to wait until the number of these typists and copyists has reached the number that the Government want to employ as regular officers. If they are now organised in respect of their pay it will involve a large sum of money. I think that it will not be wise for the present to organise them into regular officers.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I should like to ask the Members of Government if it is not a fact that a copyist now-a-days does not get more than Rs. 30 and a typist does not now ordinarily get more than Rs. 50.

THE HON'BLE MR. W. J. REID :—Speaking without the book, Sir, I am not quite sure what is meant by "ordinarily". I can only say that it is our aim that they should get these rates, that we have issued most definite instructions that the typists and copyists should get particular rates, I say there are kind-hearted officers who won't carry out the orders and get rid of a superfluous staff, and our fixed aim is to bring up those figures to the required standard.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Well, Sir, it comes to this then. It does not appear that there has been any enquiry to ascertain whether they are getting Rs. 40 and Rs. 60 as recommended by the High Court. Now, Sir, the Hon'ble High Court has laid down that those amounts should be reached by reducing the number of copyists and typists. As I have suggested if the number is reduced it will be impossible for the copyists and typists to carry on their work, and that is the reason why no reduction has been made by the Judges and the Deputy Commissioners concerned. As to that I have not got any reply from the Government side. Now it has been stated that these people are much inferior in qualification. I agree with every word that has fallen from the Hon'ble Babu Krishna Sundar Dam in this connection. We find as a matter of fact there are people in the regular establishment who are drawing higher salaries than the remuneration of these copyists and typists, but who are at the same time much inferior in educational qualifications. The amount of work which Government gets done by them, is said to be very little, but I have been a Public Prosecutor for the last six or seven years and I know what an enormous amount of work these people have got to do for the purpose of preparing briefs for appeals, motions and sessions cases, the amount of work done by them for the Government is not inconsiderable. The Government surely ought to pay them for their services. To me the whole question is—Are these people essential? If so, as is clear they are, they ought to be treated like other Government servants.

THE HON'BLE MR. W. J. REID :—Sir, I am now in a position to give a little more information to the Hon'ble Member. I may say that during my tour in Sylhet last rains I took the Under-Secretary with me, and the earnings of copyists was one of the subjects we went into. I have some figures to which I would invite the Hon'ble Member's attention. The Under-Secretary took out figures for three stations, Sylhet, Sunamganj and Habiganj, and I have the statement here. I am not prepared to go through them but this is what Mr. Rhodes says :—

"The figures relating to eighteen copyists and six typists working at these places show that last year a typist earned on the average Rs. 66-8".....

RAI BAHADUR PROMODE CHANDRA DUTTA :—Do the figures relate to the Revenue Offices?

THE HON'BLE MR. W. J. REID :—They refer to the Revenue and Criminal sides, to all except Civil. I was not concerned with the Judicial side.

" And the copyists earned on the average Rs. 25. In other words the typists earned slightly more than the minimum which the High Court has lately fixed for Bengal, and the copyists, apparently because of the non-observance at Sylhet of Rule 2"—that is the rule about restricting numbers—"very considerably less"

The motion was put and negatived.

Revision of Madrasa Courses.

MUNSHI SAFIUR RAHMAN :—Sir, the resolution which I commend to the acceptance of the Council runs as follows :—

This Council recommends the Government to appoint immediately a committee of officials and non-officials, to consider the question of the revision of the Madrasa courses as well as to recommend whether improvements can be made regarding Muhammadan education in any other direction.

The question of Muhammadan education is such an old one that it needs no elaboration at my hands. Since the Muhammadan Educational Conference at Shillong in 1913, the question of the Muhammadan education was practically shelved excepting the reform in the Madrasa courses. But in this direction too, specially as regards the present Junior Madrasa Course is concerned, it seems to me have partially failed in its object. The Junior Madrasas at Goalpara, Gauhati and Dibrugarh were expected to be feeder institutions of the Senior Madrasa at Sylhet. But

MAULAVI MUNAWWAR ALI :—Sir, I rise to a point of order. The Hon'ble gentleman is not sufficiently audible.

THE HON'BLE THE PRESIDENT :—Will you kindly speak up.

MUNSHI SAFIUR RAHMAN :—But experience shows that this object is far from its way of fulfilment as is apparent from the decrease of the number of pupils in these institutions. This is mainly due to the high course of instruction specially in Arabic, which I learn is higher even than that in vogue in Bengal. The system of imparting special Islamic instruction in secondary schools has also practically failed.

There are no doubt other channels in which improvements could be made in the direction of Muslim education. Since the inauguration of the Dacca University and on the eve of the Calcutta University reforms it is high time that the case of Assam Muhammadans and their special educational interests and requirements should be carefully considered and steps are taken in these directions as well as to consider some reforms of the present course on the lines indicated above.

With these few words, Sir, I commend the resolution to your acceptance.

MR. J. R. CUNNINGHAM :—Sir, I am instructed on behalf of the Government to oppose this resolution. I must apologise for coming to the Council somewhat ill-prepared to discuss the subject, but the notice I had was exceedingly short, and such preparation as I have made has been made on the assumption that Maulavi Safiur Rahman would take up an altogether different line in stating his request.

The resolution divides itself into two main parts—the consideration of the question of the revisal of the present Madrassa courses and the more general question of improvements to be made regarding Muhammadan education in other directions. Well, Sir, the Council is aware that in 1914 a strongly representative conference was summoned by Sir Archdale Earle to consider this question of Muhammadan education as a whole, that it sat for several days, covered the whole field and remitted points of detail to Sub-committees to work out such questions as the actual courses of instruction to be adopted. It seems a little early in the day to propose the constitution of another committee to cover the same ground. The Hon'ble Member has stated that the courses have not been very successful. That is perfectly true. He has further stated as the main reason—and there I heartily agree with him—that funds have been wanting. So far as Madrassa education is concerned funds have been wanting for the development of the Junior Madrassas which were the basis of the scheme. Government has been unable to come with any strength to the support of these institutions for want of funds and the public has also failed, for similar reasons I suppose, to play its part. But the fact that funds have been wanting to allow of these institutions developing under favourable conditions, is scarcely a sufficient reason for the appointment of a committee to revise the courses.

As regards the second part of the resolution, the improvement of Muhammadan education in general, one of the most valuable conclusions come to by the conference of 1914 was that, apart from Madrassas, the institutions which were provided and the facilities which were offered for the education of the community as a whole were suitable for Muhammadans if due provision was made for religious instruction, that is, the Muhammadans were advised by this conference of leading Muhammadans to come on to the educational high road. For that reason and also for the reason which I have already adduced that the field has been covered quite recently by the conference of 1914, I would oppose the appointment of a committee to consider as a special question the general or secular education of the Muhammadan community.

With regard to the Madrassa courses I will explain what took place. The conference of 1914 remitted to a sub-committee the question of framing syllabuses in direct accordance with the general instructions as to the purpose of Madrassas and the content of their courses which were laid down by the conference. That sub-committee duly met in Sylhet, considered the matter over many days and in due course issued their recommendations and detailed syllabuses of study. These syllabuses duly came before me for consideration and as in certain respects they were not quite in accordance with the wishes of the conference I remitted further to an additional sub-committee to do the work of making such alterations as were necessary to adapt it to the wishes of the conference. The courses as finally revised by these Sub-Committees came into force in 1917. As I had said they are quite recent. From such experience as we have had of their working hitherto it would appear

that they are by no means final. In certain respects they obviously stand the need of revision. The question of revision engaged my attention last time I was in Sylhet and I considered in consultation with the Principal, with Maulavi Afaur Rahman, and Maulana Abdul Aziz the lines on which revision was needed. I found that it involved an extension of the course, the addition of one or two classes which in turn involved further financial demands on Government. It was felt that the time was inopportune to move in the matter. Further it was known to all of us who were present that a movement had been forward in Bengal for the reconsideration of the courses of the central Madrassa in Calcutta, and it was considered desirable that before reconsidering the Madrassa courses in Assam I should put myself in touch with the Bengal committee and await the results of their deliberations. The Bengal committee is still deliberating, but I expect their conclusions to be published shortly, and I deprecate the further consideration of our local courses until these courses have been published and carefully considered.

SRIJUT NILMONI PHUKAN :—In view of what the Hon'ble Mr. Cunningham has said it is quite reasonable to wait and see the result of that conference which is being held at Calcutta, and with that end in view I should like to request the Hon'ble Mover to withdraw his resolution.

KHAN BAHADUR MUHIBUDDIN AHMAD :—I should like to ask the Hon'ble Mr. Cunningham whether the Calcutta committee is considering the question of the courses of both the Junior and Senior Madrassas, or of the Senior Madrassa of Calcutta only?

MR. J. R. CUNNINGHAM :—To give a definite answer, I am afraid I must look into the papers, but my recollection is that they are covering the whole course.

KHAN BAHADUR MUHIBUDDIN AHMAD :—If that committee is considering the whole question of the courses of Junior as well as of Senior Madrassas, then I have no objection to defer this question. But the question should not be deferred in case their deliberations only refer to the course that is pursued in the Senior Madrassa of Calcutta. I am inclined to think that they are considering the course of the Calcutta Madrassa only, because most of the Bengal Madrassas are following what is locally known as the new scheme, that is the scheme formulated by Shamshul-ulama A. N. M. Waheed which is now being followed in most of the Eastern Bengal districts. If the Calcutta conference is considering the whole question there is no harm in postponing this matter, but if their deliberations are not concerned with Junior Madrassas with which we are chiefly concerned in the Assam Valley, I think there will be no harm in having a small committee to go into the whole question—whether the scheme devised in accordance with the conclusions arrived at in the conference of 1914 is really working satisfactorily and whether those conclusions should not be reconsidered now.

MR. J. R. CUNNINGHAM :—My recollection is—though I cannot at present give a definite assurance—that the courses of the Calcutta Madrassa are being considered as a whole. The Hon'ble Member will remember that the Calcutta Madrassa has stood out against the recent revisions of the Madrassa courses in Bengal. I imagine, if the Committee are going to take up the senior course, that they cannot consider it apart from the junior course which it rests.

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

Ayes.	Noes.
Maulavi Abdul Khalique Chaudhuri.	The Hon'ble Mr. W. J. Reid.
Khan Sahib Alauddin Ahmed Chaudhuri.	The Hon'ble Mr. A. Majid.
Rai Sahib Bepin Chandra Deb Laskar.	The Hon'ble Rai Bahadur Ghanas-yam Barua.
Khan Bahadur Mubibuddin Ahmad.	Mr. A. W. Botham.
Maulavi Munawwarali.	Mr. A. R. Edwards.
Haji Muhammad Abdul Ahad Chaudhuri.	Mr. J. R. Cunningham.
Khan Bahadur Muhammad Bakht Majumdar.	Sardar Bahadur Anjab Ali Khan.
Rai Bahadur Nalini Kanta Ray Dastidar.	Rai Sahib Padmanath Gohain Barua.
Maulavi Rukunuddin Ahmad.	Rai Bahadur Promode Chandra Dutta.
Munshi Safiur Rahman.	Mr. E. H. Featherstone.
Rajkumar Chandra Narayan Singh.	Babu Jangin Sangma Laskar.
	Srijut Nilmoni Phukan.
	Mr. E. S. Roffey.
	Maulavi Rashid A'i Laskar.
	Mr. W. E. H. Grayburn.

The Ayes being 11 and the Noes being 15, the resolution was declared lost.

Provincial contribution to Government of India.

SRIJUT NILMONI PHUKAN :—The resolution that stands in my name is thus :—

This Council recommends to the Government of Assam that in view of the financial difficulties of this province, the Government of India be approached with a request to remit the provincial contributions till the return of normal financial conditions or at least for three years.

But, Sir, it is now known to the House that the Government of Assam was in correspondence with the Government of India on the subject and we have received before now a disappointing reply. However, as hopes never leave us in mundane affairs, with your permission, Sir, and the permission of the House, I beg to move the following amendment to my resolution by adding only a word "again" before the word "approached".

THE HON'BLE MR. W. J. REID :—We have no objection whatever, Sir, to this verbal amendment.

THE HON'BLE THE PRESIDENT :—Very well, you can move the amendment.

SRIJUT NILMONI PHUKAN :—Then, Sir, with the permission of the Council I beg to move my amended resolution.

This Council recommends to the Government of Assam that in view of the financial difficulties of this province, the Government of India be again approached with a request to remit the provincial contributions till the return of normal financial conditions or at least for three years.

Sir, at ordinary times, I would not have thought it reasonable to move this resolution. I am conscious also of the same embarrassment nay more—of the Central Government. But, Sir, as I believe our small contributions from All-India point of view will neither improve, nor its remission make worse, the financial crisis of such a magnitude of the Government of India, I cry for this relief which will mean much to a small province like ours. We have further excuse that we are not first in raising this cry. We are only joining in “the common effort of all the provinces”. I gather in spite of such difficulties the provinces have already drawn from central revenue something between 11 to 12 crores. I understood there is an intention on the part of the Government of India to summon together at a later stage the provincial authorities to discuss the whole position. Apart from all this we have this reason on our side that we are not demanding too much. Again, if we take into consideration our Frontier charges which should be the charges on the Central Revenue and in recognition of which the Central Government have substantially relieved us of $\frac{7}{10}$ ths of the burden under new arrangement, we are demanding still less. All these considerations have urged me to move this resolution in the hope that the Government of India will be pleased to reconsider their decisions when the cry has gone out not only from the Executive Government but the justice of which has been endorsed, I hope, by the unanimous voice of the Legislature. We must be pardoned by the central authorities if we again look up to them for this small concession which will be a great relief to us.

KHAN BAHADUR MUHIBUDDIN AHMAD :—Sir, I heartily support this resolution.

THE HON'BLE MR. W. J. REID :—We are glad, Sir, that this resolution has been moved because it gives us an opportunity of again placing our financial position before this Council. The Hon'ble Mover has referred to the forthcoming conference of the Finance Members of the various Governments in India; and it is our hope that our representative when he goes there will carry with him the solid support of the members of this Legislative Council. Like the Hon'ble Mover we recognise the difficulties of the Central Government, but we must make our voice heard.

I do not propose Sir, after all the budget discussions that we have had to deal with actual figures. These were placed before the Government of India, because as the Council are aware this is a request which we have already addressed to the Government of India and to which we have had a reply with which we cannot be satisfied. The conditions of this province are well known, and at the risk of being again called an optimist I cannot help holding that some of our difficulties are largely temporary. Because we held this view we did not ask for a permanent remission from the Central Government but for a temporary remission. Our present difficulties we hold are not due to extravagance. In this there may be two opinions but I am bound to state the Government view. We hold that our present embarrassments are due to

circumstances beyond our control. I need not again go through the loss of Excise and Stamp revenue or the additional charges which unrest and troubles have imposed on us. The undeveloped state of the province is well known. For years, long before the Reforms came into being, we begged to be given a fair start, to be allowed to develop this province, to have enough money to undertake capital outlay on communications and on the development of industries, the improvement of agriculture, the making the most of our undoubted resources. It has been suggested that the cost of the Reforms was too heavy, that Assam could not bear the burden, that the contribution demanded from us was too great. We do not for a moment wish to deny that with the Reforms our finances have greatly improved. Hon'ble Members if they refer to my budget speech last year will find the details. What undoubtedly has proved to be the case is that the immediate demands which have come on us coupled with the falling off in our revenues have made our present position intolerable. A conference was held in Simla in the year 1919 and an attempt was made to estimate the normal receipts and normal expenditure of all the provinces. I do not think that at that conference we were treated unfairly. My point is that no one could foresee exactly what the additional charges would be. I shall give the Council a few figures. In addition to the items which were put down at the Simla Conference as coming legitimately within our normal expenditure budget came the following. No mention was then made of our annual contribution of fifteen lakhs. We knew that a contribution would have to be made but were ignorant of the amount. The revisions of the pay granted to Government servants before the Reforms account for twenty-five and a half lakhs, the additional cost of the Reformed Government to some three lakhs, and leave allowances and pensions which had hitherto been borne by the Central Government to about four and a half lakhs. It is true that at the conference certain sums were taken into account under these heads but the figures I have given are over and above these. Our policy in excise matters has been stated from time to time and is unchanged. The loss of Excise revenue as a consequence of temperance reform is a matter which this Government can neither counter nor indeed regret, but none the less the suddenness and extent of the fall where a gradual reduction was anticipated threatens a sudden and undesirable paralysis to the development of the province. And we believe that it is only in a steady and continuous policy of development that Assam can attain the political progress which is expected of her.

The Government of India have accepted without comment our exposition of the financial position. They have communicated to us their appreciation of our efforts to reduce expenditure. They regret that it is impossible to comply with our request. They have referred us to Rule 18 of the Devolution Rules, which lays down that when it proves possible for the contributions of the provinces to the Central Government to be reduced they are to be reduced according to the variations from the proportions laid down. They have pointed out, and justly, that even if they find it possible to make a general reduction the proportionate reduction that we shall get on a contribution of fifteen lakhs will be very small. This we cannot dispute. They also, in reply to our contention that we saw no reason why we should not receive the same consideration as the Government of Bengal, pointed out that the Joint Select Committee had made a special recommendation in favour of Bengal. I should like to refer for a moment to the proceedings of the debate

in the Legislative Assembly in the matter when that body agreed to the contribution of Bengal being remitted for three years. The Hon'ble the Finance Member with the Government of India made a special point of the fact that the Joint Select Committee had recommended in favour of Bengal and had not done so in favour of any other province. Well, Sir, the last thing that we want to do is to envy the good fortune of our more fortunate neighbours, for Bengal is not the only province that has been favoured. The Committee on Financial Relations, usually called the Meston Committee, took up particularly the case of Bihar and Orissa. I shall refer again presently to the Report of that Committee. They recommended for Bihar and Orissa that for the first year no contribution should be paid, and that thereafter the province should work up by annual progression to the ultimate proportion of the contribution that they were to give. The Joint Select Committee decided that no province was to pay more than it paid in the first year. The result is that our friends in Bihar and Orissa having paid nothing in the first year pay no contribution at all. I should like to suggest, Sir, that if we had received the same treatment we also should be in the fortunate position of Bihar and Orissa of not having completely exhausted our balances.

The case of Bengal is different, and I must ask the patience of the Council for a moment if I refer again to the Report of the Meston Committee. They say: "The provinces which caused us most anxiety were Burma and Bihar and Orissa." They then proceeded to make recommendations for Burma which were accepted and to make a recommendation for Bihar and Orissa which was not only accepted but expanded. They go on in the next paragraph to say: "The two provinces which come next in difficulty are the Central Provinces and Assam. They have a small margin at the best of times and their need for development is great. The former has a more rapidly expanding revenue than the latter, but on the other hand its finances are more liable to disturbance by famine. On the whole, we do not feel that it would be just to ask more than roughly 40 per cent. of their windfall in both cases and we have based our recommendations accordingly."

These recommendations have been accepted. We have the undoubted benefit, as every other province has, that there is no question of increasing our contribution. The fifteen lakhs fixed for us is fixed until such time as it can be diminished. It will never be increased.

The Committee go on to say: "The special treatment of these four provinces left us with 882 lakhs to allocate among their five richer neighbours. After the most careful scrutiny of their various peculiarities we see no marked necessity for differential treatment *inter se*." They discuss Madras, the United Provinces, the Punjab and Bombay, and then finally they say about Bengal. "Bengal on the other hand has a low scale of expenditure and an inelastic revenue and it will receive only a very moderate start in its new financial career. But its size, intrinsic wealth and general economic possibilities prevented us from treating it more favourably than the other provinces in this category."

The Joint Select Committee while generally endorsing the recommendations of the Meston Committee add a brief paragraph which runs thus:—

"The Committee desire to add their recognition of the peculiar financial difficulties of the Presidency of Bengal which they accordingly commend to the especial consideration of the Government of India." The members of the

Joint Select Committee must have had reasons for their recommendation. Speaking with all respect we should have been glad of some hint of what these reasons were. I have said that we are not actuated by feelings of envy, but I suggest, Sir, that in view of the recommendations of the Meston Committee and of their description of the circumstances of the other provinces we had as much claim as either of our neighbouring provinces to consideration. The Hon'ble the Finance Member with the Government of India in his budget speech said that the provinces generally seemed to want to have the recommendations and awards of the Meston Committee altogether set aside, and he hinted darkly that if this was done their state would be worse than it was before and that heavier contributions would be required. Well, Sir, we as a province have never suggested that these awards and recommendations should be set aside. The most that we suggest is that if all the provinces had been treated equally we should have had nothing to say. Speaking with the very greatest respect I cannot help feeling that we had on the findings of the Meston Committee a claim, at least a reasonable expectation, that if any measure of relief was given we should share in it. This has not been the case.

I mentioned the forthcoming conference of the various Finance Members. I need hardly assure the Council that our case is being scrutinized most closely, that the very best case at that we can put forward will be laid before the Government of India. Our late Governor, His Excellency Sir Nicholas Beatson Bell, fought very stoutly for the finances of the province but without much success. We hope that our representative will carry with him the backing of this entire Council and that he will be more successful.

REV. J. J. M. NICHOLS-ROY :—I think, Sir, the resolution has the sympathy of the whole House and I rise to support it heartily.

SRIJOT LOHIT CHANDRA NAYAK :—Sir, I wish to know what steps the Government of India (sic) will take in case we fail to make this contribution on account of our poverty?

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, we can take no steps. We are only, as one Hon'ble Member put it the other day, in the position of a mendicant.

The resolution as amended was put and carried unanimously.

THE HON'BLE THE PRESIDENT :—Resolution No. 5 is identical with No. 2 and is deemed to be withdrawn under Standing Order 32.

RAI BAHADUR NALINI KANTA RAY DASTIDAR :—Sir, as resolution No. 6 is identical with No. 19, I beg to withdraw it.

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

THE HON'BLE THE PRESIDENT :—Resolution No. 7 is identical with No. 19 on the list and is deemed to be withdrawn.

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, I must apologise for having to say that I did not anticipate that we should get through our resolutions at this rate. I have come prepared to discuss No. 6 but have not got the papers of No. 7. Would it not be possible for the Rai Bahadur to move his resolution formally and for the Hon'ble Mover of resolution No. 19 to speak on it? The effect would be the same.

THE HON'BLE THE PRESIDENT :—Will the Hon'ble Member move his resolution formally ?

RAI BAHADUR NALINI KANTA RAY DASTIDAR.—The thing is Sir, that Rai Sahib Deb Laskar has to move his resolution.

THE HON'BLE THE PRESIDENT :—I think there is no objection to moving the resolution ?

THE HON'BLE MR. W. J. REID :—I think not, Sir, if the Council agree.

THE HON'BLE THE PRESIDENT :—(To Rai Sahib Bepin Chandra Deb Laskar.)

Are you prepared to move resolution No. 6 ?

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—Very well, Sir.

Revenue Sheristadars and Head Clerks of Deputy Commissioner's office.

The resolution which stands in my name is :—“ That this Council recommends to the Government of Assam that the posts of the Revenue Sheristadar and the Head Clerk of the Deputy Commissioner's office be raised to the status of the Personal Assistant to the Collector and District Magistrate, respectively, and their pay regulated by the rules that govern the pay of the Sub-Deputy Collectors, and also that the vacancies in such posts be filled up by promotion of the subordinate deserving clerks, and effect be given from April next.”

Sir, the Deputy Commissioner of a district can very well be called the Governor of the district. He is the head of all Departments in a district office. He manages all these departments by the help of the two officers, *viz.*, the Revenue Sheristadar and the Head Clerk. They are so to say the two hands of the Deputy Commissioner. Now, Sir, if the provincial head of a particular department can have the honour and privilege to get one Personal Assistant just below him, will it not be right to allow the Deputy Commissioner the privilege and honour of being assisted by Personal Assistants ? Here it may be argued what benefit will the Revenue Sheristadar and the Head Clerk derive from the change of their designations ? My reply is that the name has good deal to increase the value and respect of the post. Such changes are found everywhere. If such a change does not increase the respect and position of the post, then why have similar posts in the offices of the Commissioner and other Heads of Departments been changed into Personal Assistants ?

2. These two persons—the Revenue Sheristadar and the Head Clerk—are not ordinary clerks. In fact, they are the masters of their own offices under the Deputy Commissioner. To call them clerks is certainly a most unjust and cruel thing, hence I suggest that their designation should be changed into one befitting their position. The Personal Assistant to His Excellency is of the rank of an Assistant Commissioner, the Personal Assistant to Commissioner of the rank of an Extra Assistant Commissioner and so the two Personal Assistants of the Deputy Commissioner should be of the rank of a Sub-Deputy Collector (by analogy).

3. The District Head Clerk has 5 or 6 departments to control and practically every bit of non-revenue matters to know. Further as the principal Assistant of the Executive head of the district, he has to advise the District Officer on various administrative matters, has to know and deal with

the principal residents of the district and has to be quite up-to-date in all matters. Not infrequently he makes enquiries on behalf of the Deputy Commissioner and is the only officer in [the confidence of the District Officer being in charge of the confidential work of the Deputy Commissioner.

The Revenue Sheristadar again is the best adviser to the Deputy Commissioner in respect of revenue administration and his work is more onerous than that of the Sub-Deputy Collector. The latter officer has to do only one branch of revenue work, *viz.*, land records, and is responsible for the work of circle, but the Revenue Sheristadar has to deal with the several branches of Revenue matters and is responsible for this work in the whole district.

Prior to the revision, the average pay of the Sub-Deputy Collector was exactly Rs. 150 and both the Head Clerk and the Revenue Sheristadar were considered equal if not superior in status to an ordinary Sub-Deputy Collector who began on Rs. 75.

These two heads of the district offices have not been treated fairly at the last reorganisation. The initial pay of every officer was increased—except that of the district head clerk. Even the maximum pay allowed to these officers was exactly only 20 per cent in excess of what they drew before the reorganisation. If the reorganisation of the several services under the Government took place on one and the same ground, *viz.*, the high level of prices reigning at present, the difference in the treatment of the several officers of the same status is not understood, and has the effect of lowering the position of officers treated less fairly. It may be mentioned here that under the reorganization scheme several have got an increment of between 400 to 100 per cent.

It cannot be said the Government would consider the work of Excise Inspectors, Overseers of the Public Works Department, Provincial Service Officers of the Agricultural and Veterinary Departments, Assistant and Sub-Assistant Surgeons and the like, as more responsible than the work of the Revenue Sheristadar and Head Clerk of the district office. But the present reorganisation has made the position of these two officers much inferior to all those officers.

It may be argued that the district Head Clerks and Revenue Sheristadars will not generally come up to the standard of education and efficiency required of members of the Subordinate Executive Service. Against this, we have to mention the attainments of those officers who were promoted to the Executive Service in the past from the ministerial services. Their knowledge on ministerial work stood them in good stead, and they proved more useful and generally far better officers than those recruited directly although several of these officers had not had much liberal education. Instances of this would be superfluous.

The scheme in raising the status and pay of the posts will draw graduates of University which means increase of efficiency.

THE HON'BLE MR. W. J. REID :—I would remind the Council, Sir, that in September last a resolution on very much the same subject was moved by Srijut Dalim Chandra Bora and was negatived by the vote of this Council. The proposals then did not go so far as the present resolu-

tion. The Hon'ble Mover has suggested a greater increase of pay than was proposed to us last year and a considerable increase in status. I should like first of all to suggest that no Deputy Commissioner has asked for a Personal Assistant and that therefore it is only fair to assume that this resolution is moved solely in the interests of the ministerial officers concerned. There is I admit, something attractive to a logical mind in the Deputy Commissioner having a Sub-Deputy Collector as his Personal Assistant because the Commissioner has an Extra Assistant Commissioner. But we can carry analogy too far. Then, Sir, a point which interests me is to find that the Hon'ble Mover proposes not one Personal Assistant but two for the Deputy Commissioner, one in his capacity as Collector and one in his capacity as District Magistrate. This, Sir, is rather anticipating the separation of judicial and executive functions. In any case even with that separation I think, speaking from recollection that the Head Clerk performs a good many duties which do not strictly appertain to the office of District Magistrate. Another new feature of the proposal is that we should place the Revenue Sheristadar and the Magistrate's Head Clerk on a level as regards pay. This is an entirely new proposition. Lastly, while admitting readily as I admitted last year the valuable services which we get from these ministerial heads of offices, the Council are well aware that we recruit for the posts of Sub-Deputy Collector from a different class and that we demand in their case much higher educational qualifications than we do from ministerial officers. When speaking of certain promoted ministerial officers if the Hon'ble Mover had been content to say how well they had done in their higher appointment; I should have readily agreed with him. But when he says that with inferior educational qualifications they proved superior to the officers directly recruited I am afraid I cannot agree. In the next breath he said that by raising the pay as he proposed graduates would be attracted to these posts.

Well, Sir, I need not take the Council over the ground that was covered in September last. I then paid a tribute to the work done by Revenue Sheristadars and Head Clerks and desire to pay it again. I then opposed the less far-reaching resolution on the ground that these officers had already been given a substantial increase of pay. I am compelled to take the same ground again.

And lastly, the cost of these proposals is one which I submit to the Council we cannot afford. I must give one or two figures. It is true that the immediate cost of making these changes would not be very great, but we have to consider the ultimate cost. For Revenue Sheristadars, to do what the Hon'ble Mover proposes would mean an additional charge, ultimate charge, of Rs. 12,480 a year. For Head Clerks the ultimate additional charge would be Rs. 31,680. We definitely think, Sir that we should not be justified in incurring these extra liabilities on behalf of officers whom we consider we have already treated fairly and generously.

As to the last part of the resolution, Sir, that vacancies in such posts be filled up by promotion of the subordinate deserving clerks, this in my experience is invariably done. It may be that occasionally a clerk in the same district office is not promoted, but invariably a clerk within the division is promoted when one of these posts falls vacant.

The resolution was negatived.

THE HON'BLE MR. W. J. REID :—If I may again ask the indulgence of the Council, Sir, I did not anticipate that we should get through the resolutions so fast and come to the next one at this stage. Perhaps the Council would agree to adjourn now.

THE HON'BLE THE PRESIDENT :—I think that when Hon'ble Members are expected to be ready with their resolutions, the Members of the Government also should be prepared with their replies.

THE HON'BLE MR. W. J. REID :—I apologise humbly, Sir. My box would not hold any more papers. I ask the indulgence of the Council on this occasion. I promise it will not happen again.

The Council then adjourned till 2 P M.

Drift wood timber.

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—The resolution that stands in my name is :—

That this Council recommends to the Government of Assam to allow the public to catch and use drift wood and unmarked timber by a system of permits, Government retaining the power to sell to drift wood contractors the right of catching marked timber only or that at least an experiment to this effect be made for a period of three years.

Sir, perhaps it goes without saying that the demand of fuels and timbers is strongfelt everywhere in towns or in villages. At present the rivers are divided into certain blocks and the monopoly right to catch all drift forest produce is sold in auction to certain purchasers who are called drift wood contractors. The said contractors catch all the drift forest-produces and get certain fee for it as salvage. The marked timbers are taken away by the respective owners while the unmarked ones are sold in public auction. Thus the public are deprived of the benefit of catching drift forest-produces for their own use. Moreover, Sir, almost all the Forest reserves are given monopoly to particular persons or companies. Hence the public cannot secure fuels or timbers from them for their home consumption. To remove these grievances separate blocks of rivers of the Surma Valley may be sold in auction, as has hitherto been the practice, and the purchasers thereof may be vested with the right of catching marked timbers only the public being privileged to catch and use drift fuels and unmarked timbers under present system. The annual fee of the permit should be annas eight and the permit should not be transferable. There should be two columns in the permit one for the name of owners and the other for the name of servants or persons authorised by owners. If there be sufficient reason for an owner to change the name of his servant or man, he should be required to pay a fee of annas four for each such change. Then

again, if the unmarked timber be found to be fit for sawing the public will have to pay the royalty and if any one fails to pay the royalty the unmarked timbers in his possession will be sold in auction. From the above it is clear that the Government will not be loser in any way by approving this system; on the other hand public grievances will be easily redressed.

At present the public are allowed to use fuels up to the five feet in length and two feet in girth free of royalty, but this is not sufficient. Moreover, it is not practicable for the people to have the actual measurement of fuel when caught at the time of high flood in rivers. If a man catches a fuel with the presumption of its being five feet in length and two feet in girth and if the same happens to be more than that by some inches or a foot the fuel is sure to go to the contractor to the Government according to the existing system. Even the public cannot have it on payment of royalty. Hence the modification of the present rules by allowing the public to catch and use drift fuels and unmarked timbers by permit system is urgently necessary.

Now I hope that all the Hon'ble members will heartily support my Resolution and that Government will accept it without any hesitation.

THE HON'BLE MR. W. J. REID:—We have one difficulty, Sir, in dealing with this resolution and that is in ascertaining exactly what the intention of the Hon'ble Member is. He seems to propose a uniform system of permits on which a fee would be charged, and I hope to be able to convince the Council that the effect of accepting his resolution as it stands would be to deprive the public of concessions which they at present enjoy.

We have a special chapter in the Assam Forest Regulation which deals with the collection of drift, stranded and other timber, and under section 43 rules may be framed by Government for dealing with this. Elaborate rules have been framed. The position is somewhat different in the two Valleys and I shall attempt only a very brief description of it. In the Assam Valley except in certain named rivers the use of unmarked drift timber is free to all settlement holders for their use but not for purposes of sale or trade. If they wish to sell or trade in drift timber they must get a permit from the Forest Department. In the Surma Valley the rule is that all timber found adrift must be taken to certain depôts, and there salvage is paid to the person who brings in the timber. If it is claimed the owner is responsible for the salvage and the other charges. If it is not claimed it is sold by auction. There is however the proviso that timber found adrift in any river in the district of Cachar if it measures, as the Rai Sahib says, less than five feet in length and two feet in girth, is exempted from all the provisions of section 43. I submit, Sir, that if the object of the motion is to get fire-wood, a log five feet in length by two feet in girth is very useful for that purpose. If the log is larger the finder may take it to the depôt and claim salvage for doing so. We are, Sir, as a matter of fact, contemplating a revision of all these rules, and perhaps it will satisfy the Hon'ble member if I undertake that his suggestions are laid before the Conservator in order to see if anything can be done. But frankly as the resolution stands it seems to me not to be conferring further privileges on the public, but to be taking away from them the concessions which they at present enjoy.

MAULAVI RASHID ALI LASKAR :—Sir, I beg to add a few words to the mover of the resolution. So far as I have heard from the Hon'ble the Finance Member, it seems that the Government's intention is sympathetic, but at the same time I want to suggest the effect upon the public of the present rule obtaining about the contract system. The present system of giving certain blocks to certain contractors has been responsible for the rise in the price of fuel within some five or six years twice or three times: this is my practical experience. If, as the Hon'ble Mover suggests, permits be issued to private individuals, then this will not affect the revenue at all, rather it may add to the provincial revenue. Again, I do not see how it would affect the exemption, because, leaving aside the exempted drift wood, if the resolution applies, or the rules be so modified as to apply the modified rule to all other drift wood except those exempted, then the resolution would not affect those exempted. However, in view of the hopeful suggestions made by the Hon'ble Member to the effect that he will lay the matter before the Conservator for his consideration, I think the Hon'ble Mover may, for the present, withdraw his resolution.

THE HON'BLE THE PRESIDENT :—The question before the Council is :—

That this Council recommends to the Government of Assam to allow the public to catch and use drift wood and unmarked timber by a system of permits Government retaining the power to sell to drift wood contractors the right of catching marked timber only or that at least an experiment to this effect be made for a period of three years.

I think the "Noes" have it. The Noes have it

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—The question may be put to the vote.

THE HON'BLE MR. W. J. REID :—It is too late surely, Sir; you had already announced your decision.

THE HON'BLE THE PRESIDENT :—The resolution has been declared lost.

Power of Local Boards to levy tax on Vehicles.

KHAN SAHIB ALAUDDIN AHMED CHAUDHURI :—The resolution which stands in my name runs thus :—

This Council recommends to the Government of Assam that the Assam Local Self-Government Act be so amended as to empower the Local Boards—

(1) to levy tax on carts, carriages or other vehicles of all descriptions plying for hire or commercial business over the roads under the control and administration of Local Boards,

and

(2) to make bye-laws for the registration and numbering of carts and carriages subject to conditions and payment of fees to be determined by each Board.

Under this there is an amendment proposed by my Hon'ble friend Babu Krishna Sundar Dam which I do not oppose. That amendment proposes to omit the words "for hire or commercial business" occurring after the word "plying" in clause 1 of my resolution.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Is the Hon'ble mover making the amendment himself ?

THE HON'BLE THE PRESIDENT :—I was going to say as regards this amendment that the list of resolutions showing the order in which they were taken was only published yesterday evening and that if no member objects, perhaps it may be moved as it is not of any particular importance.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—I would rather suggest that if the mover accepts the amendment he himself may move the resolution in the amended form instead of allowing it to be moved separately.

THE HON'BLE THE PRESIDENT :—It will be more convenient if the mover will move his resolution in the amended form.

KHAN SAHIB ALAUDDIN AHMED CHAUDHURI :—I read the resolution as amended :—

This Council recommends to the Government of Assam that the Assam Local Self-Government Act be so amended as to empower the Local Boards—

(1) to levy tax on carts, carriages, or other vehicles of all descriptions over the roads under the control and administration of Local Boards,

and

(2) to make bye-laws for the registration and numbering of carts and carriages subject to conditions and payment of fees to be determined by each Board.

Sir, with the improvement of communications the traffic of carts, carriages and other vehicles over the roads under the Administration of Boards has enormously increased, damaging the roads a good deal for which the Boards over and above the ordinary repairs have to incur an additional expenditure in special repairs. While the Boards are thus required to meet the increased expenditure every year, their income from government grants, etc., are diminished and are liable to further diminution in future. The demands for water supply in the rural areas, for increased grants to dispensaries for medicines, which involve the question of life and death, are most unavoidable burdens of the Board. Education is another item which absorbs almost half their income. Thus the Boards are not in a position to incur additional expenditure on special repairs to the roads for the interests of wheeled traffic only, unless they are financed by taxation and it is quite in keeping with the fitness of things that vehicles of all descriptions using the roads and enjoying the benefit thereof must be made to pay for. But under the existing law, *viz.*, the Local Self-Government Act, no power of such taxation or of making any bye-laws for the registration and numbering of carts and carriages or other vehicles and of controlling them in any way has been given to the Boards. It is thus absolutely necessary that the Local Self-Government Act be so amended as to empower the Boards in this direction so as to meet the demands of expenditure. I understand that in the Bengal Council a similar resolution was moved in the last September session by a non-official member and accepted by the Hon'ble Minister for Local Self-Government. My resolution is a modest and reasonable one. It does not propose to give money, but rather to make money. I therefore request the whole house to lend its whole-hearted support.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Government has no objection on principle to the resolution being accepted but as it is particularly a matter of popular interest, I will leave it to the Council and if the Council is prepared to carry the resolution, I will take steps to consult the Local Boards on the question and undertake legislation as early as possible.

I would point out that recently—if newspaper reports are correct—the representatives of the District Boards of Bengal held a conference in which the question of levying taxes on carts and carriages in District Board areas was discussed and that they decided to levy such taxes.

SRIJUT NILMONI PHUKAN :—Sir, I heartily support this resolution because it is quite just and proper that these village roads or Local Board roads should be kept in proper order when they are used by vehicles of all descriptions. When these very vehicles damage oftener than not those roads why should they not be taxed properly?

So it is only just and proper they should have no objection to these carts and carriages being taxed. I support the resolution.

KHAN BAHADUR MUHIBUDDIN AHMAD :—May I ask the Hon'ble Member a question—whether these “vehicles” include motor cars.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Of course it will. Does not the resolution state anything about it?

MAULAVI MUNAWWARALI :—Sir, I have to ask the Hon'ble Mover what he means by the term “ply”? Does he imply “ply” habitually?

KHAN SAHIB ALAUDDIN AHMED CHAUDHURI :—Well, it does not necessarily follow that the carts should ply habitually or occasionally. They may ply when they are wanted. Many carts ply habitually and many ply occasionally.

MAULAVI MUNAWWARALI :—My intention was to know whether he meant “habitually.”

THE HON'BLE THE PRESIDENT :—I think if the Hon'ble Member owned a motor car in England and took it out for a day in the particular area in question he would have to pay the tax.

MAULAVI MUNAWWARALI :—My intention was to draw the attention of the House to the difficulty that might arise in realising the tax, when a cart passes only occasionally, probably once or so in the year.

KHAN SAHIB ALAUDDIN AHMED CHAUDHURI :—That will be done when the Bill is introduced and when the amendment is made. Sufficient safeguards may be made then.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Yes, I think these points may be discussed when legislation is undertaken.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, I rise to support the resolution whole-heartedly. Anyone who has experience of the Local Boards cannot but support this resolution. The roads are considerably damaged and cut away by these carts and other vehicles. Lots of money are spent in repairing, constructing them, still they are mercilessly destroyed by these vehicles. So it is meet and proper that those who use these roads by plying carts, etc., should pay something for their up-keep, and for this reason, I again support the resolution whole-heartedly.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, I am sorry I cannot support this resolution moved by the Hon'ble Member. Firstly, it will be a tax on poor people and secondly even though damage is caused by these carts—wherever there is a road there must be damage—these roads are particularly meant for the poor people, for the use of these poor villagers, for the use of their carts and other vehicles. My second point is that though we spend money for the repair of these roads, this money, where does it come from? We get this money from the people and are we again going to tax them for the repair? Now, Sir, another point against this that it will affect our commerce, because these poor people use these roads and ply their vehicles and carry raw materials for export, and if we tax them, if we put a tax on these vehicles then it will affect trade and commerce and it should be our bounden duty not to hamper the trade and commerce which is the only means for the prosperity of the country. Now, Sir, to tax raw materials is to tax ourselves indirectly, because these raw materials if taxed will rise up in price. People will raise the prices of these raw materials, thus indirectly taxing ourselves. Are we then going to tax ourselves? On these grounds, Sir I cannot support the resolution.

MAULAVI RASHID ALI LASKAR :—Sir, the resolution has been so far looked at generally only from one side that if the carts and vehicles are allowed to damage the roads they should be made to pay something for repair. I think that it is true and it is desirable to take something out of those who use these roads. But it has another side also. There are roads which vehicles, motor cars, etc., cannot safely use, roads are left uncared for. Now, if these vehicles are taxed these roads also on the side of the Local Boards should be kept in proper order. From that side also I think the resolution should be carried, supported by all. Therefore I support the resolution.

The resolution was adopted.

Teaching of Hygiene.

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

This Council recommends to the Government of Assam that the teaching of simple hygiene including simple lessons on temperance be made compulsory in the schools in Assam up to the Middle English.

A wise man has said "Train up a child in the way he should go; and when he is old he shall not depart from it." A certain religious body who has kept orphanages for centuries and has studied the psychology of childhood has expressed in words like these "give us a child until he is eight years old, and he will cling to our society when he is old."

These sayings of those who have studied the impressionable mind of children show that knowledge imparted to young minds remains with them and becomes a part of their mental habits. Among all the branches of knowledge that should be imparted to young scholars, this knowledge of *hygiene* and *temperance* is one of the most important. The knowledge of one's body, of the laws of health and of the habits which affect their physical, mental and moral welfare ought to be classed among the most important branches which a child needs to learn. This is easily recognised by any one who knows that the lessons on hygiene and temperance may be made so simple that a little child will be interested in learning them.

There is now in the school some kind of teaching on this subject of hygiene and temperance, but this teaching is not *compulsory*. Though it is stated somewhere that the study of certain books containing certain lessons on hygiene and temperance, which have been prescribed and which are supposed to meet the demand, is *compulsory*, yet when the fact is known that the students are not examined in this subject, I think that the word *compulsory* used in this respect is misleading. We call a subject a *compulsory* subject only when it is classed among the text-books in which the students are examined. This is what I understand by the word *compulsory*.

By the wording of the resolution, that "the teaching of simple hygiene including simple temperance lessons be made compulsory," I mean that this subject of hygiene be classed among the subjects to be taught by the teachers to be studied by the scholars and in which the scholars will be examined as in any other subjects.

The reason, Sir, why I want that the teaching of hygiene should be properly imparted to the scholars up to the Middle English standard is this:—

If we do not impart the knowledge of one's own body and the laws thereof or the laws of health to the scholars up to the Middle English standard, the greater number of the literates of our province will remain in total ignorance of the very things which will make them happy in life, for many of our scholars are not able for some cause or other to continue their studies further than the Middle English. It is a well known fact that the poor and also those who are ignorant of the first laws of health are the people who become the victims of epidemics. Knowledge of these laws of health is at present made very simple by some writers. Simple lessons in the form of stories are given which are interesting to children. Also the knowledge of one's own body has been made very simple by some writers—so simple that little children enjoy to have such knowledge of themselves. Charts of the human body are hung up on the wall and children are shown the different organs of their bodies, and are instructed in regard to their various functions. Such simple knowledge of hygiene and of one's own body is being imparted to children in other countries. If children are taught sums in mathematics and are taught geography, they can also be taught the knowledge of their own bodies.

Again, Sir, the reason why I want that in the teachings of simple hygiene, simple temperance lessons should be included is this—I have no doubt (whatever our individual inclination at the present time may be) that all will agree with me, Sir, that we want the succeeding generation to be totally free from all intemperance or from all habits that are injurious to the body, such as opium, *bhang*, *ganja*, liquor, etc. Such a happy day can never be inaugurated if we don't begin to properly and earnestly impart the knowledge of temperance to our young people now. These children of to-day will be the rulers and legislators and voters to-morrow. And with such an important knowledge of the evils of intemperance, they will make the country practically dry, and free from all harmful drugs. It is this kind of teaching in the schools that will make a nation a sober nation in the future.

Now, Sir, I do not see any reason why any one should raise any objection to this resolution. The objections raised last year against my resolution which was clothed in somewhat dazzling apparel cannot be brought against it now when it appears in its simple clothing. So I will not take the time of the Council by anticipating any objection against this resolution. If there be any, though I hope there will not be, I will answer later on.

MR. J. R. CUNNINGHAM :—Sir, I am instructed by Government to say that while they cannot accept the resolution in its present form they are anxious to meet the wishes of the Hon'ble Mover. I am to say that they would be prepared to appoint a committee to frame a graduated syllabus of instruction in hygiene and temperance in view of similar syllabuses in use in India and elsewhere and to advise in regard to the action necessary to bring this course or these courses of study into general and effective use in schools of the province. If this is approved the Hon'ble Member would favour the Government by accepting a place in the committee. If this suggestion is accepted he may not wish to press his resolution.

REV. J. J. M. NICHOLS-ROY :—Do the Hon'ble Mr. Cunningham mean to say, then Sir, that a committee will be appointed soon to consider this question?

MR. J. R. CUNNINGHAM :—Yes, to consider it in all its bearings—to frame a graduated course of instruction in hygiene and temperance in the light of similar syllabuses in use in India and elsewhere and advise in regard to the action necessary to bring this course or these courses into general and effective use in the schools of the province.

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

THE HON'BLE THE PRESIDENT :—Do you wish to speak with reference to what Mr. Cunningham said? I do not see why you should have two opportunities of making a speech. You have a right of reply of course.

REV. J. J. M. NICHOLS-ROY :—Sir, if a committee be appointed to deal with the matter I do not see why then the resolution cannot be accepted, because if the resolution is accepted it will have to be dealt with by a Text Book Committee or some other committee.

MR. J. R. CUNNINGHAM :—Sir, I understand that the Hon'ble Member is not prepared to accept the proposal.

REV. J. J. M. NICHOLS-ROY :—Sir, I am not. If the resolution is to be accepted and then to be dealt with by a committee as to how this teaching is to be introduced in the schools then I accept the proposal.

MR. J. R. CUNNINGHAM :—Then, Sir, I must oppose the resolution. In its present form the resolution is very much simpler than when it came before the Council first, but there are still a considerable number of difficulties in the way. The aspect presents itself to me as immediately open to objection. The objection lies in the words "that this instruction be made compulsory in the schools of Assam" that it be made immediately compulsory in all schools. There are grave difficulties in the way. I have no doubt whatever that if a course were framed and offered to the public the mover of the resolution and the Council would find that every school which was in a position to offer instruction on the subject would be eager to do so; but to make the introduction of the subject immediately compulsory would be to call on a large number of teachers to teach what they do not themselves understand and to invest the effort in an absorption of humbug and unreality from which it would not readily emerge. The offer which has been made is extremely fair and endeavours to meet the wishes of the Hon'ble Member is I think the most sympathetic spirit. Let me read the proposal again :—

The Government would be prepared to appoint a committee to frame a graduated syllabus of instructions in hygiene and temperance in view of similar syllabuses in use in India and elsewhere and to advise in regard to the action necessary to bring this course or these courses of study into general and effective use in schools of the province.

I do not conceal from the Council that the action necessary will be complicated and the task somewhat arduous. With these words I must leave the resolution to the consideration of the Council.

SRIJIT NILMONI PHUKAN :—Sir, in view of the clear assurance given by the Hon'ble Mr. Cunningham that the Government is going to appoint a committee to discuss the question in all its bearings I think the Hon'ble Mover may withdraw the resolution and that will serve the purpose.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I agree with the Hon'ble Member who has just spoken that the suggestion coming from the Director of Public Instruction is a fair one and endeavours to meet the wishes of the Council. Of course the Hon'ble Mover of the resolution wants to make the teaching of hygiene compulsory and I was one of those who supported him last time, but as the matter is going to be examined by a committee composed of persons who will be competent to deal with it I think the offer made by the Director of Public Instruction ought to be accepted by the Hon'ble Mover.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, there is one point which I think has escaped the Hon'ble Member. It is that in that committee he will be a member and he will be able to advise on the subject. In case the Hon'ble Member has not noticed this point I draw his attention to it.

REV. J. J. M. NICHOLS-ROY :—Sir, on second consideration and listening to what the Hon'ble Mr. Cunningham has said again I think the proposal is fair and I accept the amendment that he has made, and so, on this consideration I withdraw the resolution.

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

Powers, etc., of Mauzadar.

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—Sir, my present resolution is :—

- (a) That this Council recommends to the Government of Assam that the Mauzadari system be extended to all the temporarily-settled portions of the Province of Assam.
- (b) That as an experimental measure one experienced Mauzadar of each district be vested with all the powers of a Sub-Deputy Collector.
- (c) That in future no one, who is not at least a matriculate, be appointed as a Mauzadar.
- (d) That Mauzadars, while performing duties similar to those of a Sub-Deputy Collector in the mofussil be allowed travelling allowance at the same rate, as Honorary Magistrates.
- (e) That the Mauzadars be invested with powers of Honorary Magistrates.

Sir, at present some of the Mauzadars in Assam Valley are doing the *ex-parte* mutation, etc. I hope all the Mauzadars will be able to do all the duties of the Sub-Deputy Collector if they are entrusted with the work of the Sub-Deputy Collector. The settlement work and correction of records are closely connected with the collection works. If a piece of land is settled with bad payers it is difficult for collecting officer to realize revenue; on the other hand if there be any mistake in the settlement records, the collecting staff is to get troubles for it. But if the settlement works and revenue collection is done by one officer it will be very good. In this way the Government will be able to curtail the expenditure by abolishing the post of the Sub-Deputy Collector and in time there will be no necessity of Sub-Deputy Collector. If the Mauzadars get the settlement power as Assistant Settlement Officer and if there be waste land fit for settlement he will always try heartily to get all the land settled by the people. He will try to induce people to increase the revenue of his mauza because he will himself be gainer as his commission will be increased. Hence, there is every reason to believe that Mauzadars will take much interest regarding the settlement than a Sub-Deputy Collector. Because a Sub-Deputy Collector has no loss or gain if the revenue of his Circle increases or decreases. He will get his fixed pay according to the time scale.

The Mauzadars are local men, therefore they get much sympathy from the villagers. On the other hand, the villagers also can expect much sympathy from the Mauzadars than the Sub-Deputy Collectors.

THE HON'BLE MR. W. J. REID :—Sir may I interrupt the Hon'ble Member? I suggest, Sir, that this is an onerous resolution and it might be more convenient for the Council if the Hon'ble Member took his various suggestions one by one. It would be rather hard to deal with them all together.

THE HON'BLE THE PRESIDENT :—Will the Hon'ble Member take up his suggestions *seriatim* as he proceeds.

MR. A. J. G. CRESSWELL :—Sir, I rise to a point of order. The resolution covers such a large number of heads that it seems almost impossible to arrive at an opinion unless they be discussed separately.

THE HON'BLE THE PRESIDENT :—It is quite possible to put the various sub-clauses of the resolution separately to the vote.

Will the Hon'ble Member kindly proceed?

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—At present some of the Mauzadars of the Assam Valley.....

SRIJUT DALIM CHANDRA BORAH :—Which part of the resolution is this?

THE HON'BLE THE PRESIDENT :—I think if we leave the Hon'ble Member to finish his speech uninterrupted we shall get through the business quicker.

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—Again the Government will not have to provide Head of settlement staff, that is, Sub-Deputy Collectors. Thus, a large expenditure will be curtailed. On the other hand, it will be necessary for the Government to appoint well-qualified men as Mauzadars in consequence of which the status of the Mauzadars will be much improved. I hope the Government will admit that the service of the Mauzadar is politically important than the Sub-Deputy Collector, for the present I do not suggest to abolish all the posts of the Sub-Deputy Collectors but I only suggest that for experiment one Sub-Deputy Collector's post should be abolished from each district and the competent Mauzadar of the district should be empowered with all the powers of the Sub-Deputy Collector and the Patwari and Kanungo will serve under the Mauzadar who are now working under the Sub-Deputy Collector. At present, some Mauzadars are exercising the powers of the Honorary Magistrate and I suggest that all the Mauzadars who will be entrusted with the powers of the Sub-Deputy Collectors should be empowered to exercise the powers of the Honorary Magistrate too. Thus, the Government will realise much work from the Mauzadar. I do not suggest to dispense with the services of the present Sub-Deputy Collectors. Gradually, they should be promoted to the Extra Assistant Commissionership and no direct appointment should be made so long all the Sub-Deputies are not promoted to the Extra Assistant Commissionership.

THE HON'BLE MR. W. J. REID :—I find myself, Sir, in some difficulty. Incidentally I have to deal with four sub-resolutions, if I may call them so, whereas the fifth falls to the lot of my Colleague. I should like, Sir—I have no wish to take up the time of the Council unnecessarily—to know whether the Hon'ble Member wishes to put 2(a). If he does not, I need not waste the time of the Council by dealing with it.

MR. E. S. ROFFEY :—On a point of order, Sir. I would like to refer you to Rule 72(a) and to suggest that this resolution is not in proper form. Under that rule no resolution shall be admissible unless it is clearly and precisely expressed and raises a definite issue. This resolution raises I think five different issues, and is therefore not in proper form.

THE HON'BLE THE PRESIDENT:—I think the resolution is quite in order. It raises several distinct issues. The Hon'ble Member has not referred to one or two of them. He is not referring, I think, to the question of travelling allowance or to the more important question of extending the system to all the temporarily-settled tracts.

THE HON'BLE MR. W. J. REID:—Then Sir, may I ask what the Council would like me to reply to? If I am to reply to (a) (b) (c) and (d) I am perfectly prepared to do so. The Hon'ble Mover as far as I could hear only dealt with resolution 2(b).

MR. A. J. G. CRESSWELL:—Sir, in the circumstances I would suggest that the Hon'ble Mover be asked to withdraw his resolution.

THE HON'BLE MR. W. J. REID:—It may save time if I deal briefly with them all. The first part of the resolution about extending the mauzadari system we cannot accept. The Hon'ble Mover is not easily daunted, for he moved a similar resolution last year which was rather less wide as it referred only to the district of Cachar. This time his resolution covers the whole province. There are only one or two places in the temporarily settled areas in the province where we have not got *mauzadars*, and for that there are special reasons.

As regards the second part of the resolution the Hon'ble Member made the suggestion, as far as I was able to make out, that we should get rid of all Sub-Deputy Collectors, that we should get rid of all our settlement staff, that we should employ *mauzadars* in place of these officers. He said that this was a very good principle to follow. The trouble, Sir, is that this principle is definitely opposed to what has been our standard hitherto. In a Government Resolution of 1914 which dealt with *mauzadars* and with the improvement of their position, it was expressly laid down as essential that the land revenue demand statements should be prepared by an agency other than that of the *mauzadar*. From this we have not departed, and the difference between our point of view and that of the Hon'ble Mover is so marked that I do not see any hope of agreement. It is true that selected *mauzadars* are given certain of the powers of a Sub-Deputy Collector. I do not deny for a moment that this is very useful. It is an advantage to the *raiyats* that uncontested mutation and partition cases should be settled on the spot by the *mauzadar* when he visits the village. At the same time our main reason for giving these powers to the *mauzadar* was to restore his authority, to increase his prestige, to let every one see that he is a bigger man than the *mandal* or the *kanungo* and that he can call these people out to assist him in his land records work. We could—we should be sorry to do this—exempt the *mauzadar* from the performance of those duties of the Sub-Deputy Collector which he now performs. But no case has I submit been made out for doing what the Hon'ble Mover suggests.

The third part of the resolution recommends that no one who is not at least a matriculate should be appointed a *mauzadar*.

I can only say that in my own experience, and in the experience I may say of many other officers this stipulation would rule out some of the best *mauzadars* that we have got. In particular it would often prevent any one belonging to a backward community from ever becoming a *mauzadar*.

Lastly as regards the suggestion about travelling allowance I have explained that we did not transfer the duty of dealing with uncontested mutation and partition cases to the *mauzadar* in order to save the Sub-Deputy Collector's time or to save money. At the same time we believe that as the *mauzadar* must in the discharge of his duties visit every village in his charge it is a very good thing that people should get undisputed changes of ownership or occupation recorded summarily on the spot without trouble. We hold that it is essentially the *mauzadar's* duty to go to all his villages, and he decides these cases on the spot because he happens to be there. The suggestion in the resolution clearly is that as we impose additional duties on the *mauzadar* we ought to pay him travelling allowance for undertaking these duties.

I have tried to show that this is not so. I do not think, Sir, that I need weary the Council further.

THE HON'BLE MR A. MAJID :—Sir, the last part of the resolution is to the effect that every mouzadar should be an Honorary Magistrate.

Government appoint gentlemen as Honorary Magistrates not for adding to their prestige but for the convenience of the public where there is more work than the stipendiary staff can deal with. In making these appointments, care is taken that men who have proper qualifications for discharging magisterial duties are appointed as Honorary Magistrates, and Government have gladly utilized the services of mouzadars as Honorary Magistrates in very many cases. Although some Mouzadars have rendered good services as Honorary Magistrates, it does not follow that every mouzadar will make a good Magistrate. Some mouzadars may not be qualified for the post, others may be qualified to sit on a Bench but not to sit singly, and it may not be convenient to form a Bench sufficiently near to their homes to enable them to sit regularly. The present policy of Government is to form village courts and village Benches, and it is hoped that on many of these the mouzadars will sit. The village Benches and village Courts are preferable to ordinary Magistrates' Courts as the procedure in village Courts and Benches will be simpler and has been specially designed so as to avoid the delays and the consequent harassment of parties and witnesses which frequently occur in the Courts of Honorary Magistrates. On these grounds, Government are unable to accept this part of the resolution.

BABU KRISHNA SUNDAR DAM :—Sir, I wish to say a few words. Two Members of the Government have already expressed the view that they found it difficult to understand the scope and principle of the resolution and I think several other members of the Council have likewise experienced the same difficulty. I for myself also join them in expressing my difficulty in understanding fully the spirit in which this resolution has been put forward. My Hon'ble friend wants in the long run to wipe out the Sub-Deputy Collectors and further to add to his powers he wants that the mouzadars should be invested with powers of Honorary Magistrates. Of course, I am surprised to find that he has not asked for any powers to be conferred on him under the Police Act. When I heard my friend say that mouzadars are of political importance I was suspecting that he would ask the Hon'ble Finance Member or some other Members of the Government in the case of failure of the present resolution, for some powers to be conferred on him as mouzadar under the Police Act, for example, the powers of a special constable or special Sub-Inspector and so on. In that capacity he may serve the country very well and

perhaps save his poor countrymen from the mischiefs of the additional taxation which has been now imposed upon them as the result of the Punitive Police placed amongst them.

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—Sir, the wording of the Hon'ble Member is strictly objectionable. I did not ask to be a Police Constable.

BABU KRISHNA SUNDAR DAM :—Sir, I apologise for the remarks if they have wounded my friend's feelings. I was really puzzled to hear of the political importance of the mouzadar. I think the Hon'ble Mover has been assured by the Finance Member that everything has been done and will be done with a view to enhancing the powers of the Mouzadar in order to make them look bigger and bigger in the eyes of the people. Of course, Sir, to this I have nothing to object. Let the Mouzadar look bigger, and bigger but what I object to is that he should not be always invested with powers of Magistrates because particularly in these days in conferring such powers upon anybody and everybody the Government ought to be more discreet than before; Let mouzadars be collectors as before. Let them be invested with any other powers as a class with which we have no concern except those of a Magistrate.

MAULAVI RASHID ALI LASKAR :—Sir, I had a mind to remain silent and to vote against the resolution, but fearing that my silence might be construed as assent or might be dangerous in this way that Hon'ble Members who come from the permanently-settled districts might not fully understand what are the ideas of the people coming from the temporarily-settled districts. I am compelled to say a few words about part (a) of the resolution. This very resolution was moved last year in a lesser or modified form and there was much discussion on it. I myself had opposed it, after having discussed its demerits rather in detail. But I must admire the courage of the Hon'ble Mover who was once before defeated in this Council on a similar resolution which was narrower in scope than the one under discussion and I am the more surprised to find that within a year's time he has brought up another resolution for extending the mauzadari system throughout the whole province.....

THE HON'BLE THE PRESIDENT :—Not for the whole province; only temporarily settled tracts.

MAULAVI RASHID ALI LASKAR :—Yes, Sir, I correct myself.

At least for my district Sir, this is an exotic plant. It did not suit Cachar district then and my idea is that it does not and should not suit it now.

So, not only I oppose, but I ask the Hon'ble Members of the Council to oppose the resolution, at least the first part of the resolution. Then again, as to the resolution under sub-head (b) the powers of Sub-Deputy Collector, I have an objection against this because generally mouzadars are people of the mauza, men of the mauza generally and if they be invested with powers of a Sub-Deputy Collector, no wonder the power of a Sub-Deputy Collector may be misplaced and also misused. There is every danger of his power being misused there. So I must oppose the second half of the resolution also, I mean (b). If the root, that is, (a) falls the branches, that is the other parts naturally will fall and I need not discuss about them. So I beg to oppose the resolution.

RAI SAHIB BEPIN CHANDRA DEB LASKAR :—Sir, I wish to withdraw this resolution.

With the permission of the Council the resolution was withdrawn.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the resolution I rise to move is this:—

That this Council recommends to the Government of Assam that recruitment for all-India services be stopped for the next five years.

I confess I did not anticipate that my resolution could be reached to-day I must therefore apologise to the Council for being a little unready. However, I shall try and do my best. My attention has just been drawn to a similar resolution in the Central Provinces Council. With the permission of the Council I will just read the account which is a brief one.

“An important resolution was moved by Mr. C. H. M. M. Pande that recruitment in the British Isles for Imperial services be entirely stopped”.

THE HON'BLE MR. W. J. REID :—I did not catch the words, Sir. Would the Hon'ble Member please repeat it?

RAI BAHADUR PROMODE CHANDRA DUTTA :—My attention has been drawn to resolution passed by the Central Provinces Council...

THE HON'BLE MR. W. J. REID :—It was the terms of the resolution that I didn't catch. I wanted to get the exact words.

RAI BAHADUR PROMODE CHANDRA DUTTA :—An important resolution was moved by Mr. Pande that recruitment in the British Isles for Imperial Services be entirely stopped.

I do not ask for anything like that.

“Mr. Jaiswal moved an amendment which toned it down to a recommendation that such recruitment should be stopped as far as possible.”

Now, so far as I am concerned I do not see any difference between recruitment to all-India services made in England and made in India unless the recruitment in India is made on lower scales of salary than in England. It is for this reason that I have put all “recruitment to all-India services be stopped for the next five years.” Now, I want that in view of the economic condition of the country all recruitment to these services be stopped for five years to enable the province to pull up. The Council will notice that the largest number of these officers belong to the Indian Civil Service and next in order comes the Indian Medical Service. Now it will be found that there are certain offices reserved to the Indian Civil Service. These are so far as this province is concerned the following :—Two Commissioners, four District and Sessions Judges, including Additional District and Sessions Judges and thirteen District Magistrates and Collectors of revenue. That would bring up the number to 19; and for this 19 posts we have got as many as 45 Indian Civil Services officers besides the Hon'ble Mr. Reid who is on the Executive Council. Coming to the Medical Service, there are as many as, I am speaking from recollection, 17 Indian Medical Service officers. Now we have got eight plains district and five hill districts. For these thirteen districts we have got as many as 17. Now, as the Council is aware, during the war a good many

of these Indian Medical Service officers were called away for military duty and the province had to be run practically with the aid of the Assistant Surgeons—and this incidentally demonstrated the fact that the graduates of the Indian Medical Colleges were quite competent to run the province by themselves.

Next, come the other services; in these cases the numbers of the officers are not so large, but large enough for this province. What I submit therefore is that for the next five years there should be no recruitment for the all-India services—such recruitment should not be necessary, I mean in the interests of this province. Some of my friends objected to this resolution on the ground that according to the recommendations of the Public Services Commission 33 per cent. of the appointments in the Indian Civil Service and in the Police (I believe) have been reserved for the Indians and that the effect of my resolution will be to shut out certain Indians who are now aspiring to be elevated into the Indian Civil Service or some other all-India Service from these posts. My submission is that the question is not whether the Indians or the Europeans ought to be the persons who should be appointed but whether the salaries that will be demanded by the Indians as well as by the Europeans are salaries which ought to be paid out of the revenues of this province in addition to the heavy charges which the province is now paying for these services.

Therefore the principal question is whether the services of further all-India officers are absolutely necessary. As to that, I have submitted, it is not necessary to add to the number just at present. Secondly, my submission is that even if it were necessary, in view of the economic condition—the bad economic condition—of this province, recruitment ought to be stopped for the space of five years. After five years it will be time enough for us to see whether recruitment will be necessary in the interests of the province.

THE HON'BLE MR. W. J. REID:—I am afraid, Sir it will be no easy matter to do justice to this resolution. To be frank I did not understand its precise effect, nor had I any means of anticipating the lines on which the Hon'ble Member would press his proposal.

In the first place I am desired by His Excellency the Governor to inform the Council that he considered whether this resolution should not be disallowed under Rule 22(1) of the Assam Legislative Council Rules on the ground that it is not a matter primarily the concern of the Local Government. The reason for this will be found in section 96B, (2), of the Government of India Act, which clearly lays down that it rests with the Secretary of State in Council to make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and so on. But His Excellency decided not to disallow the resolution. He thought that the question as to whether a certain proportion of European recruits for the public services should be maintained is one of vital moment to the future development and destinies not of Assam only but of the whole of India, and he is glad that the responsible representatives of this province assembled here in this legislature should have the opportunity of considering and of stating their opinions on so momentous a question. The Hon'ble Mover and Hon'ble members will of course realise that even if the resolution is carried the only action that this Government can take will be to submit it to the Government of India with their own views upon it.

Well, Sir, it seems to me that the resolution before us differs considerably from the resolution which we are told by the Hon'ble Mover was carried in the Central Provinces Council.....

MR. E. S. ROFFEY :—The result of the resolution was not stated.

THE HON'BLE MR. W. J. REID :—I am sorry if I misunderstood. I remember to have read the debate on a somewhat similar resolution in some Council, but unfortunately did not read it as carefully as I should have done had I known that this resolution was coming forward. Nor have I since had access to the proceedings. But if this resolution means that for five years we should have no recruitment to the All-India services then this Government cannot but oppose it. The Hon'ble Member wants the province, I take it to have rest for five years, to have no more recruits for the Indian Civil Service, the Indian Medical Service, the Imperial Police or any of these services. He suggests that we have a cadre of Indian Medical Service officers in excess of the number of our district charges. As to this, I can neither agree nor differ, medical not being one of my subjects. But he holds that we have in all the All-India services enough officers to carry on for the next five years. Suppose, Sir, that we followed his advice, what would the result be? Presumably at the end of five years we should be short of officers in some of these services. How and from what sources should we fill the gaps? The Hon'ble Member does not think that officers are produced or recruited full-fledged, ready to be invested immediately with full powers, to undertake all the duties that ultimately will fall upon them. I understood him to repeat what he said in his budget speech—that we must make sacrifices in the interests of economy, that while we should all like to have officers of the highest class and with the best qualifications we must put up with such officers as we can afford to pay. On this point, Sir I hope that the Council will not at least be unanimously with him. The Hon'ble Member said frankly that he would make no difference between recruitment in India for these services and recruitment in Europe unless the pay in the former case was based on standards other than those set for the European services. This rather discounts a good deal of what I was going to say. I can however still say that one of the reasons why it is impossible for this Government to accept the resolution is that it seems to be inconsistent with their official loyalty. On this question they wish to refer only to the policy of the Government of India, of the Secretary of State and of Parliament which was first embodied in the Joint Report on Constitutional Reforms and has since then been many times repeated. It has been laid down time after time that with the Indianisation of all the services there must still, for as many years to come as it is possible at present to envisage, be a certain proportion of European—recruited officers in India. The Hon'ble Member will say that he does not dispute this proposition, that by stopping for five years recruitment to the All-India Services he is not ruling out these officers. I suggest as I tried to explain just now that the effects of his resolution would be more far reaching than he imagines.

On the merits of the case, Sir, I propose to say only a word or two. If the stoppage of recruitment meant that we could after five years reconsider, the position and go ahead as before this might not matter so much but it seems to us that there would necessarily be a greater reduction than the Hon'ble Member contemplates. There would we think be a lowering of the level of administrative and technical services which could not fail seriously to

damage the public interests. It would mean that Assam would be suddenly cut off from any fresh supply of officers specially suited after training to hold charge of our hill districts or our frontier tracts, to deal with our medical problems, with our police difficulties, our educational, engineering, and agricultural problems. No one supposes that the All-India services are recruited simply for judicial or ordinary administrative duties. We should deprive ourselves deliberately of fresh technical knowledge, and this at the very time when we all hope to see a policy of advance and development. In spite of our present financial embarrassments some of us at least have not yet given up hope.

For these reasons, Sir first in view of our loyalty to the Government of India, and secondly, on the merits as we understand them we oppose this resolution. Therefore the Government representatives present will vote against it.

SRIJUT NILMONI PHUKAN :—Sir, on principle I also should like to oppose this resolution. Because even for the last two years I think our representative in the Legislative Assembly is pressing the question why effect was not given to the Public Services Commission's recommendations as yet in the province of Assam. We also press from time to time that our provincial Medical Service men should be listed to the Imperial Service and provincial Executive officers also. So just at this moment when there is so much talk about the Indianisation of these services we cannot give a check to it and support this resolution. Of course if it is a question of heavy salary it is quite a different thing but why should we be deprived of the services of these highly qualified men at this time when we are actually making for progress in every department of Government.

BABU KRISHNA SUNDAR DAM :—Sir, I welcome this resolution. This is another instance of the anxiety which people in general feel about the financial future of the Reform. This resolution is only an indication of how anxious we are about the future of the Government here. After what we have heard from the Hon'ble Finance Member I think there is no harm likely to arise from the Council accepting this resolution, because as the Finance Member has said he will submit the view of the Government together with the view of the Council to the Secretary of State, and then it will be decided by higher authorities. I think it is the duty of the Council in view of the present financial crisis and the present helpless state of the province to place this resolution before the Government of India. The acceptance of this resolution will mean that it will give us five years' time in which we are to adjust our accounts properly—in which to show whether we are fit, financially for provincial autonomy or not. One thing we are perfectly sure of and that is that if we allow things to run in the present way there is a very dark future before us. With these few words I request the Council to accept this resolution.

MAULAVI RASHID ALI LASKAR :—Sir, we always like to go by experience rather than upon theories, and if so what is our experience about the temporary acting of the provincial men in the place of Indian Civil Service and Indian Medical Service. We saw Assistant Surgeons or senior Extra Assistant Commissioners working in place of Indian Medical Service officers or Indian Civil Service officers and running subdivisions and districts just as well, if not better than, any other senior Indian Medical Service or Indian

Civil Service officers. From this I think that our province won't suffer for a time only if recruitment be stopped for a few years. Then, again, what is the intention of the mover of the resolution? It apparently is clear when there is so much crying and pressing for inclusion of the Indians in the Indian Civil Service and when there is already a commencement made in this direction that the Hon'ble Mover is pressing for the stopping of recruitment for a time with the *bona fide* intention of economy and making both ends meet. Otherwise he would not move a resolution for stopping some of the Indians getting some of the All-India posts. Then about some of the members' suggestion that some of the men of India will also be barred if the resolution be carried, from entering the All-India Services, I say what is really objectionable is heavy salaries and not the incumbents of these posts. The country is now running under a deficit and face to face with new taxation. In these circumstances I think we should see whether we can without additional taxation by some other makeshifts, and this appears to me to be a makeshift, without any risk or without in any way impairing our provincial administration master the situation. Again the resolution even if carried won't be binding upon the Government. This would only show how the country feels. What is the idea of the Council. It would even if carried mean a recommendation to the Government of India or the Secretary of State and nothing more. This will show our earnestness for economies for making both ends meet and not any other intention, so I venture to support this resolution.

MAULAVI MUNAWWAR ALI:—I beg, Sir, to speak a few words in favour of this resolution. As the Hon'ble Member who has just preceded me points out that during the war the administration was carried on almost as efficiently as before by the senior Indian officers in place of the Indian Civil Service members who were taken to the Front, I think the experience has justified that efficiency does not become lowered if the administration is carried on by efficient Indians who have proved their abilities in their official career. Our cry is Indianisation of the Services. If it is aspired after for fat salaries for Indians, then the aspirations of Indians must be very low and their ideals of Nation Building set at a very low scale. To my mind the cry for Indianisation is that the Indians should get more and more into the machinery of the Government and also there is another vital point involved in this that European officers who are recruited here remain here for a period of time only and then go away with all their experience, on their retirement. It would have been much better if our European officers were to remain with us. It is conceded that they are yet superior in their intellect and expert knowledge and in this connection I will quote an utterance probably of the late Dadabhai Naroji who said that it is a pity that our teachers after a short period of stay here leave us and go back to their country with the vast experience at their back. He wished it could have been possible for them to remain in India, to help India, and to teach Indians after their retirement too, to me Sir, Indianisation means this. Vast economy would also be effected inasmuch as Indians could be available on very much less salary. The resolution is nothing but a recommendation to the India Government to move the Secretary of State in the matter and is justified also by the fact that the province is confronted with a vast deficit. Apparently it has a deeper meaning in the points that I have already referred to. I would therefore, Sir, request the House to see as to whether it would not be well for us to try the experiment for five years only. Moreover, it is not new experiment but a

tried one which was found not wanting during the war. In my opinion, Sir, a great economy will be effected. The House should be at one with us in getting the Government to move the India Government to listen to our prayer in these difficult days of our financial crisis.

With these few words, Sir, I wish the House to accord its hearty support to the resolution.

MR. A. R. EDWARDS:—Sir, I understood one speaker to say that we had 17 Indian Medical Service Officers in the Province. There is a mistake about this; the number is about 12.

RAI BAHADUR PROMODE CHANDRA DUTTA:—I was just speaking from memory as I said.

MR. A. R. EDWARDS:—There are four or five districts in charge of Provincial Service men and Military Assistant Surgeons. The actual number is somewhere about 12.

MR. A. J. G. CRESSWELL:—Sir, I desire most emphatically to oppose this resolution as it seems to me that the suggestion not to recruit for the All-India services for a period of five years can only result in retarding the progress of the province and thus postponing any chance of early Self-Government.

RAI BAHADUR PROMODE CHANDRA DUTTA:—I just want to say a few words by way of reply, I am afraid I have been misunderstood. I did not mean to underrate the services of the All-India services to this country. I think they bring to the service of this country talents of a high order. What I meant to say is that with the number we have got in this province we can carry on for 5 years without loss of efficiency. I have been asked to say how the gaps would be filled up. To this I would suggest that there are people in the Provincial Services who would be good enough for filling up the gaps at least for a temporary period. The number of officers as I have said in the Indian Civil Service is about 45. I do not know how they are utilised. I have looked at the Civil List and tried to find out how they have been employed. I for one can say with the clearest conscience that there are Members of the Assam Civil Service who could take their place with credit to themselves and advantage to the province. With regard to the Medical Service, during the war many Indian Medical Service officers were called away on Military duty and their places were taken by Assistant Surgeons and these officers ran the province for 5 years without loss of efficiency—at least I have not heard any complaint from the public in regard to their fitness. In regard to the other services, I do not know how many officers there are in the Police Service, but I do not expect that all of them would be retiring within the next 5 years. There are a good many Assistant Superintendents and there are also a good many Deputy Superintendents of Police

and Inspectors of Police and I do not see why they should not be able to carry on the administration for a period of 5 years. So also with regard to the other All-India services. Let us take the Agricultural Department and the Veterinary Department and some other departments where the number of All-India officers is small. In every such service we have got Provincial Service men who have been tried and who can take the place of the Imperial Service men for at least 5 years. One of my Hon'ble Friends who is himself an Indian opposed the resolution on the ground that some Indians would fail to get into the All-India Services. The Indianisation of the services means services rendered to this country by Indians on a lower scale of pay and not that Indians should be given the same pay as the Europeans who are recruited outside India. If that is not done I do not see how the Indianisation helps us at all. I therefore submit this resolution ought to be carried by the Council.

THE HON'BLE MR. W. J. REID:—Sir, I am afraid that we have been a little at cross purposes although neither the Hon'ble Mover nor I can very well recede from what we have said. I know the Rai Bahadur will not think that I am against the further admission of Indians into the services, or that I desire for a moment to depreciate the services rendered by the members of our Provincial Services, or that either of these views is held for a moment by this Government. But I suggest again that the acceptance of this resolution means deliberately throwing out the more highly trained Indians no less than the more highly trained Europeans. It is not a question of European *versus* Indian. The point is—can the province at this stage afford to do without any new recruitment to the services which are most largely responsible for the prosperity and well-being of the masses? The Hon'ble Mover raised a question which I cannot discuss here, although I listened with great interest when it was raised by Rai Bahadur Amar Nath Ray a day or two ago. His suggestion, as I understood it, was that when the services are Indianised there should be rates of pay for those services which India can afford to give, that she should pay only salaries sufficient to attract the best Indian talent, and that for the period during which European officers have to be recruited the difference should be made up to them by an overseas allowance or something of that kind. That, Sir, is a most interesting suggestion, but I cannot discuss it, still less pronounce the opinion of the Government on it.

I have one last word to say to the Council. One or two members seemed to suggest that as the effect of carrying this resolution would merely be that it would go to the Government of India for submission to the Secretary of State, no particular responsibility one way or the other rested with the Members of this Council. I hope, Sir, that this view will not find acceptance. I hope that the Members of the Council will vote according to their conscience, as they think right, but I hope that, whether they vote for the resolution or against it they will do so with a sense of responsibility. It surely cannot be the desire of any one that the recommendations of this Council should be made in a spirit of irresponsibility or that it should not matter what happens to them. I have explained the grounds on which the Government members of this Council are constrained to vote against the resolution.

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

Ayes.	Noes.
Maulavi Abdul Khalique Chaudhuri.	Hon'ble; Mr. W. J Reid.
Khan Sabib Alauddin Ahmel Chaudhuri.	Hon'ble Mr. A. Majid.
Rai Sahib Padmarath Gohain Barua.	Hon'ble Rai Bahadur Ghanasyam Barua.
Rai Sahib Radhika Prosad Barua.	Mr. A. W. Botham.
Babu Krishna Sundar Dam.	Mr. A. R. Edwards.
Srijut Bepin Chandra Ghose.	Mr. J. R. Cunningham.
Maulavi Rashid Ali Laskar.	Sard r Bahadur Anjab Ali Khan.
Rai Sahib Amar Nath Ray.	Mr. A. J. G. Cresswell.
Rai Bahadur Nalini Kanta Ray Dastidar.	Mr. E. H. Featherstone.
Munshi Safur Rahman.	Babu Jangin Sangma Laskar.
Rai Sahib Bepin Chandra Deb Laskar.	Khan Bahadur Muhibuddin Ahmed.
Rai Bahadur Pramode Chandra Dutta.	Srijut Lohit Chandra Nayak.
Rai Sahib Munomohan Lahiri.	Srijut Nilmoni Phukan,
Maulavi Munawwar Ali.	Mr. E. S. Roffey.
Haji Muhammad Abdul Ahad Chaudhuri.	Raj Kumar Chandra Narayan Singh.
	Mr. W. E. H. Grayburn.

The Ayes being 15, and Noes being 16 the resolution was declared lost.

SHARE OF INCOME-TAX.

SRIJUT NILMONI PHUKAN :—Sir, the resolution that stands in my name runs thus :—

This Council recommends to the Government of Assam that steps be taken for realisation of entire amount of income-tax on incomes actually earned in the province within the province itself.

Sir, the object of moving this resolution is that our new financial relations have entitled every province to have a share of the taxes on income, and under the Devolution Rules we are now entitled to a share of that income-tax. So we cannot be indifferent to it any more. It will be our anxious desire to get as much income-tax collected within the province as possible. That will fetch us a proportionately greater share; and with that end in view I desired to move this resolution. At present so far as my knowledge goes all the assessable income-tax is actually not collected within the province. There are many business concerns, business firms who actually pay their income-tax outside the province and my main object is to get all this income-tax collected in the Province so that we may have a greater share in it. Only with that end in view I have moved this resolution, and I am sure the House will support me in this matter.

THE HON'BLE MR. W. J. REID:—I am afraid, Sir I shall have to trespass on the patience of the House for some little time. When we received notice of this resolution we welcomed the opportunity of explaining to the Council what we believe to be the just demands of this province to a greater share of income-tax than it gets at present, or rather than under present arrangements it will get of any future increase. We cannot for reasons which I shall try to make plain accept the resolution as it stands, but I hope later to suggest an amended resolution which possibly the Hon'ble Mover and the Council will accept.

Well, Sir, before the Reforms Income-tax was what is known as a divided head of revenue. The Central Government took half the receipts and the provinces took half. In saying this I exclude the additional taxation which was imposed as a War measure. Of this the provinces got no share. Years ago, in the days of Eastern Bengal and Assam and later in the early days of Assam, we examined the position. We thought, like the Hon'ble Mover, that it was unfair that industries in the province which earned profits inside the province but the profits of which were assessed in Calcutta should contribute nothing to the provincial exchequer. To give merely one concrete instance—the Tezpur-Balipara Tramway—this is entirely within the province, its working is completely there, its profits are assessed in Calcutta and the tax was reckoned in the divided head shared between Bengal and the Central Government. In the old days, as I have said, the Bengal Government took half the proceeds, the Government of India the other half. In those days the provinces were working under what were called financial settlements; and if we had protested against this method of crediting income-tax receipts this would only have meant that when the settlement was renewed we should have been given credit for a higher figure under Income-tax and been given a lower figure under something else, while Bengal or the other province concerned would have got compensation in the same way. To take the last financial settlement under which this province worked, after the normal income and expenditure under the different heads had been set forth there was a balance against us of I think something between five and six lakhs of rupees. This sum the Government of India used to give to us as an yearly assignment to make our receipts and expenditure figures balance. If we had claimed and obtained more under the Income-tax head this would only have meant that our assignment would to that extent have been reduced. With the Reforms came about a complete change. Income-tax has all along been regarded as one of the heads to the proceeds from which the Central Government has the best claim. If Hon'ble Members will look at paragraph 203 of the Joint Report they will see what I mean. The framers of the Report were anxious to bring about a complete separation of revenues, to have no more divided heads, and they pointed out the reasons why as far as possible income-tax should be assessed on the same lines at the same rates throughout India. This is one of the reasons why as I said we are unable to accept the resolution in the form in which it was moved. The matter was considered by the Committee on Financial relations, the Meston Committee, and again by the Joint Select Committee, and in response to considerable pressure it was decided to give the provinces some interest in any increase of receipts from Income-tax. I dealt with this at some length in my budget speech last year and tried to explain exactly where we stand. I do not want to repeat all that. Put briefly, if assessments of income-tax in this province go beyond the figure assessed in 1920-21 we receive a share in the increase. It follows that as any fresh assessments are made on profits earned in this province it pays us to get

our share. We must admit that the wording of Rule 15 of the Devolution Rules which covers the case is somewhat against us. It begins :—" There shall be allocated to each Local Government a share in the income-tax collected under the Indian Income-tax Act within its jurisdiction." We find again, Sir, in clause 63 of the new Income-tax Act that where an assessee carries on business at any place he should be assessed at that place, or where the business is carried on in more places than one at his principal place of business. It is a matter for discussion in certain cases where the principal place of business of an assessee may be. We have notwithstanding on more than one occasion pressed on the Government of India the view that the intention of Rule 15 of the Devolution Rules is clearly to give to each province an interest in the expansion of income-tax receipts, and that the legitimate expectations of an undeveloped but developing province like Assam will be frustrated unless some means are devised for giving its proper share of income-tax to the province in which the profits are actually earned. We do not wish, Sir, to cause inconvenience to assesseees. We are perfectly willing to accept any just means by which assessments can be made within or without this province but we must receive our fair share of the proceeds. This question was considered by the All-India Income-tax Committee. They say :—" Our opinion has been asked by the Government of India on certain difficulties experienced in the working of Rule 15 of the Devolution Rules which provides for the provinces obtaining a share in the growth of income-tax receipts in so far as that growth is due to an increase in the amount of income assessed. The difficulty is that income-tax on the profits of the Company is collected in the province in which the headquarters of the Company is situated, and the province where the whole of the operations of the Company are carried on does not collect any income-tax from the Company. The non-official members recognise that there must be hardships in many cases, but they are unable to lay down any general rule and leave it to the Government of India to decide where a case is such as to require any specific action." The suggestion was made at one time that an impartial tribunal should be constituted to decide the conflicting claims of the provinces and we welcomed the suggestion. Subsequently we were told that this suggestion had been abandoned. Two suggestions have since been made against both of which we felt bound to protest. The first is that the place of assessment should be decided in accordance with the wish of the assessee. This for obvious reasons would not suit us. Most of our important assesseees have their head offices in Calcutta and would naturally prefer to be assessed there, but we maintained and still maintain that if the only way out of the difficulty is for us to assess the income-tax this will cause no serious inconvenience. As the tax is now assessed and collected little inconvenience is caused to commercial firms of standing that maintain regular accounts and submit the prescribed returns no matter where the assessment is made. The second suggestion, and against this also we had to protest, is that no assessment should be considered at all unless it amounted to one lakh of rupees. What would be the effect of this? How many of our businesses are assessed at a lakh of rupees? I shall try to explain the further reason which we have for objecting to that proposal. We do not wish, Sir, to go back on what has been done. Where for a number of years assessments have been made in Calcutta and the proceeds from income-tax have been credited partly to Central Revenues and partly to Bengal revenues we do not desire to go back on that. In fact the All-India Committee advised against this and their advice has been accepted. But the position in Assam, as we understand it, is that two large saw mills have been lately started in the province, that influential companies have been

floated for the manufacture of sugar and the production of fibre and indigo, that there has been increased activity in coal mining and oil boring. Lastly, should effect be given to the decision to assess to income-tax at least a portion of the profits of tea gardens the matter may become one of great importance. It was in view of that possibility that we objected so strongly to the one lakh limit, because while we might not have more than one or two concerns that reached this limit the profits in the aggregate would clearly amount to a much larger sum.

We have no desire, Sir, to embarrass the Government of India or the Government of Bengal or to give trouble to assesses. But our needs are imperative in view of our financial position, and failing the impartial tribunal and failing any other means we should like again to press on the Government of India, and to press it with the weight of the opinion of this Council behind us, that we must assess in this province the profits which are earned in this province if there is no other way of getting our fair share of the receipts from income-tax, and therefore, Sir, the resolution which I suggest for the Hon'ble Member's acceptance—I am afraid it is somewhat long—is this:—"This Council recommends to the Government of Assam that all possible steps be taken to ensure that the object of Rule 15 of the Devolution Rules, which is to give each province an interest in the expansion of income-tax, is fulfilled, and that the province of Assam is given its proper share of the increased income-tax assessed on profits earned in the province".

SRIJUT NILMONI PHUKAN :—Sir, of course if the House agrees I have no objection to accepting the amended resolution which is now proposed by the Hon'ble Finance Member.

RAI SAHIB PADMANATH GOHAIN BARUA :—Sir, I have listened to the Hon'ble Mover carefully and in consideration of the explanation given by the Hon'ble Finance Member I am of opinion that the amended resolution be accepted.

MR. E. S. ROFFEY :—Sir, may I ask if the word "earned" in the amended resolution means "at present earned" or "at present or hereafter to be earned." I suggest that the words "or hereafter earned" might be added.

THE HON'BLE THE PRESIDENT :—The original resolution runs as follows :—"This Council recommends to the Government of Assam that steps be taken for realisation of the entire amount of income-tax on incomes actually earned in the province within the province itself."

The amended resolution runs as follows :—"This Council recommends to the Government of Assam that all possible steps be taken to ensure that the object of Rule 15 of the Devolution Rules which is to give each province an interest in the expansion of income-tax is fulfilled and that the province of Assam is given its proper share of the increased income-tax assessed on profits earned in the province".

The question is that the amended resolution be accepted.

The amended resolution was put and carried unanimously.

THE HON'BLE THE PRESIDENT :—There will be no morning sitting to-morrow on account of it being Friday which is a day of prayer for Muhammadan members. The Council stands adjourned till 2 P.M. to-morrow the 17th.

S. E. STINTON,

*Offg. Secretary to the Legislative
Council, Assam.*

SHILLONG,

The 8th April 1922.

