



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

The Council met in the Council Chamber, Shillong, on Wednesday, the 15th August 1923, at 11 A.M.

P R E S E N T :

The Hon'ble Rai Bahadur Nalini Kanta Ray Dastidar, *President*, the two Hon'ble Members of the Executive Council, the Hon'ble Minister for Education and Local Self-Government and 41 nominated and elected Members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

RAI BAHADUR RAMANI MOHAN DAS asked :—

1. (a) Has the attention of the Government been drawn to a letter addressed to the Executive Engineer, Cachar Division, by Rai Nagendra Nath Chaudhuri Bahadur, M.L.A., published in the *Sylhet Chronicle* of 26th March 1923? If so, will the Government be pleased to state reasons why such an important road, namely, Sylhet-Cachar Trunk Road, has been neglected in this way? Sylhet-Cachar Trunk Road.

(b) Will the Government be pleased to state what amount of money was allotted for the—

- (a) maintenance,
- (b) improvement,
- (c) supervision,

of this road for the years 1920-21, 1921-22, 1922-23 and what was spent respectively for these years by the Cachar Division?

(c) Is it not a fact that motorists at the time of the Kanairghat troubles had to travel twenty-seven miles—a journey of two hours—in twelve hours from Sylhet owing to the sad and deplorable condition of this road?

(d) Have the Government considered the desirability of putting the road into proper order?

MR. O. H. DESENNE replied :—

1. (a)—The reply is in the affirmative. The complaints made in that letter have been investigated. Since last cold weather very extensive earthwork has been in progress for the purpose of widening and raising considerable portions of the road, and it has been ascertained that the Executive Engineer had taken all necessary steps to warn the public that, earthwork on the road being in progress, it would not be possible to secure the passage of motor cars without due notice being given to the Subdivisional Officer, Public Works Department. No such

notice was received from the Rai Bahadur and the fact that work was in progress while he was travelling over the road shows that the road is not being neglected. Owing however to financial stringency the ordinary maintenance grant of this road was cut down by 25 per cent. and a lower standard of maintenance than in the past is therefore inevitable. The charge made against the Executive Engineer and his staff that the road had not been inspected is unfounded and does not agree with facts. Coolies on earthwork are paid by contractors and not by the Public Works Department and it is not the duty of the Executive Engineer or of the Subdivisional Officer to see that they are paid regularly.

(b)—The figures under (a) and (b) will be obtained from the Executive Engineer and the information supplied as soon as possible. As a separate staff is not maintained for the road, it is not possible to give the figures under (c).

(c)—Government have no information but they have no doubt that the fact that the road is under repair has at times caused considerable inconvenience to motorists.

(d)—The road is being put in as good order as is practicable with the funds available. As the roadside lands are under water during the rains earth for surface dressing is not available before the middle of January, but it is hoped that the road will be passable for motor traffic by the end of next cold weather.

RAI BAHADUR RAMANI MOHAN DAS asked :—

Maulavi
Safiqul
Haque of
Sylhet
Government
Madrasa.

2. Is it a fact that one Maulavi Safiqul Haque Chaudhuri, a senior Maulavi of Government Madrasa, Sylhet, has been removed from service who had gone to 'Haj' after applying for leave to the authority?

(a) How many times did he apply for leave to perform 'Haj'?

(b) Whether he had any leave credited to his leave account? If so, will the Government be pleased to quote the number of days?

(c) Will the Government be pleased to state the length of his service?

(d) Will the Government be pleased to state why the Maulavi was not granted leave without allowance?

Will the Government be pleased to state why he was removed from the Government service?

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

2.—Yes. He was removed for deliberate disobedience of orders. His application for leave was refused for good reasons and when he deliberately left without leave, there was no alternative but to remove him.

(a) and (b)—He applied first for leave for 1 year 8 months and some days, the full amount of the leave to his credit. When that was refused, he applied for a reconsideration of the orders. When that was refused he applied again for a shorter period of leave, *viz.*, 7 months, but that was also refused.

(c)—9 years, 3 months and 7 days.

(d)—He did not apply for leave without allowance. The reasons for his removal have already been given.

MAULAVI SYED SAMIUR RAHMAN asked :—

1. Will the Government be pleased to state on what principle the punitive police taxes were imposed ?

Punitive
Police tax.

(a) Will the Government be pleased to state on what principle some villages were selected and gazetted for the realisation of punitive police taxes ?

(b) (i) Are the Government aware that the punitive police taxes have been realised from non-gazetted areas, e.g., Karimpur, Shaistaganj Bazar, etc., and many other villages in the Habiganj subdivision of the Sylhet district ?

(ii) If so, what steps have been taken to refund the taxes so realised ?

(c) Are the Government aware that the punitive police taxes were realised from the heirs of some deceased persons ?

(d) Will the Government be pleased to state the reasons why the punitive police taxes were not realised from North Habiganj subdivision ?

(e) (i) Are the Government aware that the punitive police taxes were imposed only upon the people of South Habiganj at a time when there was no non-co-operation movement ?

(ii) If so, why the people of South Habiganj only had to pay the taxes ?

(f) Will the Government be pleased to state why the said taxes were imposed only upon Mussalmans while the Hindus were not taxed ?

(g) Will the Government be pleased to state whether they went through the complaint published in the *Janasakti* dated 11th July 1922 under the heading “*ঢেঁক ঢেঁক*” and, if so, whether any steps were taken to meet the situation ?

(h) Are the Government aware that some quarters, e.g., Shaistaganj Bazar, etc., which had order of refund of the taxes have not yet been paid ?

(i) Have the Government received any petition from the people of Habiganj, Madhabpur, Muchikandi and Bahubal thanas, regarding the punitive police taxes ?

(j) If so, will the Government be pleased to lay on the table a list of petitions showing the names of petitioners and villages ?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD replied :—

1.—The hon. member is referred to the answer given to a similar question put by Rai Bahadur Bipin Chandra Deb Laskar on the 14th September 1922.

(a)—The hon. member is referred to the answer given to question No. 2 put by Babu Krishna Sundar Dam on the 14th September 1922.

(b) (i)—Government are aware that some villages and hamlets in the Habiganj subdivision were assessed by mistake though not notified under section 15, Act V, 1861.

(ii)—Orders of refund have been made in these cases.

(c)—Government have no information. The hon. member is referred to the answer to question No. 2(9) put by Maulavi Saiyid Nurur Rahman on the 14th September 1922.

(d) and (e), (i) (ii)—Only those areas were notified under section 15(1), Act, V, 1861, in which the local authorities advised that the employment of additional police was necessary.

(f)—It is not a fact that Hindus were not taxed.

(g)—Yes. Orders for refund were passed in the case of certain hamlets which had been mistakenly assessed as part of the Revenue mauza of Jikua.

(h)—Government have no information.

(i) and (j)—Petitions have been received from the following villages in Habiganj subdivision:—Nurpur, Nasratpur, Karamuhammadpur, Barchar, Biramehar, Surabai, Satani, Zhulizhura, Karamara, Nijurabai, Ulukandi, Dariapur, Sultanshi, Karimpur, Ramsiri, Ubahata, Haitan, Pakuria. The thana is not in all cases stated. Government consider that no useful purpose would be served by stating the names of individual petitioners.

MAULAVI SYED SAMIUR RAHMAN asked :—

Habiganj
High
School.

2. (a) Have the Government been able to find out the culprit who burnt the Habiganj High School thrice ?

(b) If so, will the Government be pleased to state the name of the culprit ?

(c) Did the Government take any steps to find out the reason of houses being burnt so many times ?

(d) (i) Are the Government aware that High School classes at Habiganj are now held in the Muhammadan Hostel ?

(ii) If so, what step is going to be taken by Government to return Hostel to Muhammadan boarders for their use and when it will be returned to them ?

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

2.—The investigation into the case is still proceeding and the Government are not in a position to furnish any information at present.

(d) (i)—The answer is in the affirmative.

(ii)—The new girls' school buildings are nearing completion. When they are finished, the present buildings of the girls' school will be utilized for the High school until new buildings can be constructed. On the occupation of the girls' school buildings, the Muhammadan boarders will return to their hostel. It may be necessary still to utilize a part of the hostel for other purposes, but sufficient room will be made for the boarders in the hostel.

SRIJUT HEMODHAR PATRA-BORA asked :—

1. (a) Is it a fact that the Kachamiri pathar within the subdivision of Golaghat has been reserved by the Forest Department?

Kachamiri
pathar.

(b) If so, are the Government considering the advisability of deforesting the pathar and offering it for settlement to the raiyats?

THE HON'BLE MR. W. J. REID replied :—

1. (a) and (b)—The Government know of no forest Reserve in the Golaghat subdivision bearing the name given.

RAI BAHADUR ROMESH CHANDRA BHATTACHARJEE asked :—

1. Will the Government be pleased to state if any action is being taken on the report of the officer on special duty in connection with the re-organisation of Sanskrit education in Assam?

Re-organi-
sation of
Sanskrit
education.

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

1.—The hon. member is referred to the reply to question No. 1(c) asked by Rai Bahadur Bipin Chandra Deb Laskar at this session of the Council.

REV. J. J. M. NICHOLS-ROY asked :—

1. (a) Is it a fact that some private Press is applying to get all the work which is given outside the Government Press?

Works in
the Private
Press.

(b) Will the Government be pleased to state whether they are thinking or not of making their Press a paying concern, or whether they are thinking of closing it and giving their work to private concerns?

(c) Is it a fact that the Government is going to give a contract for 30 years to a certain private Press to do their printing which is not now done in the Government Press? Are there any tenders for doing such work? Have the Government notified the public for giving such tenders? If so, when and where?

THE HON'BLE MR. W. J. REID replied :—

1. (a)—Some private presses have applied for a contract to print Government forms.

(b)—The Government would of course be glad to see the Secretariat Press made a paying concern, but it does nothing but Government work. There is no intention of closing the Press.

(c)—The Government have not decided to give any work to any private press nor have they called for tenders.

KHAN BAHADUR MUHAMMAD BAKHT MAZUMDAR
asked :—

Sylhet-
Kulaura
Branch
line.

1. (a) Are the Government aware that passengers by the evening train of the Sylhet-Kulaura Branch line, going to Silchar, Hailakandi, Badarpur, Karimganj and other stations, have to wait for a whole night at Kulaura to catch the next available up-train there and thereby are put to great hardship and inconvenience ?

(b) If so, are the Government considering the desirability of moving the Railway authorities to remove the public grievances either by changing the time table of 3 up-train or otherwise at an early date ?

MR. O. H. DESENNE replied :—

1. (a)—Government is aware of the inconvenience which is due to the necessity of restricting the passenger accommodation provided to the number of passengers who travel daily from Sylhet to Kulaura.

(b)—Enquiries will however be made from the Railway Authorities as to whether it is not now possible to introduce less inconvenient timings.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR asked :—

Silchar
Chatuspathi.

1. (a) Will the Government be pleased to refer to my question 5(a), (b) headed Silchar Chatuspathi and asked in the meeting of the Assam Legislative Council on the 13th September 1922 and also to Resolution III of the Managing Committee of the Silchar Chatuspathi unanimously passed in their meeting held on the 3rd January 1922 and printed on page 748 of the *Assam Gazette*, dated 27th September 1922, and to state what action the Government have been pleased to take in the matter ?

(b) Will the Government be pleased to refer to their answer to my question (f) headed Silchar Chatuspathi and printed on pages 513-14 of the *Assam Gazette*, dated 19th April 1922, kindly holding out the hope of careful consideration of the needs of the Chatuspathi on receipt of the report of the Special Officer and to state if the said report of the Special Officer who inspected the Silchar Chatuspathi and recorded his recommendation for immediate action, in December 1921, has been received by them ?

(c) If received, will the Government be pleased to lay on the table a copy of the Special Officer's report with the observations of the Director of Public Instruction thereon, and to state if the Government

will be pleased to give effect to the Special Officer's recommendation for the Silchar Chatuspathi without further delay ?

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

1. (a)—Government have taken no action in the matter.

(b)—The answer is in the affirmative.

(c)—Government are not in a position to lay on the table the Report with the Director's observations thereon nor to state what action, if any, they will take on the Special Officer's recommendations. At present Government are awaiting a statement of the Director's views and proposals in regard to these recommendations.

SRIJUT BIRAJ MOHAN DATTA asked :—

1. (a) Are the Government aware that agricultural operations in the Duars portion of the Goalpara district are carried on mainly with the help of artificial irrigation channels locally known as *Dongs* ?

Agricultural operations in Duars.

(b) Are the Government also aware that for want of proper regulations, this system sometimes gives rise to conflict and litigation among the raiyats ?

(c) Are the Government considering the advisability of instituting a thorough enquiry into the working of the system and of devising means for placing it on a satisfactory basis ?

2. Is it a fact that the Government contemplates enhancing the revenues in Kamrup and Sibsagar in the forthcoming settlement ?

Enhancement of revenues in Kamrup and Sibsagar.

THE HON'BLE MR. W. J. REID replied :—

1. (a), (b) and (c)—The Government are informed that artificial irrigation channels are largely used in the Eastern Duars of the Goalpara district. That the interests of different persons and of different villages should occasionally clash is not unlikely, but disputes are settled without difficulty by the local officers. In these circumstances the Government consider it unnecessary either to frame hard and fast regulations or to direct that any special enquiry should be held.

2.—The effect of the resettlement operations which it is proposed to undertake in these two districts will almost certainly be to increase to some extent the land revenue demand.

SRIJUT BEPIN CHANDRA GHOSE asked :—

1. (a) Does the Superintendent of Police himself or the Deputy Superintendent of Police draft special reports in heinous cases ?

Police special report.

(b) Has any effect been given to the report of the Retrenchment Committee so far as the abolition of the post of Deputy Superintendent of Police is concerned ?

Abolition of post of Deputy Superintendent of Police.

Delegation
of power of
Superin-
tendent of
Police to
Deputy
Superin-
tendent of
Police.

2. Will the Government be pleased to state whether the Superintendent of Police can according to rules delegate his power to Deputy Superintendent of Police to draw up proceedings against Sub-Inspectors or to sign the district order book or the cash book when the former is present at headquarters station? Is this procedure followed at present in the Goalpara district?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD replied :—

1. (a)—The Superintendent of Police when at headquarters is required himself to draft special reports or to check and countersign reports submitted under his orders for sufficient cause by a subordinate officer.

(b)—The hon. member is referred to the reply given to a question asked by Khan Sahib Alauddin Ahmad Chaudhuri on the same subject.

2.—The Superintendent of Police can depute a Deputy Superintendent of Police to hold an enquiry into the conduct of a Sub-Inspector, and can delegate to him the duty of signing the cash book when he himself is present in the station. The Superintendent must sign the district order book himself. Government are not aware of any departure from this procedure in the district of Goalpara.

SRIJUT BEPIN CHANDRA GHOSE asked :—

Agia road
in Goal-
para sub-
division.

3. (a) Will the Government be pleased to lay on the table a statement showing in detail the actual expenditure incurred by the Public Works Department in metalling 9 miles of the Agia road in the Goalpara subdivision?

(b) Who was in charge of the work and did it receive supervision of the authority in the Public Works Department?

(c) In which year the metalling work of the said road began and when was it completed?

(d) How much was spent in repair works of the said road since its completion?

4. Has the attention of the Government been drawn to the fact that metalling of the Agia road was not at all satisfactory and in consequence the present condition of the road is most miserable.

Recruit-
ment to
Assam
Engineer-
ing Depart-
ment.

5. (a) Will the Government be pleased to state whether steps are taken to recruit in all the branches of the Engineering departments bona fide Assamese candidates qualified in the Engineering colleges and schools at the first instance?

(b) If so, how many were recruited in all the branches of the Engineering department during the last ten years and of these how many are from the Assam Valley and how many from the Surma Valley and how many from outside the province?

(c) If Assamese element is less in the department will the Government be pleased to state its reasons?

6. Has the attention of Government been drawn to the fact that although Assamese element in the Engineering Department is very low the case of the few Assamese officers in the said department was not favourably considered at the time of reduction?

7. Is it a fact that no guarantee for posts is given to a student studying in Engineering colleges or schools with scholarships from the Assam Government?

8. Has the attention of Government been drawn to the fact that there is marked preponderance of foreign elements in the various branches of the Engineering Department?

Mr. O. H. DESENNE replied :—

3. (a)—The amounts paid to the contractors for soling and metaling are respectively Rs. 2,090 and Rs. 4,888 per mile.

(b)—The sectional officer was in immediate charge of the work under the orders of the Subdivisional Officer, Goalpara, and of the Executive Engineer, Lower Assam Division.

(c)—The work began in 1918 and was completed in 1921.

(d)—Rupees 24,451.

4.—Government is aware that the condition of the road surface is not altogether satisfactory owing to the heavy traffic and to the dearth of steam rollers and of suitable contractors. The road will be inspected by the Chief Engineer at the earliest opportunity.

5. (a)—Natives of Assam are always given preference over others with equal qualifications.

(b)—The compilation of such figures for the last ten years would involve much labour and would not serve any useful purpose. The Public Works Department Classified List, a copy of which will be supplied to the hon. member, gives this information approximately.

(c)—Assamese candidates with the necessary qualifications were not available.

6. Government do not recognise that the question of communal representation can be equitably applied when effecting establishment retrenchments.

7.—The hon. member is referred to the reply given to his question on the subject at the April session.

8. The answer is in the affirmative and it is hoped that the better prospects offered in the Public Works Department will now attract a higher type of local candidates.

THE ASSAM WATER HYACINTH BILL, 1923.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—Sir, I beg to move for leave to introduce the Assam Water Hyacinth Bill, 1923. In doing so I only ask the leave of the House to introduce the Bill and if the Council accords leave, I will then move that the Bill be circulated for the purpose of eliciting public opinion thereon. The Council is aware that some time ago a resolution was passed by this House urging upon the Government to undertake legislation for the eradication of water hyacinth and prevention of the spread thereof. The matter was then fully discussed as to how in a short space of time this weed has spread so rapidly as to constitute a dangerous menace to crops, pasture lands and fisheries. This Bill is therefore designed to provide effective measure for the complete eradication and destruction of the plant wherever it has taken root. There is no hard-and-fast provision in the Bill, no provision for interference by police and it only provides what protective measures can possibly be taken against the growth, spread and incursion of the weeds from outside and how they can be destroyed with the aid and active co-operation of the people. Sufficient consideration has also been made as to the nature of the responsibility of the owners or occupiers of the cultivated and uncultivated area and that the powers of making the people understand their responsibility in this connection has been left mainly with the local governing bodies such as the Local Boards, Municipalities, village authorities and the choukidari panchayats. To me every element of the Bill is quite in keeping with the time.

I hope, therefore, that the Council will grant me the leave asked for.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the Government have decided not to oppose the introduction of this Bill ; but I wish to make it clear that thereby they do not commit themselves either to the principles of the Bill or to any details and they reserve to themselves the fullest liberty to criticise or oppose the Bill at a later stage either on principles or as to details.

REV. J. J. M. NICHOLS-ROY :—Sir, I was one of those who supported the resolution which was passed in this House in one of the previous Councils to have some legislation introduced concerning the destruction of water hyacinth. I believe that this Bill at this stage will not be opposed by any member and I hope that it may get the permission of the Council to be introduced.

The motion was put and adopted.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I beg formally to introduce the Assam Water Hyacinth Bill, 1923.

The Bill was then formally introduced.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I beg, Sir, to move that the Bill be circulated for the purpose of eliciting public opinion.

The motion was put and adopted.

RESOLUTIONS.

WHIPPING IN JAILS.

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

That this Council recommends to the Government to abolish whipping to prisoners in the jails of Assam.

In recommending this resolution for acceptance I think it is unnecessary for me to make any long speech. The public opinion of India on the subject of whipping our prisoners in jails is already well known to the hon. members present. Suffice it for me to say that in every country which claims to be called civilized this inhuman practice has been done away with and in some of the provinces of India resolutions for abolishing this have been carried in Councils. It is our duty not to forget our fellow countrymen who are deprived of their liberty even if it be as a corrective necessity to them and it would be a happy day for our country if our prison rules and regulations are brought in lines with those of other civilized countries of the world. I hope the Hon'ble Member in charge will have no hesitation in accepting the resolution on behalf of Government.

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, I beg to oppose this resolution on behalf of the Government. At the beginning I beg to submit before the House, that before deciding to vote for or against this resolution the hon. members may take two things into consideration. The first thing is to know what was the state of affairs before for inflicting whipping to a prisoner and secondly what is the present rule in force for awarding this punishment in jails of Assam. The hon. members after giving due consideration to these facts will then consider whether the resolution proposed is to be recommended to the Government.

As regards the first thing the hon. members are aware that under section 45 of the Prisons Act certain acts are declared to be prison offences when committed by a prisoner and the Superintendent of a jail is empowered by section 46 of the same Act to punish such offences by one of several punishments provided under that section, and whipping is one and the last of them. Again the rules have been prescribed by the Governor General in Council for classifying the prison offences as well as the punishments as minor or major. Whipping is included in the list of major punishments and is placed as the last punishment that should be resorted to. Under those rules, the Superintendent of a jail has been given discretion to inflict those punishments according to the classification of those offences and punishments.

As regards the second thing I submit that under those rules this Government have directed that whipping should be awarded for only very serious offences and as a last resort. The following figures as published in the annual

reports for the last five years will show that this punishment was very sparingly resorted to in the jails of Assam :—

Year.	Total number of male convicts.	Total number of whippings.
1918	7,448	5
1919	7,985	3
1920	7,919	6
1921	8,352	4
1922	8,748	8

The Indian Jails Committee after carefully examining the evidence of the official and non-official witnesses on the subject of flogging prisoners for prison offences recommended in their Report published in 1920 that in certain cases this punishment should be inflicted and should not be abolished altogether. The Committee made this recommendation at paragraph 227 of their Report and I beg to quote an extract from it.—

“ We have carefully considered whether it would be possible to recommend the entire abolition of corporal punishment and we are undoubtedly supported by the almost unanimous opinion of prison officers in all Provinces in concluding that this is impossible. But we feel very strongly that its use should be restricted within the narrowest possible limits and that it should be reserved for offences of special gravity, as is the case in England Accordingly we recommend first, that the punishment of flogging shall only be inflicted for mutiny or incitement to mutiny and for serious assaults on any public servant or visitor, and secondly that a special report, based on the record required by section 51 of the Prisons Act to be made in the punishment book, on every case in which flogging has been inflicted shall be promptly submitted to the Inspector-General of Prisons.”

From the above figures for the last five years it appears that this punishment was inflicted in less than one per thousand of total male convicts. This Government agree with this recommendation. They consider that whipping should not be inflicted except for specially grave offences but they do consider that it is necessary to keep it in reserve as the last weapon to control prisoners of desperate and dangerous character and to maintain jail discipline, and they have now directed—

(1) that the punishment of flogging shall only be inflicted for mutiny or incitement to mutiny, for serious assaults on any public servant or visitor, or for other offences of a specially grave nature ;

(2) a special report based on the record required by section 51 of the Prisons Act to be made in the punishment book, on every case in which flogging has been inflicted shall be promptly submitted to the Inspector-General of Prisons by the Superintendent of the Jail.”

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I beg to enquire, Sir, as to what is the safeguard against an abuse of power in the case of whipping in the jails ?

HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—Before the report of the all-India Jails Committee was published the Superintendent of a jail could inflict whipping to a prisoner for any of the major offences at his discretion. There was no definite rule for which of the major offences this punishment was to be inflicted. We have now made it clear for what kind of crimes the Superintendent should inflict whipping and it should be reported to the Inspector-General of Prisons.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—Has the change of rules brought about any change in the introduction of punishment?

HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—This was introduced last year. I have not got the figures yet. I have already submitted before the House that before introducing this rule the number of prisoners whipped was less than one per thousand of the total male convicts. We may hope that after the enforcement of this rule we will scarcely get any figure for whipping.

KHAN SAHIB SHARAFAT ALI CHAUDHURY :—Sir, I beg to oppose this resolution because first of all we have to consider who are the jail birds. Jail birds are generally robbers, dacoits, thieves, forgers and murderers. Very few gentlemen will be found in the jail. Do you think it is possible for the jail authorities to deal with these criminals civilly in the ordinary discharge of their duties? I say that it is not possible. I contend that whipping is the first and the real and legal punishment to keep a direct control over these bad characters. Most of the hon. members have probably read in the papers of the riots committed in jails by prisoners and the latter have escaped scot-free. These are every-day occurrences. I believe I am right in thinking that the hon. mover of the resolution has not studied the matter deeply and has not gathered any material information, or else he would not have come forward with this resolution. This corporal punishment known as whipping is the only means of keeping an effective control over these bad characters in the jails who are known as jail birds. With these words, I beg to resume my seat.

KHAN SAHIB NURUDDIN AHMAD :—Sir, the Hon'ble Judicial Member explains that whipping is inflicted only for some major offence for instance mutiny. But the word 'mutiny' is very wide. I think some definition ought to have been given to restrict the meaning of the word mutiny. I do not know whether a passive disobedience of the order of the Superintendent would be regarded as mutiny. If it be regarded as mutiny then of course the power would be very wide indeed. But then the Hon'ble Member also said that this punishment is reserved only for dangerous and desperate characters. If that be so, if he can assure the House that this punishment will be only inflicted in cases of desperate and dangerous offenders and persons, then I say that it is a measure which ought to be supported. Moreover I would ask that the Inspector-General of Prisons be consulted before the punishment is inflicted and not after. That is a safeguard which ought to be granted by the Government.

MR. E. S. ROFFEY :—Sir, I rise to oppose this motion. The subject of whipping was dealt with by the Racial Distinctions Committee upon which Committee were several very able Indians, and the majority of the Committee came to the conclusion that whipping should be retained for certain offences under the Whipping Act. Now, Sir, if it has been held by the majority of that Committee that whipping was necessary outside jails

I submit that it is very much more necessary inside the jails where a large proportion of desperate criminals reside. Desperate situations require strong measures and remedies. Hon. members will not have forgotten the riots which took place in the Alipore jail recently. What I submit to the House is that it would be very much better to retain the punishment of whipping inside jails as a preventive, and I am convinced that when prisoners know that that punishment is hanging over their heads it is most likely to prevent crime which otherwise might take place. The hon. member who has just spoken has suggested that the Inspector-General of Prisons should be consulted before whipping takes place. In this event the riot would probably occur first and the Inspector-General would be consulted afterwards.

BABU KRISHNA SUNDAR DAM:—Sir, I feel bound to support this resolution for stopping whipping in jails. I find it difficult to have such enormous faith in the wholesome effect of flogging as has been described by Khan Sahib Sharafat Ali Chaudhury. I have no experience of what actually is the state of affairs inside the jail of which the Khan Sahib can boast, but I do know that inside the jail there are not many gentlemen. I am therefore not going to contradict him on anything that he has stated in connection with the status of prisoners, but the main reason on which I am going to support this resolution is that the decision of inflicting the punishment of whipping on a particular prisoner is left entirely to the discretion of the Jail Superintendent. This makes all the difference between whipping inside the jail and whipping outside to which Mr. Roffey referred. The propriety of whipping outside the jail rests upon the verdict of a court of justice, but there is no such thing to justify the infliction of whipping inside the jail. And from what we know of the many alleged breaches of jail discipline that have occurred in many of the jails in this and other provinces we find it very difficult to keep our faith unshaken in the Superintendent of the jail and other authorities in charge of jail administration for the proper application of this form of punishment. I should also like to say that a similar resolution has been adopted by the Bengal Legislative Council. Of course I speak subject to correction. I remember to have read in the papers that a similar resolution has been adopted by that Council.

With these few words, Sir, I beg to support the resolution.

SRIJIT DALIM CHANDRA BORA:—Sir, I beg to support this resolution. I thought at the outset that this resolution would not invite so much opposition from the hon. members of the House. It is well known to hon. members present here that there is a universal cry all over India for the reform of jail administration and I rightly believe that this is a preliminary stage of that reform in the jail administration. Whatever opinion might be entertained by the hon. members here and whatever opinion might be entertained by the Government, or whatever opinions might be expressed by committees appointed from time to time, it must be admitted that whipping is the most barbarous punishment obtaining in any civilised country. I of course do not know what is the practice in other jails but as far as my experience of the Tezpur jail goes it is a very cruel and barbarous sort of punishment. The criminal is bound hand and leg to a frame-work of wood, he is stripped of his cloth over the private parts of the body, where the wound is inflicted. It certainly furnishes the instance of crucifixion of religious martyrs. Well, it is contended by the Hon'ble Member in charge of jails that the Superintendent of the jail is authorised by law to inflict

any punishment on the worst criminals. Well, if he can inflict any punishment he can also inflict hanging ; hanging is a punishment provided by law on crimes. I do not know what he aims at and how he attempts to make us understand that the provision made in the various Acts of Whipping is justified as the worst criminals should get the most barbarous sort of punishment. I know well that this is done with the consent of the Government of India. Whipping is provided for in the Supreme Council's Act. So the hon. member has justly asked this Government to move the Government of India in order to repeal that provision. The hon. member, I think, Sir, would do well to press the Assam Government to recommend to the India Government to repeal the Whipping Act itself. I have also heard it said that it is one of the punishments in order to control criminals but I can show that there are thousands of other punishments that can be inflicted on the worst criminals instead of this barbarous punishment of whipping. Some time ago, I mean some years ago, certain Committee entertained the opinion that it was desirable to retain the punishment of flogging, but I submit, Sir, that time and circumstances have changed in order to bring about a reform in the jail administration and I think the hon. mover is quite right in moving this resolution in order that this punishment may be expunged from the list of punishments prescribed for the worst criminals in the jail.

SRIJIT NILMANI PHUKAN :—Sir, I rise to support this resolution. There was a time in the old world when if a man stole something his hand was cut off. But nowadays the jail punishments are quite in keeping with civilised society in those countries. I have heard, Sir, that this punishment of whipping is necessary for jail discipline. It might be so, but if jail discipline depends upon this only solitary punishment there will be no help. As my predecessor has very rightly said there are hundred other ways of punishing the criminal who becomes more criminal inside a jail. There are solitary cells, there are other kinds of punishments. So after all, what is the use of keeping this last blot of barbarity on the Statute Book. And if we have heard the Home Member aright he himself said that even with this rule less than one per cent. was punished by whipping ; thus practically it has been effaced and what is the use of having this blot on the Statute Book. I do not know what is the exact discipline obtained in the different parts of the civilised world, not only in India but outside it in European countries. To my knowledge I think whipping does not obtain in any European jail. Sir, criminals are after all criminals, if they are hard-hearted, I think it is equally true of all the criminals irrespective of the country, creed or caste. I have heard of whipping outside the jail. I have not seen whipping inside the jail but whipping outside the jail is simply barbarous. We tolerate it because it is a law but we cannot for a moment see with our own eyes without abhorrence that such a thing should find a place among the laws of the country. Unfortunately in our country jail is yet to be a place for correction. If vindictiveness is to be there, if retribution is to be there, of course our jails may be quite all right ; but if it ought to be a place for correction then we have certainly to make many improvements on the present jail life of the criminals. In my opinion criminals should be treated as a sort of social lepers. We do not mix with the lepers, we segregate them, we take pity on them and we treat them accordingly. Similarly the social lepers should be segregated for the safety of the whole society, but in segregating them

they should not be made subject to physical torture. There are hundred ways I say for punishing them when there is a mutiny in the jail—which is few and far between as the Hon'ble the Home Member has already said. So under these conditions I think this resolution is quite sound. One objection might be raised against this that the all-India Jail Committee has recommended this punishment to some extent. But that is no reason why we as the representatives of the people in a body in a constitutional way should not press the question before the proper authorities. Opinions might have changed in the country and we as the representatives of the people must say that it is not the real feeling of the country, though solitary evidences might have been in favour of it. We, Sir, as a body do not approve of it. So much we can say.

THE HON'BLE MR. W. J. REID :—Sir, the debate as far as it has proceeded has displayed an amazing amount of ignorance and a good deal of what I must call cheap sentiment. I was astonished to hear the hon. member who spoke last say that in no civilised country is whipping a jail punishment. If he had read the Report of the Jails Commission he would have found that the recommendation they made, that as my Hon'ble Colleague told the Council this punishment should be reserved for certain specified offences, is taken from the English practice. Another member pointed out that whipping is an extremely unpleasant punishment. We all know that it is. Punishments as a rule are not inflicted because they please those who are unfortunate enough to undergo them. But when an hon. member said—at least that is what I understood him to say—that the punishment of whipping was a bad one and should be abolished altogether, that in fact it was no longer inflicted in any civilised country, I should like to tell him that in my own country the crime of what is known as garrotting, that is to say robbery with violence is punishable with flogging. The infliction of this punishment by stern Judges has practically caused this form of crime to disappear. Only a few years ago an Act—I do not know its official name but it is generally known as the White Slave Act—was passed by Parliament under which whipping was definitely provided as a punishment for procurers. To come to more recent times and less remote places hon. members who read the newspapers may recall that in two Legislative Councils in India Bills have recently been introduced for the prevention of immoral traffic, in both of which whipping is provided as a penalty.

All this, Sir, is perhaps a little foreign to the subject of the present resolution which recommends that the punishment of whipping should be abolished in jails. All sorts of people get into jail and it is not impossible that a few innocent men occasionally get there. There are many well-behaved prisoners who give no trouble, but in most jails of which I have had experience, and my experience covers a good many—there are a few desperate characters. Do the Council want to weaken the position of the Superintendent and the jail staff? My Hon'ble Colleague has pointed out in how infinitesimal a proportion of prison offences is the punishment of whipping inflicted, and has shown that it is in practice only held *in terrorem* over dangerous and desperate men. If prisoners behave themselves they are treated kindly and considerately so far as is consistent with the punishment that they have to undergo. If they break all bounds and become dangerous or go in for open mutiny the jail authorities have at present the power to inflict the extremely unpleasant punishment of whipping, the fear of which does undoubtedly act as a deterrent. Is it the considered opinion of the Council, laying aside all cant and false sentiment, that the jail authorities should be deprived of this last weapon?

SRIJUT NILMANI PHUKAN :—Sir, may I speak by way of explanation a few words? My idea was that whipping was not prevalent in some of the civilised countries at least in the European countries. That was my happy idea. But I have been disillusioned there also. I am sorry that it is still obtaining in any part of the world.

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—Hon. member has just pointed out that a similar resolution was carried in one of the sister provinces. I just quoted that a similar resolution was put before the Bombay Legislative Council and was rejected by 46 votes to 23.

BABU KRISHNA SUNDAR DAM :—In Bengal what happened?

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—It was carried in Bengal, but a similar resolution was rejected in Bombay Council.

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

AYES—15.

Maulavi Abdul Khaliq Chaudhury.
 Haji Muhammad Abdul Ahad Chaudhury.
 Khan Bahadur Muhammad Bakht Mazumdar.
 Maulavi Sayid Samiur Rahman.
 Rai Bahadur Amarnath Ray.
 Srijut Bishnu Charan Borah.
 Srijut Bepin Chandra Ghose.
 Rai Bahadur Bepin Chandra Deb Laskar.
 Babu Biraj Mohan Dutta.
 Raj Kumar Chandra Narayan Singh.
 Srijut Dalim Chandra Borah.
 Srijut Hemodhar Patra-Bora.
 Babu Krishna Sundar Dam.
 Srijut Nilmani Phukan.
 Rai Bahadur Ramani Mohan Das.

NOES—15.

Hon'ble Mr. W. J. Reid.
 Hon'ble Khan Bahadur Kutubuddin Ahmad.
 Mr. A. W. Botham.
 Mr. G. E. Soames.
 Mr. O. H. Desenne.
 Khan Sahib Sharafat Ali Chaudhury.
 Rai Sahib Harkishore Chakrabarty.
 Rai Bahadur Krishna Chandra Chaudhury.
 Srijut Siva Prosad Barua.
 Mr. A. J. G. Cresswell.
 Mr. E. H. Featherstone.
 Mr. F. W. Hobson.
 Mr. E. S. Roffey.
 Mr. W. D. Smiles.
 Mr. D. M. Somerville.

The Hon'ble President gave his casting vote against the resolution which was therefore negatived.

TRANSFER OF REVENUE SHERISTADARS.

The following resolution standing in the name of Maulavi Abdur Rahim Chandhury who was absent, was deemed to have been withdrawn :

That this Council recommends to the Government of Assam that provision be made by rules for the transfer of revenue Sheristadars working in different revenue offices at intervals of three years like Subordinate and Provincial Executive Officers.

AMENDMENT OF THE ASSAM LAND AND REVENUE REGULATION, 1886.

SRIJUT NILMANI PHUKAN :—Sir, the resolution that stands in my name (I find a correction slip, I think that other members have also got it) runs thus :—

This Council recommends to the Government of Assam to take steps for the amendment of the Assam Land and Revenue Regulation, 1886, so that the rules made by the Government in exercise of the provisions of the Act may be made subject to the sanction of this Council, and to postpone all further settlement operations until the Regulation has been so amended.

Sir, originally I sent a different resolution and I have been asked to clear certain points in that and after clearing these points I submitted a fresh resolution which runs as follows :—

"This Council recommends to the Government of Assam that the Assam Land and Revenue Regulation be brought within the purview of the Legislature and under closer regulation by statute, and further settlement operations be postponed till this legislation is enacted,"

and with the permission of the House I beg to move this resolution instead of that which we have got in the agenda paper.

THE HON'BLE MR. W. J. REID :—To this I have no objection whatever, Sir.

SRIJUT NILMANI PHUKAN :—Sir, I move this resolution because I find in my opinion the time is opportune for this. In the Joint Select Committee's Report I find that the Committee have recommended this :—

"The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without in some cases any statutory limitation of the rates, and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment is entirely at the discretion of the executive government. No branch of the administration is regulated with greater elaboration or care; but the people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods

of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue payers. The subject is one which probably would not be transferred to Ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords; and the system should be established on a clear statutory basis before this change takes place."

So if I have quoted at length the recommendations of the Joint Select Committee it is because I find that this is not only my humble opinion, but it has the sanction and authority of an august committee which sat to examine the clauses of the Government of India Act. And if this be the Committee's recommendation, and if it is a fact that our existing land laws are more or less lawless, that time is again ripe for resettlements, then I think this must be considered to be the opportune moment to bring this matter before the House. And with this view in mind I have moved this resolution. At present the land laws which obtain in this country are to be found in the Assam Land and Revenue Regulation, and if I remember aright perhaps the Hon'ble Finance Member made certain remarks that though these Regulations were in their own way very excellent things still the Government thought that they required some sort of amendment or to that effect. I do not exactly remember what he said, but perhaps I think that Government as well as the people feel that these Regulations are very voluminous and very obscure and they always depend upon the executive authority. But my conclusion is this that I do not say the executive authorities always err in making use of these Regulations, that is not my contention. But my idea is this, now that the Reformed Government has given the people certain responsibilities and authority this most valuable question of land revenue which affects the beggar and the prince alike in this province must also come within the purview of the Legislature through which the people speak and under that impression I am moving this resolution. I know how difficult it is to frame a simple enactment in this interesting province where we have so many various kinds of tenures from *jhum* cultivation to the permanent settlement, that it is not easy for the Government by one stroke of the pen to enact a law which will be suitable for all these various tenures. I can understand the difficulty of the Government in this respect and because there are so many difficulties we have these Regulations every year swollen by correction slips. And ultimately when this Land and Revenue Regulation, 1886, was framed it undoubtedly gave a complete basis to the whole system of land revenue administration and procedure in the plains districts of the province and after "considerable correspondence for a period of five years" and after "various amendments" received the "final sanction of the Legislative Department of the Government of India?" Rules were then issued under different Notifications subjected to various amendments from time to time until they were further consolidated under section 158 of the Regulation. In spite of all this it has been growing under the pressure of innumerable slips containing new executive fiats.

Now my idea is this. I cannot chalk out the line of action, but my main idea is that what main principles that would have been found in these Regulations should be embodied in a statutory enactment and after that Government would have as in other cases also the power of framing rules for certain purposes. But all these powers and all these propositions must be

first brought to the notice of the Legislature and I cannot add anything to it except what the Joint Select Committee has already recommended :—

The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment.

So all these main questions should be embodied in an Act. That is my idea. And again at this time, and I am very glad to think yesterday, we have been able to convince the Government that we should not take recourse to resettlement operations all of a sudden before Government think seriously of it. If this resolution is accepted by Government, there will be time for us to think of resettlement operations after some time and later on we will not stand in the way when that question comes along with it. My object of moving this resolution is that if we decide once for all what are the broad principles that have evolved from the very inception of these Regulations and if we crystallize those principles in a law, after that we can think of further assessment of land revenue of the country. I am not one of those who believe once for all that there should be no taxation, no land revenue for the country, and no resettlement should be made in this country where there is no permanent settlement. Because at the beginning there were so many waste lands in the country that it was for the Government to decide once for all what should be the revenue derived from this virgin soil and, if I remember aright the recommendation of those officers in those days, they actually said that the people themselves did not want even decennial settlement. The people in this province will now be glad to have permanent settlement though in former days they did not want even decennial settlement because at that time it was useless for a man to tie himself down in this way.

The grounds on which the resettlement operations are taken into consideration by Government are generally these :—

- (1) the productiveness of the soil ;
- (2) the facility or otherwise of communication ;
- (3) the liability to inundation ;
- (4) exposure to the ravages of wild animals ;
- (5) the proximity to dense forests ;
- (6) demand for law ; and
- (7) the density of population.

These are the main points which are taken into consideration by Government at the time of every resettlement. But at this moment if we judge by these standards we shall find that Government may have still justification for making these resettlement operations operative now. But apart from these criteria if we take the material and moral conditions of the people I am afraid at this time—for some years to come—it will not be opportune for making these resettlement operations operative because we know what has been our experience. Recently in the Government service and in other services the Government servants and other servants were paid in some cases 50 per cent. and in some cases as much as cent per cent. over and above their former salary. Why? Because the economic conditions of the country had demanded that and this increase of salary is to be found in all services.

Take the case of the cultivator. Suppose under these war conditions he has gained a few annas more in a rupee. But at the same time if he is now to pay a certain percentage of that, it cannot be less than 25 or 30 per cent. in another resettlement operation. Over and above this he shall have to spend 50 per cent. more than he used to do for his daily necessaries of life. Under these circumstances it would be unwise for Government to take recourse to resettlement operations.

These are the main points for which I am also opposed to further resettlement operations at this moment. So that I have taken both these things together and I am sure Government will accept this at this time. I think I need not dwell on the point any more because I am sure the things which I have not been able to clear in the House the Hon'ble Home Member himself will do. So with this hope that everything will be clear to the House and there will be no difficulty on the part of the Government to accept the resolution I would finally suggest that the broad lines of action which have been found under the existing Regulations should be brought under the purview of the legislature in the exact words of the Joint Select Committee and along with that if that is accepted I would only propose that the resettlement operations may be postponed for the time being.

THE HON'BLE MR. W. J. REID:—The hon. member's concluding remarks confirm me in the resolve I had made to deal first with the latter part of his resolution. To quote the old proverb—the sting is assuredly in the tail. The hon. member said that yesterday the Council “convinced” the Government. Well, Sir, there are various ways of convincing. I suppose a blow on the head with a *lathi* might be regarded as convincing. If he had said that Government were outvoted in the most complete and unmistakable fashion, I should have agreed. But to carry conviction something more than mere voting is required, and speaking without any intention of being conceited I personally feel that no attempt was made yesterday to meet the arguments which I laid before the Council. It is not that many of the arguments could not have been met, but I noticed that many of the speakers who usually give the most weighty contributions to our debates on questions of importance remained silent. But not a single silent member refrained from voting although he did not condescend to state his reasons for his vote.

Well, Sir, I am still a little doubtful, even if I can take it that the postponement of resettlement operations in the Assam Valley is not the main object of the resolution, what exactly the hon. member has in view. He spoke about revenue laws which he called “lawless laws.” To be frank I do not know the meaning of the expression which was applied on another occasion by another hon. member to our Land and Revenue Regulation. But that hon. member if I remember aright undertook to redraft not only our Land and Revenue Regulation but also our Forest Regulation. Sir, if any charitable member will indeed attempt to redraft any of our Regulations I can promise his efforts the most complete consideration. There is one other point, Sir. The mover of the resolution said that this was not the time to undertake resettlements, that every one knew how far the material condition of the people fell short of the pre-war standard. The hon. member speaks with authority. His profession is to give instruction. He spoke of increased salaries, increased prices, increased cost of living. It is true that prices have risen but is not agricultural produce included in the general increase? Has there been no improvement in the condition of the man who tills the ground and uses the produce to feed

himself and to provide himself with the other necessaries of life? In particular, Sir, I have a complaint in that the hon. member should have listened yesterday, as presumably he did listen, to the lengthy extract with which I concluded my speech, and still have ignored this absolutely and spoken as he has done.

Well, Sir, to get back to the first part of the resolution, the hon. member began by reading an extract from the Report of the Joint Select Committee. I need hardly say that we are well aware of this opinion which this august body placed on record. We have no desire to ignore it, no desire to get away from it. We might easily criticise some of the statements made. We might hold that they do not apply to this province. For instance I think it could hardly be said about Assam that "the people who are most affected have no voice in the shaping of the system, while the rules are often obscure and imperfectly understood by those who pay the revenue." In our Land Revenue Manual we have sets of rules on many different subjects. I speak from personal knowledge, and others will bear me out, when I say that practically without exception these rules were first published and criticisms invited. Apart from this conferences were frequently held when changes were proposed, and the new rules were discussed in all essentials before being finally adopted and finally published. Well, Sir, what exactly does the hon. member want us to do? Does he want us to legislate on the lines which commended themselves to the Joint Committee who suggest that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of the assessment and so on? I would ask the Council to observe that the Committee recognise the possibility of the pitch of the assessment being revised at periods to be decided upon. They also take for granted the possibility of enhancement and they talk of a graduation of enhancements. This last I need hardly tell the Council is a principle that we have followed for many years. Well, Sir, if this is the hon. member's intention we are prepared to endeavour to meet his wishes. We are prepared, as I think he asks us, to try to lay down certain criteria which shall govern all resettlements and all adjustments of the land revenue demand. One difficulty arises from the fact that our information is not as complete as we should like it to be. The hon. member talks, I hope he will not mind my saying so, somewhat light-heartedly of a general revision of our Land and Revenue Regulation. I am not quite clear what he meant, but I understood him to say that he wanted practically everything that is now in the Regulation to be re-enacted. He referred to certain remarks which he believed me to have made in this Council. Frankly, Sir, I do not remember the occasion to which the hon. member refers, nor do I remember having made these remarks here. But I may tell the Council at once that I have for long held the view that our Land and Revenue Regulation, admirable work as it undoubtedly is, compresses far too much into far too little compass for latter-day requirements. Its illustrious author within the pages of this one brief measure legislated for the permanently settled and the temporarily settled areas, for settlement and resettlement, for land registration, for the partition of estates, for sales and sale procedure. In the neighbouring province of Bengal these subjects are dealt with in separate Acts or Regulations and there have been amending Acts. Our Regulation is in present circumstances rather too much of a compendium, and as an actual instance of inconvenience I readily admit that when hearing partition appeals as Commissioner I frequently

found it difficult to give legal and equitable decisions based on the somewhat meagre provisions on the subject which the Regulation contains. But that, Sir, is a very different thing from saying that this Regulation is a 'lawless law' whatever that expression may mean.

The hon. member apparently contemplates that Government should retain certain rule-making powers and that everything need not be within the Statute, and I welcome the substitution of the resolution which he has moved for the one that originally appeared in our agenda. It is I hope unnecessary for me to tell the Council that the whole tendency of modern legislation is to confine Acts proper to the laying down of broad principles and to leave details to be settled by the executive. I shall read two brief extracts from works by Sir Courtenay Ilbert whose authority to speak on the subject no one will question :

"The tendency of modern primary legislation in England has been in the direction of placing in the body of an Act merely a few broad general rules or statements of principle and relegating details either to schedules or to statutory rules."

A few years later when comparing the American with the English practice he wrote :

"In recent years what may be called the legislative powers of the executive have been revived and extended. A large and increasing number of modern Acts of Parliament contain provisions giving power to regulate specified matters by Orders in Council, that is to say by orders made by the King in Council at the instance of some Department of the Executive Government, or by what are now called collectively Statutory Rules and Orders, that is to say the rules and orders made by some Department of the Government under powers specifically delegated to it by Parliament."

Well, Sir, I said that we would endeavour to meet the wishes of the hon. member if he would express them a little more clearly than he has done. I said also that we did not consider ourselves to have sufficient information to undertake a general revision of the Land and Revenue Regulation, and as regards our attempts to acquire this information, what has actually happened? We put before the Council a Bill enabling us to prepare a record-of-rights for the district of Sylhet, a step which clearly is a necessary preliminary to the undertaking of tenancy legislation, and the Council threw the Bill out. We drafted and circulated for opinions a Tenancy Bill dealing with the temporarily settled areas. I cannot remember that it met with a single friend in the province, and we naturally made no attempt to introduce it in Council. We hoped that the undertaking of resettlement operations in Kamrup and Sibsagar would furnish us with information which we do not at present possess, and I would ask the Council to remember what I said yesterday. The two settlements which are about to conclude are the first settlements ever conducted in Assam on scientific lines. That we shall sooner or later have to settle the Assam Valley districts again is not disputed. Speaker after speaker admitted this yesterday while pleading for a postponement. Is it not most desirable that we should have without delay the latest information by which to adjust the principles on which we

work? I would not have the Council think that as it is we work except on fixed principles or that our settlement officers have no guidance. If any member would like the fullest information and is prepared to devote a little time to close study I commend to his attention our Resettlement Manual. This sets forth the principles upon which we act, the manner in which our settlements are conducted and the grounds on which alone any change in the incidence of the land revenue assessment is made. I have tried to show, Sir, how our attempts to get more information on which legislation might be possible have been frustrated. I ask again what exactly the hon. member wants. I hope that he does not merely want to put off the resettlement of the Assam Valley districts as long as possible. He must realise as we realise that it will take a long time for any general revision of the Land and Revenue Regulation to be completed. The laying down by statute of certain broad and general principles, of certain criteria for resettlements, which are now embodied in rules is a task that as I said we are prepared to undertake. But does the hon. member still ask that, as the wording of his resolution indicates, we should undertake no operations of any kind until the whole of our Land and Revenue Regulation has been revised and re-enacted?

One word more, Sir. I began by saying something about the convincingness or otherwise of yesterday's proceedings. I need hardly tell the Council that the situation created by their vote is one which is engaging the most serious attention of the Governor in Council and in particular of His Excellency the Governor. We feel that on all of us a very grave responsibility rests.

✓ SRIJUT NILMANI PHUKAN:—Sir, if no member wishes to speak on the subject perhaps I may be permitted to make a brief reply.

KHAN SAHIB NURUDDIN AHMAD:—Would you kindly agree to delete the words and to postpone all further settlement operations until the Regulation has been so amended?

✓ SRIJUT NILMANI PHUKAN:—If that is the sense of the House I have no objection to omitting it. To speak the truth the reason why that was added was not with the intention of postponing the settlement for ever, but merely for the time being. But if this also is not desired by the House I am quite prepared to amend the resolution to that effect.

THE HON'BLE MR. W. J. REID:—I readily accept the amendment, Sir.

BABU KRISHNA SUNDAR DAM:—Then, Sir, I rise to give my support to the resolution as amended and I should like to point out in support of this resolution that the necessity and wisdom of such a legislative measure was pointed out by the Royal Commission on Decentralization as far back as 1907. It was stated in paragraph 252 as follows:—

“We consider that the general principles of assessment, such, for instance, as the proportion of the net profits on the land which the Government shall be entitled to take, and the period of settlements should be embodied in Provincial legislation instead of being left to executive order, as is now the case outside Bombay.”.....

THE HON'BLE MR. W. J. REID:—I say again, Sir, that I accept the amended resolution readily.

MAULAVI MUNAWWAR ALI :—Sir, I wish to hear the resolution as amended. It may be read.

THE HON'BLE MR. W. J. REID :—The resolution as amended runs as follows :—

“ This Council recommends to the Government of Assam that the Assam Land and Revenue Regulation be brought within the purview of the legislature and under closer regulation by Statute.”

The resolution, as amended, was adopted. ✓

ADMISSION TO THE CALCUTTA MEDICAL COLLEGE AND THE BERRY-WHITE MEDICAL SCHOOL.

RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, before resolution No. 7 which stands in the name of Khan Sahib Alauddin Ahmad Chaudhury is moved I would like to make a statement which might perhaps simplify matters. There is another resolution also by the same member that is resolution No. 12, and there is still another resolution by Rai Bahadur Bipin Chandra Deb Laskar which is No. 13. All these resolutions rest on communal or territorial basis. Hon. members will see that it is very difficult to deal with questions of this sort in a meeting like this. I propose therefore, if that meets with the approval of the House, to appoint a Committee to go into all these questions and to advise the Government as to what should be done in regard to admission and other matters having regard to the conflicting claims of the different communities. That Committee will meet some time before the next admission.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :—Sir, may I enquire when and how the Committee will be formed?

RAI BAHADUR PROMODE CHANDRA DUTTA :—The Committee will be formed by Government and will consist of the representatives of all the communities concerned. The Committee will meet before the next admission.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :—Then, Sir, I have no objection to withdrawing my two resolutions.

The following resolutions were, by leave of the Council, withdrawn :

“ That this Council recommends to the Government of Assam that of the total number of candidates selected and recommended by this Government for admission to the Calcutta Medical College, at least one-third be Muhammadans of this province.

That this Council recommends to the Government of Assam that seats in the Berry-White Medical School at Dibrugarh be reserved for the people of Surma Valley in proportion to the numerical strength of population of both the Valleys.”

RAI BAHADUR PROMODE CHANDRA DUTTA :—There is another resolution, Sir. Perhaps Rai Bahadur Bipin Chandra Deb Laskar will agree to withdraw his resolution?

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—I have no objection to withdrawing my resolution.

The following resolution was, by leave of the Council, withdrawn :—

“ That this Council recommends to the Government of Assam that a medical school be established at Silchar or Sylhet for the students of the Surma Valley or in the alternative 6 (six) seats for natives of Sylhet and 4 (four) seats for natives of Cachar be reserved in the Dibrugarh Medical School in each year.”

HONORARY MAGISTRATES.

MAULAVI AKMAL HUSSEIN :—Sir, my resolution runs :

“ This Council recommends to the Governor in Council that an Honorary Magistrate should not be allowed to sit on the bench for a period over three years and in special cases not more than one extension for a period of another three years be given ; and those Honorary Magistrates who have already sat for six years or more should not be allowed to continue as such any longer.”

In moving the above resolution I beg to say a few words. In the last session of the Council I moved a similar resolution but I had to withdraw that on account of my friends in this House having found the wordings defective.

Last time we heard much from the Judicial Member about the procedure of appointing Honorary Magistrates. The Hon'ble Member only gave weight to the experience and ability to discharge the duties of Magistrates but never cared to consider whether an Honorary Magistrate stationed at a place for a long time can command confidence with the public in the discharge of his duties. As I said last time that an Honorary Magistrate, like other human beings, is likely to form his own likes and dislikes, bias and prejudices for or against persons or things if he is in touch with them for a sufficiently long time. I hope my friends in the Council will bear me out if I say that mis-carriage of justice might result from this. I further beg to bring to the notice of the Council that some members of this Council are working as Honorary Magistrates, and my fervent request to them is this, that when they consider this matter I hope they will reserve their vote in this matter.

With these few words I beg to place this resolution before you and I hope my colleagues will lend their support to it.

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, I beg to oppose this resolution. The hon. mover's resolution may be divided into three parts. The first part says that this Council recommends to the Governor in Council that an Honorary Magistrate should not be allowed to sit on the bench for a period of over three years. The second part says that in special cases, not more than one extension for a period of another three years be given and the last part says that those Honorary Magistrates who have already sat for six years or more should not be allowed to continue as such any longer.

From November 1909 this Government adopted the Bengal practice of appointing Honorary Magistrates for a term of three years. On the expiry of this term the Honorary Magistrate is re-appointed for another term on the recommendation of the Deputy Commissioner of the district or the Commissioner of a Division and if the gentleman is willing to serve. The present practice of appointing and re-appointing an Honorary Magistrate by the Government disposes of the parts (1) and (2) of the resolution and no recommendation of the House seems necessary. In regard to part (3) of the resolution, namely those Honorary Magistrates who have already sat for six years or more should not be allowed to continue as such any longer, before November 1909 Honorary Magistrates in Assam were appointed without specification of period and consequently they were appointed for life. It will appear from the Civil List that at present there are 66 Honorary Magistrates in Assam, out of whom 45 Honorary Magistrates have been appointed for a term of three years. The remaining 21 Honorary Magistrates were appointed for life. They have rendered invaluable services to Government as well as to the public. To lay down a definite rule that a gentleman shall not be allowed to serve as an Honorary Magistrate for more than three years or in special cases for more than six years would be to deprive Government and the public unnecessarily of the services of public-spirited and experienced Magistrates. The hon. mover tried to impress upon the House that these Magistrates if allowed to serve for a longer period would form their likes and dislikes and prejudices, as the stipendiary magistrates are not generally allowed to remain in a particular station for a long period. Last time the hon. mover urged that Government should follow the same principle in case of Honorary Magistrates also and as they cannot be transferred from one district to another they should not be allowed to serve any longer. The hon. mover overlooked the fact that there is a difference between the appointment of stipendiary Magistrates and of Honorary Magistrates. When a gentleman is appointed as an Extra Assistant Commissioner or a Sub-Deputy Collector is empowered as Magistrate, he is generally not placed in his home district and is generally transferred from place to place as he, by serving in a new place for two or three years, may make friendships or may contract his own likes and dislikes of the locality or the people, but in the case of the appointment of an Honorary Magistrate it is known to all of us that a gentleman is so appointed to administer justice among his own people whom he knows from his childhood. If such a gentleman is allowed to serve for a period of three years or for six years Government fail to see why he should not be allowed to continue his service any longer on the ground of acquiring friendships, as the hon. mover suggested, if that gentleman is willing to serve Government as well as the public.

KHAN SAHIB SHARAFAT ALI CHAUDHURY :—Sir, I wish to say something. If it is a permanent settlement or if it is a lifelong service for the Honorary Magistrates then it is a different question and we need not say anything further. But we the hon. members have a duty in this matter not for our particular interest but for the interest of the public and the litigants. We do not see that all Honorary Magistrates are doing lifelong work in other places. There are lots of Honorary Magistrates in this province. They are doing very good work. Among the European gentlemen also there are Honorary Magistrates and they are doing very good work. Amongst our

Indian gentlemen also there are many who are doing very good work, their reputation is very good, but there are some against whom the air is blowing all round. I must say one thing, Sir. The hon. members who were present last time must have heard my speech in connection with this particular resolution which was then put in a vague way and which the hon. mover was asked to withdraw, and so, Sir, he has put in again the same resolution in the proper way now. Now, Sir, there are some Honorary Magistrates amongst our Indian friends who have not the slightest idea of the law, who cannot explain to you the definition of law, who have not the slightest idea of the Evidence Act, who have not the slightest idea of the definition of the Indian Penal Code, but they have dictated some sections, which were put before them by their bench clerks. Whenever they find a case coming up before them they try to bring them under that section which they have already selected, to harass the people and to punish the men. Sir, this is opposed to all right principles. Of course there is no difference between an Honorary Magistrate and a salaried Magistrate. But the Honorary Magistrate is appointed simply to do justice to the public and not to abuse his powers. Probably some members of this Council will be quite astonished to hear what one of my friends in Bengal told me one day. There was an Honorary Magistrate. He was a very poor gentleman and he was lifelong in his honorary post. He had a large number of family members to support but he had other means for his subsistence. As soon as he died his son went with an application before the District Magistrate with a prayer to give him the post of his father as he had no means of subsistence. So long his father was alive he had to support his family members with the remuneration which he used to get from his post of Honorary Magistrate. The District Magistrate and Commissioner laughed very much and at once called the Head Clerk and Sheristadar and asked them to find a clerical post for the maintenance of his son. These are the ways, Sir, some of the Honorary Magistrates do their work. Probably some of the Sylhet members who are here must have heard that during the time of Sir Beatson Bell, when he went to Sylhet and inspected the work of some Honorary Magistrates he found that in some cases the Honorary Magistrates had done as much work as three salaried Deputy Magistrates, and he was surprised how an Honorary Magistrate could do so much work. Our intention is that Honorary Magistrates who are doing good work of course they should be kept for some limited period in their homes but they should not be given lifelong settlement, or they would be liable to harass the poor or helpless litigants. We are not saying this for our own interest but for the poor cultivator litigants who have been harassed all along. With these few words, Sir, I beg to support this resolution.

MAULAVI MUNAWWAR ALI :—It seems, Sir, that the language used in connection with this resolution this time is far more appropriate than the language that was used last time in connection with a similar resolution. I am very glad that the matter has been moved in a better spirit this time. The gist of the arguments put forward before the House to-day seems to be this, the complaint of the mover is directed practically against the manner of appointment itself and not so much against the rules which exist under which the appointments are made, *i.e.*, against the matter of selection.

Some of the Honorary Magistrates are said to have been acting vilely while others very well, but I think, Sir, the object of the resolution is also to place a time limit to the tenure of office of an Honorary Magistrate. One hon. gentleman has used the expression "permanent settlement". If public service is the object of the Government there should be facility for public service to as many people as can afford to do so. I think there should be no monopoly. More persons should be given opportunities for rendering services to the country who may be willing to do so, so that the matter of permanent settlement is one which ought to be vetoed. Even if a particular Honorary Magistrate is found to be quite a capable man he should act only for a fixed period of time, a maximum limit being fixed, as in this case, probably, of six years, so that other persons also might find a field of activity for public service. I think that the resolution meant to convey to Government that the state of things in existence is not one which should continue any longer and that Government should use better discretion in the matter of appointment. I think that the matter ends here and the public will probably have no complaint against Honorary Magistrates if better discretion is used in the matter of appointment. Persons who can delve in law, who have got very good common sense, who are capable of understanding the law or a law book, men with sound judgment and having courage of conviction; such persons and such persons alone should be appointed. As regards the Government contention that an Honorary Magistrate when appointed is to be one who has been bred and born in the locality to which he is appointed and is also familiar with local conditions and persons, I must admit that the argument has great force; but, that does not do away with my contention that other persons also should be propped within the arena of public activity. With these few words I beg to support this resolution on a matter of principle.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR:—Sir, I do not see my way to support the resolution. Honorary Magistrates are generally appointed from among the local positional and influential men. They get no remuneration for their services so I do not think that any Honorary Magistrate will agree to be transferred to another place. Therefore after three or six years a new man will have to be appointed. But the term of three or even six years is not sufficient for a new man to acquire experience. It is known to all that every one expects justice at the hands of an old and experienced magistrate. Honorary Magistrates are re-appointed after every three years. If the public have any grievances against any such Magistrate they may submit representation at the time of his reappointment. With these few words I resume my seat.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI:—Sir, I desire to put a question to the hon. mover of the resolution. I heard from the Home Member that some of the Honorary Magistrates who were appointed before 1909 were appointed permanently for life. If that be so, and if they have been given permanent settlement can the Government now unsettle it? What then the object of the resolution would be? It will take effect from this date and will not touch the appointments made before 1909. I trust the hon. mover will consider it.

KHAN SAHIB NURUDDIN AHMAD :—Sir, so far as I understand the present rule is to appoint an Honorary Magistrate for three years, and if Government thinks it necessary to appoint him for another three years. Now the effect of the resolution, if it be carried, would be to prevent the Government from appointing the same man after a maximum period of six years, but I have not heard any ground for which the discretion of the Government should be fettered in this matter. I have not heard from the mover or from any other member sufficient reason why Government should not be entrusted with the discretion which the Government now possesses. Sir, the hon. mover is probably not aware that there are places in the Assam Valley where there is an Honorary Magistrate but there is no person to replace him. I may cite the instance of such a place in the Nowgong district called Kampur. There is an Honorary Magistrate there for a long time and who has been reappointed time after time and probably will be re-appointed for yet another long time for there is no one to replace him there. If this resolution is carried then it will mean that Kampur will have to go without an Honorary Magistrate, and that all Honorary Magistrates whether good or bad will have to go after six years. There may be good Honorary Magistrates and bad Honorary Magistrates. There is no doubt some of the Honorary Magistrates might have misused their power, but that is no reason why there should be a general rule like this, that the Government should not have the authority to appoint a man after he has been there for six years. If any Honorary Magistrate misuses his power and if these facts are brought to the notice of the Government I am quite sure the Government will not reappoint him after his time is over and even before his time is over may take steps to replace him. I think we may leave this matter to the discretion of the Government. With these few words I oppose the resolution.

THE HON'BLE KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, I beg to speak a few words in reply. Khan Sahib Sharafat Ali Chaudhury has said that in the interests and convenience of poor litigants and public Honorary Magistrates should not be allowed to work for more than six years. But I say that if there is a miscarriage of justice then the remedy lies by way of an appeal to the District Magistrate. There is an appeal from the decisions of these Magistrates to the District Magistrate, and I do not therefore see any necessity for framing rules limiting the term of service to three or six years. If there is any abuse of power then the Government may in exercise of the power given under Section 41, Criminal Procedure Code, withdraw any powers that have been conferred to these Magistrates at any time the Government may please. So I do not see any necessity for any rules to this effect.

MAULAVI AKMAL HUSSEIN :—Sir, I am not going to annul the permanent settlements. My request concerns only those who are not permanent Honorary Magistrates and those who are now newly appointed.

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

AYES—8.

NOES—22.

Maulavi Abdul Khalique Chaudhuri.	Hon'ble Mr. W. J. Reid.
Maulavi Akmal Husein.	Honble Khan Bahadur Kutubuddin Ahmad.
Haji Muhammad Abdul Ahad Chaudhuri.	Hon'ble Rai Bahadur Promode Chandra Dutta.
Maulavi Munawwarali.	Mr. A. W. Botham.
Maulavi Saiyid Samiur Rahman.	Mr. J. R. Cunningham.
Babu Biraj Mohan Dutta.	Mr. G. E. Soames.
Babu Krishna Sundar Dam.	Mr. O. H. Desenne.
Rai Bahadur Ramani Mohan Das.	Khan Bahadur Muhammad Bakht Mazumdar.
	Khan Sahib Nuruddin Ahmad.
	Rai Bahadur Amarnath Ray.
	Srijut Bishnu Charan Borah.
	Rai Bahadur Bipin Chandra Deb Laskar.
	Srijut Hemodhar Patra-Bora.
	Babu Hiralal Bose.
	Srijut Nilmani Phukan.
	Srijut Siva Prosad Barua.
	Mr. A. J. G. Cresswell.
	Mr. E. H. Featherstone.
	Mr. E. W. Hobson.
	Dr. H. G. Roberts.
	Mr. E. S. Roffey.
	Mr. D. M. Somerville.

The resolution was accordingly negatived.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—Sir, I gave notice to withdraw the *Assam Gazette* Notification No. 5017J., dated the 23rd August 1916, which was published in the *Assam Gazette* on the 30th August 1916. But now I have come to understand that the aforesaid notification has been superseded by the Assam Government Notification No. 490J., dated the 31st January 1923. So my resolution seems to be defective. I therefore ask the permission of the Council to withdraw the resolution for the present.

The following resolution was, by leave of the Council, withdrawn :—

"That this Council recommends to the Government of Assam that the Notification No. 5017J., dated the 23rd of August 1916, published in the Assam Gazette of the 30th August 1916, be withdrawn."

The Council then adjourned for lunch till 2-15 P. M.

The Council re-assembled after lunch at 2-15 P. M.

LOTTERY.

MR. W. D. SMILES :—Sir, my resolution is as follows :—

"That this Government organize a lottery immediately, the profits from which are to be utilised for communications in Assam."

My original resolution was "that this Government seek powers from the Government of India to organize a lottery, etc., etc. But as I was informed that we already had the powers, I suggested that we should utilize these immediately.

Now, Sir, we have heard a lot about a poor and backward community in this House. What is the cure for a poor and backward community? Is it compulsory primary education? Is it improved sanitation and better roads? No, Sir. The cure is money. The same as the cure for a broken heart. Now I would have been quite willing to withdraw this resolution had I seen any interest shown by the Council in taxing themselves. But I sympathise with them. They daren't go before their constituencies having once sanctioned taxation in this Council, and I may say I am exactly in the same position. I daren't go before the tea industry after giving my sanction to a tax. The Local Rates Bill which has been withdrawn was agreed to by the tea industry simply and solely on account of the personal influence used by the Hon'ble the Finance Member and I say that it would never have been agreed to but for his well-known hard work on behalf of the tea industry in this province. Now, Sir, we want money. We all admit that we want money, but it is not so easy to suggest how to find it. We are not a fortunate province like Bihar and Orissa who pay nothing although their revenue is twice that of ours. They pay nothing to the Central Government. Bengal with a revenue fifteen times as much as ours, I think has had her contribution remitted for three years. Assam has still got to go on paying its fifteen lakhs. We are certainly not a favoured province of the Government of India. Now this lottery does not tax the poor. There is no ground for anybody to talk about the ragged and half-starved cultivators. No member would have to resign his seat in this Council if we carry this resolution through. Now already we have to pay Government for most of our weaknesses. I do not call them sins, but our weaknesses. Whether we drink, whether we smoke, whether we take hemp, whether we take opium, we all have to contribute to the Government, but the teetotaller and the non-smoker who do not take either hemp or opium but do a bit of gambling contribute nothing. Then again, Sir, it must not be forgotten that the money is to be subscribed voluntarily. If you don't want to be taxed you need not be taxed. I anticipate the possibility of an attack to this Bill

from two sides. One is from the Hon'ble the Finance Member and the other from my Reverend friend the member for Shillong. One will possibly oppose the problem on material grounds, the other on moral grounds. Of course I am only trying to anticipate their attacks. Well, I will take the Hon'ble the Finance Member first. He probably will say "We won't get enough money by this lottery to compensate us for the outlay." Well, Sir, this Local Rates Bill which has just been postponed it has been stated—I am willing to be corrected—could only produce a maximum of five lakhs. But later it was feared that it would not bring in more than a lakh and a half. I hope nobody will be unkind and remind me of the fate of the Member who put up a simillar proposal in the House of Commons at home—I mean Mr. Bottomley. Now as to the money that has been raised by this means, I have got several cuttings here but I will not weary the House by reading from them. At present the Todmorden Conservative Club has sold 50,000 tickets for its Sweep in two days and the Rusholme Conservative Club expects to raise £ 100,000. Another, the famous Ottley Derby Sweep raised a huge amount. Now one member said to me "This is only a craze, a passing phase. I know that millions are being subscribed now." Well if this is only a passing phase, that should make it the more necessary why we should take advantage of this phase immediately. But is it a phase? I see advertisements of Continental Bonds regularly in the *Statesman* "Established in 1886". Now that surely shows that it is not a passing phase. If the House decides to organize a lottery we must have the necessary publicity. Day and Martins failed the other day and the Managing Director confessed to his shareholders that the firm had failed through economy on advertising. Now take the biggest Sweep in India, possibly in the world—that is the Calcutta Sweep. I have not won it yet, but I believe the first prize is about 7½ lakhs. This Sweep is known all over the world even among the most savage and uncivilised countries. I saw from the list of winners that a resident in West Africa had won one prize and a lady in Dublin had won another. As to the cost of this undertaking we have got a very efficient printing department up here as anybody will know by reading the answers to some of the questions that have been put at this meeting. I should suggest for a start that 25 per cent. of the lottery be taken by the Government. I don't think that for such an efficient printing establishment more than 5 per cent. would go for expenses. It might mean the employment of a few more clerks but I think we heard the hon. member in charge of the Education Department saying that he was haunted by educated men seeking for posts. Probably he can supply clerks at very short notice. Now, Sir, as to the moral opposition that I may expect from my Reverend friend the member for Shillong. He may say "Oh! we cannot organize gambling in this province." I presume many of us have read the correspondence that has been going on in the *Spectator* lately between Dean Welldon and Canon Peter Green and I say that I am prepared as far as my own conscience is concerned to agree with Dean Welldon. He looks at it not as a sin but as a weakness. It only becomes gambling when you cannot afford it. I would suggest that the tickets for the lottery be made expensive, say, Rs. 15 per ticket so that there will be no chance of half-starved and ragged cultivators contributing at all. I also say, Sir, that 90 per cent. of the money will come from outside the province. Now beggars cannot be choosers. If we cannot get help from the Government of India

and we won't raise extra taxation, we must take it from where we can get it. I suppose many of us remember Moody and Sankey, the two Christian reformers. When they went on their tours in England they used music hall tunes for hymns to help them in their propaganda. They said they did not see why the Devil should have all the good tunes. In like manner, Sir, I do not see why the Devil should have all the good ways of raising money.

BABU HIRALAL BOSE :—Sir, before we proceed to the discussion of the resolution may I enquire from the hon. mover of the resolution whether the law officers of the Government had been consulted and whether this proposed lottery would be legal or not. Being a lawyer myself I may at once say, Sir, that I have grave doubts as to its legality.

THE HON'BLE MR. W. J. REID :—Sir, with the object of this resolution every member of the Council must be in the fullest sympathy. What we most require in Assam is money. Whether the proposal now before the Council is a suitable way of obtaining money is a matter on which opinions may differ. The hon. member who spoke last inquired what the law on the subject is. The law is to be found in section 294A of the Indian Penal Code. The first clause runs :

“Whoever keeps any office or place for the purpose of drawing any lottery not authorized by Government shall be punished with imprisonment of either description,” and so on.

I presume that the hon. mover of the resolution was aware of this section, and that his resolution is intended as a recommendation to this Government to grant the authorization without which a lottery may not be held.

Well, Sir, that is the law on the subject. But in the first place this Government is not entirely a free agent. We are, and always have been, responsible to the Government of India and the Secretary of State. I shall take the Council for a few minutes into somewhat ancient history. In 1882 the Government of Bengal referred to the Government of India the fact that advertisements of lotteries and race sweeps were being distributed in large numbers. The Government of India concurred with the opinion of the Lieutenant-Governor that the character of the lotteries and race sweeps advertised was mischievous and that the mischief was year by year assuming greater dimensions. They went on to say that as the intention of the law on the subject was clear and as its provisions were intended to operate in one province as much as in another the Government of India considered that the law should be uniformly enforced. In 1890 the Secretary of State enquired why there were so many advertisements about lotteries in India and again asked that the law should be enforced. In 1915—at that time money was being raised in every kind of way for the various war funds and war charities—the Government of India explicitly declared that lotteries even when promoted for benevolent and charitable purposes were not regarded with favour by them, and said that Government servants should take no part in their promotion or management and should not even act as agents for the sale of tickets. Two years later in 1917 we were again told that the previous orders still remained in force, that the opinion of the Government of India on the subject of lotteries remained unchanged.

In the course of his speech, Sir, the hon. member referred to Mr. Horatio Bottomley and to the resolution he moved about premium bonds. I have here the Report of the Select Committee which was appointed in England to consider the question of premium bonds. I have also the proceedings of the debate in the House of Commons. We are not discussing premium bonds, but I should like to read to the Council one or two extracts to show the views about gambling that were then expressed. Mr. Austen Chamberlain when replying said:—

“ If anybody wants to know why lotteries were prevented they would find it set out in the Report of the Committee of 1808 which sat to consider the question. They pointed out the difficulty of confining the gambling interest within the exact limits in which it would be harmless. They say:— (this Committee of 1808) ‘ Your Committee feel convinced that under no system of regulations which can be devised will it be possible for Parliament to adopt it as an efficient source of revenue and at the same time divest it of all the evils and calamities of which it has hitherto proved so baneful a source.’ They go on to point out the extraordinary stringency of the laws for repressing abuses.”

Further on in the report the Committee say:—

‘ In the meantime your Committee find that by the effects of lottery, even under its present restrictions, idleness, dissipation and poverty are increased, the most sacred and confidential truths are betrayed, domestic comfort is destroyed, madness often created, crimes subjecting the perpetrators of them to the punishment of death, are committed and even suicide itself is produced as will fully appear by the evidence submitted to the House.’

Mr. Chamberlain said:—“ I am talking about what caused the House of Commons to prohibit lotteries. Now let us see what this Committee said about lotteries and what caused the Government to abstain from lotteries for the last one hundred years:—

‘ Such have been the constant and fatal attendants upon State lotteries and such your Committee have too good ground to fear will be their invariable attendants so long as they are suffered, under whatever checks or regulations to exist. The question naturally occurs to your Committee whether any pecuniary advantage however large or convenient can compensate to a State for the amount of vice and misery thus necessarily produced by the levy of it.’

Well, Sir, the relevance of these extracts lies in the fact that when the question of premium bonds was discussed Mr. Bottomley and those members who supported him argued very strongly that premium bonds were not a lottery. They definitely accepted the findings of the Committee of 1808, and said that while opposing gambling (in which a lottery was included) they were not opposed to, they favoured the introduction of premium bonds. I have no desire to pose as being more moral than my fellow men. I am pretty certain that I have had a ticket or two in the Calcutta Derby Sweep for many more years than even the hon. mover of the resolution. But that is a somewhat different matter from making a lottery legal. I ask the hon. mover if he seriously wishes to press his proposal. I ask the Council if they seriously wish to favour this means of raising money. Would the hon. mover approve of gambling in his own garden lines? I can tell the Council

that when I was Deputy Commissioner of the Naga Hills I had to pass a Gambling Act of my own. There the Deputy Commissioner exercises powers which in the more regularly administered districts he does not. I found that the introduction of gambling among the Nagas led to the very evils about which I have read to you from the Report of 1808. I found that thefts were common, that murders were not unknown. So being then in a position to do so I prohibited gambling under pain of severe penalties.

REV. J. J. M. NICHOLS ROY :—Sir, after the reply of the Hon'ble Finance Member I think I hardly need speak very long on the subject. But a few words probably will be necessary in order to let the Council know what I think on this matter. The hon. member has already anticipated that I would oppose this resolution and he is not mistaken regarding that. I decided that I should oppose this with all my heart, with all the ability that I have in me.

First I believe that the duty of any Government or one of the duties of any Government is to look after the moral welfare of the people. If any project seems in any way to affect the moral condition of the people the Government which looks after the moral condition of the people should not be tempted by any pecuniary benefit that might accrue from it. Any Government that is not established on moral principles will in the long run crumble to pieces. That is the history of the world. That is the history of the government of the world.

There is a Gambling Act in this province, and lottery is only another form of gambling. The principle of a lottery is wrong. Even if the money comes from outside the province or from outside India, the example of this Government if it should encourage lottery would have a detrimental effect on the people of Assam.

They will say, if our Government has given us this example why should we not try to get money by means of lottery? It will then be a matter of everyday life with the people. So it will ruin the people. I thank God, I thank the British Government for passing laws against gambling and showing such opposition against lottery arriving at such a decision in the House of Parliament as we have already heard from the Hon'ble the Finance Member. That only shows that the stability of the British Government is sure, that it rests on sure foundations. Its aim is the good of the people and not any financial benefits.

Now, as I have said the effect of a lottery will be detrimental. We have known people who spend their time in gambling. When once the spirit of gambling has entered into a man there will be no end of it. He will, being lured by false hopes of getting something and yet getting nothing, be ruined. He will hope and say, "To-morrow I might be the lucky person" and thus go on day after day driven by a false hope of becoming lucky. And he may thus ruin his whole family, and afterwards he may commit suicide when he finds that he has ruined his family by his foolishness, running after false hopes. I believe that all the members of the Council will be against this resolution. Another thing, Sir, is this. I fully believe that as India is essentially a religious country whose very fibre has been permeated by the ideas of religion, such a resolution will not find a place in any of the Legislative Councils in India.

Now the hon'ble mover has said about Mr. Moody and Mr. Sankey who went to England and took the music hall and used the music hall or the tunes which were used there. When people raised objection Mr. Moody said "If the devil could use *good things* why can we not use them"? I agree with Mr. Moody and Mr. Sankey in that. But, Sir, the hon. mover has already admitted that lottery is a weakness. It is not a *good thing*. Then why should the Government be established on a weak foundation. Any Government that is established on a weak foundation rests on sandy soil; some day it will fall. I am glad that the sense of this Government is against lottery and I believe that all the members of this House will be against this proposal. I think this resolution should not have been brought before this House, but I thank the hon. mover for his good intention to deliver Assam from the present financial distress. He has a good motive but the means which he has proposed for delivering the country is a means that will ruin the country.

Mr. W. D. SMILES :—Sir, once again we have been faced with a destructive policy. Every motion that is put before the House to raise money is turned down. I am afraid the forthcoming elections are responsible for this in a great measure.

THE HON'BLE MR. W. J. REID :—Sir, I at least have not got that fear before me and still I do not withdraw anything of what I said against the resolution.

Mr. W. D. SMILES :—Sir, it is very difficult nowadays to define gambling. The man who takes up a limestone quarry, the man who starts a tea-garden, even the people taking out life insurance policies are gamblers. It used to be said that Government employment was certain but after listening to this Council I have come to the conclusion that Government servants are the biggest gamblers of us all. I quote now from a letter from the Rev. H. L. Fosbrooke :—

"It is urged that for the State to recognise gambling would be an immoral act and that such recognition would lower the general moral standard of the community. Is this so? In countries like Canada and France where the State recognizes gambling and profits by it, is it true that the general moral and ethical standard of say any ten representative persons drawn from any social class is lower than the standard of a corresponding number of English persons drawn from a similar class? I hardly think that anyone would make such an assertion."

I do not want to waste the time of this Council by adducing fresh arguments. I would only ask whether the Government intends to authorise the lottery or not?

THE HON'BLE MR. W. J. REID :—Sir, the first point is does the Council wish the Government to authorise it or not?

MR. W. D. SMILES :—I suggest, Sir, that this question should be put to the Council.

The motion was put and negatived.

ABOLITION OF INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICE POSTS.

MAULAVI ABDUL KHALIQUE CHAUDHURY :—Sir, the resolution which stands in my name is this :—

“ That this Council recommends to the Government of Assam to forward immediately to the proper authority the recommendations of the Assam Retrenchment Committee for the abolition of Indian Civil Service and other Imperial Service posts so as to give their effects from the next term of the Council.”

Sir, the Assam Retrenchment Committee was constituted to advise Government as to the economies possible in connection with certain appointments. The Committee after several months' labour submitted the report to the Government recommending the abolition of certain appointments. Some of the posts recommended by the Committee to be abolished require the sanction of the Secretary of State for India. The Local Government has no hand in their appointment or abolition. The Local Government can only make recommendations for their abolition. On receiving the recommendations of the Assam Retrenchment Committee the Hon'ble Finance Member informed the House that the Government will consider the recommendations of the Committee after the submission of the report of the Bengal Retrenchment Committee which was also constituted by the Bengal Government for the same purpose. After the submission of the report of the Bengal Retrenchment Committee the Assam Government took some temporary measure in the direction of the recommendations. One of the Conservators of Forests went on leave and his post was not filled up. The post of the Superintending Engineer has already been attached to the office of the Chief Engineer with a reduction of staff though the post of the Superintending Engineer remains as it was before. The leave vacancy of one of the Under Secretaries was filled up with a Provincial Service Officer. But the question of the abolition of some Imperial posts as recommended by the Committee is still held in abeyance and the public are quite in the dark as to whether the Government is trying to give effect to the same. Sir, the Government is now in a state of bankruptcy and to facilitate the administration of the province the Government has to undertake some undesirable steps in the way of reducing the number of scholarships by 50 per cent. and raising the rate of the College fees, etc. Sir, if the recommendations of the Committee be forwarded now to the Secretary of State for India for abolition and the Secretary of State accords his approval, the province will be relieved of its financial strigency to a great extent in the next term of the Council. With these words I move this resolution for the consideration of the House.

THE HON'BLE MR. W. J. REID :—I confess, Sir, to feeling some doubt as to what sort of reply the Council would wish me to give. I have no desire to take up their time unnecessarily, nor do I wish to make a speech if this can be avoided. The Council may remember that at the March meeting Rai Bahadur Bepin Chandra Deb Laskar moved a very similar resolution. His ran—that this Council recommends to the Government of Assam that immediate effect be given to the recommendations of the Assam Retrenchment Committee in their entirety. He withdrew his resolution after hearing my reply. The hon. mover of this resolution has split his

recommendations into two. This part relates to Indian Civil Service and other Imperial Service posts, and he is moving another resolution to abolish immediately the Provincial Service posts recommended by the Assam Retrenchment Committee so as to give effect from the next term of the Council. Well, Sir, I admit with gratitude that by asking for the change from the next term of the Council he does allow us a little more time, a few months more than the "immediately" resolution did. On that occasion I told the House briefly what we had done in pursuance of the recommendations of the Retrenchment Committee. I am quite willing to repeat the information if the Council so desire but they will find it all in the proceedings. The hon. mover has done us the justice to mention a good many of the changes effected. I did not hear him as clearly as I should liked to have and am not sure whether he mentioned them all. I did not hear him saying that we have kept the post of Superintending Engineer in abeyance for the present and that a reference has been made to the Secretary of State whose orders we must await. I told the Council in March that so far as Commissioners of Divisions were concerned it was not in our power to abolish the posts if we wished to do so. I said I would not pretend that we were in favour of the abolition, but I said that the decision one way or the other did not rest with us but with the Secretary of State, and that I imagined the decision would be taken for India as a whole and not for this province alone. Lastly I did not hear in his speech any reference to the appointment of the Royal Commission on the Public Services which will shortly meet in India, the terms of reference to which are of the widest description and include the strength, the constitution, and so on of the All-India Services. Any recommendations made by the hon. member or by this Council will in due course be laid before that body, but do the Council seriously wish to prejudge the issue and make a recommendation to the Commission before it has had an opportunity of investigating matters for itself?

THE HON'BLE THE PRESIDENT :—Would you like to say anything in reply?

MAULAVI ABDUL KHALIQUE CHAUDHURY :—Sir, I leave my resolution to the consideration of the House and the House are to decide.

The motion was put and negatived.

FREE USE OF CIRCUIT HOUSES AND INSPECTION BUNGALOWS.

KHAN BAHADUR MUHAMMAD BAKHT MAZUMDAR :—Sir, I beg to withdraw my resolution.

The following resolution was, by leave of the Council, withdrawn :—

That this Council recommends to the Government of Assam that all the members of the Assam Legislative Council be allowed free use of Circuit Houses and Inspection Bungalows in the province.

COLLEGE FEES.

BABU KRISHNA SUNDAR DAM :—Sir, the resolution which stands in my name runs thus :—

"That this Council recommends to the Government of Assam that the Notification No. 2639E., published in the Assam Gazette of the 4th July 1923, raising the college fees, be withdrawn."

This notification, Sir, like the notification reducing the number of scholarships has caused a good deal of discontent against the authorities concerned in my part of the country, *viz.*, the Surma Valley. The student community—the students of the college and schools alike—and people in general are all equally against this measure enforced by the Hon'ble the Education Minister. Certainly it cannot be said that these fees have been raised for the purpose of improving the provincial revenues. It is not unlikely that we may hear it stated by the hon. Mr. Cunningham that the money collected by raising the fees will be spent in the award of scholarships. If this is one of the grounds for raising the fees, it may be said that it is not just and fair enough to impose a taxation on the whole population interested in college education for the purpose of awarding scholarships to a few of the students. I do not know if the college fee has been raised as a measure to discourage high education because I have heard it often talked about that the present rush for higher education ought to be stopped, that is, rush for mere academic education—what is called the general education. This is a matter in which there is much to be said for and against with equal force. But the objectionable feature in the present measure arises from the fact that in the absence of any other opening given to our boys by the Government, by providing technical or industrial schools, or by giving other facilities for obtaining a training wherewith they can prepare themselves for the life's struggle for existence in the absence of any such facilities accorded to them, obstacles of this sort by raising college fees ought not to be put in their way as well as in the way of their poor parents. We cannot omit to mention the fact that the people of the province even now find it very difficult to defray the educational expenditure of the schools and colleges and the present measure is likely to make the situation more difficult for parents. It may be said by the Government side that fees as now proposed to be levied are only equal to what prevails in the colleges in Bengal; that the fee rates in what are called the poor men's colleges in the city of Calcutta or elsewhere in Bengal are also more than Rs. 4 (as was the rate so long in the Murarichand College at Sylhet) and that everywhere it is Rs. 6 so that it is proposed to raise the fee to prevailing rate all over. Now, Sir, this may be so. It may be a fact that the colleges of Bengal which hitherto levied only Rs. 3 or Rs. 4 have increased the fee-rates to Rs. 6 or more. But can we forget the important point that those colleges have done immense service to the country already for a pretty long time by remaining poor men's colleges and after serving the country for about a quarter of a century they have now raised the fee-rates only when the Bengal Government or other patriotic and resourceful people or organizations have established institutions like the Bengal Technical School, and so on. It is only when proper openings have been made in other directions by the Government and the people of Bengal, it is only then that the fee-rates have been raised by what are called the poor men's colleges, namely the City and the Metropolitan Colleges. Technical institutions which I have mentioned have already admitted a very large number of students and they are attracting more and more annually. But here in this province, the two colleges are the only accessible institutions where our boys can get some training wherewith to fight the world's battle for self-preservation and it would be very ungenerous, I believe, to create financial difficulties in the way of easy education of our boys at the colleges. The Hon'ble Minister will not contradict me when I say that the Murarichand College is also a poor men's college. It is certainly a poor Government's

college also. But it is no ground for raising the college fees because it happens to be a poor Government's college. It is a poor men's college and the Hon'ble Minister knows better than any body else that it is really so.

The Hon'ble Minister did a good deal for bringing the present college to its present status. He with others borrowed money by executing a bond—and even now there is a decree standing against him and his co-debtors; and this was so simply for paying the amount which the Government demanded to be deposited in order to provincialize the college. Whatever he may say now as a representative of the Government, certainly he will not go so far as to say that it is not a poor men's college, that although once he knew it to be a poor men's college it ceased to be so after he had become the Education Minister. If he says so, I can produce certified copy of the decree passed by the Court against him and some others, shewing the incapacity of the people and the labours which he himself underwent to find out the money required by the Government from a poor country.

Now, Sir, I am pretty sure that the members from the Surma Valley will be unanimous in giving their support to this resolution because they know full well how the people whom they represent think about the matter and I have no doubt that our friends of the other Valley will also give to the resolution their full support.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I shall briefly state the circumstances which have led me to take this step. I am aware of the strong feeling that has been aroused in my Valley against this measure, but I will not go into the reasons which are at the bottom of it. I would simply state certain facts and leave the Council to form their own conclusions and decide whether I have acted rightly or otherwise.

The Cotton College was started in the year 1900 with a fee-rate of Rs. 5 for all classes. The Murarichand College was started in the year 1909 by the late Rajah Girish Chandra Roy as an Intermediate College with two classes with a fee-rate of Rs. 4 only. This college was taken over by the Government on the 1st April 1912 and the fee-rate continued to be as before. In 1916 it was raised to the status of a first grade college just like the Cotton College and then the question of fee-rates arose. Here is the letter from the Hon'ble Mr. J. R. Cunningham, Director of Public Instruction, Assam, to the Second Secretary to the Chief Commissioner of Assam on the subject. In regard to the fee-rates he said :—

- “ I have the honour to address you on the subject of the levy of fees in the various classes of the Murarichand College when it is raised to the B. A. standard.
2. Reference is invited to the enclosed statement from which it will be seen that the fees in Government Colleges affiliated to the Calcutta University vary from Rs. 4 to Rs. 12. In the Cotton College, Gauhati, the only other College in the province, the rate is Rs. 5 for all the classes up to the B. A. But in the Murarichand College the present sanctioned rate is Rs. 4 only. On the analogy of the Cotton College it would appear fair that the fee-rate in all the classes of the Murarichand College should also be Rs. 5.
 3. Pending further consideration I do not at present advise the raising of the rate in the lower classes but recommend that the Local Administration may be moved to sanction Rs. 5 (with an admission fee of Rs. 5) as the monthly fee-rate for the graduate classes of the Murarichand College, when they come to be opened.”

Therefore, then, before the issue of the notification the state of things was this that in the Cotton College boys reading in the first and the second year class had to pay Rs. 5 while boys reading in the first and second year classes of the Murarichand College had to pay Rs. 4 and that the students reading in B. A., or B. Sc. classes in both the colleges had to pay Rs. 5. These fee-rates have been raised by the notification referred to in the resolution. I have found it stated that at the time the Murarichand College was handed over to Government there was an undertaking given by the Government that the fee-rates would not be raised beyond Rs. 4. I may state at once that there is absolutely no guarantee of that sort either asked for or given. I will, with the permission of the Council, read the Raja's letter to Government stating the conditions on which he proposed to hand over the College to Government and the conditions on which the Government accepted them. This is the letter No. 260R. of 13th February 1907. It says :—

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

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

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

This was the letter and these were the terms which were accepted by the Government. It appears, however, that during the progress of the negotiations the Commissioner of the Surma Valley suggested that the fee-rate may be retained at Rs. 4 at any rate in the beginning. To this Mr. Cunningham replied on behalf of the Government in letter No. 94C., dated the 11th June 1907, to the Commissioner of the Surma Valley :—

“I can give no assurance that the fee-rate would be retained at Rs. 4. If the college be provincialised the rate will have to be at least approximate to the rates in other Government colleges.”

When I joined office in September last I found that this question had been engaging the attention of Government for some years past. I was asked to increase the rate and having regard to the decision that the rates in the College would be raised to the rates in other Government colleges I thought the time had come when action could no longer be postponed, and what applies to the Murarichand College of course applies equally to the Cotton College. With that object in view I addressed the Government of Bengal for information as to the fee-rates in Bengal colleges. In reply, I was told that in the

Chittagong, Hooghly, Rajshahi and Krishnagar colleges which are Government colleges and enjoy the same status as these two colleges the fee-rate was Rs. 6 for all the classes and that as to the rates in the Bangabasi and some other colleges they were as follows:—

Bangabasi College.

					Rs.
B. A.	...	...	...	...	6
B. Sc.	...	...	...	...	8
I. A.	...	...	...	...	6
I. Sc.	...	...	...	...	7
B. A. with one science subject	...	...	...	...	7
I. A. ditto	...	...	...	...	7

Ripon College.

					Rs.
B. A.	...	...	...	...	6
B. Sc.	...	...	...	...	9
I. A.	...	...	...	...	5
I. Sc.	...	...	...	...	7
I. A. with one science subject	...	...	...	...	6

City College.

B. A.	...	...	...	...	7
B. Sc.	...	...	...	...	9
I. A.	...	...	...	...	6
I. Sc.	...	...	...	...	8
I. A. with one science subject	...	...	...	...	7

Having regard to these facts I thought that the only thing that I could do would be to adopt the lowest rate that was in vogue in any of the Government colleges enjoying the same status as these two colleges. I may just inform the hon. members that since this notification was issued the Government of Bengal as a result of the recommendations of the Retrenchment Committee have increased the fees in the Chittagong, Hooghly and the Krishnagar colleges from Rs. 6 in the I. A. classes to Rs. 7 in the I. Sc. and Rs. 8 in the B. A. and B. Sc. classes. In the Dacca Intermediate colleges the fees are the same and in the Dacca University the fees are much higher. I then examined the question of the expenditure on these two colleges. The figures are interesting. I would invite the attention of hon. members to them.

The expenditure on these colleges in 1917-18 was 1,76,000 odd rupees. In 1918-19 it was 1,79,000 odd rupees; in 1919-20 it was 1,87,000 odd rupees and in 1920-21, 2,61,000 odd rupees. In 1921-22 it rose to 2,85,000 odd rupees. The revised estimate for 1922-23 was Rs. 2,41,000 odd. The actuals of that year of course will be higher but they are not available now. It will be seen therefore that in the first year of the Reforms, *i.e.*, 1921-22 the expenditure went up by about a lakh and that the average increase per year

on account of these two colleges for the last five years is Rs. 21,000. That was one of the circumstances that I took into consideration. The next thing I took into consideration was the amount that was spent by the Government here for educating students in Assam. I would refer hon. members to the Quinquennial Review. There it will be found that the cost to Government of educating a boy in the Assam colleges was 317.47. The average for all India was 256.2 only. In other words the Government of Assam were spending for each student Rs. 50 more than any other Government. Then I considered what was the fee that was paid by students here. I found that each of our students pays per year as fee Rs. 50.2, while the average for the whole of India is 69.4. These figures clearly show that while the Government of Assam spend more than any other Government in India for educating its boys in the colleges the students themselves pay much less than the students elsewhere.....

BABU KRISHNA SUNDAR DAM :—Does this include the cost of inspection ?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—It does not include inspection at all. It has nothing to do with that.

Next I would ask hon. members to consider the condition of the provincial finance. I explained it at some length yesterday and I need not say much more to-day. I said that during the last two years the expenditure exceeded the receipts by fifty-five lakhs so that we are now in debt. In other words while the province was running into debt the expenditure on these colleges was increasing every year. I leave it to hon. members to judge if under these circumstances I was not justified in increasing the fee-rate to Rs. 6. I would also ask hon. members to consider another fact. If hon. members will refer to page 16 of the Budget for this year they will find that in the year 1921-22 the fee receipts in these two colleges was Rs. 42,006, while the amount given as scholarships in the Arts Colleges was Rs. 43,918. In other words every pie that was contributed in the shape of fees came back to the students in the shape of scholarships. The result is that no student in Assam was contributing a single pie to the maintenance of these colleges. They were having these colleges practically free. I submit that under the circumstances it was perfectly justifiable that the fees should be raised at least to the lowest rate that is charged in any college in Bengal. Sir, it is unfortunately true that the cost of education is going up higher and higher every year. Buildings, staff and equipment cost us more now than before. But even considering all these things I hope I have been able to prove to the hon. members that we in Assam are giving education to our college boys at much cheaper rates than any other province in India. The hon. mover of the resolution has asked whether it is a measure to discourage higher education. I may state at once that nothing is further from my mind. As representing the Government of Assam I wish emphatically to say that they have absolutely no intention whatsoever of that kind. It has been suggested next that in the absence of facilities for training in technical institutions the raising of college fees means a falling off of students in colleges. I do not know exactly what my hon. and learned friend really means. I would however just ask him to enquire about the admissions in our colleges, whether there have been fewer students admitted this year in any of the colleges on account of the raising of the fees. Then

it has been said that people are too poor to meet the increased expenditure in colleges. Well, Sir, nobody is more aware than I of the poverty of the people but the fact is that when you think of the colleges alone you forget that there are other institutions for which the Government is responsible. Our responsibility to the masses in the province is to make them at any rate literate. We have also got to provide secondary education. Shall we spend all the money on collegiate education and neglect mass and secondary education? As hon. members are well aware we are feeling great financial difficulties in the way of extending mass education in this province. The grants under the head 'Education' are limited. Out of those limited grants you have got to meet demands of different forms of education. Now if you increase the expenditure on college education it necessarily means that you must reduce the expenditure on secondary institutions or on primary schools. I have been through the province and I have seen that some of the Middle English Schools are on the verge of a collapse for want of help. Even some of the high schools are about to die for want of help. Only the other day a gentleman came and saw me as also Mr. Cunningham. He said he wanted help because the roof of his school building was about to fall in. Now if you spend all the money on college education and at the same time allow the expenditure to increase at the rate of Rs. 21,000 as was the case during the last five years we cannot possibly meet all these demands. My learned friend was saying that I who had done so much for the Murarichand College should have been the last to increase the fee-rates. Sir, when I went round for funds for that College—I thought of that College alone but now I have not only to see to the Colleges but also the schools, *tols*, *mukhtabs* and *madrassas*. Considering all these circumstances I do not see how the expenditure on college education could be increased without detriment to the lower educational institutions. For these reasons I have raised the fees to the lowest limit of those in any other College in India, and I repeat that the high education that is being given here is being given cheaper than anywhere else in India.

RAI BAHADUR ROMESH CHANDRA BHATTACHARJEE :—May I enquire, Sir, if the notification referred to in the resolution relates to both the colleges?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Yes.

RAI BAHADUR ROMESH CHANDRA BHATTACHARJEE :—Sir, the late Raja Girish Chandra Ray showed an unprecedented liberality towards the spread of education in Sylhet. His magnanimous heart always cried for the poor students and to fulfil their desire he had established the Murarichand College especially for those who could not afford to prosecute their studies for higher education outside the province. It is unfortunate that he did not impose a condition in making over his college to Government that the fee-rates should not be raised. He perhaps never thought that a time would come in the near future when his countrymen would be required to pay a higher rate for their boys. The measure just adopted would however I fear be quite against the wishes of the founder of the Murarichand College. Of course this has been done under altered circumstances but in view of the fact that it would be very hard on most of the guardians to defray the expenses of their boys in the present economic condition prevailing in either Valley, I feel it my duty to support the resolution.

SRIJUT NILMANI PHUKAN :—Sir, I have heard arguments both for and against this resolution and after hearing all this I am rather inclined to believe along with the Hon'ble Minister for Education that if this resolution is carried it may indirectly affect the mass education of the country. Sir, this very argument was also in my mind, and certainly we cannot say that the primary duty of the Government is the higher education of the country; mass education must come first. It has already been clearly explained that these colleges, these provincial colleges have grown to a great extent at State expense and this also is known to the House that the colleges cannot grow if not properly fed. It is one thing to teach the three R's to a boy, but quite a different thing to teach the higher things in arts and science to the youths of the nation. So on no account could the present expenditure on the colleges of the Province be curtailed; and if that be the case the enhancement of the fees to Rs. 6 cannot be taken to be the last straw on the camel's back. It is a known fact that the classes of people who resort to college education are not as poor as the class of people who require literacy. My idea is this, that the poor-men's sons who have got brains but for want of funds cannot go higher, there must be ample provision for these boys to go in for a college career. That is one thing. Again the present rate of fees in our colleges is not higher than, as has been shown by the Hon'ble Minister, the lowest fee-rate in any college under the Calcutta University. That is another reason why we cannot think that these fee-rates are to be considered by the people as very exorbitant. Now, Sir, if all the expenditure is to be met by Government for running these colleges, and at the same time if all the money and the resources that are at the disposal of the Education Department be absorbed by these colleges, then perhaps the primary education and secondary education of the country might suffer. I may tell the House in clear terms that I shall rather have the masses of the people literate than to have a few educated in colleges. Unless the nation is highly literate, intelligent, know something of literacy, it is of no use having a few highly educated among the society. So, on these grounds I am afraid we cannot support this resolution and the fee-rate is certainly not very high but there must be some safeguard for the poorer boys who have brains but no money.

MAULAVI MUNAWWARALI :—Will the Hon'ble Mr. Cunningham tell us what would be the increase of revenue by the raising of the fees?

MR. J. R. CUNNINGHAM :—I have had it worked out. It will apparently be about Rs. 16,000. But I cannot guarantee the correctness of this information. I shall have to go into it. From the figures prepared by my office it is about Rs. 16,000, but I do not myself see how it can be quite so much. I should have to work it out personally to be sure that the information was correct.

Well, Sir, this is an issue on which I cannot remain silent. It may be that I shall be unable to make any statement which will convince members on the subject of this resolution—members who have already come to a conclusion. It may be however that I shall. I referred yesterday to the fact that no constitutional issue was involved in the companion resolution when the House as a whole was not to be restrained from flocking into the wrong lobby. To-day I am, Sir, quite free from the need for expressing myself in constitutional language. We are again occupied with an issue of administrative detail. And I am clear that the occasion ought to be one—on the part

of those who are interested in keeping the fee levels low—ought to be one for a vote of thanks to the Hon'ble Minister. I venture to ask this Council in the interests of its own honour and dignity and the honour and dignity of the House to vote in accordance with their reason. There has been much talk about the elections. Let us get away from this.

It is good that at times the arch culprit should rise and publicly confess himself. I have for long been quite free from doubt as to the advisability of raising the fee-rates all round and this view has been pressed by me on Government for many years. The Hon'ble Minister has quoted from a letter which I have forgotten and from which it appears that on what ground I do not know, I softened some years ago with reference to the Murarichand College. My reasons for concluding that the time has come for the raising of fees need not be explained here at length. They have been set forth in public documents. But by no means can it be my desire to put stumbling blocks on any part of the line. Education, Sir, is my life work. But when I go round the Province I see schools everywhere in the most miserable condition giving education which is unsuitable and which in many cases does harm; I see school masters suffering from the poorness of their pay, from the uncertainty of their position; I find school houses unable to keep out the wind and the weather, and I ask myself where is the money to come from to put these schools on a proper footing. We have explored the possibilities of private generosity, in some cases with success; but we cannot build up a public system of education on private generosity. We have explored the possibilities of taxation. The members of the Council will recognise from their attitude to all measures involving new taxation that that source is dry. We know that our revenues cannot help. Where then is the money to come from? For that reason I have been pressing for many years—during seven long years, I have pressed for the increase of fees, the necessity for increasing the fee-rates all along the line in recognised schools. But the occasion has never been found opportune. The measure was bound to be exceedingly unpopular. Now, Sir, I am not in the secrets of Government in this matter. But when the present cry for retrenchment arose I naturally seized the opportunity of again pressing my views in the matter of schools but I found the Hon'ble Minister steady in his view that the time so far as schools were concerned was at present inopportune and I was unable to make any headway. As regards colleges, however, the hand of the Government may have been forced by the issue of the Bengal Retrenchment Committee's report which began by advising that far too large a share of the cost of colleges is borne by Government. They recommended the closing of all Government colleges but one, and in that one recommended the raising of the fees. It is true that the Government of Bengal did not accept the recommendations in their entirety. But they have raised their fees to a minimum of Rs. 6 and a maximum of Rs. 15.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—The Rs. 15 rate has not yet been fixed.

MR. J. R. CUNNINGHAM:—The Rs. 15 rate is of course for the Presidency College. And, if I may be allowed to prophesy, it may possibly be more than Rs. 15, but it will not be less. Now, Sir, what have we done for Assam? We are raising the fees in the Murarichand College from Rs. 4 to Rs. 6 and in the Assam Valley from Rs. 5 to Rs. 6. The increase is trivial and for myself I should press for it in any case as a

measure of justice and common sense. We must get away from all these sentimentalities of poor men's colleges and so forth. Men who send their sons to college must ordinarily be in better circumstances than their neighbours. The Murarichand College was started in 1891 with three men and a boy in a corner of an indifferent school building, with meagre pay and a most narrow range of affiliation in Arts up to the F. A. standard. We have in its place now a college which, as soon as it gets into its new buildings, will be one of the finest colleges in the University of Calcutta offering a very wide affiliation up to the B.A. Honours standard so far as the demands of a small province can go. We are now approaching the completion of the first instalment of buildings. They are costing us between eight and nine lakhs. I ask is this a time at which the people of the Surma Valley should repine at paying a little addition to their dole?

Again, Sir, taking it from another point of view. (I am addressing the Surma Valley members.) They were prepared to pay Rs. 4 in 1891. What is Rs. 4 in 1891 worth to-day? It is useless to pretend that the purchasing power of Rs. 6 to-day is more than the purchasing power of Rs. 4 in those old days. We all know that it is nothing of the kind. Nor, Sir, is this all. The Hon'ble the Minister has pointed out that what is taken with one hand is given away with the other; that the rise in the cost of education to the State has vastly increased, while the cost to the students during the last ten years during which prices have risen greatly has actually fallen. Sir, in these circumstances, I suggest that those who are interested in the college-going population should refrain from further demands upon the Government or the people at large and may rejoice in the

bold peasantry, their country's pride

which supports them without charge. Sir, I have nothing further to say on the merits. The arguments against the resolution are quite overwhelming. I might, however, add that the issue must already appear to be decided to those who observed the hesitating arguments of the mover and the confidence of the Minister's reply.

MAULAVI RASHID ALI LASKAR:—Sir, like the people of the Deserted Village who "came to scoff but remained to pray" I also came to support the resolution but after hearing the lucid explanation of the hon. Minister and the hon. Mr. Cunningham I am rather compelled to undergo a certain metamorphosis and oppose the resolution. Besides what I heard from them I see if we compare the high school fees and the high school teachers' pay, the college fees and the professors' salaries then I think we cannot support the resolution. Again, when already there is a difference between the tuition fees of the two colleges how can we support Rs. 4 in one case and Rs. 5 in another case? Then, again, Sir, if we are to award scholarships to certain students we must find the money from somewhere, we must tax somebody. Then, again, we must consider the increase in prices and the increased expenditure, and considering the increase in the salaries of the professors we must at least agree to some increase in the tuition fees also. And what I heard from the hon. Mr. Cunningham this also struck me that what Rs. 4 was several decades before is much more than Rs. 4 now. What the purchasing power of Rs. 4 was say two decades ago is almost half now. This also should be considered by the House. And so I am rather compelled to oppose this resolution.

MAULAVI MUNAWWARALI :—Sir, will the hon. Mr. Cunningham kindly tell me again whether the scholarship holders will be liable to pay fees under the present system ?

MR. J. R. CUNNINGHAM :—There are a considerable number of different kinds of scholarships. Some of them carry with them free student-ship and some not. The reserved scholarships, *viz.*, 25 for Muhammadans and 21 for members of the backward classes have carried free student-ship with them.

RAI BAHADUR RAMANI MOHAN DAS :—Sir, may I enquire of the hon. mover whether there is any intention underlying the resolution ?

BABU KRISHNA SUNDAR DAM :—Every resolution has some intention underlying it. It is to have it passed with your help.

RAI BAHADUR RAMANI MOHAN DAS :—I am thinking of election matters.

BABU KRISHNA SUNDAR DAM :—Yes. I will reply in due time.

RAI BAHADUR RAMANI MOHAN DAS :—Then it is admitted that this is one of the reasons that this resolution has been moved. It is to satisfy the constituency who will vote but my belief is quite the contrary. The people who perhaps are the opposition of my hon. friend do not care whether the fees are reduced or increased.....

BABU KRISHNA SUNDAR DAM :—You belong to a different constituency. You ought to be ruled out of order.

RAI BAHADUR RAMANI MOHAN DAS :—No, I am speaking generally, excuse me. Here my friend has said that by increasing college fees the rush for education has been stopped or is going to be stopped. I think this is not correct. The rush for college education has been stopped by other reasons. It may be due to some extent to the non-co-operation movement; to some extent that the students who are being admitted in colleges are not given any service under the Government or are not being helped by the Government or by the people to start industries for their maintenance. I see in Calcutta papers and also sometimes in the papers of the district, and the province that the students of the schools or students intending or failing to join colleges are being invited to take up some sort of business or industry or any other job outside by which they can earn more and more than joining any Government service. The other day I have seen something published in the *Statesman* where the President of the Corporation of Calcutta invited the students or the young people who were and are still anxious to join the college to take up other avenues of life by which they can improve themselves. I have seen also other speeches delivered by other gentlemen and in the same way advising the young men. I believe these speeches and this sort of assurances and hopes have been given to the students and young men taking them back from the collegiate education. Even this increase may be due to this reason also that the number of students in the colleges has gone short.

and in Bengal. To this I would only say that this is not a sufficient ground for enhancement of the fee-rates; because such and such rates prevail in Bengal and elsewhere, therefore we should not have to pay enhanced fee-rates. That is certainly not convincing. Imitation should not always be our guiding principle in our practical life. Next, it has been urged that the costs of education have increased, that Government were spending more; that the province was running into debt. To this I have only to say that the people in general are not at all responsible for any of these events. If the province was running into debt, we as representatives of the people say that this is so because the Government have all along refused to listen to our advice, because the Government have adopted measures which were opposed by the representatives of the people in the Council. If, Sir, the costs of collegiate education have similarly increased we say it is because of the lavish expenditure for the massive masonry structures for the Murarichand College and for the very big salaries drawn by the professorial staff and other Government officers of the Education Department like their brethren in other departments. To this expenditure also the people were not willing parties. We might be rightly and justly asked to pay more only if we were consenting parties to all such expenditure. But we are not responsible for extravagance in public expenditure and, as we know, much of the expenditure has been incurred in a most autocratic way by the Government. I cannot therefore accept the grounds adduced by the Hon'ble Minister as sufficient for the present increase of the fee-rates. The Hon'ble Minister and the Director of Public Instruction also pointed out to us that what is realised as fee-rates is paid back in the form of scholarships. As I have already said this also is not a sufficient ground. For the purpose of giving scholarships to a few dozen boys it is proposed to levy a tax upon the general population of the country; that is not fair and just. It has been pointed out by the Director, and this has received the approval of many of the members, that the purchasing power of six rupees now is less than the purchasing power of four rupees several years ago. That is not the whole question to be considered here. We are to consider our own paying capacity. We are to consider our own purchasing capacity. We are to judge by that alone whether we should submit to an enhancement of the fee-rate.

MAULAVI MUNAWWARALI :—On a point of order, Sir. I think the hon. member has got to address the Chair and not the members.

BABU KRISHNA SUNDAR DAM :—I am certainly addressing the Chair. Simply because I look at this member or that (LAUGHTER) it does not mean that I am not addressing the President.

Then, Sir, Mr. Phukan is afraid that unless we submit to this increment of the fee-rate, mass education will suffer. I am afraid, Sir, that he is suffering under a delusion here. I believe he saw the Government resolution published in the Gazette some time ago where the Government pointed out the difficulties of spreading mass education according to the spirit of the Bill to provide for free and compulsory primary education in the province. That resolution is certainly most disheartening in that it points to the impossibility of mass education on the lines suggested by the Council for financial difficulties. The Government, I shall remind Mr. Phukan, have said in their resolution that the people must be prepared to levy as much as thirteen lakhs of rupees annually for purposes of financing the scheme for free and compulsory education according to the Primary Education Bill. From this I leave Mr. Phukan to form his own opinion as to how far his expectations will be fulfilled when we have submitted to the increment of fee-rates and whether Government will come forward with big liberal grants needed for his purpose.....

SRIJUT NILMANI PHUKAN :—I referred to compulsory primary education.

BABU KRISHNA SUNDAR DAM :—What I want to impress on Mr. Phukan is that mass education and secondary education of which he has been thinking very much more than was necessary on the present occasion will not in any way be the least benefited by a levy of this increased fee-rate from the people. Rather I should say that by enforcing the present additional fee-rate upon the people we shall be injuring the interests of primary education because we may have to pay additional cess if we are really in earnest about primary education. If we allow the Government to levy from us this additional money, certainly we shall be making the people poorer to that extent and thereby we should be creating difficulties in the way of the passage of the compulsory Primary Education Bill into law. Rai Bahadur Ramani Mohan Das has also said that the students will not grudge themselves the payment of enhanced fee-rates but he forgot that I was pleading the cause of students' parents and not the students who know little their parents' cares and worries.....

RAI BAHADUR RAMANI MOHAN DAS :—I spoke of parents.

BABU KRISHNA SUNDAR DAM :—I did not understand you so. Very well I must apologise, for the error, if any.

The Hon'ble Mr. Cunningham expressed the hope that a bold peasantry the country's pride will support the present measure of the Government.

MR. J. R. CUNNINGHAM :—No, Sir. My suggestion only was that the whole burden of the cost of the children of the better classes was at present being borne by the bold peasantry and the better classes have therefore every reason to rejoice. That was all I said.

BABU KRISHNA SUNDAR DAM :—Yes, that is a very good idea (*laughter*) which requires serious consideration whether the peasantry ought to be taught that the entire expenditure of college education ought to be borne by the *bhadralog* class..... ..

MR. J. R. CUNNINGHAM :—There again, Sir, I did not suggest that. I don't think I made a statement like that.

BABU KRISHNA SUNDAR DAM :—However I have nothing more to say and I hope the hon. members with a full consciousness of the coming elections to which I would like to refer again (*laughter*) will be pleased to lend their support to my resolution and thereby I am sure they only will do their duty towards their countrymen and if they disregard what their constituency wants and thrust their own opinions upon the Government they will certainly be doing a disservice to the country—and a disservice to the Government as well.

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

AYES—6.

Maulavi Abdul Khalique Chaudhury.
 Maulavi Abdul Rahim Chaudhury.
 Maulavi Saiyid Samiur Rahman.
 Rai Bahadur Bipin Chandra Deb Laskar.
 Babu Krishna Sundar Dam.
 Rai Bahadur Romesh Chandra Bhattacharjee.

NOES—24.

Hon'ble Mr. W. J. Reid.
 Hon'ble Khan Bahadur Kutubuddin Ahmad.
 Hon'ble Rai Bahadur Promode Chandra Dutta.
 Mr. A. W. Botham.
 Mr. J. R. Cunningham.
 Mr. G. E. Soames.
 Mr. O. H. Desenne.
 Maulavi Munawwar Ali.
 Khan Sahib Nuruddin Ahmed.
 Maulavi Rashid Ali Laskar.
 Khan Sahib Sharafat Ali Chaudhuri.
 Rai Bahadur Amarnath Ray.
 Rai Sahib Har Kishore Chakrabatti.
 Babu Hiralal Bose.
 Rai Bahadur Krishna Chandra Chaudhuri.
 Srijut Lohit Chandra Nayak.
 Srijut Nilmani Phukan.
 Rev. J. J. M. Nichols-Roy.
 Rai Bahadur Ramani Mohan Das.
 Srijut Siva Prosad Barua.
 Mr. A. J. G. Cresswell.
 Mr. E. H. Featherstone.
 Mr. E. W. Hobson.
 Dr. H. G. Roberts.

The motion was accordingly negatived.

ABOLITION OF PROVINCIAL SERVICE POSTS.

MAULAVI ABDUL KHALIQUE CHAUDHURY :—In view of the fact that the sense of the House is not in favour of my motion, I beg permission to withdraw the resolution which runs thus :—

That this Council recommends to the Government of Assam to abolish immediately the Provincial Service posts recommended by the Assam Retrenchment Committee so as to give their effects from the next term of the Council.

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

REVISION OF ORDER No. (2) ISSUED UNDER SECTION 4(4)
(c) OF THE ASSAM LOCAL SELF-GOVERNMENT ACT.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I beg to move the following resolution, Sir :

That this Council recommends to the Government of Assam to revise its Order No. (2) issued under section 4(4)(c) of the Assam Local Self-Government Act (Assam Act I of 1915), before the next general election in each Local Board comes off, so as to distribute the elected members mentioned in the Order No. (1) among the different electorates in proportion to the number of voters in those electorates provided that if any of the electorates thereby becomes entitled to less than three members, the number may be raised up to three if the Government so desire in exceptional circumstances.

The reason which prompted me to move this resolution is the unproportionate distribution of elected seats among the different electorates in the province. There are nineteen Local Boards in the province of which seven are in the Surma Valley. Now, a perusal of the statistics will show the striking illustration of the unproportionate nature of the distribution of seats in the different electorates, and for the information of the members I simply quote the figures of the Surma Valley Local Boards which are these :

Silchar—non-Muhammadan—the number of voters is 5,215. They elect six members. Cachar—Muhammadan—number of voters is 5,941. They elect five members. Hailakandi—non-Muhammadan—the number of voters is 1,644. They elect five members. In Silchar the tea-planting community has eleven members. In Sylhet Sadr the non-Muhammadan voters number 4,777. They elect four members. Among Muhammadans the number of voters is 7,817 and they elect seven members. The tea-planting community

has four members. In South Sylhet the non-Muhammadan voters number 5,935 and they elect five members. The number of Muhammadan voters is 4,511 and they elect four members. Here the tea-planting community has six members. In Karimganj—non-Muhammadan—the number of voters is 4,435 and they elect five members. The Muhammadan voters there number 3,965 and they elect four members; while the tea-planting community has six members. In Habiganj the number of non-Muhammadan voters is 9,642 and they elect seven members. The Muhammadan voters number 9,474, who elect seven members. The tea-planting community has four members. In Sunamganj the non-Muhammadan voters number 5,831 and they elect seven members while the number of Muhammadan voters is 6,561 with eight members. Thus in the whole of the Surma Valley the non-Muhammadan voters numbering 37,479 return 39 members, the Muhammadan voters numbering 38,269 return 35 members and the tea-planting community numbering 275 voters return 31 members. Thus, Sir, I have not been able to follow on what basis the seats are distributed. It was done only by an executive order and I think it is high time now to revise these rules before the next general election of the Local Boards comes off. In this view of the matter I leave the resolution for the decision of the House and to their good sense.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—The hon. member has referred to certain circumstances as justifying the revision of the rules now governing these elections. I may inform the hon. mover that the Government have decided to amend the Local Self-Government Act as a whole and that part will be taken up as early as the thing can be arranged. Now, this is a question which cannot be decided only on the basis of population. Other considerations also have to be considered. Therefore I would ask the hon. member to consider whether he had not better wait until the Local Self-Government Act is amended. When it comes up to be amended of course it will be placed before this Council and hon. members will then have the fullest opportunity of discussing any matter concerning it including the question now under discussion.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—That will take a long time, Sir. At any rate it will not be before three or four years because the next election will take place soon and modification in the rules if brought about even five or six months after, that means a delay of 3 or four years in the election. My resolution, Sir, leaves sufficient margin, because if any of the electorates becomes entitled to less than three members the number may be raised up to three and so the order may be revised even now.

MAULAVI MUNAWWARALI :—I wish to know, Sir, why the Local Self-Government Act stands in need of being amended wholesale. As far as I know it is to be amended in certain respects only and I think to do that much time will not be taken.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—Only the executive order is to be revised and nothing more.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—As I have said, Sir, the revision will be taken up as early as practicable. The revision of the executive order does involve consideration of several important matters. The question of principle for which the hon. member fights will be considered when this question comes up before the Council and therefore I think it is better not to press this now.

BABU KRISHNA SUNDAR DAM:—I shall also request the hon. member to withdraw this resolution because piecemeal amendments of an Act are not so good and desirable. Besides he only touches on one aspect of the Local Self-Government Act, namely the constitution of the Boards. Along with this have to be considered also the powers and duties of the Board and so nothing will be gained by simply amending the rules touching the mere constitution of the Boards. The composition of the Boards without considering the powers and duties belonging to them and many other incidental matters won't be of much use; and in view of the Hon'ble Minister's assurance I think it is better not to press this resolution.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI:—I accept the advice of the Hon'ble Minister and the hon. Babu Krishna Sundar Dam and beg to withdraw the resolution.

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

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI:—Sir, my resolution is this:—

That this Council recommends to the Government of Assam to move the Government of India to provide that in the proposed Calcutta University Bill at least 20 per cent. of the members of the Court, Faculties and Executive Council, be from Assam.

There was a resolution, Sir, in this Council for the same purpose but the recommendation was for an adequate number of seats. There was no specific recommendation as to the percentage of the numbers. In my resolution I have come forward with the specific recommendation as to the number of seats to be reserved to people of Assam, more properly the representatives of Assam. The object of coming up before this House with a resolution like this is that I notice that in the last session of the Bengal Legislative Council it was proposed to take up the Calcutta University Bill in July last, but the Senate raised a strong protest against the interest of Assam and now I learn that there will be a conference shortly in Calcutta where this question will be discussed at length and in which the representatives of this province will also attend. The object of this resolution is therefore to impress upon them to urge for a sufficient number of seats, not less than 20 per cent. for the representatives of Assam in the Bill. The Hon'ble Minister for Education told me the other day that he would be very shortly going there and he asked me to withdraw this resolution but I told him that I would do so on hearing him on the subject.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, so far as the object of this resolution is concerned I am in entire sympathy with the hon. mover. As the hon. mover has said the question of the Calcutta University legislation is now being discussed in Bengal and we in Assam took up the matter early in January last. We addressed the Government of India, we addressed the Government of Bengal as a result of which a conference has been arranged to be held in Calcutta on the 20th of this month. To this conference representatives of the Government of India, representatives of the Government of Assam and representatives of the Senate have been invited to be present. We shall be going, four of us, Mr. Cunningham, myself and the two Fellows of the Calcutta University belonging to this Province, Mr. Chanda and Maulavi Abdul Karim, and I may give the assurance that this question of the adequate representation of the people of this province on the governing bodies of the Calcutta University will be pressed with all the power that we have.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—In view of the assurance given, Sir, by the Hon'ble Minister for Education I will now withdraw this resolution.

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

The Council then adjourned till Thursday, the 16th August 1923, at 11 A. M.

SHILLONG :

The 20th August 1923.

A. MELLOR,

Secretary to the Legislative Council, Assam.

